

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, SEPTEMBER 12, 2022 – 5:00 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.

5:00 p.m. OPEN SESSION

5:00 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(2) – To discuss strategy with respect to contract negotiation with non-union personnel (Interim Town Manager Peter Johnson-Staub)
2. M.G.L. c.30A s.21(a)(2) – To discuss strategy with respect to collective bargaining: Police Sergeants
3. M.G.L. c.30A s.21(a)(2) – To discuss strategy with respect to collective bargaining COVID premium pay
4. M.G.L. c.30A s.21(a)(2) – To discuss strategy with respect to collective bargaining: Firefighters Union Minimum Shift Staffing

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamation – Hispanic Heritage Month
4. Recognition
5. Announcements
6. Public Comment

7:05 p.m. TOWN MANAGER'S PRELIMINARY REPORT

7:10 p.m. COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members
 - a. Commission on Substance Use – Greg Giardi, Doris Kraemer
 - b. Community Preservation Committee – Tom Crane
 - c. Cultural Council – Nicole Engstrom, George Scharr

7:15 p.m. PUBLIC HEARINGS

1. Wetlands/Dock – Peter and Karen Hargraves – Application for Special Permit to construct an elevated walkway, ramp and float system in the waters of Flax Pond located at 31 Southview Way, East Falmouth (15 minutes)
2. Application for a Wine and Malt Common Victualler License – Dilly's Grill, LLC d/b/a Dilly's Taqueria, located at 281 Main Street, Falmouth (5 minutes)

7:35 p.m. BUSINESS

1. Approve application for an Entertainment License and Sunday Entertainment License – Tony Andrews Farm, 394 Old Meetinghouse Road
2. Request Support for Bikepath Overpass Mural – David Vieira (5 minutes)
3. Report – Board of Library Trustees (15 minutes)
4. Report – Council on Aging (15 minutes)
5. Town Manager Hiring Process (10 minutes)

6. Vote Articles and Execute Warrant for November 2022 Annual Town Meeting (20 minutes)
7. Approve disclosure by municipal employee of financial interest in a municipal contract as required by g.l. c. 268a, § 20(b) filed by Nancy R. Taylor.

8:40 p.m. CONSENT AGENDA

1. Licenses
 - a. Approve addition of a rain date for a Special One-Day Wine and Malt Liquor License – Cape Cod Bocce Tournament – Joe Q Veteran Coffee Break – Falmouth Academy – Saturday, October 8, 2022
2. Administrative Orders
 - a. Approve application for grant funds from the Seaport Council in the amount of \$30,000 for design, permitting and engineering for the refurbishment and upgrade of the Great Harbor Woods Hole commercial fishing dock
 - b. Approve Eversource petition to install in Fairmont Avenue one (1) new handhole labelled 53-H3-A at the base of existing pole 53/3 and to install approximately 45' (feet) of conduit and cable under the town road starting at new handhole 53/H3-A. This work is necessary to provide new electric service to 345 Grand Avenue
 - c. Approve Grant of License to Bruce and Hedy Buch to maintain a post and rail fence and landscaping elements located in the town right of way at 172 Grand Avenue
 - d. Approve Grant of License to Joseph and Kathryn Hinderhofer, Trustees of the Joseph J. Hinderhofer Revocable Trust to maintain a post and rail fence located in the town right of way at 97 Bridge Street
 - e. Approve application to Community Preservation Fund – Highfield Hall Improvements
 - f. Approve request from the Tony Andrews Farm located at 394 Old Meetinghouse Road for a waiver of the annual Entertainment and Sunday Entertainment License fees and filing fees.
 - g. Approve release and settlement agreement with Michael Rogers et al
 - h. Authorize Acting Town Manager to file State Revolving Fund loan application for Wastewater Treatment Facility improvements
3. Committee Appointments
 - a. Veterans Council Committee – Carissa April, Joe Q Veteran Coffee Break Representative
 - b. Veterans Council Committee – Elizabeth S. Sweeney, Falmouth Lodge No. 2380 B.P.O. Elks
 - c. Golf Advisory Committee – Carey Murphy, The 300 Committee Representative

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

8:55 p.m. SELECT BOARD REPORTS

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

9:15 p.m. ADJOURN

Nancy R. Taylor, Chair
Select Board

OPEN SESSION

PROCLAMATION

**Hispanic Heritage Month
and Announcement of 2022 Woods Hole Hispanic Heritage
Month activities**

September 12, 2022



Town of Falmouth Proclamation: Hispanic Heritage Month

WHEREAS: The Hispanic heritage experience, also known as Spanish Heritage, is a part of many lives and is valued as a part of our Nation's, and our Town's, rich diversity; and

WHEREAS: National Hispanic Heritage Month celebrates the histories, cultures and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean and Central and South America; and

WHEREAS: National Hispanic Heritage Month is an important reminder of how much strength we draw as a Nation from our immigrant roots and our values as a Nation of immigrants; and

WHEREAS: September 15th is significant because it is the anniversary of independence for Latin American countries Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua and Mexico and Chile celebrate their independence days on September 16th and 18th respectively; and

WHEREAS: The Town of Falmouth seeks to foster an environment that is welcoming and supportive for all residents and visitors regardless of national origin, ethnic background, or race; and

WHEREAS: Learning about and acknowledging systemic racism is necessary to develop policies that promote equitable experiences and productive lives for Black, indigenous, and people of color (BIPOC);

WHEREAS: Equitable experiences and full inclusion is a matter of social justice. Consequently, creating equitable inclusive environments is a shared responsibility of everyone.

NOW, THEREFORE, The Town of Falmouth Select Board proclaims September 15, 2021 – October 15, 2021 as Hispanic Heritage Month and commits to the pursuit of equitable and inclusive policies and a culture that appreciate the value of every resident.

IN WITNESS WHEREOF, We have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed.

Nancy R. Taylor, Chair

Onjalé Scott Price, Vice Chair

Samuel L. Patterson

Douglas C. Brown

Edwin P. Zylinski, II

SELECT BOARD

09/15 - 10/15
2022

Woods Hole



Hispanic Heritage Month

The Woods Hole Diversity Advisory Committee is happy to announce Woods Hole's first celebration of Hispanic Heritage Month. For more information on these events and to register, visit:
<https://www.woodsholediversity.org/hispanic-heritage-month/>

Dr. Lydia Villa-Komaroff

Hybrid Event

**09/15
5:00 PM**

"Thinking Fast Makes Changing S I o w: Normal Cognitive Processes Interfere with Achieving Diversity"

Clapp Auditorium

¡Fiesta! Salsa Dance Lessons and Potluck

In Person Event

**09/18
3:00 PM**

Salsa Instructors: Sherlynette Castro, Mayra Sánchez and Juan Felipe Díaz Quiroz

MBL Tent in the quadrangle across from Lillie Building
Potluck starts at 3:00 PM, salsa lessons start at 4:00 PM
Feel free to bring a dish or refreshments!

Woods Hole Partnership Education Program Panel

In Person Event

**10/14
12:00 PM**

Participants include a PEP Cofounder and PEP Alumni

WHOI Quissett Campus
Clark 507

OPEN SESSION

ANNOUNCEMENT

Falmouth Police Department Annual Open House

September 12, 2022

A large, semi-transparent watermark of the Falmouth Police Department badge is centered in the background. The badge is shield-shaped with a crest in the center, surrounded by a laurel wreath. The words "FALMOUTH" and "POLICE" are prominently displayed in large, bold letters across the top and middle of the badge respectively. The date "SEPTEMBER 24, 1802" is visible in smaller text within the badge's design.

Falmouth Police Department's Annual Open House

Saturday, September 24, 2022

12:00 pm – 2:00 pm at the
Falmouth Police Department

Please join us for tours of the Police Station, activities for children, K-9 demonstrations, and displays of equipment. There will be refreshments available. All are welcome to attend.

OPEN SESSION

ANNOUNCEMENT

Comcast/Xfinity Affordable Connectivity Program (ACP)

September 12, 2022

**Save on
Internet**

**Affordable Connectivity
Program**



Learn how to get connected to **FREE** home Internet!

The Affordable Connectivity Program (ACP) is a government program which provides low-income households a credit of up to \$30/month towards their Internet and/or mobile services.

National School Lunch Program, SNAP, Medicaid, Federal Public Housing Assistance, Lifeline, Federal Pell Grants, WIC, and other benefit program recipients are eligible.

Volunteers will be available onsite to help you sign up for the ACP credit. Make sure to bring your identification and benefit documentation.

Visit acpbenefit.org to learn more.

FALMOUTH RESIDENTS
LEARN MORE AT THIS
INFORMATION AND SIGN
UP EVENT FROM:

**FALMOUTH
COMCAST/XFINITY
REPRESENTATIVES**

OCTOBER 4, 2022

5:30 PM

FALMOUTH PUBLIC LIBRARY

300 MAIN STREET

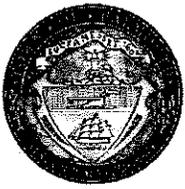
HERMANN MEETING ROOM

Comcast
xfinity

OPEN SESSION

TOWN MANAGER'S PRELIMINARY REPORT

September 12, 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
SUBJECT: Preliminary Report for September 12, 2022
DATE: September 9, 2022

AGENDA TOPICS – PRELIMINARY REPORT:

Committee Interviews:

1. There are two applicants for two vacant seats on the Commission on Substance Use
2. There is one applicant for one at-large vacancy on the Community Preservation Committee
3. There are two applicants for four vacant seats on the Cultural Council

Public Hearings:

1. Wetlands/Dock – The Conservation Commission has approved the proposed walkway and float at 31 Southview Way. No concerns have been raised with respect to shellfish or navigation.
2. The Board previously approved an application for a Wine and Malt Common Victualler License for Dilly's Grill but due to a discrepancy in the hearing notice the ABCC required the hearing notice be re-published and voted again by the Select Board.

Business:

1. Tony Andrews Farm Entertainment License and Sunday Entertainment License:

Jeff Andrews has for many years hosted a variety of entertainment activities at the farm without incident. To be consistent in the enforcement of Town regulations, an entertainment license should be obtained for these activities. Each of these two licenses are annual licenses that cover all planned activities for the calendar year. Mr. Andrews met with representatives of the Police and Fire Departments to discuss access for emergency vehicles in the unlikely event of an incident. These events represent an import income source needed to support the financial viability of the farm. There is a related request for a waiver of the filing fees for these licenses listed in the consent agenda. It should be noted that in addition to the Town fees, there are state fees the Town cannot waive. I recommend approval of the licenses and the fee waiver.

2. Authorize Letter of support for mural to be painted on Shining Sea Bikeway overpass abutment

Representative David Vieira is working with members of the Barrows family to obtain approval from the Massachusetts Department of Transportation (MASSDOT) to install a memorial mural for Kianna Paige Barrows on the Curley Blvd. overpass abutment along the Shining Sea Bikeway. Kianna Paige Barrows was tragically murdered on May 10, 2022. The Board is asked to authorize a letter to be sent to MASSDOT in support of the mural.

3. Report of the Library Board of Trustees

This is the annual meeting with the Library Board of Trustees. I do not know of any action the Library Board may request of the Select Board.

4. Report of the Council on Aging

This is the annual meeting with the Council on Aging. I do not know of any action the Council may request of the Select Board.

5. Town Manager Hiring Process

Nancy Taylor will discuss the process with the Board and seek input with regard to:

- Does the Board wish to appoint a search committee?
- If a search committee is to be appointed, what is the composition and scope?
- Does the Board wish to retain a firm to assist with recruitment and selection?
- Timeline

At Dr. Taylor's request, we have included in your packet the provisions of the Town Charter related to the process for appointing a Town Manager.

As I may be a candidate for the position, I will not participate in the Board's discussion of the process other than facilitating administrative support for the Board. I will submit a conflict of interest disclosure form to the Board to address an appearance of a conflict of interest.

6. Vote November 2022 Annual Town Meeting Warrant

There are 14 articles on the proposed Town Meeting warrant including a zoning recodification, 5 financial articles and 5 petition articles. I will provide brief overview of each article at the meeting.

7. Approve Disclosure of Financial Interest in a Municipal Contract

Nancy Taylor is seeking to accept a temporary engagement working for the Falmouth School Department. The Board is asked to vote to approve her request to work for the School Department while serving as a Select Board member. The disclosure form is in your packet.

Consent Agenda:

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

There are three appointments listed under the Consent Agenda. All these appointments are confirming representatives select by other entities, namely, the Veterans Council and The 300 Committee.

There are no minutes ready for approval on Monday. We will have at least two sets ready for approval at your next meeting.

OPEN SESSION

1. Interview, vote and appoint committee members
 - a. Commission on Substance Use – Greg Giardi, Doris Kraemer

Commission on Substance Abuse (5 committee members) (3 year terms)

Two vacancies with terms ending 6/30/2024 and 6/30/2025

Two applicants: Greg Giardi, Doris Kraemer



**TOWN OF FALMOUTH
BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM**

If you are interested in serving the Town of Falmouth in any capacity, please fill out this form and mail it to: The Board of Selectmen, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540. Information received will be available to all Town Boards and Officials, although the filling out of this form does not assure appointment. If selected for an interview, you may wish to submit a resume or additional information. This form and a listing of all boards and committees can be found on the Falmouth website: www.falmouthmass.us.

Name: Greg Giardi

Address: [redacted] way Village: WF ZIP: 02574

Mailing Address: [redacted] way Village: WF ZIP: 02540

Telephone: [redacted]

How long have you been a Resident 4 yrs (date: 7/1/79) / Taxpayer 23 yrs (date: 1999?)

Amount of time you are available to give: 3-6 hrs/wk

Town Committee, Board or Commission you are interested in serving on:

1. Falmouth Commission on Substance Abuse
2. _____
3. _____

Seeking: ~~Permanent~~ ^A Position ~~Alternate~~ Position

Have you attended any meetings of the committee for which you are applying? _____

Relevant affiliation and work and personal experiences _____

Program Director - Cape Samari, Mass
Case Manager - Duffly Health Center
Case Manager - Falmouth CTC (Habitat for Humanity) OFCO

Town offices held in Falmouth or elsewhere and dates of years served: _____

none

Briefly describe the particular skills you feel you will add to the committee or board:

In addition to my various work experiences, I volunteer on the national Crisis Text Line (5yrs), do homeless outreach, and am semi well versed in substance use disorders and treatment. I also have good contacts w/ people and agencies in and around SOD.

List three (3) references:

	Name	Title	Phone
1.	Kathleen Shine-O'Brien	(LMHC) Clinician	[REDACTED]
2.	Leah Morrissey	Case Manager	508
3.	Jenny Ngo	Director	978

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Board of Selectmen's Appointment Policy and read the material provided.

6/9/22
DATE

[Signature]
APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.



TOWN OF FALMOUTH
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Name: Doris E Kraemer
Address: [REDACTED] Village: E Falmouth ZIP: 02536
Mailing Address: [REDACTED] Village: E Falmouth ZIP: 02536
Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 200{ (date:) / Taxpayer 200{ (date:)

Amount of time you are available to give: as needed

Town Committee, Board or Commission you are interested in serving on:

- Falmouth SUD commission
-
-

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? yes

Relevant affiliation and work and personal experiences I have been assisting families with SUD for more than 8 years through Learn to Cope and have lived experience with SUD. I have been attending RSAC meetings and other committees involved in addressing SUD on the Cape.

Town offices held in Falmouth or elsewhere and dates of years served: N/A

Briefly describe the particular skills you feel you will add to the committee or board: _____

I am the parent of a child in long term recovery. I have been a facilitator for a weekly parents meetings for LTC for more than 8 years. I am able to train families on Narcan. I am a RN with mental health experience. I am certified in bioethics I have the desire to assist those impacted by SUD and to bring people together who want to help others with SUD.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	Joanne Peterson, EX Director LTC:		
2.	Bev Costa, Falmouth SUD:		
3.	Suzie Hauptman, Dir Falmouth HS: 5		

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Board of Selectmen's Appointment Policy and read the material provided.

8/19/22

DATE

APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

OPEN SESSION

1. Interview, vote and appoint committee members
 - b. Community Preservation Committee – Tom Crane

Community Preservation Committee (9 committee members) (3 year terms)

One vacancy with term ending 6/30/2023

One applicant: Tom Crane



TOWN OF FALMOUTH
BOARD, COMMITTEE OR COMMISSION
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Name: Tom Crane

Address: [REDACTED] Village: Woods Hole ZIP: 02543

Mailing Address: same Village: _____ ZIP: _____

Telephone: [REDACTED] Email: _____

How long have you been a Resident 2 (date: 6/20) / Taxpayer 35 (date: 1986)

Amount of time you are available to give: amount needed to fulfill my duties

Town Committee, Board or Commission you are interested in serving on:

1. Community Preservation Committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? No

Relevant affiliation and work and personal experiences: I have had a life-long interest in community

preservation. For example, when I lived in Woods Hole in the 70s I served on the boards of the WH Community Association and Salt Pond Area Bird Sanctuaries, and have financially supported these and other
community organizations since then. Also, when I served in Weston as the town moderator in that capacity I appointed three
out of nine members of the CPC, and in my appointment capacity I came to know many of the issues facing that committee.

Town offices held in Falmouth or elsewhere and dates of years served: Elected Weston town moderator
2013-2019.

Briefly describe the particular skills you feel you will add to the committee or board: I would bring to the CPC a long-standing interest in community preservation issues. In addition, as an attorney, I am skilled in consensus building and finding solutions. Finally, as Weston town moderator, one of my highest priorities for town meeting and committee meetings for which I had appointment oversight, especially finance committee, was collegiality and allowing differing opinions heard with respect. I can elaborate if requested.

You may attach a resume to this application.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Catherine Bumpus</u>	<u>Co-chair WH Comm Assoc</u>	
2.	<u>Tom Duncan</u>	<u>Water Quality Mgm Comm</u>	
3.	<u>Steve Ober</u>	<u>Chair, Weston CPC</u>	

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Select Board's Appointment Policy and read the material provided.

7/24/22

DATE

Tom Crane
APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

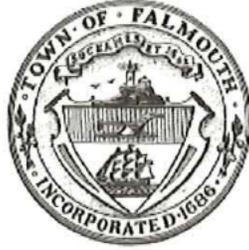
OPEN SESSION

1. Interview, vote and appoint committee members
 - c. Cultural Council – Nicole Engstrom, George Scharr

Falmouth Cultural Council (11 council members) (6 year terms)

Four vacancies-two with terms ending 6/30/2024 and two with terms ending 6/30/2025

Two applicants: Nicole Engstrom, George Scharr



TOWN OF FALMOUTH

**BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM**

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Name: Nicole Engstrom

Address: 12 Rydal Mount Dr Village: Falmouth ZIP: 02540

Mailing Address: 12 Rydal Mt Dr. Village: _____ ZIP: _____

Telephone: [REDACTED]

How long have you been a Resident 23 yrs (date: 4/1999) / Taxpayer 4/1999 (date: _____)

Amount of time you are available to give: _____

Town Committee, Board or Commission you are interested in serving on:

1. Falmouth Cultural Council
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? No

Relevant affiliation and work and personal experiences: _____

Town offices held in Falmouth or elsewhere and dates of years served: None

Briefly describe the particular skills you feel you will add to the committee or board: _____

I am a selfemployed musician.
I have been involved in numerous Art
Foundations, Festivals and other community
events and feel I can add a valuable
view to the Falmouth Cultural Council.

You may attach a resume to this application.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	Jenny Farrington	_____	508 [REDACTED]
2.	Sean Gallagher	_____	508 [REDACTED]
3.	XXXXXXXXXX Jill Cutter	_____	508 [REDACTED]

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Select Board's Appointment Policy and read the material provided.

7-12-2022
DATE

[Signature]
APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.



TOWN OF FALMOUTH
BOARD, COMMITTEE OR COMMISSION
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Name: George J. Scharr

Address: [REDACTED] Village: E. Falmouth ZIP: 02536

Mailing Address: [REDACTED] Village: E. Falmouth ZIP: 02536

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 38 yrs. (date: 8/84) / Taxpayer 36 (date: 11/86)

Amount of time you are available to give: one meeting a month.

Town Committee, Board or Commission you are interested in serving on:

1. Falmouth Cultural Council,
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? yes

Relevant affiliation and work and personal experiences: _____
 music educator at Falmouth Academy, Arts Dept Chair, Professional trombonist with the Cape Symphony
 Orchestra and others, former Dir. of Education for the Cape Symphony Orchestra.

Town offices held in Falmouth or elsewhere and dates of years served: _____
 I have not yet done civil service at the local level other than volunteering.

Briefly describe the particular skills you feel you will add to the committee or board: _____

Extensively involved in the arts programs as a musician, administrator & educator.

Recipient of the 2013 Arts Foundation Arts Educator of the Year Award. I have experience in entertainment management

including booking engagements, shows and theater and a good knowledge of accounting and financial skills.

Some grant writing experience.

You may attach a resume to this application.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Matt Green</u>	<u>Head of School Falmouth Academy</u>	
2.	<u>Jung-Ho Pak</u>	<u>Conductor Cape Symphony</u>	
3.	<u>Marilyn Rowland</u>	<u>Current FCC member</u>	

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Select Board's Appointment Policy and read the material provided.

August 24, 2023

DATE



APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

PUBLIC HEARINGS

1. Wetlands/Dock – Peter and Karen Hargraves – Application for Special Permit to construct an elevated walkway, ramp and float system in the waters of Flax Pond located at 31 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, September 12, 2022 at 7:15 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Peter and Karen Hargraves for permission to construct an elevated walkway, ramp and float system, located at 31 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, August 26, 2022 and Friday, September 2, 2022; Falmouth Enterprise.

Phyllis Downey

From: Jennifer Lincoln
Sent: Friday, September 9, 2022 8:30 AM
To: Phyllis Downey
Subject: Re: Request assistance-Wetland app. 31 Southview Way

Sorry Phyllis, we have no objections and issued a order of conditions.

Jennifer L. Lincoln
Conservation Administrator

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Thursday, September 8, 2022 2:39 PM
To: Jennifer Lincoln <jennifer.lincoln@falmouthma.gov>
Subject: Request assistance-Wetland app. 31 Southview Way

Hi Jennifer,

May I please request confirmation that you do not have concerns, objections, or recommendations for the Select Board regarding this Wetland application for the SB meeting packet?

You may have forwarded this information to Diane, but she is out of the office and your response is not with the application.

Thank you,
Phyllis

Phyllis Downey
Administrative Assistant
Town Administration
508-495-7325

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



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

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

PROPOSED DOCK CONSTRUCTION

31 SOUTHVIEW WAY

FALMOUTH, MASSACHUSETTS

Prepared for:

Peter & Karen Hargraves

Prepared by:



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

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



PAID

75.00 CK#19431

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 By-law)

To the Board of Selectmen
Falmouth, MA

TOWN CLERK

AUG 22, 2022 AM 9:50

Date: August 17, 2022

RECEIVED

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: Peter & Karen Hargraves 31 Southview Way East Falmouth, MA 02536
(full name) (address)

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

APPLICANT: Peter & Karen Hargraves 31 Southview Way East Falmouth, MA 02536
(full name) (address)

1. Location of Property: Map 28 Section 05 Parcel 011 Lot 105

Street Name and House Number 31 Southview Way

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

3. Description of property and project site: Lot containing single family dwelling within a fully developed residential neighborhood.

a. Dimensions, Acreage of total parcel: 21,310 square feet

b. Length of water marsh frontage: 91'

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

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

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

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

Disposition of Spoil: N/A

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

g. Other (docks, piers and etc.) Construct an elevated walkway, ramp and float system.

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

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

5. Zoning which governs area: RA

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

7. Has a permit ever been approved or refused for this location by State,
Federal or Local Authority? Order of Conditions 25-4768 (copy attached)

8. Remarks _____

9. Project Summary for legal notice: _____
Construct an elevated walkway, ramp and float system.

Owner: Peter & Karen Hargraves

31 Southview Way

East Falmouth, MA 02536

(Name & Address)

TEL #:

Agent: Falmouth Engineering, Inc.

17 Academy Ln. Ste. 200

Falmouth, MA 02540

(Name & Address)

TEL #: 508.495.1225

Applicant: Peter & Karen Hargraves

31 Southview Way

East Falmouth, MA 02536

(Name & Address)

TEL #:

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

ATTACHMENT A

PROJECT NARRATIVE

ATTACHMENT A - PROJECT NARRATIVE

Introduction

Falmouth Engineering, Inc. has filed this application on behalf of Peter and Karen Hargraves (The Applicant). The Applicant is seeking permission to construct an elevated walkway, ramp and float system (The dock) as shown on the plans. The proposed work involves construction activities within 100' of Land Under a Water Body, namely Flax Pond and an Inland Bank.

Existing Conditions

The project site is located within a residential neighborhood with single family dwellings. (refer to Figure 1 - Project Location Map). The property consists of approximately 31,310 square feet of previously developed land with frontage on Flax Pond.

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

Regulated Resource Areas

All the resource areas within 100 feet of the proposed construction have been identified and appropriately shown on the plan. Adjacent resource areas include Land Under a Water Body and Inland Bank. The plan attached shows the resource areas.



PROJECT LOCATION MAP

**31 SOUTHVIEW WAY
EAST FALMOUTH, MA**

Proposed Project

The applicant proposes to construct an elevated walkway, ramp and float for passive recreational purposes. The proposed dock will be fitted with a bubbler system to mitigate for ice damage. The applicant intends to leave the dock in the pond throughout the year.

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

The structure will connect to the upland at the top of slope and be accessed via a foot path. An existing footpath will be planted and abandoned. A new path will be routed to the access point at the beginning of the walkway. The location of the proposed dock was selected due to the naturally existing topography in this location. This location also minimizes tree removal and trimming and maximizes separation from adjacent properties. The dock will extend 54' +/- into Flax Pond from the annual high water line.

The elevated portion of the walkway and stairs will be supported with 6"x6" posts and typical timber construction as depicted on the typical walkway section shown on the plans. These timber piles will be installed by hand auger to a depth of 4'-6'. The remaining portions of the dock are pre-manufactured floating sections that are anchored to the bottom utilizing 4" galvanized steel pipes. These piles will be installed from a small work barge. No jetting of pipes is proposed. No CCA treated materials will be used.

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

The proposed dock will be fitted with a bubbler system that will allow the dock to remain in the pond throughout the year. This will eliminate the seasonal temporary disturbance to the pond bottom. There will be no need to store floats on the upland seasonally, eliminating seasonal temporary impacts.

Public access along the edge of Flax Pond will be provided under the elevated portion of the walkway as shown on the plans and in accordance with DEP Division of Wetlands and Waterways standards.

Applicable Performance Standards

The Massachusetts Wetland Protection Act Regulations provides for the construction of piers, elevated walkways and other boating related structures as limited projects (310 CMR 10.53 (3)(j)). The limited project provisions recognize that certain

projects, such as the proposed water-dependant structure, may be inherently unable to satisfy the performance standards normally applied to construction within certain resource areas. Nevertheless, the review and approval of a limited project remains at the discretion of local authority, and as always, the applicant is required to demonstrate that the anticipated impacts have been minimized.

Potential Impacts and Mitigation Measures

Impacts to Resource Areas and Buffer Zone

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

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

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

Avoidance, Minimization and Mitigation

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

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

This proposed walkway and dock are similar to other walkways and docks reviewed by the Falmouth Select Board within this waterbody.

Summary

The existing wetland resources, potential impacts, and proposed mitigation measures associated with this project have been fully documented in this application. The project meets the performance standards for such projects and satisfies the guidelines developed by the Falmouth Conservation Commission. Therefore, the Conservation Commission has issued a favorable Order of Conditions.

ATTACHMENT B

ORDER OF CONDITIONS 25-4768



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

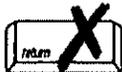
Provided by MassDEP:
25-4768
MassDEP File #

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:
Peter & Karen Hargraves
a. First Name b. Last Name

31 Southview Way Trust
c. Organization

31 Southview Way
d. Mailing Address

E Falmouth MA 02536
a. 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:
31 Southview Way E Falmouth
a. Street Address b. City/Town

28 05 011 105
c. Assessors Map/Plat Number d. Parcel/Lot Number

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



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

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

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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 | b. Certificate Number (if registered land) |
| 26721 | 83 |
| c. Book | d. Page |
7. Dates: 06/08/2022 6/29/2022 8/10/22
- | | | |
|--------------------------------|-------------------------------|---------------------|
| 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):
Site Plan- Proposed Dock
- | | | |
|---------------------------|----------------|---|
| a. Plan Title | b. Prepared By | c. Signed and Stamped by |
| Falmouth Engineering, Inc | 5/19/2022 | Michael J Borelli, PE & Gary S Labrie RLS |
| d. Final Revision Date | e. Scale | as shown |
- | | |
|--------------------------------------|---------|
| f. Additional Plan or Document Title | g. Date |
|--------------------------------------|---------|

B. Findings

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

Approved subject to:

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



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

Denied because:

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	5 +/- 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 checked="" type="checkbox"/> Land Under Waterbodies and Waterways	300 +/- a. square feet e. c/y dredged	b. square feet	c. square feet	d. square feet 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	<u> </u> d. nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
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.6.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BVW _____

b. square feet of salt marsh _____

24. Stream Crossing(s):

a. number of new stream crossings _____

b. number of replacement stream crossings _____

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



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

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 25-4768 "
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.



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

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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.



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:
25-4768
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):



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:
25-4768
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.

8/10/22
1. Date of Issuance

4
2. Number of Signers

Jennifer Lincoln
Signature

Jennifer Lincoln, Conservation Administrator

Signature

Printed Name

Jennifer Lincoln
Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

8/10/22

Date

MJ
8-10-22



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:
25-4768
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

F. Appeals

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

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

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



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:
25-4768

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be 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 subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Falmouth Conservation Commission

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

Peter and Karen Hargraves
31 Southview Way, Falmouth
DEP # 25-4768

FINDINGS:

1. The applicant proposes to construct and maintain a walkway, ramp and float system in Flax Pond, clear a 4 ft wide path through resource area buffer to access ramp and float, and abandon a existing path by replanting with native shrubs.
2. Resource areas onsite and within 100 feet of the proposed project include Land Under Waterbodies, Priority Habitat for Rare Wildlife, Inland Bank, and Resource Area Buffer.

STANDARD CONDITIONS

1. Permission is granted to Peter and Karen Hargraves, 31 Southview Way, to construct and maintain a walkway, ramp and float system in Flax Pond, clear a 4 ft wide path through resource area buffer to access ramp and float, and abandon an existing path by replanting with native shrubs property according to the plans by Falmouth Engineering, Inc., dated May 19, 2022 and entitled "Site Plan- Proposed Dock" 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. All plantings used to replant path shall be from 2-gallon or 3-gallon containers and spaced 3 feet on center. Tags depicting the plant species and variety shall be left on the plants until established.
3. All plantings shall be maintained in good health and shall be allowed to grow into their full and mature form. These plantings shall not be altered in any way (pruned, removed, etc.) without first obtaining a permit from the Conservation Commission for such work. This condition shall be ongoing with the deed.
4. 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

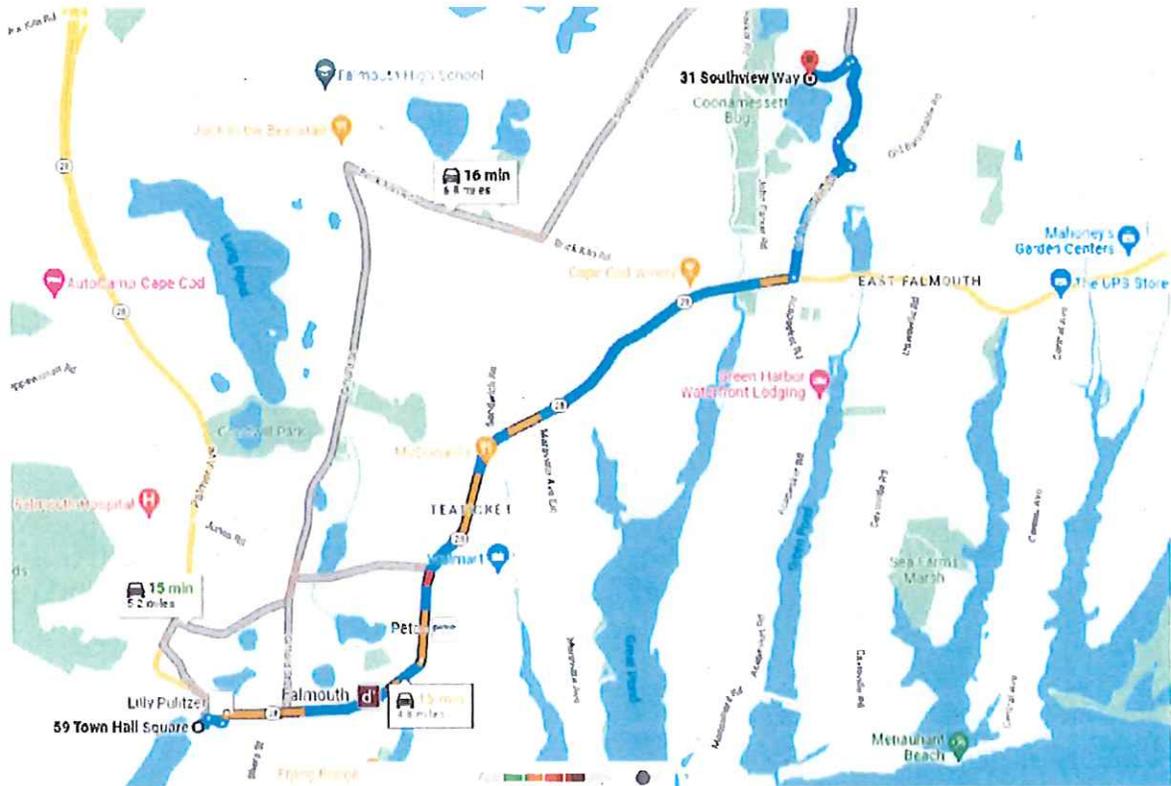
ATTACHMENT C

DRIVING DIRECTIONS TO SITE

Driving Directions to Site

31 Southview Way East Falmouth, MA

From Town Hall, turn right onto Main Street and continue onto Rte. 28 for 4 miles. Turn left onto Old Barnstable Rd. and follow for .6 miles. Turn sharp left onto Old Meetinghouse Rd. and follow for 1.4 miles. Turn left onto Southview Way. Number 31 is on the left.



ATTACHMENT D

HARBORMASTER COMMENTS



MARINE & ENVIRONMENTAL SERVICES
TOWN OF FALMOUTH
180 SCRANTON AVENUE, FALMOUTH, MA 02540
TEL: (508) 457-2550 • FAX: (508) 457-2525
TOWN MARINA TEL: (508) 457-2551

**Falmouth Wetlands -- Chapter 235
Wetlands Protection Act MGL 131:40
Harbormaster Inspection Report**

Applicant: Peter and Karen Hargraves
Date on Plan: 5/19/22
Property: 31 Southview Way
Assessors Map: 28 05 011 105
Area of Impact: Pond

**Date of Inspection
and/or Review:** 6-6/22

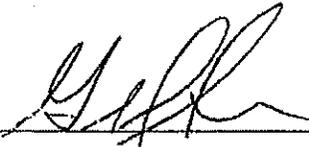
Project Staking: No

Navigational Issues: None observed at the time of review.

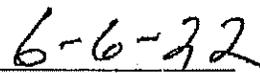
Mooring Issues: None observed at the time of review.

Comments: None

Recommendation: None



Gregg Fraser,
MES Director/Harbormaster



Date

ATTACHMENT E

PROJECT PLANS

31 SOUTHVIEW WAY

CERTIFIED



Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
August 26, 2022

42 SOUTHVIEW WAY ARTH MICHAEL J ARTH KATHLEEN M 42 SOUTHVIEW WAY EAST FALMOUTH. MA 02536	28 05 011 123 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
10 SOUTHVIEW WAY BATILO MARIA T 10 SOUTHVIEW WAY EAST FALMOUTH. MA 02536	28 05 011 135A LUC: 101	23 SOUTHVIEW WAY GRACI SR JOHN P GRACI DIANE M 23 SOUTHVIEW WAY E FALMOUTH. MA 02536	28 05 011 104 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	31 SOUTHVIEW WAY HARGRAVES TRUSTEE PETER J HARGRAVES TRUSTEE KAREN A 31 SOUTHVIEW WAY EAST FALMOUTH. MA 02536	28 05 011 105 LUC: 101
0 SOUTHVIEW WAY BOTELHO TRUSTEE GEORGE BY WATER REALTY TRUST 10 DEOLINDA PLACE EAST FALMOUTH. MA 02536	28 05 011 000A LUC: 132	30 SOUTHVIEW WAY LOFTUS KEVIN M LOFTUS CAROLYN A 26 STALLION TR BREWSTER. NY 10509	28 05 011 125A LUC: 101
0 SOUTHVIEW WAY BOTELHO TRUSTEE GEORGE BY WATER REALTY TRUST 10 DEOLINDA PLACE EAST FALMOUTH. MA 02536	28 05 011 103 LUC: 383	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
10 DEOLINDA PL BOTELHO TRUSTEE GEORGE BOTELHO TRUSTEE NAOMI 10 DEOLINDA PLACE EAST FALMOUTH. MA 02536	28 05 011 133 LUC: 101	7 SOUTHVIEW WAY POOR HOOSHANG D MOIEN-POOR FARZANEH 22 LIBERTY DR APT 6F BOSTON. MA 02210	28 05 011 102 LUC: 101
40 SOUTHVIEW WAY BOTELHO TRUSTEE GEORGE BY WATER REALTY TRUST 10 DEOLINDA PLACE EAST FALMOUTH. MA 02536	28 05 011 142 LUC: 106	18 SOUTHVIEW WAY STEVENS ROGER STEVENS REBECCA 18 SOUTHVIEW WAY EAST FALMOUTH. MA 02536	28 05 011 134 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	43 SOUTHVIEW WAY YOUNG SCOTT L 43 SOUTHVIEW WAY EAST FALMOUTH. MA 02536-0695	28 05 011 107 LUC: 101
46 SOUTHVIEW WAY CHIN TONY 288 RIVER ST #2 CAMBRIDGE. MA 02139	28 05 011 122 LUC: 101	49 SOUTHVIEW WAY ZIMMERMAN ANDREW W CONNORS SUSAN L 49 SOUTHVIEW WAY EAST FALMOUTH. MA 02536	28 05 011 108 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		

Diane Davidson

From: Diane Davidson
Sent: Wednesday, August 31, 2022 4:49 PM
To: Jennifer Lincoln (jennifer.lincoln@falmouthma.gov); Gregg Fraser (gregg.fraser@falmouthma.gov)
Subject: Special Permit Application - Wetlands-Docks - 31 Southview Way
Attachments: Wetlands-Dock Hearing Notice-2022-Hargraves-31 Southview Way.pdf; Select Board Wetlands Application.pdf; 21079DP.pdf

To Jennifer, Gregg,

The Select Board has received the attached application for a special permit to construct a dock:

Applicant: Peter and Karen Hargraves
Location: 31 Southview Way
Proposed Work: Construct an elevated walkway, ramp and float system.
Body of Water: Flax Pond

The applicant has included a copy of the order of conditions. If there are any additional comments, please forward to this office by Thursday, September 8, 2022.

The hearing is scheduled at the Select Board meeting on Monday, September 12, 2022 at 7:15 p.m.

Thank you,

Diane

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

PUBLIC HEARINGS

2. Application for a Wine and Malt Common Victualler License – Dilly’s Grill, LLC d/b/a Dilly’s Taqueria, located at 281 Main Street, Falmouth (5 minutes)

NOTE: This is a re-vote of the application. The original notice had a typo. It listed this license as an “All Alcoholic” Beverages Common Victualler License. It should have read “Wine and Malt” Beverages Common Victualler license. This was re-advertised at the request of the ABCC to correct the license type requested. A new Local Licensing Authorization form will be re-submitted to the ABCC so they can proceed with processing the application.

Therefore, this is a vote to correct the license type as a Wine and Malt Beverages Common Victualler License.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter

of the Acts of (year)

\$12 Restaurant Annual Wines and Malt Beverages

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

First floor restaurant with tables and seating, kitchen coolers and food prep in first floor rear. Occupancy set at 26 total persons inclusive of staff. Seating had been reduced as noted above to 23 seats. Business consists of 900 Sq. ft. more or less described above, small basement for storage and exterior walk-in cooler.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



TOWN OF FALMOUTH

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 Dilly's Grill, LLC d/b/a Dilly's Taqueria has applied for a Wine & Malt Beverages Common Victualler License to be exercised at 281 Main Street, Falmouth, MA.

A hearing will be held in the Select Board's Meeting Room, Falmouth Town Hall on Monday, September 12, 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, August 19, 2022; Falmouth Enterprise

Slice Of Italy's Parking Dilemma Continues

By TAO WOOLFE
The owner of the Slice of Italy has again reconfigured parking spaces around his Main Street eatery, but he still has not found a recipe that will please his neighbors.

Nedo R. Puliti Sr. appeared before the Falmouth Planning Board last week with a new revised plan for adding spaces around his 797 Main Street building that would accommodate added seating inside the restaurant.

Mr. Puliti's engineer, Michael Borzelli of Falmouth Engineering, told the planning board that he had modified two more of the proposed spaces to be nine feet wide and 18 feet long.

"We changed the angle so they wouldn't stick out," Mr. Borzelli said.

Mr. Puliti and Mr. Borzelli have been before the planning board five times since May trying to get a special permit to allow parking within five feet of the property line.

Abutting property owner Elie Jammal, however, continues to object. He maintains that no matter how the parking spaces are configured, traffic will increase and accidents are likely.

"There are no doubt going to be accidents. People have to back up right to Main Street," Mr. Jammal said last week.

The planning board, which would like the neighbors to work out an agreement, continued the matter until August 23.

"How do we make this work?" planning board chairwoman Charlotte Harris asked. "I hope both businesses prosper."

The problem, according to Robert Mills, attorney for Slice of Italy, is that the parking spaces are not long enough, so cars—especially bigger vehicles like trucks and SUVs—will stick out into the easement that is under agreement with Mr. Jammal.

Mr. Mills last month explained that the applicant is proposing additional parking—as 19 total spots are now required due to the addition of seating inside the establishment—along the western border of the property. Slice of Italy shares with Eastman's Sport and Tackle.

Six parking spaces are proposed there, with another five proposed in front of the building.

In 2020 four spaces were approved to be perpendicular to the western property line, and parking in the front was not included. The six spaces now being proposed along that property line would be at an angle.

Mr. Mills has said that even if cars are sticking into the easement, the easement is wide enough that it would not be fully obstructed.

Mr. Jammal is the principal owner of Falmouth 815 Main Street LLC, which owns the lots to the west, east and south of A Slice of Italy, as well as the abutting Cycle Avenue.



Christopher (Clark) Olsen (right) works toward Eagle Scout status by building a bridge in the Matthew Souza Conservation Area. His father, Chris Olsen (left), said Mid-Cape Isthme Centers donated the lumber and building supplies for the project.

County Fire Division Gives Update On Curriculum, Burn Building

By MACKENZIE RYAN

Barnstable County's Fire Training Division is working to improve the curriculum and training for firefighters on Cape Cod through the acquisition of training props and the anticipated construction of a live burn building.

Fire Marshal Stephen Coan and president of the Cape and Islands Fire Chiefs Association and Sandwich Fire Chief John Burke came before the Barnstable County Board of Regional Commissioners during its meeting on August 11 to give an update on the fire division's progress.

Presenting at the request of Barnstable County Administrator Elizabeth Albert, Mr. Coan said when he took his position in April 2021, "he brought to light the importance of following standards" and began asking questions about the training system to move the division forward.

"The importance of what we do is based upon standards, and that is the most important thing that we can do—follow national standards to provide training that meets those standards," Mr. Coan said. "The question then becomes, just have a standard, or do you translate that or build that into the curriculum?"

"If I conduct training that is not to a certain standard, it exposes the town to liability that is unacceptable," Chief Burke added. "I'm proud of the work and bringing everything up to the current standards, we are positioned very well for the future."

Moving forward in a mobile capacity, the fire division began pivoting and acquiring training props that could be easily transported

from town to town.

Through a grant, they were able to obtain a live fire training trailer that can simulate different types of fires such as a bedroom or boat engine fire. Labeled as the final piece needed for training, the burning building, Chief Burke said, will provide opportunities, especially for the Lower Cape volunteers, which rely heavily on volunteers.

The division was also able to purchase forcible entry and roof props that help firefighters learn techniques and refresh skills. They also acquired but have not yet put into service a vehicle fire pump.

"The fiscal responsibility of the mobile props is going to be huge for the chiefs. It allows us flexibility to train our personnel in our own town with our training staff to be able to do that—so we think that is a huge factor," Chief Burke said. "We all like to live in the past, but I think what we are trying to look for is what does the future hold five or 10 years down the road, when I step away. What does the training market look like, and how can we continue that?"

The FALMOUTH CONSERVATION COMMISSION will hold a public hearing under Section 40, Chapter 131 of the general laws of the Commonwealth of Massachusetts. Warrant No. 22022CR0001. The hearing will be held on Wednesday, August 24, 2022 at 6:00 PM.

In accordance with Chapter 107 of the Acts of 2022, relating to the 2020-2021 Continuity of Operations, the August 11, 2022 public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congestion.

Alternative public access to the meeting shall be provided in the following manner:

- Zoom link and agenda
- Instructions and the meeting link for this specific meeting can be found on the following web page: <https://www.falmouthma.gov/conservation>
- Passes pin on 10-15 minutes of preparation time to log in through a mobile device. If you are previously used Zoom on the device you will use to access the meeting.
- Zoom public comments may be sent in advance of the meeting to conservation@falmouthma.gov or at least 3 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.
- Applicants, their representatives and individuals with enforcement matters before the Conservation Commission may appear and present their comments in person at the Conservation Commission meeting at the Town Manager's Office, 100 Town Hall, 2:45 PM on Tuesday, September 6, 2022, as determined by the clock in the Town Manager's Office. Documents, documents, audio or video presentations should be submitted in advance of the meeting to conservation@falmouthma.gov or at least 48 hours prior to the meeting for remote public access viewing.

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

LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT
Docket No. BA22P0406EA
Estate of: Charles Agostino LaMarche
Date of Death: 09/01/2021
Barnstable Probate Family Court
3195 Main Street, PO Box 348, Barnstable, MA 02630
508-375-6710
CITATION ON PETITION FOR FORMAL ADJUDICATION
To all interested persons:
A Petition for formal Probate of Appointment of Intestacy with Appointment of Personal Representative has been filed by:
Caryl L. Gibson of Barnstable, requesting that the Court enter a formal Decree and Order and for such other relief as may be required in the Petition.
The Petitioner requests that:
Caryl L. Gibson of Barnstable, MA be appointed as Personal Representative(s) of said estate to serve WITH CORPORATE SURETY. To be bonded in an unsecured administration.
IMPORTANT NOTICE
You have the right to obtain a copy of the Petition from the Petitioner or at the Court. You have a right to object to this proceeding. To do so, you or your attorney must file a written appearance and objection with the Court before:
10:00 a.m. on the return day of 09/06/2022.
This is NOT a hearing day. But a deadline by which you must file a written appearance and objection if you object to this proceeding. If you fail to file a timely written appearance and objection followed by an Affidavit of Objections within 30 days of the return day, action may be taken without further notice to you.
UNSUPERVISED ADMINISTRATION UNDER THE MASSACHUSETTS UNIFORM PROBATE CODE (MUPC)
A Personal Representative appointed under the MUPC in an unsecured administration is not required to file an inventory of assets with the Court. Persons interested in the estate are entitled to notice regarding the administration directly from the Personal Representative and may petition the Court at any time relating to the estate, including the distribution of assets and expenses of administration.
WITNESSES: Hon. Susan Sart Tarrary, Clerk of the Court
Date: 06/24/2022
Aristea Wilson Perrino
Register of Probate
August 19, 2022

Commission Aims To Stem Parking Violations

By NOELLE ANNONEN

The Commission on Disabilities brainstormed ways to handle a growing problem of improperly marked handicapped parking spots during its meeting on August 10.

Commission chairwoman Kathleen Haynes said that many businesses in town are violating handicapped parking spot laws. She said some of them have portable handicapped parking spots available at all. She said that one restaurant has picnic benches set up where the handicapped parking spots used to be.

"This one, I think, is a victim of the pandemic," Sergeant Benjamin Guthrie said. He was pointing to a photograph of the inaccessibility spot in a collection that Ms. Haynes had taken around town of parking spots that do not meet ADA regulations.

Sgt. Guthrie, who is the police liaison to the commission, said that business violations of parking spot standards and general incidents of people parking in handicapped spots without a placard or the proper license plate marking are difficult to enforce. This is exacerbated by a shortage of police officers. He is working signing up the disability commission members for training that would allow them to act as volunteers to bring parking violations to the attention of the police department for Sgt. Guthrie to handle.

"Our officers are always out there," Sgt. Guthrie said. "Right now, we're really low on manpower."

Whenever someone gets a parking ticket for illegally parking in a handicapped parking spot, the commission gets the full amount of the \$200 fine. Ms. Haynes said that the commission received more than \$4,000 last year from the tickets alone.

The money goes to accessibility

and inclusiveness initiatives.

Sgt. Guthrie said that if someone with the placard gets a ticket, it can be appealed by bringing the placard to the station to prove that they simply forgot to hang it up, on-site first offense at least. But if the placard is on the dashboard, or generally visible through the front window, officers do not issue tickets. If someone who needs the parking spot for their disability does not have a placard, he said that sometimes they come into the station to ask how they can get one.

"Usually the first offense we use as a teaching moment," Sergeant Guthrie said. "They do us this, shame on you. Here's information on how to get a placard if you do need one in the future. Don't let that happen again."

Sgt. Guthrie added that in order to comply with ADA laws, handicapped parking spots must be distinguished by two permanent markings: both a sign and painted squares in the pavement. Otherwise, if someone without a handicap placard or license plate parks in an improperly designated space, that driver is not in violation of the law.

"If it was brought to my attention, I would obviously be issuing a letter," Sgt. Guthrie said. "Then I would be bringing this to the town's purview. It depends on if it's private or public property."

He said that businesses or buildings around town that are in violation of the regulations can reach out to the Department of Public Works for assistance in reaching standards.

Ms. Haynes said that a lack of properly regulated parking spots or spots that are taken by someone illegally can seriously impact Falmouth's disabled population.

"People don't understand what it's like to be in a wheelchair, or have to walk a distance with a walker," Ms. Haynes said. "They're depriving a person who really needs it."

LEGAL NOTICES

Town of Falmouth Historical Commission Public Hearing Notice

The Falmouth Historical Commission is holding a public hearing under Massachusetts General Law Chapter 40A, section 11, and Town Bylaw section 7.4 as amended on Tuesday, September 6, 2022 at 6:00 PM in the Select Board Meeting Room at Falmouth Town Hall.

Requests for Certificates of Appropriateness:

22-202688: Brad Clark, 211 Main Street, S-2
22-202470: 217 Old Main LLC, 217 Old Main Street - Historic Preservation Certificate Review Group

22-202476: MHA Development LLC, 259 & 263 Old Main Rd. - Demolition/erecting and erecting a new building, including historic and single family residence.

22-214353: Lowell Street Sign, 285 Main St. - Sign

On behalf of the Falmouth Historical Commission
August 19, 2022

Falmouth Zoning Board of Appeals Notice of Public Hearing for September 13, 2022

Notice a hearing part of the following Public Hearings: **6:30pm and Open Meeting** in the Select Board's Meeting Room, Town Hall, Falmouth, MA on Thursday, September 15, 2022

Application #2022-013: Kevin O'Donnell and Brian Slonek, LLC: Applied to the Zoning Board of Appeals for a Special permit pursuant to section 240C.6 of the Code of Falmouth to construct a sunroom addition and an attached garage with living space, increasing 200 sq. ft. to increase by 300 sq. ft. on subject property known as 10 Cooper Road, East Falmouth, MA.

Application #2022-020: Catherine Spauld and Realty LLC: Applied to the Zoning Board of Appeals for a special permit pursuant to section 240C.6 of the Code of Falmouth to construct a 24' x 24' x 10' deck by the rear of the existing 2-story 1 second story building.

Application #2022-022: Michael R. and Linda M. Lambson: Applied to the Zoning Board of Appeals for a special permit pursuant to section 240C.3 of the Code of Falmouth to be bonded in addition to the preexisting single family detached on subject property known as 25 Clark Road, Falmouth, MA.

Application #2022-023: Kevin O. Finnegan: Applied to the Zoning Board of Appeals for a special permit pursuant to section 240C.6 of the Code of Falmouth to construct a sunroom addition and an attached garage with living space, increasing 200 sq. ft. to increase by 300 sq. ft. on subject property known as 10 Cooper Road, East Falmouth, MA.

A hearing will be held in the Select Board Meeting Room at Falmouth Town Hall on Monday, September 12, 2022, at 7:30 pm on the above application.

Per order of the Select Board

LICENSING BOARD
Harry R. Taylor
Quaid Scott Price
Samuel P. DePietro
Douglas C. Brown
Edwin (Stacy) Zylinski, Jr.
August 19, 2022

Legally Yours

by Christopher G. Leberherz
Attorney at Law

CONTRACTS: WHY THEY MATTER

A contract, whether a lease or home improvement involves at least two parties and details the terms of the transaction, protecting all parties involved. Contracts covering specific expectations should ensure all contracts have an expiration date and contain the full scope of agreement, expectations, and payment schedule. Every detail must be included for a contract to be legally enforceable, especially payment amounts, terms, and payment method. The contract should also contain a clear definition of circumstances under which the contract can be mutually terminated and how to facilitate that. Should mediation become necessary, the contract should specify how that would take place, including remediation for violation of the terms of the contract.

Under the law a party's failure to fulfill an end of the bargain under a contract is known as "breaching" the contract. When a breach of contract happens for when a breach is alleged, one or both of the parties may wish to have the contract "reformed" on its terms, or may try to recover for any financial harm caused by the alleged breach. For more information, please call LEBERHERZ & LEBERHERZ, Attorneys at Law, at (508) 548-6600. Our office is at Old Bay Court, 99 Town Hall Square, West Falmouth, Massachusetts. We emphasize criminal law, family law, civil litigation, and estate planning.

Hint: Using an attorney to review your contracts will ensure they comply with local statutes.

LEGAL NOTICE
THE FALMOUTH CONSERVATION COMMISSION will hold a public hearing under Section 40, Chapter 131 of the general laws of the Commonwealth of Massachusetts. Warrant No. 22022CR0001. The hearing will be held on Wednesday, August 24, 2022 at 6:00 PM.

In accordance with Chapter 107 of the Acts of 2022, relating to the 2020-2021 Continuity of Operations, the August 11, 2022 public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congestion.

Alternative public access to the meeting shall be provided in the following manner:

- Zoom link and agenda
- Instructions and the meeting link for this specific meeting can be found on the following web page: <https://www.falmouthma.gov/conservation>
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- Zoom public comments may be sent in advance of the meeting to conservation@falmouthma.gov or at least 3 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.
- Applicants, their representatives and individuals with enforcement matters before the Conservation Commission may appear and present their comments in person at the Conservation Commission meeting at the Town Manager's Office, 100 Town Hall, 2:45 PM on Tuesday, September 6, 2022, as determined by the clock in the Town Manager's Office. Documents, documents, audio or video presentations should be submitted in advance of the meeting to conservation@falmouthma.gov or at least 48 hours prior to the meeting for remote public access viewing.

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

REQUESTS FOR DETERMINATION OF APPLICABILITY

Cape Codder Condominium Trust, 25 Cape Codder Road, Falmouth, MA - For permission to demolish and reconstruct a new, single large deck.

Keith and Ingrid Basson, 34 Grove Grove Road, Falmouth, MA - For permission to remove an existing deck and to construct a new, single large deck.

Michael and Regina Ryan, 140 Associates Road, Falmouth, MA - For permission to treat an area of landscape.

John G. B. et al. May Memorial Way, Falmouth, MA - For permission to re-locate a previously approved park associated with MA DEP # 25-4520 to include the addition of a one car garage.

REQUESTS FOR A HEARING UNDER A NO-

LEGAL NOTICE
THE FALMOUTH CONSERVATION COMMISSION will hold a public hearing under Section 40, Chapter 131 of the general laws of the Commonwealth of Massachusetts. Warrant No. 22022CR0001. The hearing will be held on Wednesday, August 24, 2022 at 6:00 PM.

In accordance with Chapter 107 of the Acts of 2022, relating to the 2020-2021 Continuity of Operations, the August 11, 2022 public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congestion.

Alternative public access to the meeting shall be provided in the following manner:

- Zoom link and agenda
- Instructions and the meeting link for this specific meeting can be found on the following web page: <https://www.falmouthma.gov/conservation>
- Passes pin on 10-15 minutes of preparation time to log in through a mobile device. If you are previously used Zoom on the device you will use to access the meeting.
- Zoom public comments may be sent in advance of the meeting to conservation@falmouthma.gov or at least 3 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.
- Applicants, their representatives and individuals with enforcement matters before the Conservation Commission may appear and present their comments in person at the Conservation Commission meeting at the Town Manager's Office, 100 Town Hall, 2:45 PM on Tuesday, September 6, 2022, as determined by the clock in the Town Manager's Office. Documents, documents, audio or video presentations should be submitted in advance of the meeting to conservation@falmouthma.gov or at least 48 hours prior to the meeting for remote public access viewing.

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

REQUESTS FOR DETERMINATION OF APPLICABILITY

Cape Codder Condominium Trust, 25 Cape Codder Road, Falmouth, MA - For permission to demolish and reconstruct a new, single large deck.

Keith and Ingrid Basson, 34 Grove Grove Road, Falmouth, MA - For permission to remove an existing deck and to construct a new, single large deck.

Michael and Regina Ryan, 140 Associates Road, Falmouth, MA - For permission to treat an area of landscape.

John G. B. et al. May Memorial Way, Falmouth, MA - For permission to re-locate a previously approved park associated with MA DEP # 25-4520 to include the addition of a one car garage.

REQUESTS FOR A HEARING UNDER A NO-

Phyllis Downey

Subject: FW: Issue with application # 2022-002018-RR

From: Walsh, Sean (TRE) <sean.walsh3@state.ma.us>
Sent: Monday, August 15, 2022 11:13 AM
To: Phyllis Downey <phyllis.downey@falmouthma.gov>
Subject: RE: Issue with application # 2022-002018-RR

Hi Phyllis,

You can submit a new LAC at that time.

Thanks,

Sean Walsh

Licensing Supervisor
Massachusetts Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150
Phone- 617-727-3040 ext. 749
Fax-1-617-727-1258
smwalsh@tre.state.ma.us

o you translate that o the curriculum?" training that is not dard, it exposes the y that is unneces- ce added later in the ink with Chief Rul- ring everything it standards, we are well for the future." rd in a mobile ca- ivision began pivot- ring training props asily transported



Peter G. Leberherz
Attorney at Law

FACTS: WHY MATTER

ther a lease or home olves at least two par- e terms of the trans- all parties involved. specific expectations s and costs. Parties ontracts have an ex- contain the full scope pectations, and pay- Every detail must be tract to be legally en- payment amounts, nt method. The con- contain a clause detail- nder which the con- ally terminated and at. Should mediation , the contract should ould take place, in- n for violation of the ct. party's failure to fulfill ain under a contract icking" the contract. contract happens (or alleged), one or both wish to have the con- its terms, or may try inancial harm caused ach. **For more infor- mation call LEBERHERZ & LE- BERHERZ at (508) 548- 1111** at Old Bailey Court, Falmouth, MA. We emphasize contract law, civil litigation, and real estate.

Attorney to review documents. We ensure they comply with all applicable laws and regulations.

Legal Notices

The FALMOUTH CONSERVATION COMMISSION will hold a public hearing under Section 40, Chapter 131 of the general laws of the Commonwealth of Massachusetts Wetlands Protection Act and/or the Town of Falmouth Wetlands Protection Bylaw on **Wednesday August 31, 2022 at 7:00 PM.**

In accordance with Chapter 107 of the Acts of 2022, relating to the 2020 novel Coronavirus outbreak, the **August 31, 2022 public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.**

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Falmouth Community Television.

2. Real-time public comment can be addressed to the Conservation Commission utilizing the Zoom virtual meeting software for remote access. This application will allow users to view and participate in the meeting. Text comments submitted with the Chat function will be read into the record at the appropriate points in the meeting.

a. Zoom Login instructions:

i. Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthma.gov/Conservation>

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

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

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

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

REQUESTS FOR DETERMINATION OF APPLICABILITY

Cape Codder Condominium Trust, 28 Cape Codder Road, Falmouth, MA – For permission to flush cut seven black cherry trees.

Keith and Isabel Besse, 34 Beebe Acres Road, Falmouth, MA – For permission to remove an existing deck and to construct a new, slightly larger deck.

Michael and Regina Ryan, 140 Associates Road, Falmouth, MA – For permission to treat an area of Japanese knotweed.

John G. Butt, 41 Mary Manuel Way, Falmouth, MA – For permission to revise the previously approved plans associated with MA DEP# 25-4520 to include the addition of a one car garage.

REQUESTS FOR A HEARING UNDER A NO-

TICE OF INTENT

Peter and Valerie Messina, 127 Shorewood Drive, Falmouth, MA – For permission to conduct invasive species management; to construct and maintain a pier, ramp, and float in Great Pond; and to request a variance from FWR 10.16 (1) (d)(1).

Paul C. Gordon, 257 Central Avenue, Falmouth, MA – For permission to construct a porch and a second story to the existing garage, to expand the capacity of the existing leaching field, to remove a portion of an unpermitted patio, and to install mitigation plantings.

HEARINGS UNDER AN ENFORCEMENT ORDER

Susan and Gerald Leiber, 101 Lake Shore Drive & 16 Lake Shore Drive North, Falmouth, MA – Unpermitted removal of vegetation and construction of retaining walls within Conservation jurisdiction.

By Order of: Jamie Mathews, Chairman
Falmouth Conservation Commission

August 19, 2022

REQUEST FOR PROPOSALS For Ambulance Billing and Collection Service for the Town of Falmouth Fire Rescue Department

The Falmouth Fire Rescue Department, headquartered at 399 Main Street, Falmouth, Massachusetts 02540, a component of the Town of Falmouth, invites Proposals for the provision of ambulance billing and collection services. The Request for Proposal documents are available on the Town of Falmouth website at <https://www.falmouthma.gov/bids.aspx>.

The deadline for actual receipt of Proposals is 2:45 PM on Tuesday, September 6, 2022, as determined by the clock in the Town Manager's/Selectmen's Office at the Town Hall. All Proposals must be actually received at the Town Manager's/Selectmen's Office at the Town Hall, prior to the Deadline.

August 19, 2022

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 136 of the General Laws, as amended, that Dilly's Grill, LLC d/b/a Dilly's Taqueria has applied for a Wine & Malt Beverages Common Victualler License to be exercised at 281 Main Street, Falmouth, MA.

A hearing will be held in the Select Board's Meeting Room, Falmouth Town Hall on Monday, September 12, 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

August 19, 2022

Town of Falmouth Historical Commission Public Hearing Notice

The Falmouth Historical Commission will hold a public hearing under Massachusetts General Law Chapter 40C section 11, and Town bylaw section 7.4 as Amended on **Tuesday, September 6, 2022 at 6:00PM** in the Select Board's Meeting Room at Falmouth Town Hall.

Requests for Certificates of Appropriateness:

22.208808 Bret Clark, 261 Main Street – Sign
22.208470 237 Old Main LLC, 237 Old Main Road – House renovations/construct 4-car garage

22.208476 Nika Development LLC, 259 & 263 Old Main Rd – Demo existing dwelling/construct two duplex buildings and one single family residence

22.214383 Locust Street Sign, 285 Main St - Signs

On behalf of the Falmouth Historical Commission

August 19, 2022

Falmouth Zoning Board of Appeals Notice of Public Hearing for September 15, 2022

Notice is hereby given of the following **Public Hearing @ 6:30pm and Open Meeting** in the Select Board's Meeting Room, Town Hall, Falmouth, MA. on **Thursday, September 15, 2022**

Application # 059-22 Kevin O'Boy and Eileen Strong O'Boy: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to remove a portion of the existing dwelling, remove and rebuild the roof over a portion of the dwelling adding a ½ story and rebuild the rear of the dwelling adding a second story addition. The subject property is 1 Lookout Avenue, Falmouth, Ma.

Application # 060-22 Michael R. and Linda M. Lambert: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. of the Code of Falmouth to construct an addition to the nonconforming, single family dwelling on subject property known as 30 Davis Road, Falmouth, Ma.

Application # 061-22 Kevin O. Finnegan: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-69 E. of the Code of Falmouth to construct a sunroom addition and an attached garage with living space above; exceeding 20% lot coverage by structures on subject property known as 10 Cooper Road, East Falmouth, Ma.

Application # 062-22 Cataumet Sawmill Realty LLC: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-57 H. and 240-70 D. of the Code of Falmouth to construct an eight (8) unit contractor bay building with a height of 25'. The subject property is 494 Thomas B. Landers Road, West Falmouth, Ma.

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

August 19, 2022

BUSINESS

1. Approve application for an Entertainment License and a Sunday Entertainment License – Tony Andrews Farm, 394 Old Meetinghouse Road

A map will be provided to the Select Board Office after a walk-through of the property and review of event plans with Falmouth Fire & Safety and Police Department is completed



Town of Falmouth

Office of the Town Manager & Select Board
59 Town Hall Square, Falmouth, MA 02540
508-495-7320 • licensing@falmouthma.gov

ENTERTAINMENT LICENSE APPLICATION

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

Required fields are outlined in red.

NAME OF BUSINESS: Tony Andrews Farm D/B/A Tony Andrews Farm
ADDRESS: 394 Old Meeting House Rd.
TOWN: East Falmouth STATE: MA ZIP CODE: 02536
NAME OF OWNER/MANAGER: Geoffrey Andrews
TELEPHONE #: 774-836-3333 EMAIL: TonyAndrewsFarm@Comcast.net
MAILING ADDRESS: 394 Old Meeting House Rd. East Falmouth
LOCATION OF ENTERTAINMENT ON PREMISES: Tony Andrews Farm (all locations)

DAYS OF ENTERTAINMENT: Sept 23, 2022 to Nov 1, 2022
HOURS OF ENTERTAINMENT: 9:00 AM to 9:00 PM

Provide a detailed description of proposed entertainment in the field below, and attach a FLOOR PLAN including the proposed location of the entertainment:

Kay rides, Corn & Sunflower MAZE, Bouncy House, CAROUSEL, MINI TRAIN RIDE, Pick your Produce & Food Trucks

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

SUNDAY ENTERTAINMENT: NO [] YES [x] (if YES, complete a separate Sunday Entertainment application - contact Select Board office)

- 1. DANCING By Patrons [] No Dancing []
2. MUSIC Recorded [] Live [] Amplified [] Acoustic [] Other []

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

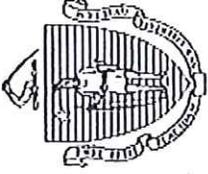
DATE 9/7/2022 X [Signature] Signature - OWNER or MANAGER

Total Town Fees: \$110
Filing Fee: \$10
License Fee: \$100
Fees payable to Town of Falmouth

THE COMMONWEALTH OF MASSACHUSETTS

Town OF Falmouth

State Fee, \$ 50.00
Municipal Fee, \$ 75.00



LICENSE

For PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is Tony Andreas Farm in or on the property at No. 394 Old Meetinghouse Road, East Falmouth MA 02536 (address)

The Licensee or Authorized representative, _____ in

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

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
	<u>Annual for 2022</u>	

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

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

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

Do not write in this box

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

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

(Revised 2015)

Phyllis Downey

From: Peter Johnson-Staub
Sent: Thursday, September 8, 2022 5:34 PM
To: tonyandrewsfarm; Joe Andrews (jj-andrews@outlook.com)
Cc: Phyllis Downey; Boyd Demello
Subject: RE: [EXTERNAL] - RE: FW: Entertainment Licenses application-Tony Andrews Farm

Great, thank you for communicating with the public safety departments in advance of the event.

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

www.falmouthma.gov

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

From: tonyandrewsfarm <tonyandrewsfarm@comcast.net>
Sent: Thursday, September 8, 2022 4:21 PM
To: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Joe Andrews (jj-andrews@outlook.com) <jj-andrews@outlook.com>
Cc: Phyllis Downey <phyllis.downey@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>
Subject: [EXTERNAL] - RE: FW: Entertainment Licenses application-Tony Andrews Farm

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

Peater just spoke to Boyd and chief Dunn we will have a walk around farm to Dedicate parking in emergency access and so forth Thank you

Sent from my T-Mobile 4G LTE Device

----- Original message -----
From: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Date: 9/8/22 2:17 PM (GMT-05:00)
To: "Joe Andrews (jj-andrews@outlook.com)" <jj-andrews@outlook.com>, "Jeff Andrews (tonyandrewsfarm@comcast.net)" <tonyandrewsfarm@comcast.net>
Cc: Phyllis Downey <phyllis.downey@falmouthma.gov>, Boyd Demello <boyd.demello@falmouthfirema.gov>
Subject: FW: Entertainment Licenses application-Tony Andrews Farm

Hello Jeff and Joe,

The Town recognizes the importance of agri-tourism events for the sustainability of the farm. I will recommend Select Board approval of your entertainment license application and your request for a fee waiver. The Fire Department is asking for a sketch to show how emergency vehicles would access the property in the event of an emergency. Boyd Demello also wanted to share the attached Crop Maze Safety Guide for your reference. We'd be happy to print a copy for you if that is helpful.

Please let me know if you have any questions. You can also reach out to Boyd directly if you have any questions about what the Fire Department is looking for. Boyd can be reached at 508-495-2538.

Best Regards,

Peter

Peter Johnson-Staub

Acting Town Manager

Town of Falmouth, MA

O: 508-495-7320

www.falmouthma.gov

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

From: Boyd Demello <boyd.demello@falmouthfirema.gov>

Sent: Thursday, September 8, 2022 1:19 PM

To: Phyllis Downey <phyllis.downey@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>

Cc: Boyd Demello <boyd.demello@falmouthfirema.gov>

Subject: RE: Entertainment Licenses application-Tony Andrews Farm

Phyllis,

Fire Rescue would like at least a hand drawn site plan for the event. Please have the applicant provide reasonable access for emergency vehicles in the event of an emergency. Could you provide the applicant with the attached guide to outdoor crop maze safety. The guide was created by the Department of Fire Services based on Massachusetts 527 CMR

Boyd W. DeMello
Fire Prevention Inspector
Falmouth Fire Rescue Department
boyd.demello@falmouthfirema.gov
508-495-2534 - Office
774-836-2436 - Cell Phone

CONFIDENTIALITY NOTICE: This message is privileged and confidential for the addressee(s) named above. If you are not the intended recipient, you are prohibited from disseminating, using, or copying the contents and should notify the sender immediately that you received this message in error.

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Thursday, September 8, 2022 8:21 AM
To: Gary Street <gary.street@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Scott McGann <scott.mcgann@falmouthma.gov>
Subject: Entertainment Licenses application-Tony Andrews Farm

Good morning all,

Attached please find applications for Entertainment and Sunday Entertainment License for Tony Andrews Farm.

All events will be held outdoors and if an event features a tent, a permit will be required with an electrical inspection if needed. Temporary Food Service Permits or Food Truck Permits will also be applied for as needed.

The Select Board will review the application at their meeting this Monday, September 12th. Any comments or recommendations to the Board received by Monday morning will be forwarded to the board members.

Thank you,

Phyllis Downey

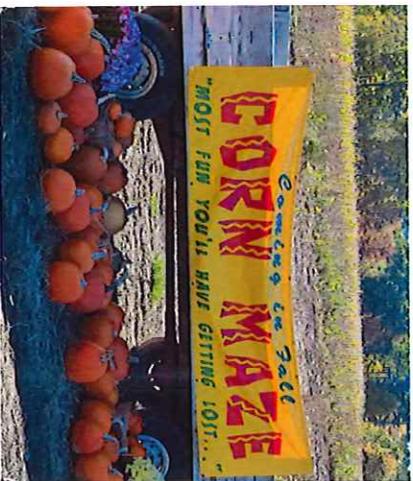
Preparing Visitors

Requirements

- Provide safety instructions to all visitors before they enter the maze. Instructions can be verbal, written, or both. (527 CMR 1.00, s. 10.15.11.2.2)

Recommendations

- Provide a map of the maze to visitors to use for quick exit if necessary.
- Give guests the ability to alert employees in case of emergency (e.g. give them a flag to carry in the maze).
- Provide flashlights if operating at dusk or after dark. Do not use gas-fueled lanterns, candles, or other open flames.
- Post the rules of the maze and safety measures at the entrance of the maze. Provide verbal safety instructions to visitors before they enter the maze.



What Emergency Responders Need to Know

- How to gain access to the site.
- Where the nearest map of the maze is.
- Where the entrances and exits to the maze are and the quickest way through maze.
- Who to contact in case of an emergency.
- Location of first aid kits.
- Closest source of water for fire suppression.

In an emergency
call 911

Crop Maze Safety



Guide for
Operators, Staff and Visitors



Crop mazes can be fun for children and adults. Crop maze owners and operators must provide a safe and fun experience in order to keep customers coming back.

The primary danger at a crop maze is a medical or fire emergency for which staff are not prepared. However, owners and operators can take many preventive and precautionary measures to ensure that staff are prepared to handle emergencies.

This pamphlet provides an overview of the requirements for crop mazes contained in the State Fire Code, 527 CMR 1.00, s. 10.14.11 and includes additional recommendations for safety.



Setup and Operations

Requirements

- Maintain an elevated viewing platform above the level of the maze. Keep the platform staffed by an employee to look for potential emergencies and risks whenever visitors are in the maze. (527 CMR 1.00, s. 10.15.11.2.3.2)
- Have at least two supervisors present during operation. One must monitor operations from the elevated platform. (527 CMR 1.00, s. 10.15.11.2.3.1 & 10.15.11.2.3.2)
- Have a public address system available to assist in making announcements to visitors (e.g. bull horn or loud speaker). (527 CMR 1.00, s. 10.15.11.2.7)
- Limit visitors to no more than 200 people per acre in the maze. (527 CMR 1.00, s. 10.15.11.2.9)
- Ban all smoking on the premises. (527 CMR 1.00, s. 10.15.11.3.2)
- Do not allow open flame devices or equipment within the maze. (527 CMR 1.00, s. 10.15.11.3)
- Motorized vehicles must be parked at least 75 feet from the maze. (527 CMR 1.00, s. 10.15.11.2.5)
- Create a firebreak between the maze and surrounding land to prevent a fire from spreading into the maze. (527 CMR 1.00, s. 10.15.11.2.6)
- Provide the fire department the opportunity to walk through the maze and “preplan” in case of an actual emergency. (527 CMR 1.00, s. 10.15.11.2.4)

Recommendations

- Make employees easily recognizable (uniforms) so visitors know whom to ask in case of an emergency.

- Have fire extinguishers readily available for emergency use.

- Maintain a service road around the outside of the maze so emergency vehicles can reach any point in the maze as quickly as possible.

- Conduct work-related tasks involving gasoline or possible sparks when visitors are not in the maze.

Training Employees

Requirements

- Advise employees on fire and life safety guidelines prior to assuming their duties. In an emergency, patrons look to staff for safety directions. (527 CMR 1.00, s. 10.15.11.2.1)
- Never block entrances or exits when visitors are in the maze. (527 CMR 1.00, s. 10.15.11.2.8)

Recommendations

- Provide CPR training for employees.
- Practice evacuation methods with employees so they are prepared in case of an emergency.

Advise employees on fire and life safety before they work. In an emergency, patrons look to staff for safety directions.

BUSINESS

2. Request Support for Bikepath Overpass Mural – David Vieira (5 minutes)



The Commonwealth of Massachusetts

House of Representatives

State House, Boston, 02133-1054

DAVID T. VIEIRA

STATE REPRESENTATIVE

3rd BARNSTABLE DISTRICT

Kathleen Palmer

LEGISLATIVE AIDE

Room 167, State House
TEL. (617) 722-2230
FAX (617) 626-0280
District Office: (508) 548-8683

David.Vieira@MAHouse.gov

MEMORANDUM

TO: Falmouth Select Board

FROM: Robert and April Barrows (assisted by State Rep. David T. Vieira)

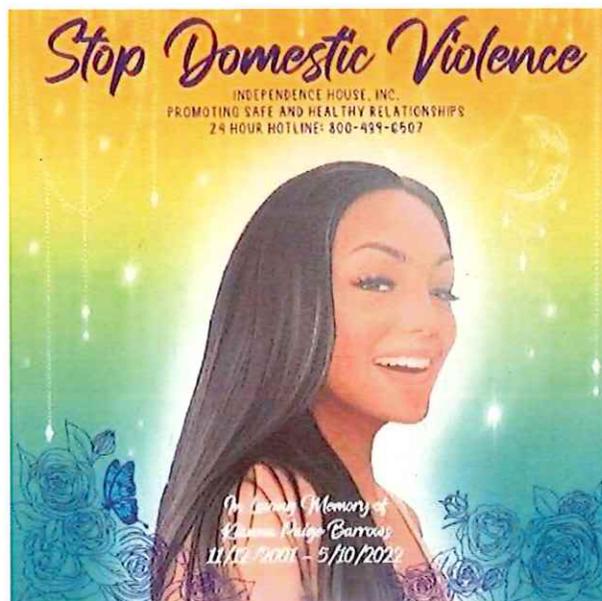
DATE: September 8, 2022

RE: **Request for letter of support from the Falmouth Select Board for a memorial mural on the Shining Sea Bikeway.**

The Barrows family is working with State Representative David T. Vieira to install a memorial mural for their daughter Kianna Paige Barrows who was tragically murdered on May 10, 2022 in North Falmouth. The mural would be painted on the Curley Blvd. overpass abutment along the Shining Sea Bikeway. A MassDOT permit is required as the structure is owned by The Commonwealth. The adjacent right-of-way is leased to the Town of Falmouth for the bikeway. MassDOT requires a letter of support for any application in an area leased to a third party.

The Barrows family is requesting a letter of support from the Falmouth Select Board in order to complete their MassDOT permit application.

Below is an artist's draft of the intended mural which will also feature the 24 hour hotline for Independence House (Cape Cod's community organization providing free services for individuals impacted by domestic or sexual violence).



Below is a picture of the proposed mural location to the left of the AmeriCorps Cape Cod mural. The area circled in yellow currently has graffiti and would be cleared to install the Barrows memorial mural.



Contact info:

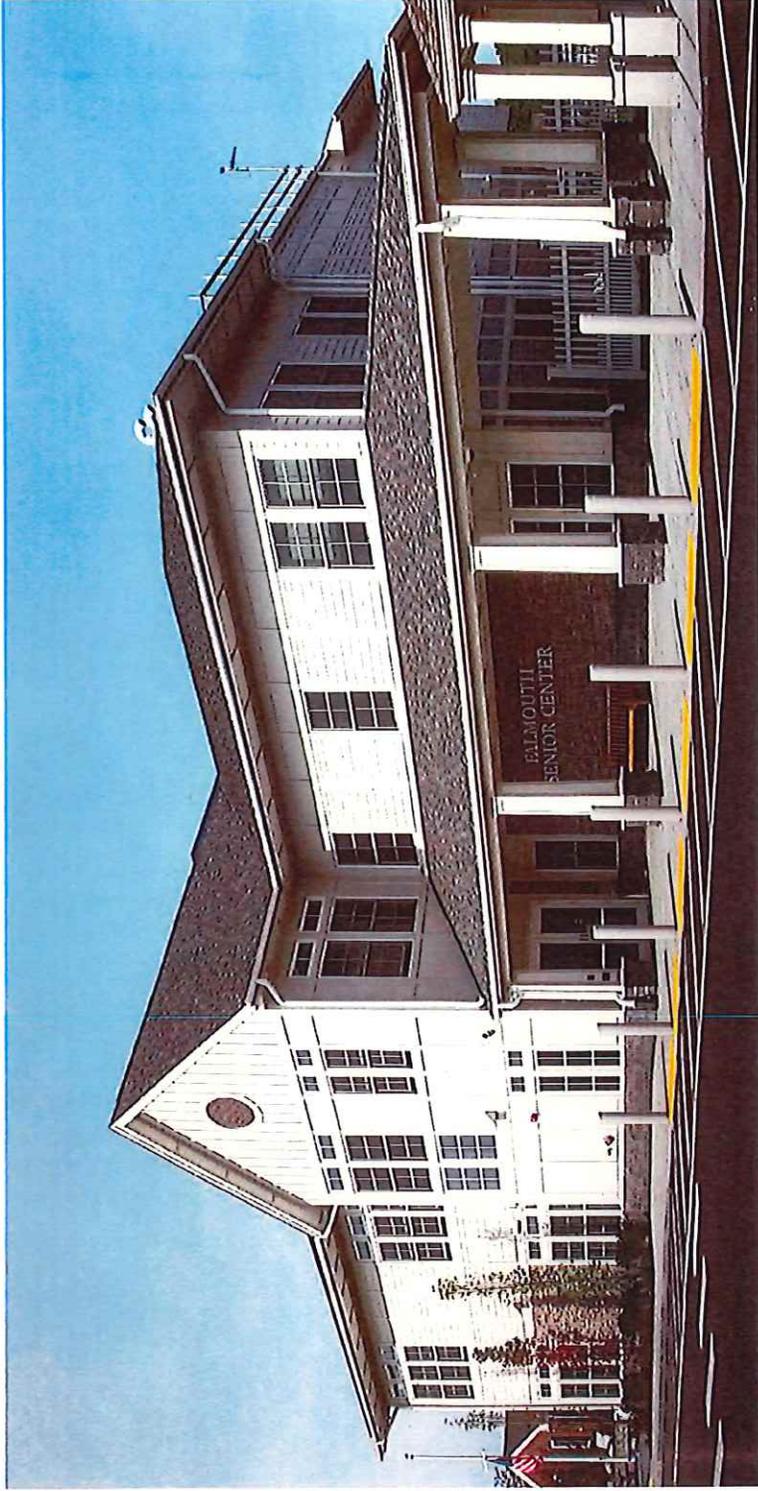
David T. Vieira
David.vieira@mahouse.gov
508-548-VOTE (8683)

BUSINESS

3. Report – Board of Library Trustees (15 minutes)

BUSINESS

4. Report – Council on Aging (15 minutes)



Council on Aging Committee Report September 12, 2022

Council on Aging Board Update

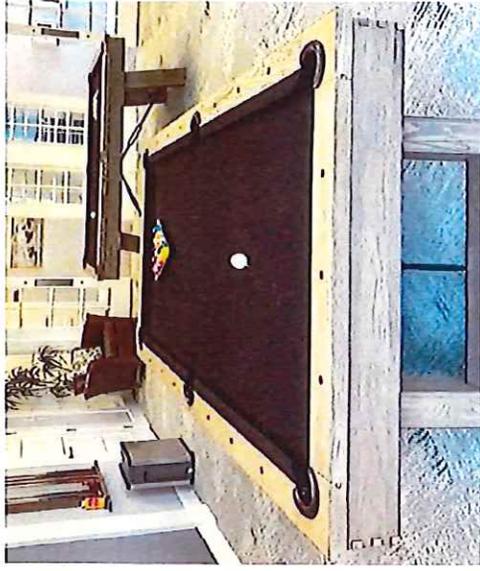
FY2022 COA Board Members

- James Vieira, Chairman
- Joe Clancy, Vice Chairman
- Susan Gallagher
- David Hearne
- Betsy Hike
- Carol Kenney
- Jamie MacDonald
- Rebecca Moffitt
- Susan Ripley

- ❖ COA Board met 9 times in person during FY2022.
- ❖ Term Limits: Jim Vieira
 - A Special Thank you to Jim Vieira...
 - . COA Board September 2012-June 2022.
 - . COA Board Chairman since 2013
 - . Senior Center Site Feasibility Chairman
 - . Senior Center Building Committee Chairman
- ❖ COA Board welcomed Brenda Swain back onto the board for a term beginning FY2023.

Council on Aging Board Senior Center Building Update

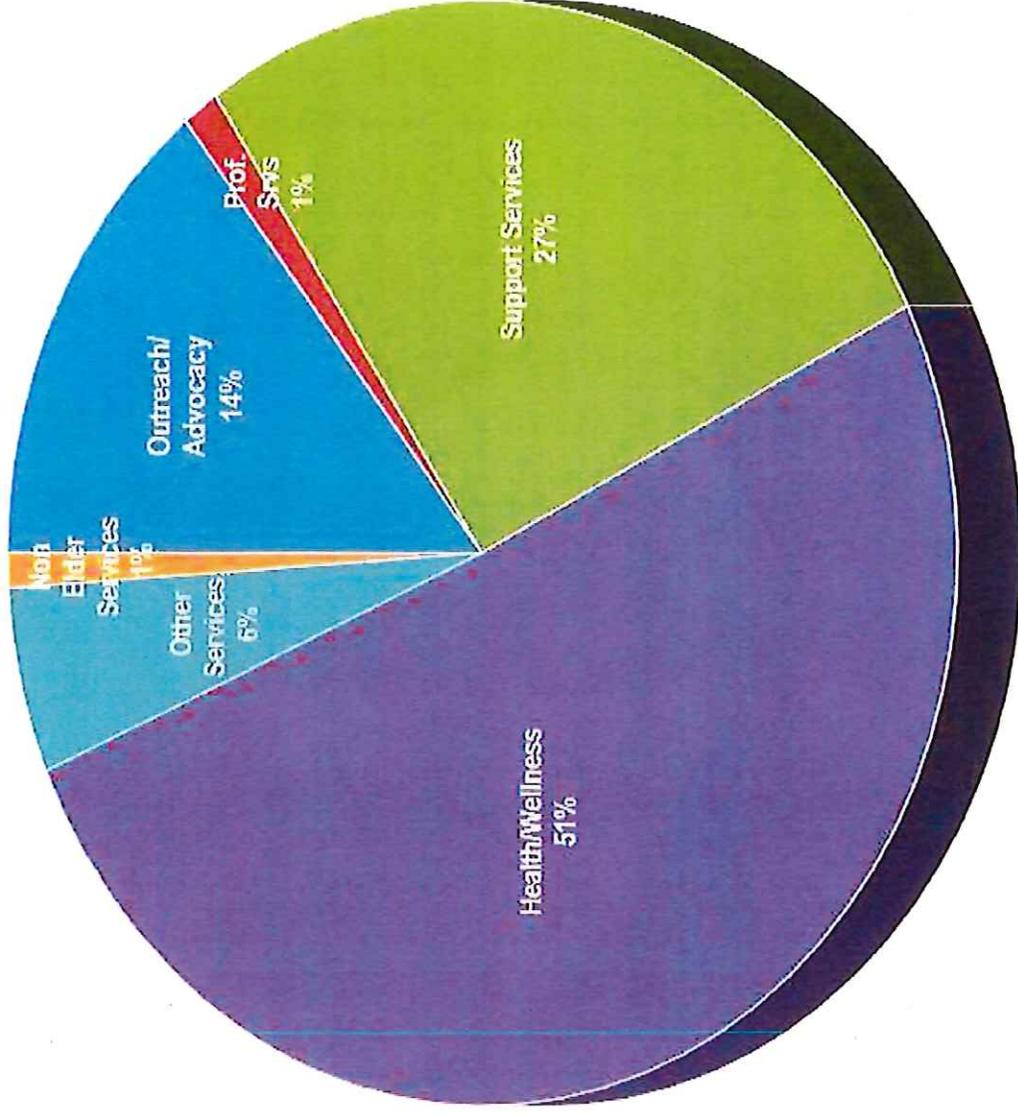
- ❖ Café Lounge Counter and Seating installed.
- ❖ Additional Pool Table added to social area.
- ❖ Sidewalk Bump out and Stop Sign installed.
- ❖ Two Additional Handicap Parking Spaces approved and painted.
- ❖ Basement Leak Repairs from main entrance.



FY 2022 Program of Services Statistics

• New Enrollment 2,720
 Re-Enrollment 2,362
TOTAL in new Center 5,082

- Outreach / Advocacy: 20,221 Service Units
- Professional Services: 1,772 Service Units
- Support Services: 35,518 Service Units
- Health / Wellness: 72,253 Service Units
- Other Services: 7,692 Service Units
- Non-Elder Services: 1,473 Service Units



Service Unit = Interaction a participant has utilizing the Senior Center program of services]

Council on Aging Senior Services Department Volunteers

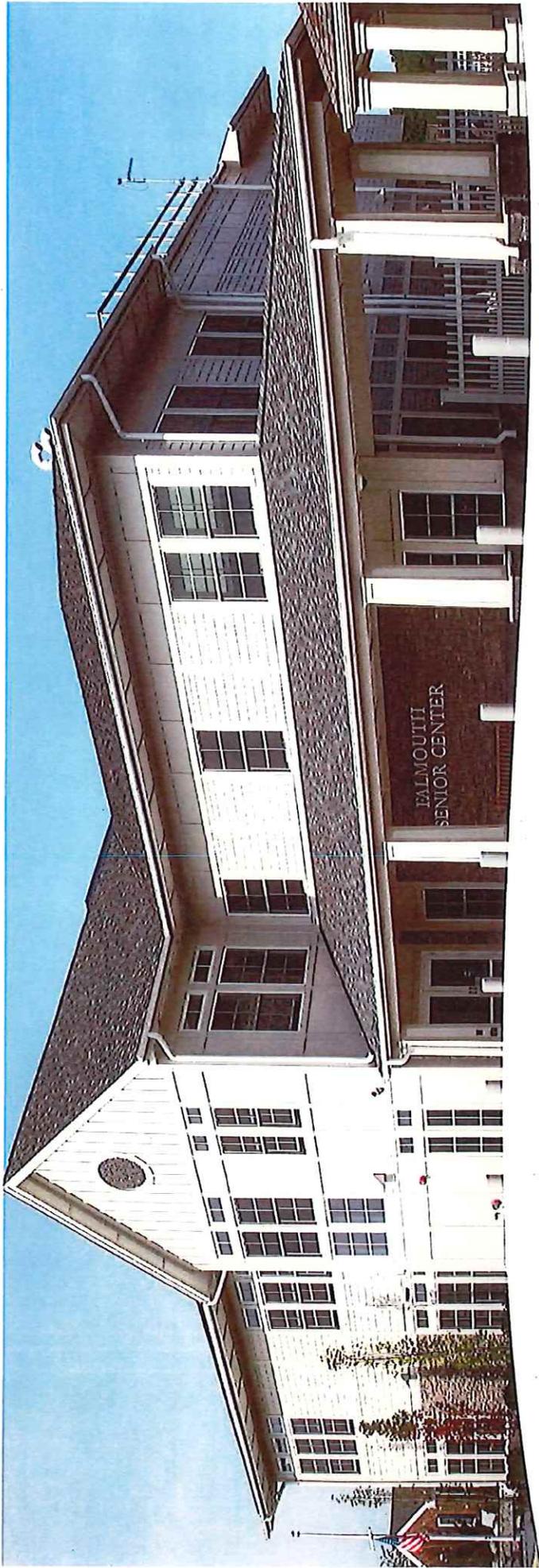
Volunteer Positions:

- ❖ Welcome Greeter
- ❖ 1st Floor Reception
- ❖ 2nd Floor Reception
- ❖ Café/Kitchen
- ❖ Group Leaders
- ❖ Misc/Special Events
- ❖ Professional Services
 - Legal Assistance
 - Tax Assistance
 - Tech Support
 - SHINE Insurance
 - Counseling



Volunteers contributed **9,129** hours in FY 2022.

- We operate with an estimated 15-20 volunteers a day.
- Implemented the Volgistics Volunteer database program. This program allows us to track the volunteer application process and for volunteers to add/remove themselves from shifts when needed.



New Enrollment

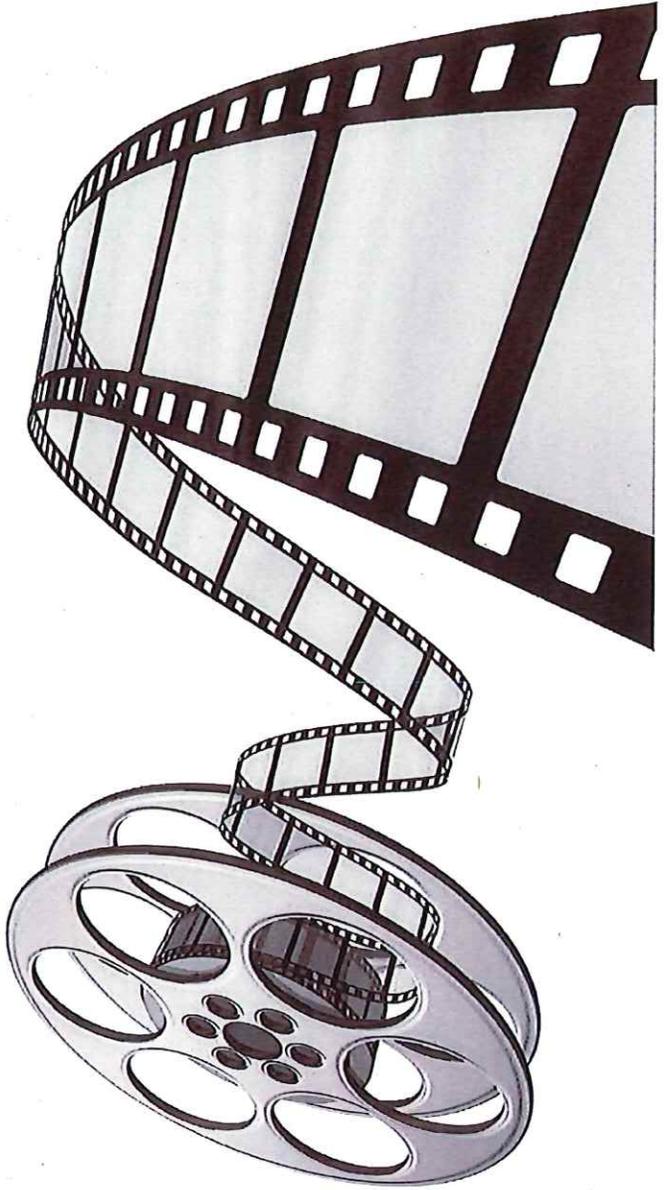
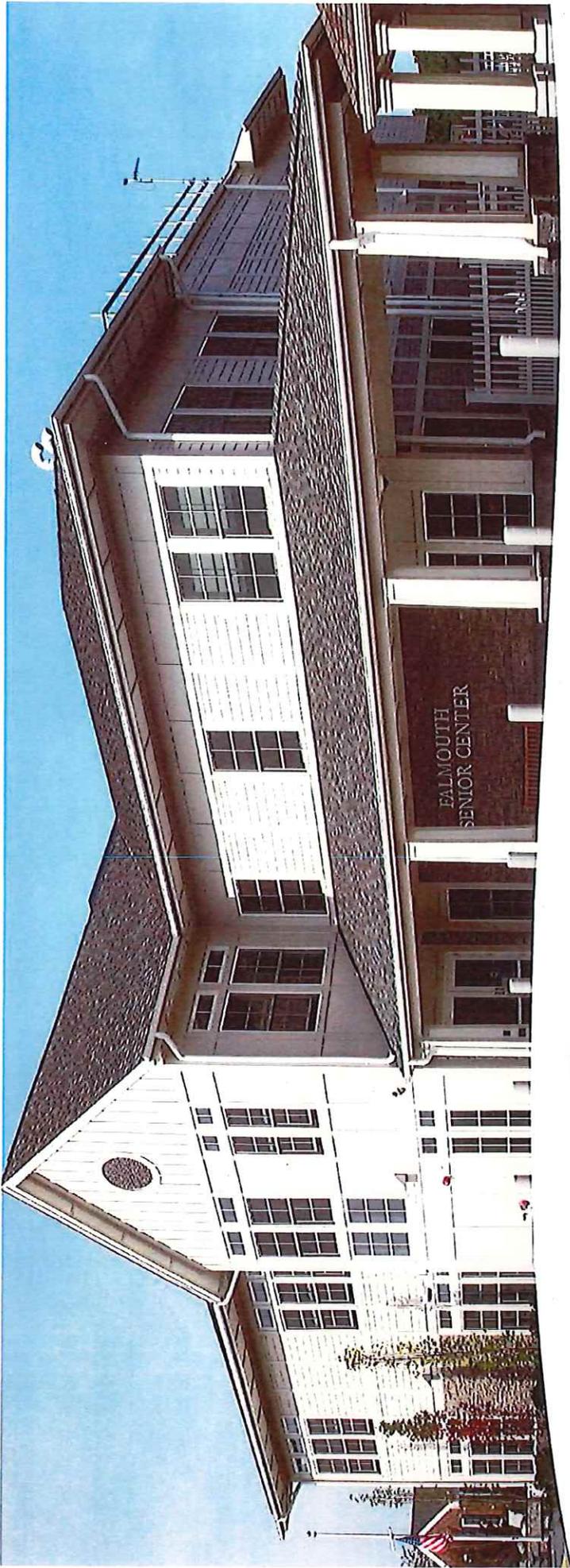
June 1, 2018 – July 30, 2019 = 589
June 1, 2021 – July 30, 2022 = 2,714

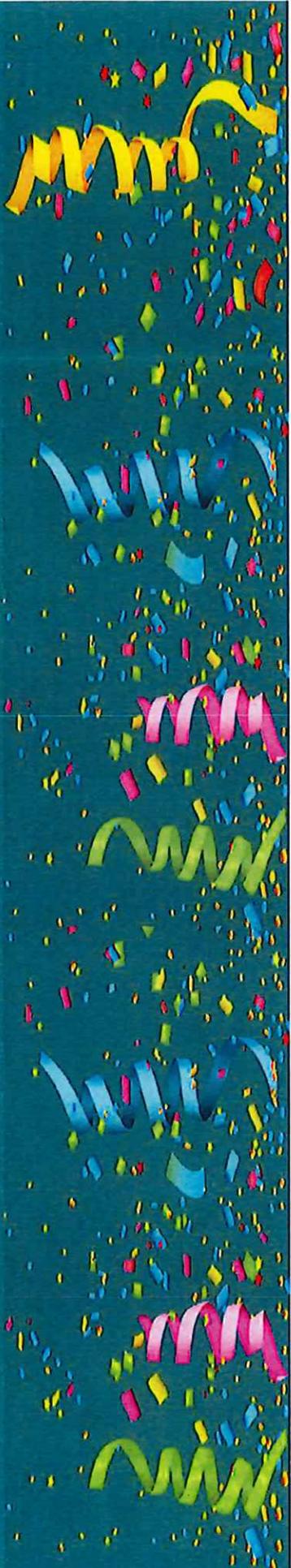
Events [Service Units]

June 1, 2018 – July 30, 2019 = 33,394
June 1, 2021 – July 30, 2022 = 60,900

Check Into Building

June 1, 2018 – July 30, 2019 = 18,588
June 1, 2021 – July 30, 2022 = 47,585





Celebrate National Senior Center Month

YOU'RE INVITED!

Falmouth Senior Center Open House

Monday, September 26, 2022

4:00PM - 6:00PM

780 Main Street Falmouth, MA

September is National Senior Center Month, and the theme is 'Strengthening Community Connections'. We invite you, your family, friends and caregivers to come in and learn about all the amazing programs, activities and services available. Meet the Senior Center Staff, COA and Friends Board Members, Municipal and Local Partners, Health & Wellness Program Leaders and Professional Service Representatives.

We look forward to seeing you!

BUSINESS

5. Town Manager Hiring Process (10 minutes)

Town Charter Provisions related to Town Manager Hiring Process

§ C5-1 Appointment.

A.

The Select Board, by an affirmative vote of at least four (4) members, shall appoint a Town Manager for an indefinite term to serve at its pleasure.

[Amended ATE 5-19-2020, Question 3]

B.

In its search for a Town Manager, the Select Board shall advertise in the International City Management Association (I.C.M.A.) Newsletter or similar professional publication and in at least two (2) newspapers having statewide or regional circulation.

[Amended ATE 5-19-2020, Question 3]

C.

No person who has held any at-large elective office in the Town of Falmouth at any time during the preceding two (2) years shall be eligible for the position of Town Manager.

§ C5-2 Qualifications.

A.

The Town Manager shall be appointed on the basis of educational, executive and administrative qualifications and experience. The educational qualifications shall consist of a master's degree, preferably in public or business administration, granted by an accredited degree-granting college or university. The professional experience shall include at least three (3) years of prior full-time compensated executive service in public or business administration. Alternatively, five (5) years or more of such professional experience and a bachelor's degree in an appropriate discipline shall qualify any applicant. Seven (7) years or more of prior full-time compensated service in public or business administration shall also qualify any applicant.

B.

The Town Manager need not be a resident of the Town when appointed but shall establish a place of residence in the Town of Falmouth within eight (8) months of the date of appointment, unless excused by vote of the Select Board.
[Amended ATE 5-19-2020, Question 3]

C.

The Town Manager shall not be a part of the classified personnel system of the Town.

§ C5-12 Filling vacancy.

[Amended ATE 5-19-2020, Question 3]

When a vacancy arises in the office of the Town Manager, the Select Board shall advertise the vacancy as soon as possible. The Board shall fill the vacancy as soon as possible, preferably within six (6) months.

BUSINESS

6. Vote Articles and Execute Warrant for November 2022 Annual Town Meeting (20 minutes)



NOVEMBER 2022 ANNUAL TOWN MEETING

Select Board Announce Annual Town Meeting Monday, July 25, 2022

Close Warrant.....Friday, September 2, 2022

Select Board Vote Articles & Execute Warrant Monday, September 12, 2022

Publish Articles Only Friday, September 16, 2022

Petition Article Presentations Monday, September 26, 2022

Select Board Vote Article Recommendations Monday, October 3, 2022

Publish Warrant with Recommendations Friday, October 28, 2022

Town Meeting Monday, November 14, 2022

November 2022 Annual Town Meeting Index

Article	Recommendation
1 Choose Town Officers	-----
2 Reports from Committees and Town Officers	-----
3 Zoning recodification	Planning Brd
4 Fund Capital Improvements	Fincom
5 Fund Non-Capital Projects	Fincom
6 Remove Fire Department from Civil Service	Select Board
7 Supplement FY23 Operating Budget - Raise & Appropriate (Debt & School Ch 70 \$)	Fincom
8 Supplement FY23 Operating Budget - Free Cash Reserve Fund	Fincom
9 Supplement FY23 Operating Budget - Free Cash Other (wages)	Fincom
10 Petition - Fund Mass Cultural Council	Fincom
11 Petition - Repeal plastic water bottle ban	Select Board
12 Petition - Repeal plastic water bottle ban	Select Board
13 Petition – Adopt bylaw for disposal of firearms	Select Board
14 Petition – Adopt bylaw regulating single-use black plastic containers	Select Board

ANNUAL TOWN MEETING

ARTICLE 1: To choose all other necessary Town Officers for the year in accordance with nominations to be offered at Town Meeting.

ARTICLE 2: To Hear Reports of Committees and Town Officers and act thereon.

ARTICLE 3: To see if the Town will vote to amend the Zoning Bylaw to renumber, recaption, and recodify, and to make clerical and substantive revisions to the Zoning Bylaw by (a) reorganizing the layout of the Bylaw and adding tables; (b) assigning new article numbers; (c) renumbering sections of the Bylaw accordingly; (d) updating internal references to reflect the new numbering system; (e) updating the existing text to conform with State statutes and regulations; (f) adding new text to provide clarity, specificity, and structure; (g) correcting typographical errors; (h) eliminating outdated references and terms; and (i) adding recent Town Meeting approved bylaw language where necessary all as set forth in the document entitled "Town of Falmouth Massachusetts Zoning Bylaw, Town Code Chapter 240 Articles 1 – 14, November 2022", on file with the Town Clerk. Or do or take any other action on the matter.

ARTICLE 4: To see if the Town will vote to appropriate a sum of money for the purpose of funding Capital Improvements, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 5: To see if the Town will vote to appropriate a sum of money for the purpose of funding Non-Capital projects, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 6: To see if the Town will vote to authorize the Select Board to petition the Massachusetts General Court for a special act to remove all personnel of the Falmouth Fire Department, including the Fire Chief, from the provisions of Massachusetts General Laws, Ch. 31, s. 1 et seq., the Civil Service Law, or do or take any other action on the matter. On request of the Select Board.

ARTICLE 7: To see if the Town will vote to raise and appropriate a sum of money to supplement the FY 2023 budget approved by Article 5 of the April 4, 2022 Annual Town Meeting. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 8: To see if the Town will vote to appropriate a sum of money from Free Cash to supplement the Reserve Fund of the FY 2023 budget approved by Article 5 of the April 4, 2022 Annual Town Meeting, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 9: To see if the Town will vote to appropriate a sum of money from Free Cash to supplement the FY 2023 budget approved by Article 5 of the April 4, 2022 Annual Town Meeting, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 10: To see if the Town will vote to appropriate \$7,300, or any other sum, for matching the Mass Cultural Council allocation, or act on anything relative thereto. On petition of Alice Kociemba (Alice Youmans).

ARTICLE 11: To see if the town will vote to repeal Chapter 191 Article V Sections 191-41 through and including 191-44 of the code of Falmouth prohibiting the Sale of Single-Use Plastic Water Bottles, which bylaw was previously adopted by vote of the Town on Article 33 of the September 14, 2020 Annual Town Meeting. Or do or take any other action on the matter. On petition of Robert P. Volosevich, Jr.

ARTICLE 12: To see if the Town will vote to amend the Town of Falmouth By-Laws Chapter 191, section 41 – Sale of single use plastic water bottles, by striking it in its entirety. On petition of Dana C. Nielsen.

ARTICLE 13: To see if the Town will vote to adopt a bylaw to be added to Ch. 115 of the Code of Falmouth, requiring the disposal of certain surplus firearms as follows:

§ C115, Disposal of Surplus Firearms

§ 115-01. The purpose and intent of this bylaw is to take action to prevent injury to the people of Falmouth and beyond by preventing assault weapons owned by the Town from reentering the stream of commerce. This bylaw acknowledges that assault weapons and other high-capacity firearms that are banned under the general laws of the Commonwealth are capable of causing great harm and destruction in the wrong hands. Firearms are also highly regulated, unique commodities. As such, this bylaw is meant to be interpreted in harmony with the important protections of the Procurement Act while recognizing the exceptional nature of assault weapons in the marketplace and in society.

§ 115-02. Definitions Assault weapon: any prohibited firearm or weapon under the Massachusetts Assault Weapons Ban at M.G.L. c. 140 §§ 128 and 131M, as amended, or similarly restricted firearms, including but not limited to machine guns.

§ 115-03. Disposal of Surplus Firearms Notwithstanding the provisions of M.G.L. c. 30B, any assault weapons as defined by this bylaw, irrespective of their value, that are deemed surplus by the Chief of Police shall be destroyed in a safe and appropriate manner. On petition of Nan Logan.

ARTICLE 14:

PURPOSE AND INTENT.

The recycling of black plastic containers presents a problem to the recycling stream due to the inability of the optical scanning and other equipment in use at the commercial Materials Recovery Facilities operating in the Commonwealth of Massachusetts to discriminate black plastic.

With the goal of promoting the effectiveness of the recycling initiative and given that inexpensive alternatives to black plastic are available, the Town will phase out the use of black plastic containers over a period of six (6) months from the effective date of this Bylaw in order to allow time for establishments to use their existing inventory and to convert to alternative methods.

§191-32

Definitions.

PLASTIC CONTAINERS

Single-use disposable products for serving or transporting food or beverages, including, without limitation, take-out foods and/or leftovers from partially consumed meals prepared by a restaurant and/or retail food establishment. This includes, but is not limited to plates, cups, bowls, trays, and hinged or lidded containers.

FOOD ESTABLISHMENTS

Any operations, including, without limitation, restaurants, convenience stores, grocery stores, delicatessens, food trucks, schools, farmers' markets and other public venues that store, prepare, package, serve, vend or otherwise provide food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000 et seq., shall be considered food establishments for the purposes of this Bylaw.

RETAIL ESTABLISHMENTS

Any commercial business facility that sells goods directly to consumers, including, but not limited to, grocery stores, pharmacies, liquor stores, convenience stores, retail stores and vendors selling food, theaters and all other food services establishments.

§ 191-33

Use regulations.

Plastic food containers provided by Falmouth food and retail establishments for the purpose of takeout must be colorless or of a color that can be recognized and correctly sorted by the optical scanning equipment and other equipment in use at the commercial Materials Recovery Facilities operating in the Commonwealth of Massachusetts shall not be used or sold by food establishments and/or retail establishments within the Town of Falmouth on or after a period of six (6) months from the effective date of this Bylaw. Any stock remaining after six (6) months from the effective date of this Bylaw shall be accepted for disposal free of charge at the Falmouth Solid Waste Management Facility. This Bylaw shall not apply to:

A.

Items in original manufacturer's packaged outside of Falmouth.

§ 191-34

Administration and enforcement.

This Bylaw may be enforced by agent of the Board of Health through any lawful means in law or in equity, including, but not limited to, noncriminal disposition pursuant to MGL c.40, § 21D (NOTE: MA General Law), and the appropriate chapter of the General Bylaws of the Town of Falmouth. If noncriminal disposition is elected, then any establishment which violates any provision of this Bylaw shall be subject to the following penalties:

First offense: a warning

Second offense: one-hundred-dollar (\$100) fine.

Third offense: two-hundred-dollar (\$200) fine.

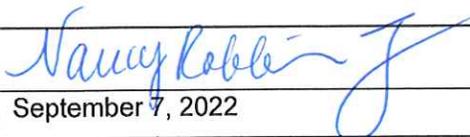
Offenses occurring within two years of the date of prior reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense.

The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15 (NOTE: MA General Law), may suspend or revoke the food service permit for any establishment failing to comply with this Bylaw. On petition of Malcolm Donald.

BUSINESS

7. Approve disclosure by a municipal employee of financial interest in a municipal contract as required by g.l.c. 268a, § 20(b) filed by Nancy R. Taylor.

<p>Write an X beside your financial interest.</p>	<p>My financial interest in a municipal contract is:</p> <p><input type="checkbox"/> A municipal agency has a contract with me, but not an employment contract.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p>-- OR --</p> <p><input type="checkbox"/> STATEMENT # 2: I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a municipal contract is:</p> <p><input type="checkbox"/> I have a non-elected, compensated municipal employee position.</p> <p><input type="checkbox"/> A municipal agency has a contract with me.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p><input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.</p>
<p>FINANCIAL INTEREST IN A MUNICIPAL CONTRACT</p>	
<p>Name and address of municipal agency that made the contract</p>	<p>Falmouth Public Schools 340 Teaticket Highway East Falmouth, MA 02536 (508)548-0151 x 137</p>
<p>Please put in an X to confirm these facts.</p>	<p>"My Municipal Agency" is the municipal agency that I serve as a municipal employee.</p> <p>The "contracting agency" is the municipal agency that made the contract.</p> <p><input checked="" type="checkbox"/> My Municipal Agency is not the contracting agency.</p> <p><input checked="" type="checkbox"/> My Municipal Agency does not regulate the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> In my work for my Municipal Agency, I do not participate in or have official responsibility for any of the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> The contract was made after public notice or through competitive bidding.</p>
<p>FILL IN THIS BOX OR THE BOX BELOW</p>	<p>ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND YOU.</p> <p>- Please explain what the contract is for.</p> <p>The contract is between the Falmouth Public Schools and myself to cover an 8-12 week maternity leave at the Lawrence School.</p>

FILL IN THIS BOX OR THE BOX ABOVE	ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND ANOTHER PERSON OR ENTITY. <ul style="list-style-type: none"> - Please identify the person or entity that has the contract with the municipal agency. - What is your relationship to the person or entity? - What is the contract for?
What is your financial interest in the municipal contract?	<ul style="list-style-type: none"> - Please explain the financial interest and include the dollar amount if you know it. I will be compensated as a substitute at the rate of \$160.00/day for a maximum of 60 days.
Date when you acquired a financial interest	September 13, 2022
What is the financial interest of your immediate family?	<ul style="list-style-type: none"> - Please explain the financial interest and include the dollar amount if you know it. N/A
Date when your immediate family acquired a financial interest	N/A
Write an X to confirm each statement.	FOR A CONTRACT FOR PERSONAL SERVICES – Answer the questions in this box ONLY if you will have a contract for personal services with a municipal agency (i.e., you will do work directly for the contracting agency). I will have a contract with a municipal agency to provide personal services. <input checked="" type="checkbox"/> The services will be provided outside my normal working hours as a municipal employee. <input type="checkbox"/> The services are not required as part of my regular duties as a municipal employee. <input checked="" type="checkbox"/> For these services, I will be compensated for not more than 500 hours during a calendar year.
Employee signature:	
Date:	September 7, 2022

Attach additional pages if necessary.

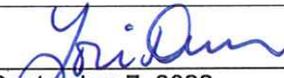
NOT A PERSONAL SERVICES CONTRACT -- File disclosure with the city or town clerk.

SEE CERTIFICATION AND APPROVAL REQUIRED FOR PERSONAL SERVICES CONTRACTS, BELOW.

FOR CONTRACTS FOR PERSONAL SERVICES ONLY:

If you are disclosing a financial interest in a contract for personal services with a municipal agency, you must file the Certification below signed by the head of the contracting agency, and you must get approval of the exemption from the city council, board of aldermen, board of selectmen or town council.

CERTIFICATION BY HEAD OF CONTRACTING AGENCY

	INFORMATION ABOUT HEAD OF CONTRACTING AGENCY
Name:	Dr. Lori Duerr
Title/ Position	Superintendent
Municipal Agency:	Falmouth Public Schools
Agency Address:	Falmouth Public Schools 340 Teaticket Highway East Falmouth, MA 02536
Office Phone:	(508)548-0151 x 137
	CERTIFICATION
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to my municipal agency, identified above. I certify that no employee of my agency is available to perform the services described above as part of his or her regular duties.
Signature:	
Date:	September 7, 2022

**APPROVAL BY CITY COUNCIL, BOARD OF ALDERMEN,
BOARD OF SELECTMEN OR TOWN COUNCIL**

	INFORMATION ABOUT APPROVING BODY
Name:	Onjalé Scott Price
Title/ Position	Falmouth Select Board, Vice-Chair
Agency Address:	59 Town Hall Square Falmouth, Ma 02540
Office Phone:	(508)548-7611
	APPROVAL
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to a municipal agency, identified above. The exemption under § 20(b) is approved.
Signature:	On behalf of the Council or Board, I sign this approval.
Date:	

Attach additional pages if necessary.
File disclosure, Certification and Approval with the city or town clerk.

CONSENT AGENDA

1. Licenses

- a. Approve addition of a rain date for a Special One-Day Wine and Malt Liquor License – Cape Cod Bocce Tournament – Joe Q Veteran Coffee Break – Falmouth Academy – Saturday, October 8, 2022

NOTE: This one-day liquor license was approved for Saturday, October 1, 2022. The organizer requested a rain date be added to the license.



Joe Q Veteran Coffee Break

PO Box 1423

North Falmouth, MA 02566

JoeQCoffee@gmail.com

www.JoeQVeteranCoffee.org

September 2, 2022

Diane Davidson

Town Manager/ Selectboard

59 Town Hall Square

Falmouth, MA 02540

Dear Diane,

The Joe Q Veterans Coffee Break is hosting the 14th Annual Bocce Tournament on Oct 1, 2022 at Falmouth Academy. Our permit was approved at the August 22, 2022 SelectBoard meeting. We are requesting that a rain date of for the following Saturday, October 8, 2022 be added to the permit.

Thank you for your help and attention.

Regards,

Carole Kenney

508-274-4848

2022

License Alcoholic Beverages

22-17-WM

Fee:

25

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

Special License For The Sale of Wine & Malt Beverages

License to Expose, Keep for Sale, and to Sell
Wines and Malt Beverages

To Be Drunk On the Premises

To Joe Q Veteran Coffee Break, Inc.
14th Annual Cape Cod Bocce Tournament
Carole Kenney, Manager

Falmouth Academy
7 Highfield Drive
Falmouth, MA 02540

On the following described premises:

Falmouth Academy, 7 Highfield Drive, Falmouth, MA 02540.

THE ABOVE NAMED PROFIT OR NON PROFIT ORGANIZATION IS HEREBY
GRANTED A SPECIAL LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES
ONLY, TO BE DRUNK ON THE PREMISES.

This license is valid from the 1st day of October 2022 until the 1st day of
October 2022, unless earlier suspended, cancelled or revoked.

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

Date: Saturday, October 1, 2022. Hours: 10:00 a.m. to 3:00 p.m. RAIN
DATE: Saturday, October 8, 2022.

Conditions: 1. Proof of liquor liability insurance required. 2. Alcoholic beverages served on the
premises must remain on the premises. 3. Rope off area where alcohol will be sold and
consumed. 4. Servers must be TIPS (or equivalent) certified.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their
official signatures this 12th day of September 2022

Licensing Board

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

CONSENT AGENDA

2. Administrative Orders

- a. Approve application for grant funds from the Seaport Council in the amount of \$30,000 for design, permitting and engineering for the refurbishment and upgrade of the Great Harbor Woods Hole commercial fishing dock

Diane Davidson

From: Gregg Fraser
Sent: Wednesday, August 17, 2022 9:00 AM
To: Jennifer Mullen
Cc: Peter Johnson-Staub; Gregg Fraser; Diane Davidson
Subject: Great Harbor Woods Hole Seaport Grant.docx
Attachments: 20220816080739952.pdf

Hi Jennifer,

Attached is the grant application we spoke about regarding design, permitting and engineering money for the Great Harbor Woods Hole Commercial Fishing Dock. I will be seeking \$30,000 from Seaport with a \$10K match.

I have the match money available in 01-295-6036

This is tentatively on the SB schedule for Sept 12th. Would you kindly review with the FinCom and respond to me and Peter so that we can proceed.

Thank you,
Gregg

Diane Davidson

From: Peter Johnson-Staub
Sent: Wednesday, August 17, 2022 8:48 AM
To: Gregg Fraser
Cc: Diane Davidson
Subject: RE: Great Harbor WH Commercial Dock

Hi Gregg,

I'd like to get a response from Jennifer Mullen and possibly Fincom before we bring this to the Select Board. We will tentatively place it on the agenda for September 12th.

Peter

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

www.falmouthma.gov

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

-----Original Message-----

From: Gregg Fraser <gregg.fraser@falmouthma.gov>
Sent: Wednesday, August 10, 2022 2:58 PM
To: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Cc: Diane Davidson <diane.davidson@falmouthma.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>
Subject: Great Harbor WH Commercial Dock

Hi Peter,

Please find attached a preliminary grant application for the Seaport Council. I'm requesting SB approval to file this grant by the October 1st deadline.

The grant will be for \$30,000 with a \$10,000 match which we anticipate getting at the November Town Meeting in the capital.

This will fund phase one engineering and permitting for the refurbishment of an upgrades to the commercial dock in Woods Hole. I anticipate another grant, phase 2, for actual construction money next year.

Would you please schedule this for approval at an upcoming SB meeting?

Thank you,
Gregg

-----Original Message-----

From: Falmouth Scans <scan@falmouthma.gov>

Sent: Wednesday, August 10, 2022 2:59 PM

To: Gregg Fraser <gregg.fraser@falmouthma.gov>

Subject: Scan from MES Savin 2500

This E-mail was sent from "MES-2500" (IM C2500).

Scan Date: 08.10.2022 14:58:48 (-0400)

Queries to: scan@falmouthma.gov

Scanned Image

Diane Davidson

Gregg: Email application^{to} Gen Mullen for Fin Com

From: Gregg Fraser
Sent: Wednesday, August 10, 2022 2:58 PM
To: Peter Johnson-Staub
Cc: Diane Davidson; Gregg Fraser
Subject: Great Harbor WH Commercial Dock
Attachments: 20220810145848679.pdf

*V. Mullen
approval*

Hi Peter,

Please find attached a preliminary grant application for the Seaport Council. I'm requesting SB approval to file this grant by the October 1st deadline.

The grant will be for \$30,000 with a \$10,000 match which we anticipate getting at the November Town Meeting in the capital.

This will fund phase one engineering and permitting for the refurbishment of an upgrades to the commercial dock in Woods Hole. I anticipate another grant, phase 2, for actual construction money next year.

Would you please schedule this for approval at an upcoming SB meeting?

Thank you,
Gregg

-----Original Message-----

From: Falmouth Scans <scan@falmouthma.gov>
Sent: Wednesday, August 10, 2022 2:59 PM
To: Gregg Fraser <gregg.fraser@falmouthma.gov>
Subject: Scan from MES Savin 2500

This E-mail was sent from "MES-2500" (IM C2500).

Scan Date: 08.10.2022 14:58:48 (-0400)
Queries to: scan@falmouthma.gov

Scanned Image

**SEAPORT ECONOMIC COUNCIL PROGRAM
APPLICATION**

1. APPLICANT INFORMATION

Primary Applicant

Name of Municipality or Public Entity: Town of Falmouth
Executive Officer or Designee for Project: Gregg Fraser, Harbormaster
Application prepared by (if different from above):
Title: MES Director/Harbormaster
Address: 180 Scranton Ave
City: Falmouth
State: MA
Zip code: 02540
Phone: 508-457-2550
Fax: 508-457-2525
E-mail Address: gregg.fraser@falmouthma.gov

2. PROJECT TYPE - Please select one of the following project types that best describes your project:

- Supportive Coastal Infrastructure Project Grants:** Infrastructure grants are available when investments may need to be made in coastal infrastructure to fulfill the job or economic growth potential within a coastal community. Best available science and information regarding potential threats to coastal communities from sea level rise and extreme weather events will be used to evaluate the projects in which the Council invests.
- Local Maritime Economic Development Planning Grants:** Coastal communities vary in size and scope from deep-water port cities to small fishing villages. These grants provide capacity for coastal communities to explore their unique advantages and generate economic development plans which help them realize their full potential, increase job growth, and maximize the maritime economic sector for their community.
- Technology & Innovation Grants:** Technology & Innovation Grants invest in innovative technology projects that promote job creation and economic growth in the maritime sector. These technologies may be deployed in order to address an important need in the marine

economy. Our partners at the John Adams Innovation Institute at MassTech administer the program.

- Grants to Public Education Institutions:** Equipment, infrastructure and capital improvements grants for public education institutions, from pre-k through higher education. These grants may range from fostering awareness of coastal assets and maritime traditions of the Commonwealth to investing in transformative public/private collaborations.

3. PROJECT OVERVIEW – Please provide an overview of the project.

- 3.1. Name of the Project: Permitting & Engineering for Great Harbor Commercial Dock
- 3.2. Requested Grant Amount: 30,000
- 3.3. Total Project Budget: 40,000
- 3.4. Brief Description of the Project (75 words or less):

This is phase one which will be for the engineering and permitting of repair and improvements at the Town Commercial Fishing pier in Great Harbor Woods Hole. The pier needs structural repairs and improvements to insure it can be used for the seasonal and transient commercial fishing vessels operating out of Wood Hole.

4. VISION OF THE PROJECT

4.1 Please describe the scope of the project proposed in this application and include an explanation of the uses of the grant. (Please note: This description should only include capital uses of the grant, please see section "Use of Fund")

The town will engage a professional engineering firm to perform professional engineering and land surveying services needed to proceed to permitting at the local, state and ACOE's levels if required.

4.2 What are you trying to achieve with this project? Please note specific stakeholders, deliverables, and outcomes.

This is the only commercial fishing dock in town. Use is restricted to seasonal and transient commercial fishing vessels only. Failure of the dock would create a financial hardship on those owners and operators using this facility as they would have to dock elsewhere, and operations costs would increase.

5. ALIGNMENT

5.1 Is your community a designated Housing Choice Community? Housing Choice Initiative – (For info, please visit www.mass.gov/housingchoice)

- Yes
- No

5.2 Please provide a list of all planning documents, particularly those related to the waterfront, that have received public scrutiny and input and the timeframe in which the plans were last updated.

Plan Type	Last Updated/Approved
<input type="checkbox"/> Economic Development Plan	
<input type="checkbox"/> State-Approved Municipal Harbor Plan	
<input type="checkbox"/> State-Approved DPA Master Plan	
<input type="checkbox"/> Local Harbor Plan	
<input type="checkbox"/> Climate Change Vulnerability/Resiliency Plan	
<input checked="" type="checkbox"/> Other:	Climate Change Vulnerability Assessment and Adaptation Plan, Community Resilience Building Summary, Multi-Hazard Mitigation Plan

Attach copies of all plans noted above.

5.3 Is the project consistent with the community's other waterfront plans that have received public scrutiny and input and, if applicable, state approval?

- Yes
 No

5.4 Describe how the proposed project is consistent with each of these plans and note which sections of the plan(s) support the proposed project. Specific recommendations and implementation references from the relevant plans should be provided. If the project proposed in this application is a planning document, please describe how this plan will support the development of the maritime economy in the community. If the proposed project is a planning document that requires state approval, please detail pre-application consultations with relevant state agencies (e.g., Executive Office of Energy and Environmental Affairs, Department of Environmental Protection, Office of Coastal Zone Management), including meeting dates and notes, and how the application reflects guidance provided, if applicable and available.

5.5 Please describe how your project addresses relevant climate impact(s) or long-term problem(s), including an explanation of potential future vulnerability and risk to public safety, coastal infrastructure, and natural resources from sea level rise, storm surge, and precipitation, as well as the primary drivers (e.g., economic, environmental or other) for engaging in climate adaptation activities. (Most up-to-date climate change information available at resilientma.org). If the proposed project does not fully address expected climate change impacts for the design life of the project as shown by the best available information, explain the discrepancy.

Part of the engineering services will investigate raising some or all the dock to address rising sea levels and climate change effects.

5.6 Does your community have a completed Municipal Vulnerability Preparedness Plan?

- Yes

No

5.7 If yes, please describe how this project acknowledges and contributes to that Municipal Vulnerability Preparedness Plan. Please reference relevant sections of that Plan, as needed.

Climate change vulnerability assessment and adaptation plan

6. PARTNERSHIPS

6.1 Please describe the partners involved in the project and the strategy of involving these key parties.

This is a municipal project with no partnerships currently.

6.3 Optional: Upload Letters of Support.

7. ECONOMIC IMPACT

7.1 How does how does the project advance the maritime economy?

This is the only commercial fishing dock in Falmouth. It is reserved specifically for commercial fishing vessels. Falmouth has an active ground fishing fleet in addition to lobster and aquaculture support vessels utilizing this dock. The commercial boats contribute to the local and regional economy with landings.

7.2 How does the project advance the maritime economy of the host community? Please note if this project aligns with community assessment and planning.

Should the dock become unsafe or unusable as intended, the commercial vessels would have to find another dockage outside of Falmouth. This would directly impact Falmouth's economy as the owners spend money in town and purchase supplies and fuel locally while using this dock. The dock is used to load and unload and provide an economical option for business operations. The town charges a very nominal fee to use the dock which is far less than surrounding facilities. The average rate for commercial boat yard dockage in town is approximately \$225/ft. The town charges commercial fishing vessels seasonally \$20/ft for resident/taxpayers and \$40.00/ft for non-residents. Transient commercial fishing vessel fee is \$250 per month or up to \$8.00 per day. We currently have 9 seasonal commercial contract holders. In addition, we have up to 20 transient fishing vessels that typically fish the spring season in Falmouth and use town facilities.

7.3 Project Success: How will it be determined that the project is successful? What are the intended measureable outcomes? Where applicable, please note the number of full times, part-time jobs retained or created, or the number of students reached by the project.

Structural, functional, and cosmetic improvements will be made to insure continued use for many years. This project will prevent the town and/or state from having to fund a new dock which would be far more expensive than repairing it.

8. ABILITY TO EXECUTE

8.1 If applicable, has this project held all necessary public meetings or hearings?

- Yes
- No

If no, please describe the timeline for those public meetings or hearings.

Public hearings will be part of the required permitting process which will take place after engineering services are completed. Locally public hearings will be required by the Conservation Commission and Falmouth Select Board.

8.2 If applicable, has the project applied for and/or acquired all the necessary permits for the project? Have pre-permitting consultations taken place with the relevant agencies?

(Please note, additional questions about Permits will be asked for Infrastructure projects on page 7)

- Yes
- No

If no, please describe any coordination or meetings with permitting agencies and the timeline for acquiring those permits.

Permitting at the local, state, and federal level will take place after engineering and structural services are completed.

8.3 Budget: Please provide a breakdown of the project budget. This should include the cost of each element of the project and should not be limited to the work which will be covered by Seaport Council funding. (Please note: This budget should only include capital uses of the grant, please see section "Use of Fund")

Spending Category	Funds Requested	Municipal Funds	Federal Funds	Other State Funds	Other Funds	Match Secured? Y/N	Total Budget
Feasibility/Survey							
Design / Engineering	30,000	10,000	0	0	0	no	40,000
Environmental Review/Permitting	See above						
Bidding							

Construction							
Contingency							
Construction Admin.							
Equipment							
Other / Miscellaneous							
Other / Miscellaneous							
Total	30,000	10,000					40,000

8.4 Describe the match outlined in the budget. Please describe the sources and the date that each was or will be secured.

November 2021 Capital Budget

01-295-6036

8.5 Optional: Please provide any additional information or insight into the budget.

Phase one – Design, permitting and engineering

Phase two - Construction

8.6 Timeline: Will the project be ready to proceed within four months of the application date?

- Yes
 No

8.7 Please list the major activities associated with this project, approximate timeframes, and the party primarily responsible for the activity.

Please note, the timeline should start four months after application period.

Major Project Activity	Timeframe	Responsible Party	Additional Details
Secure Seaport Grant for Design & Engineering	Nov 2022	Falmouth MES	
Procure design/permitting vendor	Dec 2022	same	

Obtain all required permits	May-June 2023	Engineering vendor	

ADDITIONAL QUESTIONS FOR SUPPORTIVE COASTAL INFRASTRUCTURE PROJECTS

The following questions are for Supportive Coastal Infrastructure Projects only.

9.1 Project site address: 0 Albatross Street, Woods Hole, MA

9.2 Please attach a site plan, conceptual drawing, and/or construction concept design that clearly demonstrates the location and outlines the proposed work. Assessors, GIS, and Google Earth attached

9.3 Is the project site publicly owned?

- Yes
- No

9.4 Describe type of ownership (select all that apply).

- Public land
- Leasehold
- Right of Way
- Easement
- Other, please explain:

Attach applicable evidence and relevant documents related to the lease, a MOU, or easement noted in the question above.

9.6 Please provide a project schedule and anticipated project milestones for the coastal infrastructure project for which the community is seeking grant assistance. Please note, the timeline should start four months after the application period. Additionally, it is not expected that all of these milestones are included in a project and it is suggested that a request focus on a singular phase.

Milestone	Start Date	End Date
Feasibility		
Survey		

Design/Engineering	November 2022	January 2023
Environmental Review/Permitting	January 2023	June 2023
Bid/Contract	Sept 2024 (phase 2)	
Start Construction	Fall 2024 (phase 2)	
25% Construction		
50% Construction		
75% Construction		
100% Construction		
Punch List		

9.7 Please provide a list of all permits and other actions required for this project, the current status of those permits, and the timeframe in which the permits will be obtained. Please specify all required local permits and the status of each.

Required Permit / Action	Filing/Request Date	Anticipated Date of Issuance
<input type="checkbox"/> Secretary's Certificate on Environmental Notification Form and Environmental Impact Report, if applicable		
<input checked="" type="checkbox"/> Notice of Intent		
<input checked="" type="checkbox"/> Water Quality Certificate		
<input checked="" type="checkbox"/> Chapter 91 Authorization		
<input checked="" type="checkbox"/> CZM Consistency Concurrence		
<input checked="" type="checkbox"/> US Army Corps of Engineers Authorization:		
<input type="checkbox"/> Other:		
<input type="checkbox"/> Other:		
<input type="checkbox"/> Other:		

Attach copies of all applications and permits obtained as noted above.

9.8 Please list all pre-application meetings with agencies that have occurred and issues to be addressed.

9.9 Is any part of the project in the current 1% annual chance (100-year) floodplain, the current 0.2% annual chance (500-year) floodplain, and/or within 0.1 miles of a water body?

- Yes
- No

9.10 Does the project site have a history of flooding?

- Yes
- No

9.11 Will the project result in a net increase in impervious area at the site?

- Yes
- No

9.12 If yes to any of the above, describe how the project design will mitigate flood risks, sea level rise, precipitation and storm surge and/or heat-island impacts based on the best available climate change science and data.

9.13 Will the project provide positive environmental benefits to the community, such as ecological restoration, improved air/water quality, pretreatment of stormwater discharge, etc.?

- Yes
- No

9.14 If yes, describe the benefits provided by this project and provide any supporting documentation.

Upload any supporting documentation.

For questions, please email the Director of the Seaport Economic Council, Ellen Cebula at ellen.cebula@mass.gov.

CONSENT AGENDA

2. Administrative Orders

- b. Approve Eversource petition to install in Fairmont Avenue one (1) new handhole labelled 53-H3-A at the base of existing pole 53/3 and to install approximately 45' (feet) of conduit and cable under the town road starting at new handhole 53/H3-A. This work is necessary to provide new electric service to 345 Grand Avenue.



Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

nicholas.croft@falmouthma.gov

Date: September 9, 2022

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to install ±34' of conduit and one handhole on Fairmount Ave.

A petition was submitted by Eversource to install ±34' of underground conduit and one handhole on Fairmount Avenue to provide service for a customer at 345 Grand Avenue.

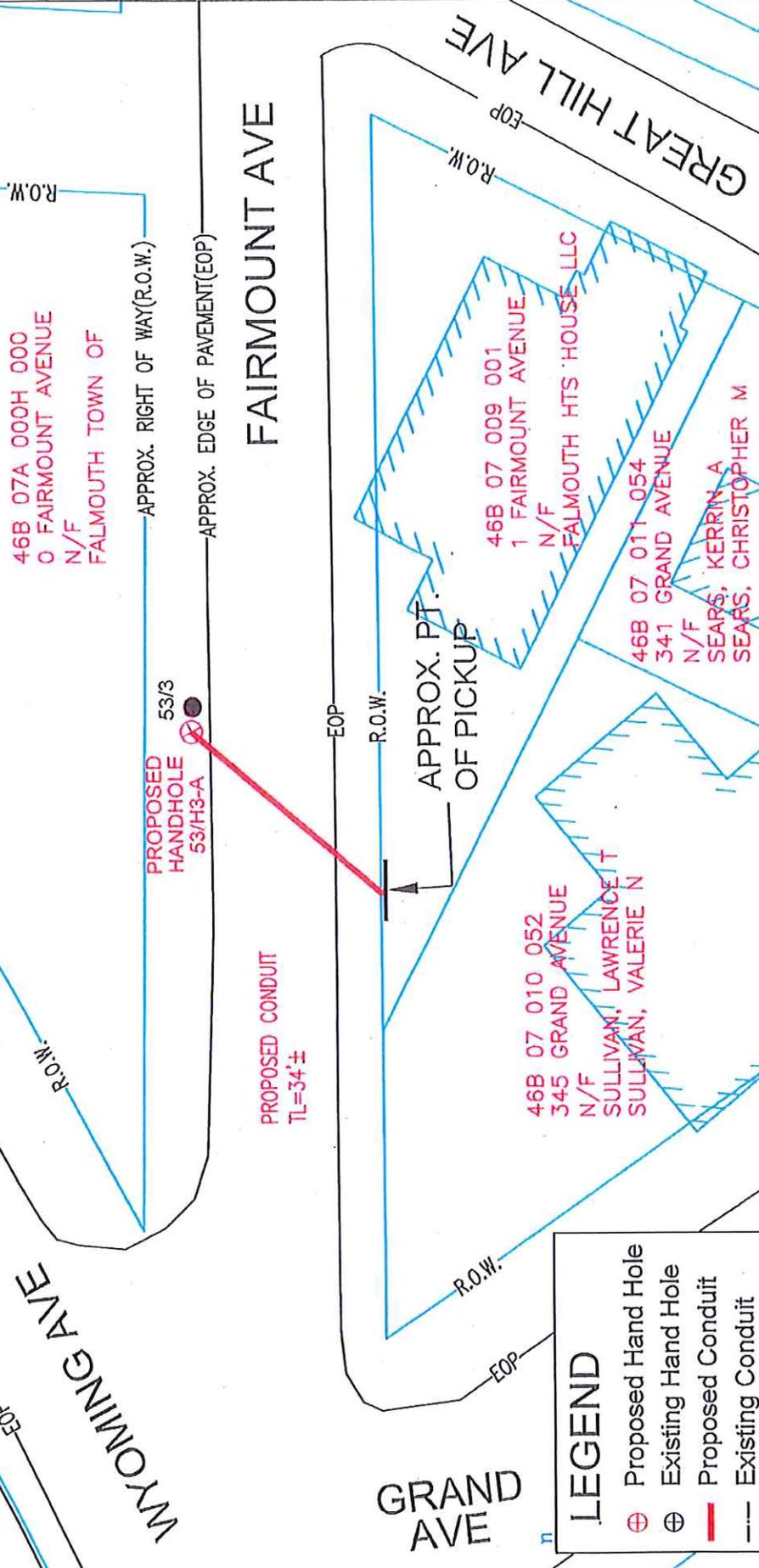
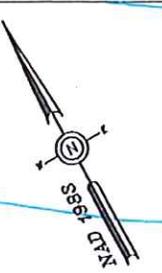
The Engineering recommendation is to approve the request as submitted on Plan No. 8712368, W/O No. 8712368, dated Aug. 23, 2022.

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

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY to install Handhole 53/H3-A and 34'± of conduit in the the Public Way to accommodate a customer at #345 Grand Ave.



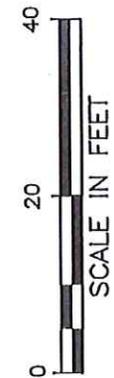
PROPOSED HANDHOLE 53/H3-A

PROPOSED CONDUIT TL=34'±

APPROX. PT. OF PICKUP

LEGEND

- ⊕ Proposed Hand Hole
- ⊗ Existing Hand Hole
- Proposed Conduit
- - - Existing Conduit



<p>NSSTAR EVERSOURCE <small>Electric Division</small> 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125</p>	
Plan #	8712368
Ward #	
Work Order #	8712368
Surveyed by:	N/A
Research by:	JC
Plotted by:	SJ
Proposed Structures:	SJ
Approved:	T THIBAUT
P#	
Scale	1"=20'
Date	August 23, 2022
<p>MASS. LAW REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233</p>	



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

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 3:00 p.m. on Thursday, September 8, 2022, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install in Fairmont Avenue one (1) new handhole labelled 53-H3-A at the base of exiting pole 53/3 and to install approximately 45' (feet) of conduit and cable under the town road starting at new handhole 53/H3-A.

This work is necessary to provide new electric service to 345 Grand Avenue.

Per Order of the Falmouth Select Board

Publication Date: Friday, August 26, 2022 Falmouth Enterprise

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 3:00 p.m. on Thursday, September 8, 2022, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install in Fairmont Avenue one (1) new handhole labelled 53-H3-A at the base of existing pole 53/3 and to install approximately 45' (feet) of conduit and cable under the town road starting at new handhole 53/H3-A.

This work is necessary to provide new electric service to 345 Grand Avenue.

Per Order of the Falmouth Select Board

August 26, 2022

August 24, 2022
RE: WO#8712368

Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Dear Nicholas Croft,

Enclosed is a petition to install approximately thirty-four (34) feet of conduit and 1 new handhole in Fairmount Avenue, Falmouth.

This proposed location is required to provide electrical service to customer at #345 Grand Avenue. This petition will require a notice to abutters and a hearing.

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

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

Warm Regards,

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

PETITION FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS
WO#8712368

August 23, 2022

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

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

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

Fairmount Avenue, Falmouth

To install approximately 34' (feet) of conduit and cable under town road starting at new handhole 53/H3-A at base of existing pole 53/3. Install 1 new handhole 53/H3-A.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, conduits, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed in accordance with the plan files herewith marked Plan No. 8712368 Dated August 23, 2022

NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY

By Jessica Elder

Right of Way Agent
Jessica S. Elder

**FORM OF ORDER FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS
WO#8712368**

SELECT BOARD FOR THE TOWN OF FALMOUTH, MASSACHUSETTS.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED: that the NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY be and it is hereby granted a location for and permission to install and maintain underground cables, conduits and manholes, together with such sustaining and protecting fixtures as said Company may deem necessary, in, under, along and across the public way or ways hereinafter referred to, as requested in petition of said Company dated the 23rd day of August 2022.

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

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the plan marked Plan No.8712368 Dated August 23, 2022 filed with said petition. The following are the public ways or parts of ways under, along and across which the cables above referred to may be installed under this order.

Fairmount Avenue, Falmouth

Install approximately 34' (feet) of conduit and cable under town road starting at new handhole 53/H3-A at base of existing pole 53/3.
Install 1 new handhole 53/H3-A.

One (1) Conduit
One (1) Handhole 53/H3-A

This work is necessary to provide electric service to #345 Grand Avenue.

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

Clerk of Select Board

_____, Massachusetts _____ 2022.

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

Attest:

Town Clerk

We hereby certify that on _____ 2022, at _____ o'clock,
_____ M. at _____ a public hearing was held on the
petition of the

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

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

**Select Board for the Town of
Falmouth, Massachusetts**

CERTIFICATE

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

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

Attest:

Town Clerk.

WO# 8712368
FAIRMOUNT AVE./GRAND AVE.
FALMOUTH, MA

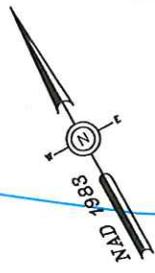
46B 07A 000H 000
0 FAIRMOUNT AVENUE
N/F
FALMOUTH TOWN OF
59 TOWN HALL SQ.
FALMOUTH, MA. 02540-2761

46B 07 009 001
1 FAIRMOUNT AVENUE
N/F
FALMOUTH HTS HOUSE LLC
116 RANDALL ST.
N EASTON, MA. 02356

46B 07 011 054
341 GRAND AVENUE
N/F
SEARS, KERRIN A
SEARS, CHRISTOPHER M
2 LONDONDERRY WAY
SUMMIT, NJ. 07901

46B 07 010 052
345 GRAND AVENUE
N/F
SULLIVAN, LAWRENCE T
SULLIVAN, VALERIE N
3 HOMESTEAD DR.
CANTON, MA. 02021

Plan to accompany petition of EVERSOURCE ENERGY to install Handhole 53/H3-A and 34'± of conduit in the the Public Way to accommodate a customer at #345 Grand Ave.



46B 07A 000H 000
0 FAIRMOUNT AVENUE
N/F
FALMOUTH TOWN OF

APPROX. RIGHT OF WAY(R.O.W.)

APPROX. EDGE OF PAVEMENT(EOP)

FAIRMOUNT AVE

WYOMING AVE

GRAND AVE

GREAT HILL AVE

PROPOSED CONDUIT
TL=34'±

PROPOSED HANDHOLE
53/H3-A

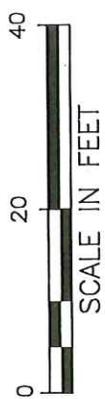
APPROX. PT. OF PICKUP

46B 07 010 052
345 GRAND AVENUE
N/F
SULLIVAN, LAWRENCE T
SULLIVAN, VALERIE N

46B 07 009 001
1 FAIRMOUNT AVENUE
N/F
FALMOUTH HTS HOUSE LLC

46B 07 011 054
341 GRAND AVENUE
N/F
SEARS, KERRIN A
SEARS, CHRISTOPHER M

- LEGEND**
- ⊕ Proposed Hand Hole
 - ⊗ Existing Hand Hole
 - Proposed Conduit
 - - - Existing Conduit



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE ACCURACY OF THE INFORMATION. EVERSOURCE ENERGY COMPANY, NSTAR GAS COLLECTIVELY THE "NSTAR ENTITIES" SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

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

MASS. LAW

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

NSTAR EVERSOURCE
ELECTRIC
G/D/B

1185 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of FAIRMOUNT AVENUE

FALMOUTH

Showing PROPOSED HANDHOLE AND CONDUIT LOCATION

Plan # 8712368

Ward #

Work Order # 8712368

Surveyed by: N/A

Research by: JC

Plotted by: SJ

Proposed Structures: SJ

Approved: T THIBAUT

P#

Date August 23, 2022

Scale 1"=20'

SHEET 1 of 1

CONSENT AGENDA

2. Administrative Orders

- c. Approve Grant of License to Bruce and Hedy Buch to maintain a post and rail fence and landscaping elements located in the town right of way at 172 Grand Avenue.

This license is required by ZBA decision #039-22.

Two copies of the license have been placed in the red binder for Board members wet signatures.

GRANT OF LICENSE

The TOWN OF FALMOUTH, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts acting by and through its duly elected Board of Selectmen, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, hereby grants to Bruce Buch and Hedy Bruch the following license to use certain portions of town road known as Grand Avenue adjacent to property known as 172 Grand Avenue, Falmouth, MA. For reference see deed recorded with the Barnstable County Registry of Deeds at Book 34568, Page 178.

The license is given to maintain a fence within the layout of Grand Avenue, as more fully described in a sketch plan of the approved location of the licensed area, attached hereto.

This license is granted upon the following expressed conditions:

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

- f. Nothing contained in the License shall authorize the grantee, its successors and assigns to do any work or undertake any activity or to continue any activity not otherwise in full compliance with all applicable laws, rules and regulations; and
- g. The terms, conditions, agreements and covenants contained herein shall be binding on the grantee, its successors and assigns.
- h. This document shall be recorded at grantee's expense with the Barnstable County Registry of Deeds.

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

SELECT BOARD OF
THE TOWN OF FALMOUTH

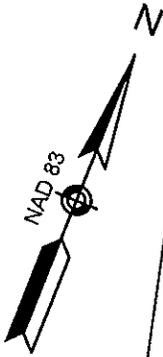
Nancy R. Taylor
Chair, Select Board

Onjalé Scott Price, Vice Chair

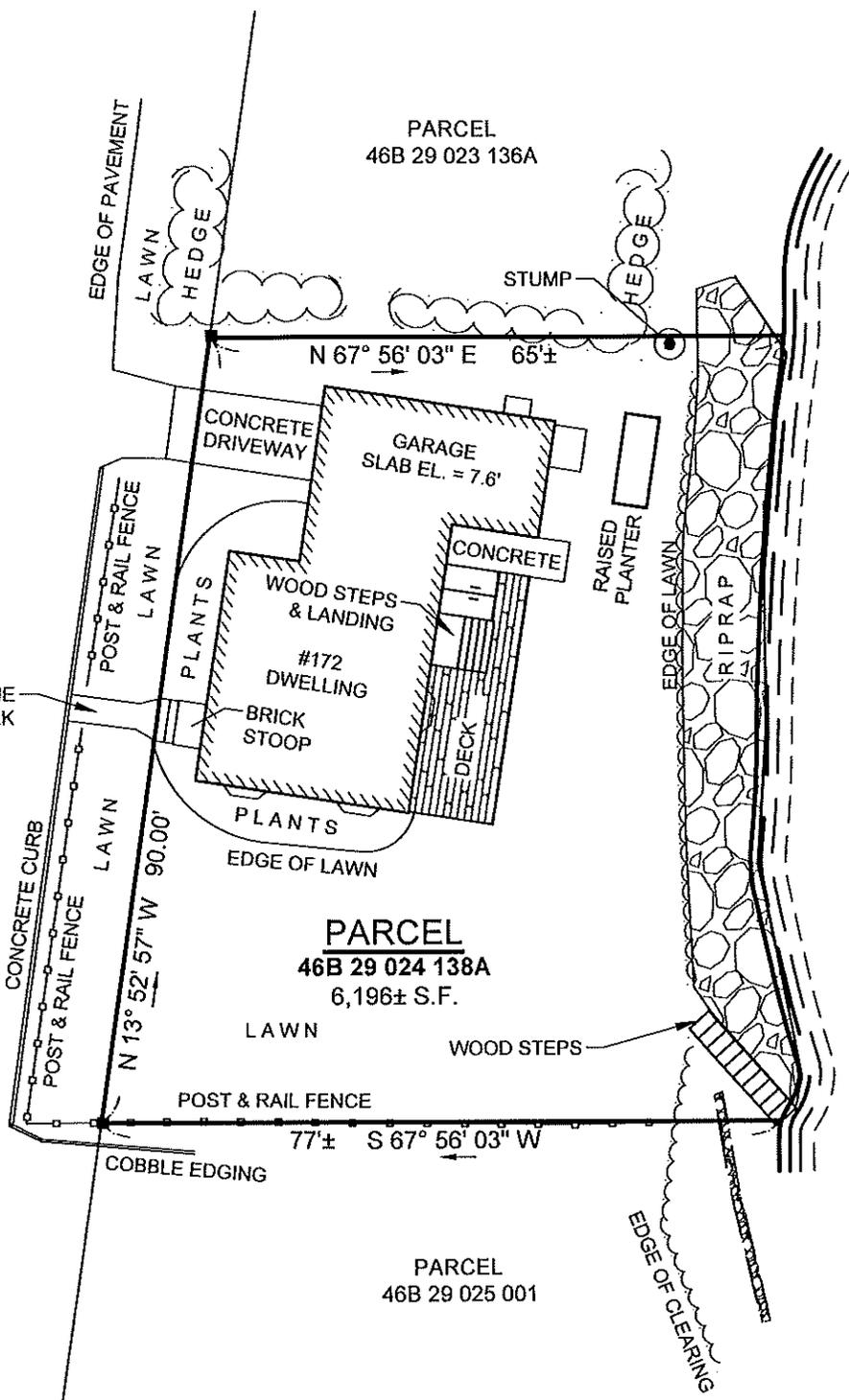
Samuel H. Patterson

Douglas C. Brown

Edwin P. Zylinski II



GRAND AVENUE
(40' WIDE - PUBLIC)



Little Pond

Project: 172 GRAND AVENUE
FALMOUTH, MASSACHUSETTS

Drawing Title: ATTACHMENT SKETCH

CAPE & ISLANDS
ENGINEERING

508.477.7272 PHONE 508.477.9072 FAX
SUMMERFIELD PARK - 800 FALMOUTH ROAD - SUITE 301C - MASHPEE, MA 02649

Owner: BRUCE AND HEDY BUCH

Deed Ref: BOOK 34568 PAGE 17B Parcel ID No: MAP 46B-29-024-138A

Date: MAY 25, 2022

Drawn By: JVB Check By: MC

0 10' 20'
SCALE: 1" = 20'

AMENT KLAUER LLP

Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

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

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

August 10, 2022

Peter Johnson-Staub, Interim Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

RE: Request for License to maintain encroachments onto Grand Avenue, Falmouth

Dear Mr. Johnson-Staub:

Our office represents Bruce and Hedy Buch, being the owners of 172 Grand Avenue. They have recently obtained a special permit to allow for alteration to the nonconforming dwelling on the property from the Zoning Board of Appeals. In preparing the site plan for the property, it was determined that the existing post and rail fence and certain landscaping elements (lawn and hedge) along the western edge of the property encroach onto the road layout. The Engineering Department has suggested that the applicants seek a license from the Town.

I have prepared the enclosed draft Grant of Revocable License, also attached is the proposed license plan showing the encroachments. I assume you will send it to Jim McLoughlin and to Town Counsel's office to review. If they have any suggestions or requirements regarding the document, they are welcome to contact me. If the document is satisfactory, would you please put the matter of the grant of the license on the Selectmen's agenda and notify me accordingly.

Thanks very much for your consideration of this request. Please contact me with any questions or concerns.

Very truly yours,



Kevin P. Klauer II

Enclosure



Phyllis Downey

From: Jim McLoughlin
Sent: Thursday, August 11, 2022 1:50 PM
To: Phyllis Downey; Maura O'Keefe; Noreen Stockman
Subject: RE: Request for Grant of License - 172 Grand Avenue 09.12.2022.pdf

Hi Phyllis,

We have no objection to the license, the site is consistent with the abutting homes.

The monuments at the front corners of the lot are shown graphically, but not labelled on the sketch. We field verified they are present. In most cases we would like them labelled as recovered or found.

Thanks,

Jim

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Thursday, August 11, 2022 10:10 AM
To: Jim McLoughlin <james.mcloughlin@falmouthma.gov>; Maura O'Keefe <maura.okeefe@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>
Subject: Request for Grant of License - 172 Grand Avenue 09.12.2022.pdf

Good morning,

Attached please find a request for Grant of License and plan for 172 Grand Avenue to maintain an existing post and rail fence and landscaping which encroach onto the town right of way. Please let me know if further information is needed.

Jim – I don't see the monumentation on the plan, please let me know if I've missed it or if we need to request an updated plan.

If the request is complete, may we please receive your recommendations by September 7th to schedule Select Board review on September 12th?

Thank you,
Phyllis

Phyllis Downey
Town Administration
508-495-7325

Phyllis Downey

From: Noreen Stockman
Sent: Thursday, August 11, 2022 12:37 PM
To: Phyllis Downey
Subject: RE: Request for Grant of License - 172 Grand Avenue 09.12.2022.pdf

Good afternoon,

The Zoning Board of Appeals issued Decision #039-22. Condition #5 requires application to the SB for a license to maintain the fencing and flagstone walkway in the road layout, or removal.

Sincerely,
Noreen

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

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Thursday, August 11, 2022 10:10 AM
To: Jim McLoughlin <james.mcloughlin@falmouthma.gov>; Maura O'Keefe <maura.okeefe@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>
Subject: Request for Grant of License - 172 Grand Avenue 09.12.2022.pdf

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Thank you,
Phyllis

Phyllis Downey
Town Administration
508-495-7325



TOWN OF FALMOUTH
ZONING BOARD OF APPEALS
DECISION

CASE NO: 039-22

APPLICANT/OWNER: Bruce and Hedy Buch, 21 Old Nourse Street, Westborough, Massachusetts (the "Applicants")

SUBJECT PROPERTY: 172 Grand Avenue, Falmouth, Massachusetts (the "Premises")

Assessor's Map: Map 46B Section 29 Parcel 024 Lot 138A

DEED/CERTIFICATE: Book 34568, Page 478

SUMMARY: Special Permit Granted with Conditions

PROCEDURAL HISTORY

1. On May 2, 2022 an application was filed with the Zoning Board of Appeals to construct a dormer and a balcony to the second floor of the non-conforming, single-family dwelling, increasing lot coverage by structures at 172 Grand Avenue (the "Premises").
2. Notice was given, as required by M.G.L. Chapter 40 A, Section 11, including notices mailed to all persons deemed to be affected hereby, as they appear on the tax list.
3. The advertised public hearing was opened on June 9, 2022. Voting Board Members present, included: Terrence J. Hurrie, Robert B. Dugan, James P. Morse and Gerald C. Potamis.
4. Kevin P. Klauer II, Esq., Ament Klauer LLP, 39 Town Hall Square, Falmouth, MA, appeared before the Board on the application.
5. The Public Hearing was closed on June 9, 2022, following a motion made by Mr. Dugan, seconded by Mr. Morse, and unanimously voted. Minutes of the meeting are on file with the Zoning Board of Appeals.
6. The following documents and information are on file in the office of the Zoning Board of Appeals at Town Hall, as set forth below:

Letters/E-mails/Information from Applicant/Representative(s)

- Kevin P. Klauer II, Attorney for Applicants, filed an application for a special permit, filing fee, supporting document and plans; application was filed with the Town Clerk's office on May 2, 2022
- Owner Authorization letter signed and dated March 1, 2022
- Lot Comparison Worksheet, not dated, Board date "Received" stamp of May 2, 2022
- FEMA Cost Breakdown Worksheet with attached appraisal, dated June 2, 2022

Letters/Referrals/E-mails from Town Departments

- Referral dated May 3, 2022 from the Planning Department – no comment
- Email dated May 3, 2022 from Amy Lowell, Wastewater Superintendent: *"No flow neutral variance will be required for this remodel because the plans are for a 3-bedroom home"*
- Referral dated May 4, 2022 from the Assessors – no comment
- Referral dated May 5, 2022 from the Fire Department: *"The Fire Department has no issues with the project as drawn."*
- Referral dated May 23, 2022 from Scott McGann, of the Health Department: *"Property is on town sewer and is allowed 4 bedrooms."*
- Referral dated May 10, 2022 from the Water Department – no comment
- Email dated May 3, 2022 from ZBA Staff to Attorney Klauer
- Referral dated May 24, 2022 from the Engineering Department, signed by Scott Schluter, P.E., with standard comments; drywells are proposed as typically recommended; obtain license from the Select Board for objects in the right of way; stormwater management and construction erosion controls falls in the jurisdiction of the Conservation Commission
- Minutes from Zoning Board of Appeals hearing June 9, 2022

Letters/E-mails from Abutters/Interested Parties

- None

Plans submitted by Applicant/Applicant's Representative

- "Site Plan," Sheet 1 of 1, dated March 29, 2022, with a final revision date of April 13, 2022; prepared for Bruce and Hedy Buch, 172 Grand Avenue Falmouth, MA, as drawn by Cape and Islands Engineering, 800 Falmouth Road – Suite 301C, Mashpee, MA – plan is stamped and signed by Matthew C. Costa, P.L.S.; and
- "Cover" Sheet A0.0; "Abbreviations and Symbol Legend" Sheet A0.1; "Demo" Sheet A0.2; "Demo Elevations" Sheet A0.3; "Basement Plan" Sheet A1.0; "First Floor Plan" Sheet A1.1; "Second Floor Plan" Sheet A1.2; "Roof Plan" Sheet A1.3; "Exterior Elevations" Sheet A2.0; "Sections" Sheet A3.0; "Enlarged Plans" Sheet A4.0, "Door and Window Schedule" Sheet A6.0; "Area Plans" Sheet A8.0; prepared for Buch, 172 Grand Ave., Falmouth, MA, as drawn by Longfellow Design Build, 367 Main Street, Falmouth, MA – plans are not stamped or signed

Hearing:

The Notice of Hearing and referrals were read into the record.

The Minutes of the hearing/s are available at the Town Clerk's Office, and are part of the record.

DECISION:

Findings:

1. The subject site is located at 172 Grand Avenue, Falmouth, Massachusetts (the "Premises"), and comprises 6,196 square feet of upland area, in the Single Residence C zoning district. The minimum size lot for the district is now 40,000 square feet; the Premises is nonconforming.
2. The Premises has 90.00 feet of street frontage on Grand Avenue, where 100.00 feet is required.
3. The Premises is improved by a structure, with the facade sited 5.3 feet from Grand Avenue; however the front stoop and stairs extend to the westerly (street) lot line (0-foot setback), where 25.0 feet is minimum setback required, per the By-Law. The dwelling is sited 5.6 feet from the northerly side lot line, 33.7 feet to the southerly side lot line, in a district requiring a minimum of 10 feet from a side lot line. The dwelling is sited 19.8 feet from the 3.0-foot contour of Vineyard Sound (east), where 50.0 feet is minimum required. The dwelling is nonconforming.
4. The proposal involves a second floor balcony cantilevered off the southerly
5. The Premises is located in the Little Pond Coastal Overlay District, and within the VE 15 Flood Zone.
6. There was no previous Decision by the Zoning Board of Appeals for the Premises.
7. The ridge height is 19.4 feet, and will be increasing to 25.525 feet; remaining below the 35-foot height limitation.
8. The Premises is on Town sewer, and four bedrooms is allowed as-of-right within the Little Pond Sewer Service Area.
9. The existing lot coverage by structures is 22.8% and will increase slightly to 23.3%. Lot coverage up to 25% is allowed by Special Permit. The existing lot coverage by structures/parking/paving is 25.9%, and will increase to 26.4%; remaining below the 40% limit for the zoning district.
10. There will be no new nonconformities created. The cantilevered second floor balcony increases lot coverage by structure.
11. It was represented that the proposed work will be reviewed for structural integrity by a certified structural engineer, during the Building Department process.
12. Per Engineering referral, drywells will be installed. A license from the Select Board will be required, if the fence and flagstone walkway are located within the public right-of-way.
13. Soil erosion and sediment controls will be under the jurisdiction of the Conservation Commission.
14. The lot comparison worksheet submitted demonstrates that the Premises is in keeping with the structures in the neighborhood.
15. The submitted FEMA Worksheet indicates that the proposal is under the 50% improvement threshold.
16. An Order of Conditions has been voted by the Conservation Commission, but not yet issued.
17. The Applicant meets the criteria for a Special Permit under Zoning By-law Sections 240-10.2 A, 240-11.3 A, and 240-12.1 E of the Code of Falmouth, to allow a dormer and balcony to the second floor of the nonconforming dwelling.

In addition to the above findings, the Board found that the proposal will be in harmony with the general purpose and intent of the By-Law; will not be substantially more detrimental to the neighborhood, and does include consideration, as set forth in Sections 240-10.2 A, 240-11.3 A (4) and 240-12.1 E of the Code of Falmouth, to allow construction of a dormer and balcony to the second floor of an existing nonconforming dwelling.

NOW THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals, being of the opinion aforesaid, the acting under the provisions of the Code of Falmouth, voted unanimously, following a motion made by Mr. Dugan, and seconded by Mr. Morse, to grant a Special Permit under Sections 240-10.2 A, 240-11.3 A(4), and 240-12.1 E of the Code of Falmouth, to construct a dormer and balcony to the second floor of an existing nonconforming dwelling at 172 Grand Avenue, Falmouth, Massachusetts (the "Premises"). The Special Permit shall be subject to the following conditions:

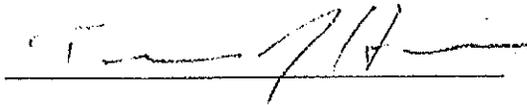
Conditions:

1. The plans submitted and reviewed by the Board, were as follows:
 - "Site Plan," Sheet 1 of 1, dated March 29, 2022, with a final revision date of April 13, 2022; prepared for Bruce and Hedy Buch, 172 Grand Avenue Falmouth, MA, as drawn by Cape and Islands Engineering, 800 Falmouth Road -- Suite 301C, Mashpee, MA -- plan is stamped and signed by Matthew C. Costa, P.L.S.; and
 - "Cover" Sheet A0.0; "Abbreviations and Symbol Legend" Sheet A0.1; "Demo" Sheet A0.2; "Demo Elevations" Sheet A0.3; "Basement Plan" Sheet A1.0; "First Floor Plan" Sheet A1.1; "Second Floor Plan" Sheet A1.2; "Roof Plan" Sheet A1.3; "Exterior Elevations" Sheet A2.0; "Sections" Sheet A3.0; "Enlarged Plans" Sheet A4.0, "Door and Window Schedule" Sheet A6.0; "Area Plans" Sheet A8.0; prepared for Buch, 172 Grand Ave., Falmouth, MA, as drawn by Longfellow Design Build, 367 Main Street, Falmouth, MA -- plans are not stamped or signed.
2. The Applicant shall comply with Conservation Commission Order of Conditions.
3. Structural posts and footings will be evaluated by a certified structural engineer; if there is change to the project, the Applicant would be required to return to the Zoning Board of Appeals.
4. The Applicant shall install drywells, as shown on the plan
5. The Applicant shall obtain a license from the Select Board to maintain objects (fence and flagstone walkway) within the right-of-way, or remove such objects prior to final building sign-off for the construction.
6. All construction vehicles and materials shall be kept on the Premises.
7. Construction hours are limited to 7:00 a.m. through 7 p.m., Monday -- Friday, and 8 a.m. through 4 p.m. on Saturdays. There shall be no construction on Sundays or Town-observed holidays, absent an emergency.
8. This permit shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days has elapsed, after the decision had been filed in the office of the Town Clerk, with no appeal being filed; or an appeal has been filed within such time, is recorded in Barnstable Registry of Deeds. A copy of the recorded Decision shall be provided to the Zoning Board of Appeals. (Any person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit, and that any construction performed under the permit, may be ordered undone).

9. Any deviation, no matter how minor, from the approval issued by this Board, shall be submitted to the Board for approval, prior to implementation of said change. The Zoning Administrator may make a determination as to whether the changes are minor in nature, and can be approved administratively, or whether they will require a hearing for an amendment. Changes made prior to an approval shall be subject to a full hearing, and are at risk that the Zoning Board of Appeals may deny the request.

10. This Special Permit shall lapse three years from the date on which this decision is filed in the Town Clerk's Office, if a substantial use of the Special Permit has not sooner commenced; except for good cause shown, as determined by the Zoning Board of Appeals.

True Copy Attest:



A handwritten signature in black ink, appearing to be 'T. H.', is written over a horizontal line.

RECEIVED
JUL 7, 2022 AM 9:25
TOWN CLERK

Date Filed With Town

CONSENT AGENDA

2. Administrative Orders

- d. Approve Grant of License to Joseph and Kathryn Hinderhofer, Trustees of the Joseph J. Hinderhofer Revocable Trust to maintain a post and rail fence located in the town right of way at 97 Bridge Street
FYI – ZBA Special Permit #051-22 requires this license in Condition #2.

Two copies of the license have been placed in the Select Board's red binder for wet signatures if approved.

GRANT OF LICENSE

The TOWN OF FALMOUTH, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts acting by and through its duly elected Board of Selectmen, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, hereby grants to Joseph J. Hinderhofer and Kathryn M. Hinderhofer, as Trustees of The Joseph J. Hinderhofer Revocable Trust dated August 30, 1995, the following license to use certain portions of town road known as Bridge Street adjacent to property known as 97 Bridge Street, Falmouth, MA. For reference see deed filed with the Barnstable County Registry District of the Land Court as Document No. 1,163,586 on Certificate of Title No. 193983.

The license is given to maintain a fence within the layout of Bridge Street, as more fully described in a sketch plan of the approved location of the licensed area, attached hereto.

This license is granted upon the following expressed conditions:

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

demands for personal injury or property damage arising out of the licensed encroachments and the grant of this License.

- f. Nothing contained in the License shall authorize the grantee, its successors and assigns to do any work or undertake any activity or to continue any activity not otherwise in full compliance with all applicable laws, rules and regulations; and
- g. The terms, conditions, agreements and covenants contained herein shall be binding on the grantee, its successors and assigns.
- h. This document shall be filed at grantee's expense with the Barnstable County Registry District of the Land Court.

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

SELECT BOARD OF
THE TOWN OF FALMOUTH

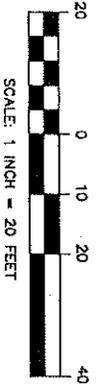
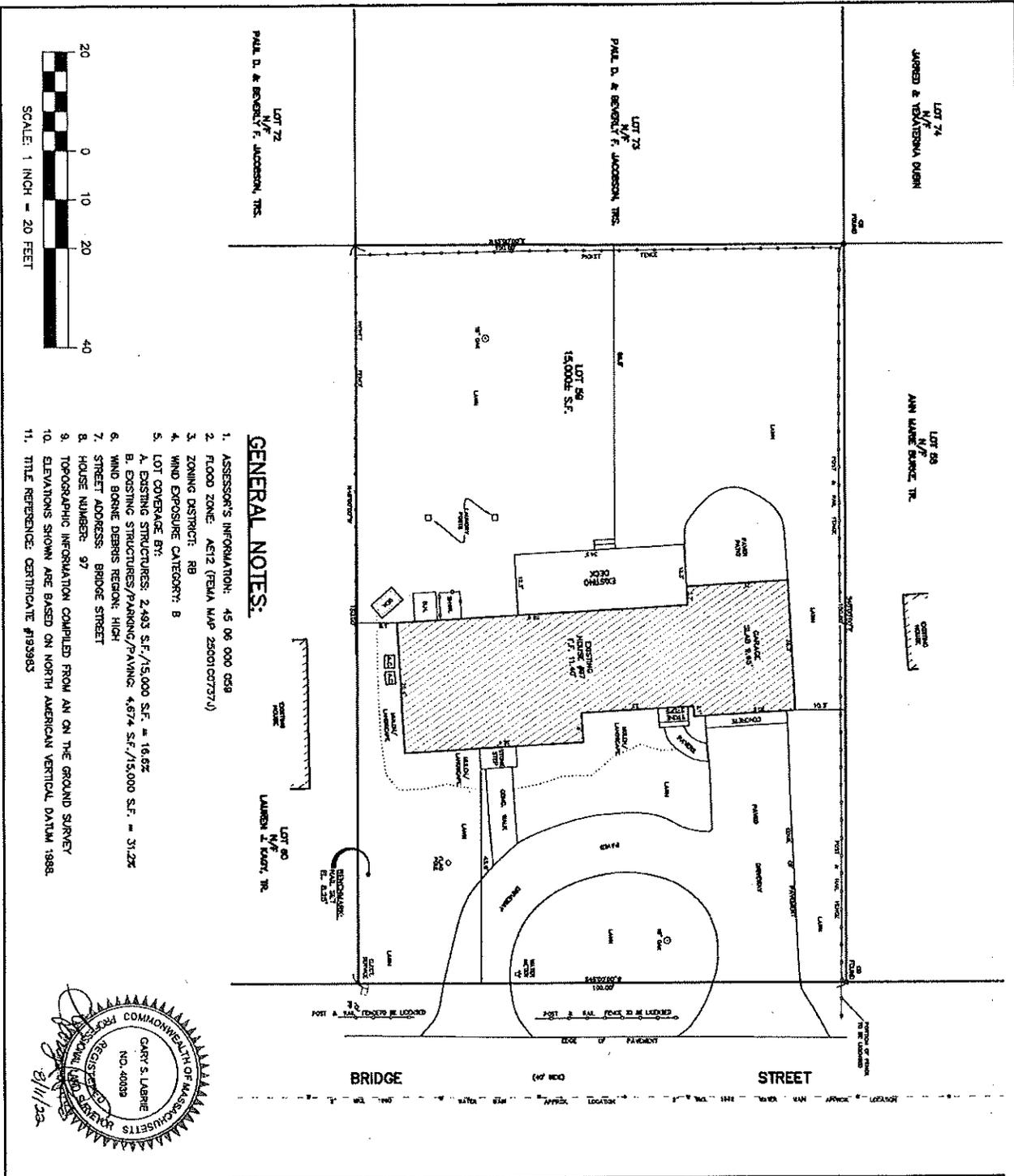
Nancy R. Taylor
Chair, Select Board

Onjalé Scott Price, Vice Chair

Samuel H. Patterson

Douglas C. Brown

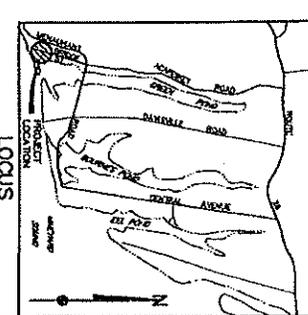
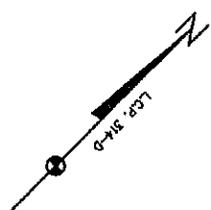
Edwin P. Zylinski II



- GENERAL NOTES:**
1. ASSESSOR'S INFORMATION: 45 06 000 038
 2. FLOOD ZONE: AE12 (FEMA MAP 25001C0737J)
 3. ZONING DISTRICT: RB
 4. WIND EXPOSURE CATEGORY: B
 5. LOT COVERAGE BY:
 - A. EXISTING STRUCTURES: 2,493 S.F./15,000 S.F. = 16.6%
 - B. EXISTING STRUCTURES/PAVING/PAVING: 4,674 S.F./15,000 S.F. = 31.2%
 6. WIND BLOWN DEBRIS REGION: HIGH
 7. STREET ADDRESS: BRIDGE STREET
 8. HOUSE NUMBER: 97
 9. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
 10. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988
 11. TITLE REFERENCE: CERTIFICATE #193983



- LEGEND**
- EXISTING 2' CONTOUR
 - EXISTING 10' CONTOUR
 - EXISTING SPOT ELEVATION
 - EXISTING UTILITY POLE
 - EXISTING TREE
 - CONCRETE BOUND WITH DRILL HOLE



LICENSE PLAN
FOR THE BRIDGE STREET
JOSEPH HINDERHOFER
FALMOUTH

PLAN DATE: JULY 21, 2022
PLAN SCALE: 1" = 20'

17 ACADemy Lane, Suite 200 - Falmouth, MA - 02540 - 508-484-1232
PROJECT NUMBER: 21001 CAD FILE NAME: 21001.DWG DWG BY: LJA SHEET 1 OF 1

Phyllis Downey

From: Jim McLoughlin
Sent: Wednesday, September 7, 2022 1:57 PM
To: Phyllis Downey
Cc: Maura O'Keefe
Subject: RE: Request for Grant of License -97 Bridge Street

Hi Phyllis,
We have no objection to the license.
Thanks,
Jim

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Wednesday, September 7, 2022 1:53 PM
To: Jim McLoughlin <james.mcloughlin@falmouthma.gov>
Cc: Maura O'Keefe <maura.okeefe@falmouthma.gov>
Subject: FW: Request for Grant of License -97 Bridge Street
Importance: High

Hi Jim,

We do not have your recommendation on this request, and we would like to include it on the Select Board agenda for next Monday. I'm sorry I inadvertently sent the reminder to Jim Grady on August 30th.

Phyllis

Phyllis Downey
Town Administration
508-495-7325

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

From: Phyllis Downey
Sent: Tuesday, August 23, 2022 8:46 AM
To: Noreen Stockman <noreen.stockman@falmouthma.gov>; Jim McLoughlin <james.mcloughlin@falmouthma.gov>; Maura O'Keefe <maura.okeefe@falmouthma.gov>
Subject: Request for Grant of License -97 Bridge Street

Good morning,

Attached please find a request for Grant of License to maintain the post and rail fence within the layout of Bridge Street by Joseph and Kathryn Hinderhofer, Trustees of the Joseph J. Hinderhofer Revocable Trust owner of 97 Bridge Street, East Falmouth. The Plan and ZBA referral are also attached. If the request is approved we will schedule the Select Board review for September 12th or if more time is needed on September 26th.

The Deed Reference can be found under General Notes #11. Please let me know if further information is needed or I can be of assistance.

Thank you,

Phyllis

Phyllis Downey
Administrative Assistant
Town Administration
508-495-7325

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

Phyllis Downey

From: Noreen Stockman
Sent: Wednesday, August 31, 2022 10:12 AM
To: Phyllis Downey
Subject: RE: Reminder-FW: Request for Grant of License -97 Bridge Street
Attachments: 97 Bridge.docx

Good morning,

The ZBA has granted a Special Permit for this property, as attached. Condition #2 requires either a grant of license from the SB, or removal of fencing in the road layout. The ZBA has no comment on either resolution. It is the ZBA's practice to require anyone appearing before the ZBA, with a right-of-way infringement, to resolve it.

Sincerely,
Noreen

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

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Tuesday, August 30, 2022 10:01 AM
To: Jim Grady <jim.grady@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Maura O'Keefe <maura.okeefe@falmouthma.gov>
Subject: Reminder-FW: Request for Grant of License -97 Bridge Street

Good morning,

This is just a reminder that your review of this request for grant of license has been requested. If possible review of the request by the Select Board will be scheduled for September 12th. I will be out of the office beginning tomorrow through 9/5, returning 9/6.

Please let me know if I can be of assistance.

Thank you very much,
Phyllis

Phyllis Downey
Town Administration
508-495-7325

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

From: Phyllis Downey
Sent: Tuesday, August 23, 2022 8:46 AM
To: Noreen Stockman <noreen.stockman@falmouthma.gov>; Jim McLoughlin <james.mcloughlin@falmouthma.gov>;

Maura O'Keefe <maura.okeefe@falmouthma.gov>
Subject: Request for Grant of License -97 Bridge Street

Good morning,

Attached please find a request for Grant of License to maintain the post and rail fence within the layout of Bridge Street by Joseph and Kathryn Hinderhofer, Trustees of the Joseph J. Hinderhofer Revocable Trust owner of 97 Bridge Street, East Falmouth. The Plan and ZBA referral are also attached. If the request is approved we will schedule the Select Board review for September 12th or if more time is needed on September 26th.

The Deed Reference can be found under General Notes #11. Please let me know if further information is needed or I can be of assistance.

Thank you,
Phyllis

Phyllis Downey
Administrative Assistant
Town Administration
508-495-7325

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



TOWN OF FALMOUTH
ZONING BOARD OF APPEALS
DECISION

CASE NO: 051-22

APPLICANT/OWNER: Joseph J. and Kathryn M. Hinderhofer, Trustees of the Joseph J. Hinderhofer Revocable Trust, 315 Willow Brook Drive, Wayland, Massachusetts (the "Applicants")

SUBJECT PROPERTY: 97 Bridge Street, East Falmouth, Massachusetts (the "Premises")

Assessor's Map: Map 45 Section 06 Parcel 000 Lot 059

DEED/CERTIFICATE: Certificate No. 193983

SUMMARY: Special Permit Granted with Conditions

PROCEDURAL HISTORY

1. On June 17, 2022, an application was filed with the Zoning Board of Appeals, requesting a Special Permit to build a new front entry, build a new second-floor dormer, expand an existing second floor dormer, remove the existing rear deck, and construct additions to the rear of the nonconforming dwelling, located at 97 Bridge Street, East Falmouth, Massachusetts (the "Premises")
2. Notice was given, as required by M.G.L. Chapter 40A, Section 9, including notices mailed to all persons deemed to be affected thereby, as they appear on the tax list.
3. The advertised public hearing was opened on August 11, 2022. Voting Board members present included: Terrence J. Hurrie, James P. Morse, D. Scott Peterson, Susanne Murphy and Marc Finneran.
4. Kevin P. Klauer II, Ament Klauer LLP, 39 Town Hall Square, Falmouth, MA, appeared before the Board on the Application.
5. The hearing was closed on August 11, 2022, following a motion made by Mr. Morse, seconded by Mr. Peterson, and unanimously voted. Minutes of the hearing(s) are on file with the Zoning Board of Appeals.

6. The following documents and information are on file in the office of the Zoning Board of Appeals at Town Hall, as set forth below:

Letters/E-mails/Information from Applicant/Representative(s)

- Kevin P. Klauer II, attorney for Applicants, filed an application for a Special Permit, filing fee, supporting documentation and plans; the application was filed with the Town Clerk's office on June 17, 2022
- Owner Authorization letter, signed and dated March 16, 2022
- FEMA Cost Breakdown Worksheet, dated and signed June 27, 2022
- Four (4) photos of existing conditions, not dated; Board date "Received" stamp of June 17, 2022
- "Decision of the Board of Appeals" – Appeal No. 28-80, dated March 3, 1980; Variance granted
- "Uniform Residential Appraisal Report," dated July 2, 2021, prepared by Clancy Appraisal Co., Inc.

Letters/Referrals/E-mails from Town Departments

- Referral dated June 21, 2022 from the Fire Department, signed by Craig O'Malley, Fire Prevention Officer; *"The Fire Department has no issues with the project as drawn."*
- Referral dated June 21, 2022 from the Planning Department – no comment
- Referral dated June 21, 2022 from the Water Department, signed by Cathal O'Brien, Water Superintendent; *"Town Water Serves the home currently; the existing service has a meter pit, any future upgrade of the service will require the meter pit to be removed and the meter be installed in the home."*
- Referral dated June 21, 2022 from the Assessor's – no comment
- Referral dated June 23, 2022 from the Engineering Department, signed by Scott Schluter, P.E. with standard comments; objects are located in the Town's right of way and requires a license from the Select Board; condition addition of drywells, rain garden, or other stormwater infiltration measure for new roof runoff
- Referral dated July 14, 2022 from the Health Department, signed by Scott McGann, Health Agent; *"Health has no issues with the proposed project – full septic review will come when an installation permit application is submitted."*
- Referral dated July 21, 2022 from the Conservation Commission, signed by Alissa Bergeron; *"The Conservation Commission issued a negative determination for the above referenced work during the July 20, 2022 hearing."*
- Email dated August 9, 2022 from ZBA Staff to Conservation Agent, Alissa Bergeron
- Minutes for Zoning Board of Appeals hearing August 11, 2022

Letters/E-mails from Abutters/Interested Parties

- None

Plans submitted by Applicant/Applicant's Representative

- "Plot Plan – Existing Conditions," Sheet 1 of 3, dated March 4, 2022; "Plot Plan – Proposed Additions," Sheet 2 of 3, dated June 6, 2022; "Septic System Details," Sheet 3 of 3, dated June 6, 2022; prepared for Joseph Hinderhoffer [sic], 97 Bridge Street, Falmouth, as drawn by Falmouth Engineering, 17 Academy Lane, Suite 200, Falmouth, MA – plans are stamped and signed by Michael J. Borselli, P.E. and Gary S. LaBrie, P.L.S.; and

- “Proposed Front/Left Elevation,” Sheet A01; “Proposed Rear & Elevation,” Sheet A02; “New 1st Floor Plan,” Sheet A03; “New 2nd Floor Plan,” Sheet A04 – plans are dated April 11, 2022; “Existing Front & Left Elevation,” Sheet A05; “Existing Rear & Right Elevation,” Sheet A06; “Existing 1st Floor Plan,” Sheet A07; “Existing 2nd Floor,” Sheet A08; “Existing Basement/Lower Floor Plan,” Sheet A09 (Sheets A05 – A09 are not dated); prepared for Hinderhofer Residence, 97 Bridge Street, Falmouth, MA; as drawn by AAM Architecture & Design, 6 Highfield Drive, Sandwich, MA – plans are stamped and signed by Adam Alexander Moring, R.A.

Hearing:

The Notice of Hearing and referrals were read into the record.

The Minutes of the hearing are available at the Town Clerk’s Office, and are part of the record.

DECISION:

Findings:

1. The subject site is located at 97 Bridge Street, East Falmouth, Massachusetts (the “Premises”), on a public right-of-way, and comprises 15,000 square feet of area, in the Single Residence B zoning district, partially in the Search and Rescue Overlay District, and in the AE 12 Flood Zone. The minimum size lot for the district is now 40,000 square feet; the Premises is nonconforming.
2. The Premises has 100.00 feet of street frontage on Bridge Street, complying with the 100-foot minimum requirement. The dwelling is sited 43.9 feet from Bridge Street, in a district requiring a minimum 25-foot setback from the street. The dwelling is sited 8.1 feet from the southerly side lot line, 10.3 feet from the northerly side lot line, and 59.5 feet from the westerly (rear) lot line. The dwelling is nonconforming toward the southerly lot line, where the minimum setback from a side or rear lot line is 10 feet.
3. The proposal includes an infill addition at the easterly façade for a 6-foot by 5-foot entry. This will not change the setback to the street. At the southwest area of the dwelling, the bulkhead and outdoor shower are being removed, and a 10-foot by 12-foot addition is planned. The bulkhead is proposed to be replaced at the westerly side of this new addition. This addition is stepped in slightly from the southerly lot line, so will not encroach further into the existing 8.1 foot setback. The proposal also includes removing an existing deck and patio at the center of the southerly (rear) side of the dwelling, and replacing it with an approximate 34.5-foot by 16-foot addition. This addition will change the setback to the rear (westerly) side of the lot to 57.6 feet. A new second floor dormer is proposed for the easterly (front) of the dwelling, and a dormer will be rebuilt, with decking, at the rear of the dwelling.
4. There will be no change to the existing ridge height of 18.6 feet; proposed additions remain below that height.
5. The existing lot coverage by structures is 16.6%, and will increase to 17.9%; remaining below the 20% as-of-right lot coverage. The existing lot coverage by structures, pavement, and parking is 21.2%, and will increase to 32.6%; remaining below the 40% total lot coverage limit. The footprint with the additions will comprise 2,690 square feet; an increase from the 2,493 square feet existing.

6. A new Title 5 septic system is proposed to be installed, and the bedroom count will remain at four (4) bedrooms.
7. Town water currently serves the home. The existing service has a meter pit; any future upgrade of the service will require the meter pit to be removed, and the meter be installed in the home.
8. Per Engineering, there shall be no stormwater runoff from the Premises. The post and rail fence, located within the Bridge Street public right-of-way, requires permission from the Select Board to be maintained. Drywells should be added for stormwater infiltration measures for new roof runoff.
9. A FEMA Worksheet and a "Uniform Residential Appraisal Report," was submitted, to provide that proposed improvements are under the FEMA threshold.
10. The Conservation Commission issued a negative determination for the proposed work during the July 20, 2022 hearing.
11. There were no objections to the proposal stated at the hearing.
12. The Applicant meets the criteria for a Special Permit under Zoning Bylaw Sections 240-3 C and 240-216 of the Code of Falmouth, to remove the existing deck, rebuild the second-floor dormers and construct additions to the rear of the nonconforming dwelling. The proposed alterations will improve the usefulness of the property for the Applicants.

In addition to the above findings, the Board found that the proposal will be in harmony with the general purpose and intent of the By-Law, and will not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

NOW THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals, being of the opinion aforesaid, voted unanimously, following a motion made by Mr. Morse, and seconded by Mr. Finneran, to grant a Special Permit under Sections 240-3 C and 240-216 of the Code of Falmouth, to build a new front entry, build a new second-floor dormer, expand an existing second floor dormer, remove the existing rear deck, and construct additions to the rear of the nonconforming dwelling, at 97 Bridge Street, East Falmouth, Massachusetts (the "Premises"). The Special Permit shall be subject to the following Conditions:

Conditions:

1. The plans submitted and reviewed by the Board, were as follows:
 - "Plot Plan – Existing Conditions," Sheet 1 of 3, dated March 4, 2022; "Plot Plan – Proposed Additions," Sheet 2 of 3, dated June 6, 2022; "Septic System Details," Sheet 3 of 3, dated June 6, 2022; prepared for Joseph Hinderhoffer [sic], 97 Bridge Street, Falmouth, as drawn by Falmouth Engineering, 17 Academy Lane, Suite 200, Falmouth, MA – plans are stamped and signed by Michael J. Borselli, P.E. and Gary S. LaBrie, P.L.S.; and
 - "Proposed Front/Left Elevation," Sheet A01; "Proposed Rear & Elevation," Sheet A02; "New 1st Floor Plan," Sheet A03; "New 2nd Floor Plan," Sheet A04 – plans are dated April 11, 2022; "Existing Front & Left Elevation," Sheet A05; "Existing Rear & Right Elevation," Sheet A06; "Existing 1st Floor Plan," Sheet A07; "Existing 2nd Floor," Sheet A08; "Existing Basement/Lower Floor Plan," Sheet A09 (Sheets A05 – A09 are not dated); prepared for Hinderhofer Residence, 97 Bridge Street, Falmouth, MA; as drawn by AAM Architecture & Design, 6 Highfield Drive, Sandwich, MA – plans are stamped and signed by Adam Alexander Moring, R.A.

2. The Applicant shall submit an application to the Select Board for a license to maintain the existing fencing within the Town right-of-way, or remove it, prior to final building sign off for the construction.
3. All construction vehicles and materials shall be kept on the Premises.
4. Construction hours are limited to 7:00 a.m. through 7 p.m., Monday – Friday, and 8 a.m. through 4 p.m. on Saturdays. There shall be no construction on Sundays or Town-observed holidays, absent an emergency.
5. This permit shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days has elapsed, after the decision had been filed in the office of the Town Clerk, with no appeal being filed; or an appeal has been filed within such time, is recorded in Barnstable Registry of Deeds. A copy of the recorded Decision shall be provided to the Zoning Board of Appeals. (Any person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit, and that any construction performed under the permit, may be ordered undone).
6. Any deviation, no matter how minor, from the approval issued by this Board, shall be submitted to the Board for approval, prior to implementation of said change. The Zoning Administrator may make a determination as to whether the changes are minor in nature, and can be approved administratively, or whether they will require a hearing for an amendment. Changes made prior to an approval shall be subject to a full hearing, and are at risk that the Zoning Board of Appeals may deny the request.
7. This Special Permit shall lapse three years from the date on which this decision is filed in the Town Clerk's Office, if a substantial use of the Special Permit has not sooner commenced; except for good cause shown, as determined by the Zoning Board of Appeals.

True Copy Attest:

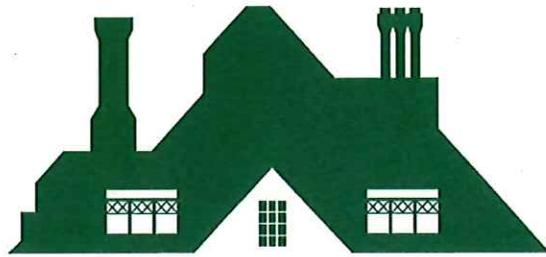
Member, Zoning Board of Appeals

Date Filed With Town Clerk

CONSENT AGENDA

2. Administrative Orders

- e. Approve application to Community Preservation Fund – Highfield Hall Improvements



HIGHFIELD HALL

— *& Gardens* —

COVER PAGE

APPLICATION FOR COMMUNITY PRESERVATION FUNDING

Submit one (1) unbound original and eleven (11) copies to the Community Preservation Office, 59 Town Hall Square, Falmouth, MA 02540. Transmit an electronic version of the application to cpfund@falmouthma.gov **Applications are due August 10, 2022 at 3:00 p.m.**

Date:	August 8, 2022
Name of Applicant/Sponsoring Organization:	Historic Highfield, Inc / Highfield Hall & Gardens
Mailing Address:	PO Box 494, Falmouth, MA 02541
Name of Proposal/Project:	Exterior Restoration and Water Abatement
Project Location/Street Address (if applicable):	56 Highfield Drive, Falmouth, MA 02540

Project Representative/Contact Name and Title:	Lisa Walker, Co-Executive Director
Mailing Address:	PO Box 494, Falmouth, MA 02541
Daytime Phone:	508.495.1878 x 311
Evening Phone:	617.435.9229
Email:	lwalker@highfieldhall.org

Cost of Proj-this app. only	CPA Funds	Cost Share - Private	Cost Share- Other Public
\$1,508,063	\$1,108,000	\$200,063	\$200,000

CPA Category (You must check at least one category, but may identify additional categories if applicable)

- | | |
|---|--|
| <input type="checkbox"/> Open Space | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Historic Preservation | <input type="checkbox"/> Community Housing |

TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE INDIVIDUAL OR GOVERNING BODY OF THE APPLICANT.

Authorized Project Representative:

Typed (Printed) Name and Title: Lisa M. Walker, Co-Executive Director

Signature: _____ Date: _____

APPLICATION NARRATIVE

1. A. Project Description:

In 2021, Highfield Hall & Gardens submitted a proposal to the Falmouth CP Fund for gutter and fascia board repair/restoration. However, upon further discussions and evaluation of the project with CPC Committee Members, including Jennifer Mullen, Town Finance Manager; and Greg Endicott, Town Facilities Manager, a decision was made to withdraw Highfield's 2021 proposal.

On the advice of the CPC, Highfield consulted with Wayne Gethning of DHK Architects in Boston. Wayne and his associates conducted a top to bottom Envelope Study of Highfield Hall (attached). Based on their findings, we are submitting a new proposal for funding to address critical exterior restoration and water abatement needed in order to aid the building's longevity. These restoration/repair projects include gutters and fascia, windows, roof, chimney flashing, exterior cladding, doors, and decking.

Failure of the gutters is leading to failure of the water collection and diversion systems, which is ultimately leading to water improperly draining towards the building. This is causing water infiltration at the basement level due to the building addition's new foundation construction—as it did not go far enough down to block the water infiltration to the existing foundation. Additionally, it was noted with severe storms, which happen frequently being close to the coastline, the basement can flood with a couple inches of water. There are small interior drains present in the basement, but these are emergency drains and water infiltration is failing specifically due to the current conditions. The severity of this issue is extremely urgent and of highest priority as there are interior signs of the building settling. To not cause further damage and settling issues of the building it is vital that this be addressed.

DHK Architects identified project priorities based on critical, high, and medium need due to impact of the building envelope. These areas of need include:

- EXTERIOR CLADDING
- GUTTERS & FASCIA
- ROOF
- CHIMNEY
- WINDOWS
- DOORS
- TRIM
- DECKING

The water intrusion and infiltration issues should be rectified based on the recommendations to the above-mentioned areas of concern, specifically the gutters and downspouts as well as the rain / stormwater diversion and collection.

The project design duration will be based upon the project priorities. With the breakdown of work recommended, the design will be executed in a series of design packages per project priorities.

- Project priority design phase duration is estimated to be between twelve (12) and eighteen (18) weeks and will consist of:
 - o Schematic Design package
 - o Design Development
 - o Construction Documents
- Design duration of the critical priority package may be longer than the other packages should digital drawings need to be produced from scratch. If existing digital resources are available, time to produce design packages should be expected per the estimated durations above.

- Following approved construction documents, a bid phase will last approximately six (6) to eight (8) weeks
- Construction Duration
 - All phases together thirty-two (32) weeks.

The project will follow the Massachusetts Chapter 149 Labor and Industries laws, regulations, and requirements. This includes and is not limited to required documentation, designer selection, and bid laws.

B. Applicant's Previous CPA Project Funding: Highfield Hall & Gardens has received CPA Project Funding for prior projects.

- 2012 Ice House Restoration
- 2015 Humidification System Upgrade \$7,500
- 2018 Foyer & Ballroom Hardwood Floor Restoration \$23,205.50
- 2019 ADA Accessibility of Historic Beech Tree Path \$93,954

2. **Community Need and Public Benefit:**

The original vision for Highfield was always more than achieving another historic restoration. The vision, as stated in an article written in 2002, four years before the house was opened to the public states – “At Highfield there will be concerts, dances, art exhibits, lectures, films, and poetry readings. The property will be a stunning place where special memories will be made. There will be historical tours of the building and grounds, and meeting rooms available to the public. Highfield Hall will become the “town living room” a space for all to enjoy.”

Today, Highfield is a valuable part of the community and serves as a cultural center and welcome gathering space for residents and visitors from around the globe. This project will help ensure the longevity of the property by addressing critical issues that are currently contributing to the decay of the historic building. If this grant is awarded it can be used as leverage to obtain additional funding for restorations grants from the Massachusetts Cultural Council (MCC) and the Mass Historic Preservation Projects Fund. We have also secured \$10,000 from the MCC Cultural Facilities Fund to use for part of this project and \$50,000 from a private donor.

It is the mission of Highfield to honor the beauty and historic significance of the estate and grounds by providing high-quality artistic, cultural, and educational programs for the enrichment of our community and visitors of all ages.

Highfield Hall & Gardens is a burgeoning cultural center, set on the historic Highfield estate in Falmouth, MA. We exist to serve the year-round community and visitors to our region — children, families, and adults. All programs and offerings are designed to honor the natural, historic, and cultural assets of the estate and community, and are creatively developed to provide a unique and authentic cultural experience.

Known for our museum-quality contemporary exhibitions, we also provide special community events such as music concerts, holiday programming, themed events, lectures and speaker series, and children’s programming. We round out our programming with a wide range of educational offerings that include culinary classes, floral design, and art classes, to name a few. Additionally, the Highfield is available to the community for private use like events, symposiums, meetings, and educational purposes. This year we have hosted private events for WHOI, MBL, the Falmouth Garden Club, CLOC, and the Falmouth Theatre Guild as well as numerous weddings and celebrations.

By the numbers: We are a staff of six full-time and five part-time employees. We operate with an annual budget of \$949,437. In 2021, we welcomed 18,290 visitors, showed eight exhibits, held 19 speaker events, 26 children's programs, and held our first "annual" Wampanoag Cultural Celebration Day. We offer bi-monthly docent led historic tours of the house and property.

3. **Project Goals**

- With regard to the COMMUNITY PRESERVATION ACT (CPA) GOALS, our project will address the need to restore/rehabilitate the critical needs of the exterior while retaining the original character of the house. Working with Wayne Gethning of DHK Architects, we will ensure the work is done appropriately in accordance to the Guidelines of the Secretary of Interior Standards for Historic Restoration.
- Addressing the critical needs and making the necessary restorations and repairs aligns with the Town of Falmouth Local Comprehensive Plan (LCP), historic preservation theme of Adaptive Re-Use "To preserve Falmouth's community character and simultaneously plan for the future."
 - "... the process of returning a property to a state of utility, through repair or alteration which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values. Retaining the external historical context is of primary importance for existing buildings."
- In addition, these repairs will provide better energy efficiency to the entire 17,000+ square foot building.

4. **Success Factors: How will the success of this project be measured? Be as specific as possible.**

Success will be measured by completing the project within the stated timeline. A successful project will address the urgent issue of water infiltration causing the building to settle. A successful project will also enhance the exterior aesthetics of the home.

5. **Maintenance: If ongoing maintenance is required to protect the CPA investment in your project, how will it be funded in the future? (If not applicable to your project, write NA.)**

Ongoing maintenance will be to clean gutters and paint as needed in the future. Regular maintenance and repair to be completed on an annual schedule and monitored by our maintenance staff, overseen by our co-executive directors, the ___ committee, and ultimately the Board.

A. **Who will be responsible for Project Maintenance?**

- Facilities Maintenance Larry Silva and Lou Capozzi; and Director of Landscape & Grounds George Chapman

B. **How will Project Maintenance be funded?**

- We are working on establishing a Building Maintenance Endowment to fund future maintenance needs. Annual Operating Budget will also contribute to maintenance.

6. **Proof of site control - Required for non-municipal projects only:** Attach documentation that you have control over the site, such as a Purchase and Sale Agreement or deed.

7. **Additional Information** (not required, but recommended if applicable)

A. **Project Documentation:**

- DHK Envelope Study
- Estimated Magnitude of Construction Costs

B. **Other Information:**

- Historic Highfield Lease
- Commonwealth of Massachusetts CLG National Register
- MACRIS documentation

8. If your project requires coordination with another town department or entity, such as DPW, complete all four parts of the following section for each department you identify:

- A. Identify by name each department, committee, board, or commission that will play a role in the implementation of your project. (For example, Department of Public Works, or Planning Department)

N/A

- B. Define in detail the role to be played by each specific governmental body.

N/A

- C. Identify each participating staff person/board/committee/commission member(s) identified in Letter A above by name and their role(s) in your project.

N/A

- D. Obtain the signature of the director or department head of the identified department/board/committee/commission to assure acknowledgment of the details of the application and the department's role.

N/A

Date: _____

NOTE TO ALL MUNICIPAL PROJECT APPLICANTS

Prior to submission of a CP Fund Application for a municipal project, applicants must go before the Select Board at an open meeting to seek approval for submitting an application for CPA funding.

The positive vote of the Select Board must be documented and included in this application.

CONSENT AGENDA

2. Administrative Orders

- f. Approve request from the Tony Andrews Farm located at 394 Old Meetinghouse Road for a waiver of the annual Entertainment and Sunday Entertainment Licenses permit fees and filing fees as follows:

Entertainment Filing Fee	\$10
Entertainment Permit Fee	\$100
Sunday Entertainment Filing Fee	\$10
Sunday Entertainment Permit Fee	\$75

A Sunday Entertainment Permit Fee payable to the Commonwealth of Massachusetts must be paid by the applicant.

Phyllis Downey

From: Falmouth Town Manager
Subject: FW: Entertainment License Application Completed Tony Andrews Farm

Dear Select Board,

Tony Andrews Farm would like to formally request that the License and Filing Fees for the Entertainment License and the Sunday Entertainment License fee be waived.

Thank you, Geoffery Andrews
Manger of Tony Andrews Farm

CONSENT AGENDA

2. Administrative Orders

- g. Approve release and settlement agreement with Michael Rogers et al

RELEASE

In consideration of One Hundred Thirty Thousand One Hundred Twenty Four Dollars and Fifty Nine Cents (\$130,124.59) total paid to the Town of Falmouth and Cabot Risk Strategies, LLC on behalf of Independence American Insurance Company by Ballin & Associates, LLC for Michael Rogers the receipt whereof is hereby acknowledged the Town of Falmouth and Cabot Risk Strategies, LLC for itself and on behalf of Independence American Insurance Company (hereinafter "Releasors") do for themselves, their predecessors, successors, and assigns hereby remise, release and forever discharge Michael Rogers, Steven Ballin, Richard L. Miller, Ballin & Associates, LLC (hereinafter "Releasees") of and from all actions, causes of action, debts, liens, suits, contracts, agreements, damages, and any and all claims, demands and liabilities whatsoever of every name and nature, both in LAW and EQUITY, which against the said Releasees or their heirs and assigns, the Releasors their predecessors, successors and assigns, ever had or will have in the future on account of amounts paid or to be paid in the future in connection with injuries Michael Rogers received in an incident while on duty on or about September 19, 2017.

Date

By: /s/ _____, (Print Name)

Hereunto Duly Authorized
Cabot Risk Strategies, LLC, on behalf of
Independence American Insurance Company

Town of Falmouth

Date

BY: /s/ _____

(Print name):
(Print title):
Hereunto Duly Authorized

Phyllis Downey

From: Maura O'Keefe
Sent: Wednesday, September 7, 2022 4:38 PM
To: Peter Johnson-Staub
Subject: Rogers narrative for SB packet

Peter,

Here is a narrative for the Rogers item for the packet:

This is a claim made in connection with an injury on duty. The private attorney for the employee instigated the claim and negotiated this settlement. As part of the settlement, the Town is entitled to reimbursement for back pay in the amount of \$130,124.59. This settlement is a fair and equitable resolution of this claim.

Let me know if you have questions or concerns

Maura

CONSENT AGENDA

2. Administrative Orders
 - g. Authorize Acting Town Manager to file State Revolving Fund loan application for Wastewater Treatment Facility improvements

AUTHORITY TO FILE

Whereas, the Town of Falmouth, after thorough investigation, has determined that the work activity consisting of:

Wastewater Treatment Facility Improvements

is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and

Whereas, the Massachusetts Department of Environmental Protection (the "MassDEP") and the Massachusetts Water Pollution Abatement Trust (the "Trust") of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth ("Chapter 21" and "Chapter 29C") are authorized to make loans to municipalities for the purpose of funding planning and construction activities relative to Water Pollution Abatement Projects; and

Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

NOW, THEREFORE, BE IT RESOLVED by the Falmouth Board of Selectmen as follows:

1. That the Acting Town Manager is hereby authorized on behalf of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application;
2. That the purpose of said loan(s), if awarded, shall be to fund construction activities.
3. That if said award is made the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost.

Resolved, Falmouth Board of Selectmen:

on:

Date

CERTIFYING AUTHORITY TO FILE

I hereby certify that the Falmouth Board of Selectmen of the Town of Falmouth (hereinafter referred to as the "Applicant"), at a meeting noticed and conducted in accordance with all applicable legal requirements, duly voted to authorize the Acting Town Manager to act on behalf of the Applicant, as its agent, in filing applications for, executing agreements regarding, and performing any and all other actions necessary to secure for the Applicant such loan(s) for construction or planning of Water Pollution Abatement Projects as may be made available to the Applicant pursuant to the provisions of the Massachusetts Clean Waters Act (M.G.L. c.21, section 27-33E, inclusive, as amended) and the Water Pollution Abatement Revolving Loan Program (M.G.L. c.29C) for the following project:

Wastewater Treatment Improvements

I hereby certify that Peter Johnson-Staub is the present incumbent of the position referenced above, and do hereby certify:

1. That the attached resolution is a true and correct copy of the resolution as finally adopted at a meeting of the governing body held on the _____ day of _____, 2022, and duly recorded in my office:

2. That said meeting was duly convened and held in all respects in accordance with law and to the extent required by law, due and proper notice of such meeting was given; and a legal quorum was present throughout the meeting, and a legally sufficient number of members of the governing body voted in the proper manner and for the adoption of said resolution; that all other requirements and proceedings under the law incident to the proper adoption or passage of said resolution, including publication, if required, have been duly fulfilled, carried out, and otherwise observed; and that I am authorized to execute this certificate:

3. That if an impression of a seal has been affixed below, it constitutes the official seal of the Applicant and this certificate is hereby executed under such official seal; but if no seal has been affixed, the Applicant does not have an official seal:

IN WITNESS WHEREOF, I have hereunto set my hand this

_____ day of _____, 2022

CONSENT AGENDA

3. Committee Appointments

- a. Veterans Council Committee – Carissa April, Joe Q Veteran Coffee Break Representative
- b. Veterans Council Committee – Elizabeth S. Sweeney, Falmouth Lodge No. 2380 B.P.O. Elks
- c. Golf Advisory Committee – Carey Murphy, The 300 Committee Representative



**Joe Q Veteran Coffee Break
Honoring
the Life & Legacy of
Joe "Q" Quinliliani**

More than meeting for coffee, the JQVCB mission is to build a welcoming Veteran community where, in collaboration with local military support organizations and community partners, all Veterans and their families can find fellowship, targeted and effective services, and a wide variety of programs.

**2022 JQVCB
Board of Directors**

- Allan Wilson,
President
- Carissa April,
Vice President
- Carole Kenney,
Clerk
- Rebecca Tremblay,
Treasurer
- Kathleen Jespersen
- Randy Collette
- John Dillon
- Kate Prophet

- Advisory Council**
- Riley Doyle*
 - Renee Voorhees*
 - Cheri Robbins*
 - Mark Boardman*
 - Tom Alexander*

*"America is hope.
It is compassion.
It is excellence.
It is valor."*

Select Board Falmouth
59 Town Hall Square
Falmouth, MA 02540

August 25, 2022

Dear Select Board,

This letter is regarding the annual Select Board appointment for the Falmouth Veterans Council. We are requesting Carissa April will again be the Joe Q Veterans Council representative for the term ending June 30, 2023.

Thank You,

Carole Kenney

Carole Kenney, Clerk

Cc: Julie Cramer



www.JoeQVeteranCoffee.org Joe Q Veteran Coffee Break, Inc.
PO Box 1423 ~ N. Falmouth, MA 02556 JoeQCoffee@gmail.com





FALMOUTH LODGE NO. 2380 B. P. O. ELKS

140 PALMER AVENUE • FALMOUTH, MASSACHUSETTS 02540 • PHONE 548-2380

August 23, 2022

Falmouth Veterans Council
59 Town Hall Square
Falmouth, MA 02540

To Whom It May Concern:

The Falmouth Lodge # 2380 of the Benevolent and Protective Order of Elks would like to nominate Lieutenant Colonel Elizabeth S. Sweeney, USAF, RET, as our representative to the Falmouth Veterans Council.

In addition to membership in the Falmouth Elks, Elizabeth is also a member of the Otis Civilian Advisory Council (OCAC) serving military families in conjunction with the Massachusetts Military Support Foundation (MMSF).

She is also our contact person for the Veterans Coffee which is held at the Elks on the 2nd Saturday of every month.

Elizabeth has very close ties to the military, understanding military entitlements, veteran's benefits, official burial honors and protocols. She is the "go-to" person for many veterans.

She will continue the Elks dedication to the Wounded Warrior Soldier Ride, Memorial Day and Veteran's Day luncheons and all other Veteran's Programs.

Thank you for your consideration.

Fraternally,

Kirk Marks
Exalted Ruler
PER
Falmouth Elks Lodge # 2380

CC: Don Lincoln, Director, Veterans Services

Diane Davidson

From: jwhritenour@300committee.org <jwhritenour@300committee.org>
Sent: Thursday, July 14, 2022 3:35 PM
To: Diane Davidson
Cc: carey.murphy037@gmail.com; Peter Johnson-Staub
Subject: T3C rep to Falmouth Golf Course Advisory Committee

Dear Diane,

As discussed over the phone earlier today, I am pleased to confirm that The 300 Committee is requesting that the Town re-appoint Carey Murphy as our representative to the Falmouth Golf Advisory Committee. Carey has been a terrific representative, and we were delighted to review the report from the June 2022 presentation to the Select Board.

It is terrific to see the Falmouth Country Club doing so well 😊

Take care,
Jessica

Jessica K. Whritenour, AICP
Executive Director
The 300 Committee Land Trust
157 Locust Street
Falmouth, MA 02540
p: 508-540-0876
f: 508-457-6406
e: jwhritenour@300committee.org

TOWN MANAGER'S SUPPLEMENTAL REPORT

September 12, 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
SUBJECT: Supplemental Report for September 12, 2022
DATE: September 9, 2022

Wind Turbine Demolition

Eversource disconnected the power to the turbines on September 7th. The demolition contractor has requested a change to the demolition plan which requires further review and delayed the date for demolition. These proposed changes will not result in any additional cost to the Town.

Staffing Updates:

- As the Board is aware, Jennifer Mullen submitted her notice of resignation effective September 30th. We have posted the position with minor updates to the job description.
- One of our Communications Officers (AKA dispatchers) submitted her notice to accept a position in another town. Also this week an offer of employment was accepted to fill a prior Communications Officer vacancy.

Next Meetings:

- September 26, 2022
- Saturday, October 1, 2022 – strategic planning and FY24 Budget Priorities
- October 3, 2022
- October 17, 2022 – Possible joint meeting
- October 24, 2022

//Supplemental Report 09-12-2022