

TOWN OF FALMOUTH

SELECT BOARD

AGENDA

MONDAY, NOVEMBER 21, 2022 – 7:00 P.M.

SELECT BOARD MEETING ROOM

TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

7:00 p.m. OPEN SESSION

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

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

7:15 p.m. PUBLIC HEARINGS

1. Application for the Transfer of an All Alcoholic Beverages Common Victualler License and an Entertainment License – Leeside, Inc. d/b/a Quahog Republic's Leeside Pub located at 29 Railroad Avenue, Woods Hole (5 minutes)
2. Application for a New Sunday Entertainment License – Leeside, Inc. d/b/a Quahog Republic's Leeside Pub, 29 Railroad Avenue, Woods Hole (5 minutes)

7:25 p.m. BUSINESS

1. Report/Update – Senator Susan Moran (10 minutes)
2. Report – Beach Committee (15 minutes)
3. Report – Veterans Council Committee (15 minutes)
4. Vote to form a subcommittee of two Select Board members to review the request to name the new senior center the “John V. Magnani Senior Center”, and that the old senior center building named after John DeMello retain his name (5 minutes)
5. Request for Variance to Sign Code – §184-26 Illumination – Context Architecture - Signage for the Sandwich Road Fire Station, 878 Sandwich Road, East Falmouth (10 minutes)
6. Approve Annual License Renewals for 2023: (5 minutes)

**ALL ALCOHOL RESTAURANT LICENSE and
COMMON VICTUALLER LICENSE**

99 Restaurant, 30 Davis Straits
Anchor Ale House, 100 Davis Straits
Añejo Mexican Bistro, 188 Main Street
Bucatino Restaurant & Wine Bar, 7 Nathan Ellis Highway
C Salt, 75 Davis Straits
Captain Kidd Restaurant, 77 Water Street
Chapoquoit Grill, 410 West Falmouth Highway
DJ's Family sports Pub, 872 Main Street
Falmouth Country Club, 630 Carriage Shop Road
Falmouth Jade, 143-145 East Falmouth Highway
Osteria la Civetta, 133 Main Street
Papa Jakes, 146 Sandwich Road
Paul Harney Golf Enterprises, Inc., 74 Club Valley Drive

Paul's Pizza, 37 Elain Avenue
Quarterdeck Restaurant, 164 Main Street
Quick's Hole Tavern, 29 Railroad Avenue
Sacconnesset Golf Club, 132 Falmouth Woods Road
Shipwrecked, 263 Grand Avenue
Simply Divine Pizza, 271 Main Street
Sweet Rice, 167 Teaticket Highway
The Conference Table, 205 Worcester Court
The Glass Onion, 37 North Mains Street
The Golden Swan, 323-325 Main Street

**ALL ALCOHOL INNHOLDER LICENSE
and INNHOLDER LICENSE**

Coonamessett Inn, 311 Gifford Street

ALL ALCOHOL CLUB LICENSE

Midway Trap & Skeet, 284 Old Meetinghouse Road
Woods Hole Golf Club, 130 Quisset Avenue

**ALL ALCOHOL CLUB LICENSE and
COMMON VICTUALLER LICENSE**

Falmouth Yacht Club, 290 Clinton Avenue
Woods Hole Golf Club, 130 Quisset Avenue

ALL ALCOHOL PACKAGE STORE

Falmouth Wine & Spirits, 322 Palmer Avenue
Family Foods, 350 East Falmouth Highway
Kappy's, 21 Spring Bars Road
North Falmouth Liquors, 362 North Falmouth Highway
Teaticket Market, 125 Teaticket Highway
West Falmouth Market, 623 West Falmouth Highway

**WINE AND MALT RESTAURANT LICENSE and
COMMON VICTUALLER LICENSE**

Country Fare, 319 Main Street
Crabapples, 553 Palmer Avenue
Seafood Sam's, 356 Palmer Avenue

**WINE, MALT & CORDIAL RESTAURANT LICENSE
and COMMON VICTUALLER LICENSE**

Doggz & Hoggz, 781 Main Street

WINERY - BREWERY

Aquatic Brewing, 661 Main Street
Bad Martha's, 876 East Falmouth Highway
Cape Cod Winery, 4 Oxbow Road

WINE & MALT PACKAGE STORE

Holly Park Variety, 580A Route 28A
Intergas, 607 Main Street
Ocean State Job Lots, 50 Teaticket Highway
Rapid Refill, 435 Palmer Avenue
Wild Harbor General Store, 188-200 Old Main Road
Windfall Market, 77 Scranton Avenue

COMMON VICTUALLER LICENSE

Bad Martha's, 876 East Falmouth Highway
Betsy's Diner, 457 Main Street
Burger King, 111 Teaticket Highway
Cape Cod Winery, 4 Oxbow Road
Coonamessett Farm, 277 Hatchville Road
D'Angelo's, 689 Main Street
Mary Ellen's Portuguese Bakery, 829 Main Street
McDonald's, 263 Teaticket Highway
Papa Gino's, 56 Davis Straits
Persy's Place, 40 North Main Street

Starbucks, 11 Davis Straits
Talk of the Town Diner, 587 Quaker Road

ENTERTAINMENT

Anchor Ale House, 100 Davis Straits
Bad Martha's, 876 East Falmouth Highway
Bucatino Restaurant & Wine Bar, 7 Nathan Ellis Highway
Cape Cod Winery, 4 Oxbow Road
Captain Kidd Restaurant, 77 Water Street
Coonamessett Farm, 277 Hatchville Road
Coonamessett Inn, 311 Gifford Street
Falmouth Yacht Club, 290 Clinton Avenue
Papa Jakes, 146 Sandwich Road
Quarterdeck Restaurant, 164 Main Street
Quick's Hole Tavern, 29 Railroad Avenue
Sacconneset Golf Club, 132 Falmouth Woods Road
Simply Divine Pizza, 271 Main Street
Tony Andrews Farm, 394 Old Meetinghouse Road
Woods Hole Golf Club, 130 Quisset Avenue

SUNDAY ENTERTAINMENT LICENSE

Bad Martha's, 876 East Falmouth Highway
Bucatino Restaurant & Wine Bar, 7 Nathan Ellis Highway
Coonamessett Farm, 277 Hatchville Road
Coonamessett Inn, 311 Gifford Street
Falmouth Yacht Club, 290 Clinton Avenue
Quick's Hole Tavern, 29 Railroad Avenue
Sacconneset Golf Club, 132 Falmouth Woods Road
Tony Andrews Farm, 394 Old Meetinghouse Road

AUTOMATIC AMUSEMENT LICENSE

DJ's Family Sports Pub, 872 Main Street

**USED CAR DEALER LICENSE - CLASSES I, II and
III**

Braga's Auto Sales, 227R Main Street
Capstan Yachts, 56 Scranton Avenue
Costa's Auto Body Co., 222 Carriage Shop Road
Falmouth Auto Works, 151 Worcester Court
Falmouth Pier 37, 64 Scranton Avenue
Falmouth Salvage, 9 Hayway Road
Frank's Auto Sales, 442-R - 444 East Falmouth Highway
Reine Trucking, 9 Hayway Road
Sandi's Auto Sales, 45 Simpson Lane
Savon Hatem, 561 Thomas Landers Road
Teaticket Auto Body, 108 Trotting Park Road

FORTUNE TELLER

The Holistic Swan, 628 West Falmouth Highway

7. Discuss and Vote 2023 Select Board meeting calendar (10 minutes)

8:35 p.m. **CONSENT AGENDA**

1. Licenses

- a. Approve Request to Extend Seasonal All Alcoholic Common Victualler License until January 2, 2023 – Landfall Restaurant, 9 Luscombe Avenue, Woods Hole
- b. Approve application for two Special One-Day Liquor Licenses – Falmouth Theatre Guild, located at 58 Highfield Drive, Falmouth – December 2nd and 3rd and December 9th and 10th, 2022 6:30 pm to 10:00 pm. The Friday licenses are requested for 6:30 pm to 9:30 pm and the Saturday licenses are requested for 3:00 pm to 6:00 pm.

- c. Approve application to for a Release of Pledge of License – West Falmouth Market located at 623 West Falmouth Highway, Falmouth.
2. Administrative Orders
 - a. Authorize increase in spending limit for Shellfish and Aquaculture Revolving account to \$150,000
 - b. Vote to appoint Susan Lumping as the Town of Falmouth representative to the Cape Cod Municipal Health Group
 - c. Vote to approve request from The 300 Committee for a Conservation Restriction for the Ed Brown-Leger 3.72-acre property at 0 Boxberry Hill Road

8:40 p.m. MINUTES

1. Review and Vote to Approve Minutes of Meetings
 - a. Public Session – October 3, 2022
 - b. Executive Session – November 7, 2022

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

8:50 p.m. SELECT BOARD REPORTS

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

9:10 p.m. ADJOURN

Nancy R. Taylor, Chair
Select Board

OPEN SESSION

TOWN MANAGER'S PRELIMINARY REPORT



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

TO: Select Board
FROM: Peter Johnson-Staub, Acting Town Manager *AS*
SUBJECT: Preliminary Report for November 21, 2022
DATE: November 18, 2022

AGENDA TOPICS – PRELIMINARY REPORT:

Public Hearings:

1. Transfer of All Alcohol & Entertainment License– 29 Railroad Ave, Woods Hole, Quahog Republic’s Leaside Pub:
This is the location that previously operated as Quicks Hole Tavern. This application has been reviewed for completeness, no concerns have been raised by staff. I recommend approval.
2. New Sunday Entertainment License – 29 Railroad Ave, Woods Hole, Quahog Republic’s Leaside Pub Flow Neutral
The applicant seeks to add Sundays to its existing entertainment license. No concerns have been raised by staff.

Business:

1. Report - Senator Susan Moran:
My understanding is that this is intended as a general update. The legislature is not in session presently and I am unaware of any pressing issues pending in the State Senate.
2. Report – Beach Committee:
This is the Board’s annual meeting with the Beach Committee. The Committee’s slide presentation is in your packet.
3. Report – Veteran’s Council:
This is the Board’s annual meeting with the Veteran’s Council.
4. Senior Center Naming:
A year has passed since the Select Board voted to initiate the process to consider naming the Senior Center for John V. Magnani. Per the attached Naming Policy, the next step is to appoint a subcommittee of the Select Board to solicit input from the Senior Services Department and the Council on Aging and hold a public hearing. When this policy was adopted in 2010, it was likely not understood that if a subcommittee of the Select Board is created, a posted meeting (with minutes taken) would be required for those two members to meet or communicate in any manner about the Senior Center

Minutes:

There are two sets of minutes in your packet.

//SB Meeting Report 11-07-2022

PUBLIC HEARINGS

1. Application for the Transfer of an All Alcoholic Beverages Common Victualler License and an Entertainment License – Leaside, Inc. d/b/a Quahog Republic's Leaside Pub located at 29 Railroad Avenue, Woods Hole **(5 minutes)**



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, Leaside, Inc. d/b/a Quahog Republic's Leaside Pub has applied for a Transfer of an All Alcoholic Beverages Common Victualler License located at 29 Railroad Avenue, Woods Hole, MA. An application has also been submitted for Transfer of the Entertainment License.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, November 21, 2022, at 7:15 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, November 11, 2022; Falmouth Enterprise

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of the Land Court as
der of the Land Court
19-01-001 registered
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of Interval Ownership
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ers of Briarwood Con-
Owners registered with
Registry District of the
s amended, establish-
L.c. 183B, Section 29
vals, held by the time-
their heirs, successors
the
e sold at Public Auction
M on December 15,
Massachusetts 02540.
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Ownership Land Court
Certificate of Title No.
stable County Registry
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to. Each interval owner
Condominiums, located
Falmouth, MA 02540
'A in the Master Deed
Condominiums, Land
wing timeshare interval
Tijuana Goldstein, 44
ndover, MA 01810, see
Elliot R. Aronson, 115
lover, MA 01810, see
Robert J. Crawford, Jr.
d, P.O. Box 723, Station
No. 473701.
Lester W. Prindle, 962
ster, MA 01453, see Doc-
Kevin W Beliveau, 713
im, MA 02453, see Doc-
t: Harold E. Starr, 323
nesville, NC 28786, see
John L. Malakie and Eliz-
lewburn Road, Worcester,
34592.
Santo Sapienza and Syl-
lery Road, Methuen, MA
10.
ancy Santos, 9104 Dorsey
34608, see Document No.
3: Linda Lundin, Kimberly
lin and Lisa Lundin, 308
101, see Document No.
ood Condominiums, located
ve, Falmouth, MA 02540
250 in the Master Deed

Forest Avenue,
Brockton, MA 02301, see Document No. 945957.
6. Interval Week 37: Scott Klein, P.O. Box 286,
Ponte Vedra, FL 32004, see Document No.
1169252.
7. Interval Week 40: Francis E. Shea and Pa-
tricia A. McDonough, C/O Robert McDonough,
53 Fiddlers
Way, East Taunton, MA 02718, see Document
No. 591307.
In Unit 49A of Briarwood Condominiums, located
at 31 Pine Valley Drive, Falmouth, MA 02540
referred to as Unit 49A in the Master Deed
creating the Briarwood Condominiums, Land
Court Certificate of
Title C19-49A, the following timeshare interval
week(s):
1. Interval Week 13: Jean C Godlewski, 26331
Imperial Harbor Blvd, Bonita Springs, FL 34135,
see
Document No. 518395.
2. Interval Week 14: Jean C Godlewski, 26331
Imperial Harbor Blvd, Bonita Springs, FL 33923,
see
Document No. 518396.
3. Interval Week 15: Shawn P. Means and
Donna A. Pearson, 10751 Oak Meadow Lane,
Lake Worth, FL
33467, see Document No. 449733.
4. Interval Week 23: Leo A. Gagnier and Marie
T. Gagnier, 3649 Providence Road, Boynton
Beach, FL
33436, see Document No. 446515.
5. Interval Week 24: Kathleen Tinkham, 90
Weymouth Street, Holbrook, MA 02343, see
Document No.
518397.
6. Interval Week 25: Ernesto Rodriguez and
Amalia A. Rodriguez, 517 Lincoln Street #1,
Union City, NJ
07087, see Document No. 497299.
7. Interval Week 26: Mark J. Bergeron and
Elaine M. Bergeron, 184 Mill Street, Burlington,
MA 01803,
see Document No. 474794.
8. Interval Week 40: Charles A. Elliot and Dorothy
C. Elliot, C/O Rosalie E. Dick, 50 Baboosic Lake
Road, Amherst, NH 03031, see Document No.
315286.
The grantee understands that each Interval
described above shall be conveyed subject to
the provisions
of the Briarwood Condominium Master Deed,
Declaration of Interval Ownership and Bylaws
referenced above.
The printed notice required under M.G.L. c.
183B, Section 29B clause (iv), published in
accordance with this
section, together with such other or further notice,
if any, shall be deemed a sufficient notice of the
sale and the
time-share shall be deemed to have been sold,
and the instrument conveying the time-share
from the foreclosing
entity shall transfer the time-share subject to, and
with the benefit of, all restrictions, easements,
improvements,
outstanding tax titles, municipal or other public
taxes, assessments and security instruments
recorded prior to
the recording of the notice of lien, whether or
not reference to such restrictions, easements,
improvements,
outstanding tax titles, municipal or other public
taxes, assessments or security instruments is
made in the said
instrument of conveyance; provided, however,
that no purchaser at such sale shall be bound
to complete the
purchase if encumbrances exist, other than
those included in the notice of sale, which are
not stated at the sale
and included in the foreclosing entity's contract
with the purchaser; and provided further, no such
notice of sale
shall be held to be invalid by reason of any error
or irregularity which is neither substantial nor
misleading.
TERMS OF SALE:
The time-share estate(s)/interval(s) listed above
will be sold as a group. A deposit of \$1,000.00
is required at

PUBLIC NOTICE OF HEARING

Notice is hereby given under Chapter 140
Section 183A of the General Laws as amended
by Chapter 299 of the Acts of 1926 and amend-
ments thereto, that, Leaside, Inc. d/b/a Quahog
Republic's Leaside Pub has applied for a Sunday
Entertainment License located at 29 Railroad
Avenue, Woods Hole, MA.

A hearing will be held in the Select Board Meet-
ing Room, Falmouth Town Hall on Monday,
November 21, 2022, at 7:15 p.m. on the above
application.

Per order of the Select Board

LICENSING BOARD
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November 11, 2022

LIQUOR LICENSE HEARING

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a Transfer of an All Alcoholic Beverages Com-
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also been submitted for Transfer of the Enter-
tainment License.

A hearing will be held in the Selectmen's Meet-
ing Room, Falmouth Town Hall on Monday,
November 21, 2022, at 7:15 p.m. on the above
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Per order of the Select Board

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November 11, 2022

**Falmouth Zoning Board of Appeals
Notice of Public Hearing
for December 1, 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, December 1, 2022**

Continuation(s)
#059-22 O'Boy, 1 Lookout Avenue, Falmouth
#067-22 Cushing, 90 Nantucket Avenue,
Falmouth

Application #090-22 Christopher Coppellotti:
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 allow
renovations to include additions to the first floor
and a second floor addition, increasing lot cover-
age by structures on subject property known as
63 Glen Avenue, Falmouth, Ma.
Application #091-22 Patricia J. Barksdale:
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 deck and construct a sec-
ond story addition to the nonconforming, single
family dwelling on subject property known as 71
Philadelphia Street, Teaticket, Ma.
Application #092-22 Carole Ann Spear, Trust:

TIME AND PLACE FOR FILING

THIS PROJECT IS BEING ELECTRONICALLY
BID AND HARD COPY BIDS WILL NOT BE
ACCEPTED. Please review the Instructions
the bid documents on how to register for an
electronic bidder. The bids are to be prepared
and submitted at www.biddocsonline.com
and instructions on how to prepare
electronic bid documents are available at
www.biddocsonline.com

ALL SUB-BIDS for the trades listed below
be received 2:00 PM on 30 November 2022
publicly opened on-line, forthwith.

GENERAL BIDS will be received
on 14 December 2022 and publicly
opened on-line, forthwith:

The Awarding Authority reserves the right to
waive any informality in or to any of the
all bids if it be in the public interest.
Pursuant to M.G.L.c. 149 Section 27B, all
bids and filed sub-bids must be accompanied

1) A Certificate of Eligibility issued by the
of Capital Asset Management (DCAMM), showing that the bidder
and the filed sub-bidders, have the ability
to bid on projects of the size and scope
advertised.

2) An Update Statement relating to the
bidders' and the filed sub-bidders' work
or contracts performed during the
period between the date of the
Certificate of Eligibility and the date
are submitted.

FILED SUB TRADES:

- Masonry
- Miscellaneous and Ornamental
- Waterproofing, Damp-proofing
- Roofing & Flashing
- Acoustical Tile (ACT)
- Resilient Floors
- Painting
- Fire Protection Sprinkler Systems
- Plumbing
- Heating, Ventilation & Cooling
- Electrical

BID DOCUMENTS, PLANS AND SPECIFICATIONS
will be available on 9 November 2022
at www.BidDocsOnline.com (they can be viewed
electronically and hardcopy requests to
Nashoba Blue, Inc. The Contract Documents
may be seen, but not removed at

Nashoba Blue Inc.
433 Main Street
Hudson, MA 01749
978-568-1167

There is a Plan Deposit of \$150 per set (a
minimum of 2 sets) payable to BidDocs Online.
Deposits may be electronically paid or made
by a certified or cashier's check. This deposit will
be refunded for up to two sets for general bids
and for one set for sub-bidders upon receipt of
the sets in good condition within thirty days of
receipt of general bids. Otherwise, the deposit
shall be the property of the Awarding Authority.

Additional sets may be purchased for \$150.
Bidders requesting Contract Documents to be
mailed to them shall include a separate check
for \$40.00 per set for UPS Ground (or \$50.00
per set for UPS overnight), payable to BidDocs
Online Inc., to cover mail handling costs.

Pursuant to M.G.L. c. 149 Section 27B, all
bidders and filed sub-bidders are hereby notified
they are required to present a bid deposit which
must be 5% of the bid, and shall be in the form of
a bid bond, or certified check, treasurer's check,
or cashier's check made payable to the Town of
Falmouth. The successful general bidder will be
required to submit a Payment and Performance
Bond each in the amount of 10% of the bid.

LICENSE APPLICATION REVIEW

Restaurant/Business: Quahog Republic's Leaside Pub

Address: 29 Railroad Avenue

License Type: All Alcohol Common Victualler

New or Transfer of License _____

or

Change of License Transfer of License

Police No objection

Fire No objections

Building _____

Health _____

Zoning _____

Planning No concerns

DPW _____

NOTES:



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

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

1. TRANSACTION INFORMATION

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

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

Applicant seeks a transfer of the liquor license from Quicks Hole, LLC dba Quicks Hole Tavern to Leaside Inc, dba Quahog Republic's Leaside Pub. The Applicant operates a few other establishments and are a community-oriented business getting involved in sponsoring charitable events. Their slogan is 'Live, Give and Relax' and that is the atmosphere they provide. Comfort food and fine cocktails.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
On-Premises-12	§12 Restaurant	All Alcoholic Beverages	Annual

3. BUSINESS ENTITY INFORMATION

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

Current or Seller's License Number FEIN

Entity Name

DBA Manager of Record

Street Address

Phone Email

Add'l Phone Website

4. DESCRIPTION OF PREMISES

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

Three floors plus cellar. Lounge, dining area; Second floor: Dining area and bar; and Third floor: Additional seating. Cellar: Walk-in coolers and storage for alcohol, food and paper products.

Total Sq. Footage	<input type="text" value="5032"/>	Seating Capacity	<input type="text" value="151"/>	Occupancy Number	<input type="text" value="201"/>
Number of Entrances	<input type="text" value="2"/>	Number of Exits	<input type="text" value="2"/>	Number of Floors	<input type="text" value="3"/>

APPLICATION FOR A TRANSFER OF LICENSE

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name	Quicks Hole LLC	By what means is the license being transferred?	Other (Attach Explanation)
List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.			
Name of Principal	Title/Position	Percentage of Ownership	
Elizabeth Simonds Colt	Member	51%	
Name of Principal	Title/Position	Percentage of Ownership	
Peter K. Simonds	Member	49%	
Name of Principal	Title/Position	Percentage of Ownership	
Name of Principal	Title/Position	Percentage of Ownership	
Name of Principal	Title/Position	Percentage of Ownership	

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

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

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

Name of Principal	Residential Address	SSN	DOB
Thomas Hughes	19 Sewall Drive, Mashpee, MA 02645		
Title and or Position	Percentage of Ownership	Director/ LLC Manager	
President	40%	<input checked="" type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Yes <input type="radio"/> No	
Name of Principal	Residential Address	SSN	DOB
Erik C. Bevans	15 Keene Street, Bourne, MA 02532		
Title and or Position	Percentage of Ownership	Director/ LLC Manager	
Vice President	40%	<input checked="" type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Yes <input type="radio"/> No	
Name of Principal	Residential Address	SSN	DOB
Shelly L. Hussey	550 Teaticket Hwy, Unit 703, E. Falmouth, MA 02536		
Title and or Position	Percentage of Ownership	Director/ LLC Manager	
Treasurer	10%	<input type="radio"/> Yes <input checked="" type="radio"/> No <input checked="" type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Yes <input type="radio"/> No	
Name of Principal	Residential Address	SSN	DOB
Eric R. Martinez	11 Whippoorwill Circle, Mashpee, MA 02649	1	
Title and or Position	Percentage of Ownership	Director/ LLC Manager	
Secretary	10%	<input type="radio"/> Yes <input checked="" type="radio"/> No <input checked="" type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Yes <input type="radio"/> No	

APPLICATION FOR A TRANSFER OF LICENSE

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

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

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

7. CORPORATE STRUCTURE

Entity Legal Structure Date of Incorporation
State of Incorporation Is the Corporation publicly traded? Yes No

8. OCCUPANCY OF PREMISES

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

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

Please indicate by what means the applicant will occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

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

Yes No

9. APPLICATION CONTACT

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

Name:

Phone:

Title:

Email:

12. MANAGER APPLICATION

A. MANAGER INFORMATION

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

Proposed Manager Name Date of Birth

Residential Address

Email Phone

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

B. CITIZENSHIP/BACKGROUND INFORMATION

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

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

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

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

Start Date	End Date	Position	Employer	Supervisor Name
05/2014		Hostess/Manager	To QHOG Inc./Quahog Republic Dive Bar	Erik C. Bevans
2009	2017	Food Service	Town of Falmouth Public Schools	Dan Murphy

D. PRIOR DISCIPLINARY ACTION

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

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

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

Manager's Signature Date

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

Paragraph 5: Current Officers, Stock or Ownership Interest

The license is being transferred by lease of premises to transferee.

Paragraph 6A: Interest in an Alcoholic Beverages License

NAME	LICENSE TYPE	LICENSE NAME	MUNICIPALITY
Erik C. Bevans	§ 12 Restaurant All Alcohol / On Premises (Annual)	To QHOG Inc. d/b/a Quahog Republic Dive Bar	Falmouth
Thomas Hughes	§ 12 Restaurant All Alcohol / On Premises (Annual)	To QHOG Inc. d/b/a Quahog Republic Dive Bar	Falmouth
Erik C. Bevans	§ 12 Restaurant All Alcohol / On Premises (Annual)	Quahog Republic Inc. d/b/a Whaler's Tavern	New Bedford
Thomas Hughes	§ 12 Restaurant All Alcohol / On Premises (Annual)	Quahog Republic Inc. d/b/a Whaler's Tavern	New Bedford
Erik C. Bevans	§ 12 Restaurant All Alcohol / On Premises (Seasonal)	Project Half Shell Inc. d/b/a Quahog Republic	Wareham
Thomas Hughes	§ 12 Restaurant All Alcohol / On Premises (Seasonal)	Project Half Shell Inc. d/b/a Quahog Republic	Wareham

Paragraph 6B: Previously Held Interest in an Alcoholic Beverages License

NAME	LICENSE TYPE	LICENSE NAME	MUNICIPALITY
Erik C. Bevans	§ 12 Restaurant All Alcohol / On Premises Annual	Jak Sons Inc. d/b/a Captain's Den	Plymouth
Thomas Hughes	§ 12 Restaurant All Alcohol / On Premises Annual	Jak Sons Inc. d/b/a Captain's Den	Plymouth

APPLICANT'S STATEMENT

I, Thomas Hughes the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of Leeside Inc.
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: Thomas Hughes
Title: President

Date: 2.9.05.02

CORPORATE VOTE

The Board of Directors or LLC Managers of Entity Name
duly voted to apply to the Licensing Authority of and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on Date of Meeting

For the following transactions (Check all that apply):

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

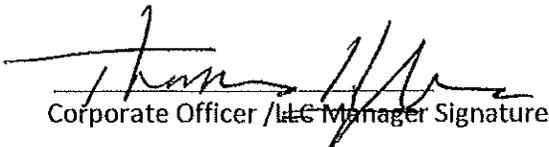
"VOTED: To authorize Name of Person

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

"VOTED: To appoint Name of Liquor License Manager

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

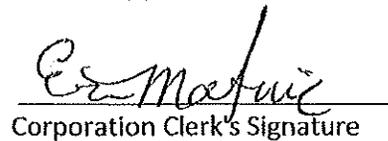
A true copy attest,


Corporate Officer / LLC Manager Signature

Thomas Hughes
(Print Name)

For Corporations ONLY

A true copy attest,


Corporation Clerk's Signature

Eric Martinez
(Print Name)

ARTICLE VII

The effective date of organization and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a *later* effective date is desired, specify such date, which may not be later than the 90th day after the articles are received for filing.

Later Effective Date: 10/13/2022 Time: 4:00 PM

ARTICLE VIII

The information contained in Article VIII is not a permanent part of the Articles of Organization.

a,b. The street address of the initial registered office of the corporation in the commonwealth and the name of the initial registered agent at the registered office:

Name: ERIK C. BEVANS
No. and Street: 15 KEENE STREET
City or Town: BOURNE State: MA Zip: 02532 Country: USA

c. The names and street addresses of the individuals who will serve as the initial directors, president, treasurer and secretary of the corporation (an address need not be specified if the business address of the officer or director is the same as the principal office location):

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	THOMAS HUGHES	19 SEWALL DRIVE MASHPEE, MA 02649 USA
TREASURER	SHELLY L HUSSEY	550 TEATICKET HIGHWAY EAST FALMOUTH, MA 02536 USA
SECRETARY	ERIC R MARTINEZ	11 WHIPPOORWILL CIRCLE MASHPEE, MA 02649 USA
VICE PRESIDENT	ERIK C BEVANS	15 KEENE STREET BOURNE, MA 02532 USA
DIRECTOR	THOMAS HUGHES	19 SEWALL DRIVE MASHPEE, MA 02649 USA
DIRECTOR	ERIK C BEVANS	15 KEENE STREET BOURNE, MA 02532 USA

d. The fiscal year end (i.e., tax year) of the corporation:
December

e. A brief description of the type of business in which the corporation intends to engage:

OPERATE A RESTAURANT AND LOUNGE

f. The street address (*post office boxes are not acceptable*) of the principal office of the corporation:

No. and Street: 15 KEENE STREET
City or Town: BOURNE State: MA Zip: 02532 Country: USA



Town of Falmouth Assessing Department

59 Town Hall Square, Falmouth MA 02540

Telephone: 508-495-7380

Fax: 508-495-7384

RECEIVED

NOV 08 2022

Board of Assessors, Town of Falmouth

REQUEST OF CERTIFIED ABUTTERS LIST

Name of person requesting abutters list:

Phyllis Downey

Address of person requesting abutters list:

Town Manager's Office ✓

Phone: x 7325

Abutters to (subject property):

Map	Section	Parcel	Lot
Map	Section	Parcel	Lot
Map	Section	Parcel	Lot

Lot size of subject property: _____

Location of subject property: 29 Railroad Avenue Woods Hole ✓

Check one:

Direct abutters (includes properties across street)

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

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

Immediate abutters plus churches and schools within 500'

Properties within 300'

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

Properties within 100'

Other (specify) _____

Fee. \$25.00 Total n/a

9 LUSCOMBE AVE 51A 01 005 000
ESTES TRUSTEE DONALD A LUC: 326
ESTES TRUSTEE JAMES
PO BOX 107
WOODS HOLE, MA 02543-0107

0 RAILROAD AVE 51A 01 044A 000
NEW BEDFORD-WOODS HOLE LUC: 929
MARTHAS VINEYARD & NANTUCKET
PO BOX 284
WOODS HOLE, MA 02543

44 WATER ST 51A 01 002 000
WOODS HOLE OCEANOGRAPHIC INST LUC: 943
GENERAL ACCOUNTING OFFICE
569 WOODS HOLE RD
ATTN: NANCY SHEA
WOODS HOLE, MA 02543

1 SCHOOL ST 51 05 031 000
JONES TRUSTEE BARBARA WOLL LUC: 101
SCHOOL ST NOMINEE REALTY TRUST
38 LOCUST ST
FALMOUTH, MA 02540-2657

0 RAILROAD AVE OFF 51A 01 044B 000
NEW BEDFORD-WOODS HOLE LUC: 929
MARTHAS VINEYARD & NANTUCKET
PO BOX 284
WOODS HOLE, MA 02543

0 WATER ST 51A 01 003 000
WOODS HOLE OCEANOGRAPHIC INST LUC: 929
GENERAL ACCOUNTING OFFICE
569 WOODS HOLE RD
ATTN: NANCY SHEA
WOODS HOLE, MA 02543

29 RAILROAD AVE 51A 01 009 000
LUSCOMBE AVENUE LLC LUC: 326
BOX 4
WOODS HOLE, MA 02543

33 RAILROAD AVE 51A 01 045 000
NEW BEDFORD-WOODS HOLE LUC: 929
MARTHAS VINEYARD & NANTUCKET
PO BOX 284
WOODS HOLE, MA 02543

38 WATER ST 51A 01 004 000
WOODS HOLE OCEANOGRAPHIC INST LUC: 325
GENERAL ACCOUNTING OFFICE
569 WOODS HOLE RD
ATTN: NANCY SHEA
WOODS HOLE, MA 02543

28 WATER ST A THRU D 51A 01 012 000
LUSCOMBE AVENUE LLC LUC: 302
PO BOX 4
WOODS HOLE, MA 02543

20 LUSCOMBE AVE 51A 01 010 000
SALTHOUSE JAMES E LUC: 325
SALTHOUSE MARGARET C
22 GLENDON RD
WOODS HOLE, MA 02543

10 WATER ST 51A 01 015 000
MARTHA ERTMANN LLC LUC: 326
10 WATER ST
WOODS HOLE, MA 02543

19 RAILROAD AVE 51A 01 011 000
STIMPSON TRUSTEE CYNTHIA DEW LUC: 337
RAILROAD AVE NOMINEE RLTY TR
PO BOX 646
FALMOUTH, MA 02541

2 WATER ST 51A 01 016 000
MARTHAS VINEYARD SAVINGS BANK LUC: 341
PO BOX 1089
EDGARTOWN, MA 02539

22 WATER ST 51A 01 013 000
STRATTON TRUSTEE JOYCE B LUC: 325
PETERS TRUSTEE JEFFREY G
PO BOX 444
WOODS HOLE, MA 02543-0444

9 RAILROAD AVE 51A 01 017 000
MARTHAS VINEYARD SAVINGS BANK LUC: 337
PO BOX 1069
EDGARTOWN, MA 02539

3 WATER ST 51 05 032 000
WGBH EDUCATIONAL FOUNDATION LUC: 943
ONE GUEST ST
BOSTON, MA 02135

21 LUSCOMBE AVE 51A 01 007 006
NAUSHON TRUST LUC: 013
121 MOUNT VERNON ST
C/O J M FORBES & CO
BOSTON, MA 02108

16 WATER ST 51A 01 014 000
WOODS HOLE FOUNDATION LUC: 350
PO BOX 603
WOODS HOLE, MA 02543-0603

29 LUSCOMBE AVE 51A 01 008 000
NEW BEDFORD-WOODS HOLE LUC: 929
MARTHAS VINEYARD & NANTUCKET
PO BOX 284
WOODS HOLE, MA 02543

45 WATER ST 49A 01 059 000
WOODS HOLE OCEANOGRAPHIC INST LUC: 943
GENERAL ACCOUNTING OFFICE
569 WOODS HOLE RD
ATTN: NANCY SHEA
WOODS HOLE, MA 02543

36 RAILROAD AVE 51A 01 044 000
NEW BEDFORD-WOODS HOLE LUC: 929
MARTHAS VINEYARD & NANTUCKET
PO BOX 284
WOODS HOLE, MA 02543

5 SCHOOL ST 51 05 037 000
WOODS HOLE OCEANOGRAPHIC INST LUC: 943
GENERAL ACCOUNTING OFFICE
569 WOODS HOLE RD
ATTN: NANCY SHEA
WOODS HOLE, MA 02543

CANS & SEL

TRULY
(PINEAPPLE, WILD BERRY)

CAPE COD'R
(ORIGINAL, OCEAN BREAK, PERFECT STORM)

WHITE CLAW
(BLACKCHERRY, RASPBERRY, WATERMELON)

DA

BOTTLED BEERS

QUAHOG REPUBLIC GOLDEN ALE
 AMSTEL LIGHT
 BLUE MOON
 BUDWEISER
 BUD LIGHT
 COORS LIGHT
 CORONA
 CORONA LIGHT
 HENIEKEN
 MICHELOB ULTRA
 MILLER HIGHLIFE
 MILLER LIGHT
 PABST BLUE RIBBON
 SAM ADAMS BOSTON LAGER
 STELLA
 WACHUSETT BLUEBERRY

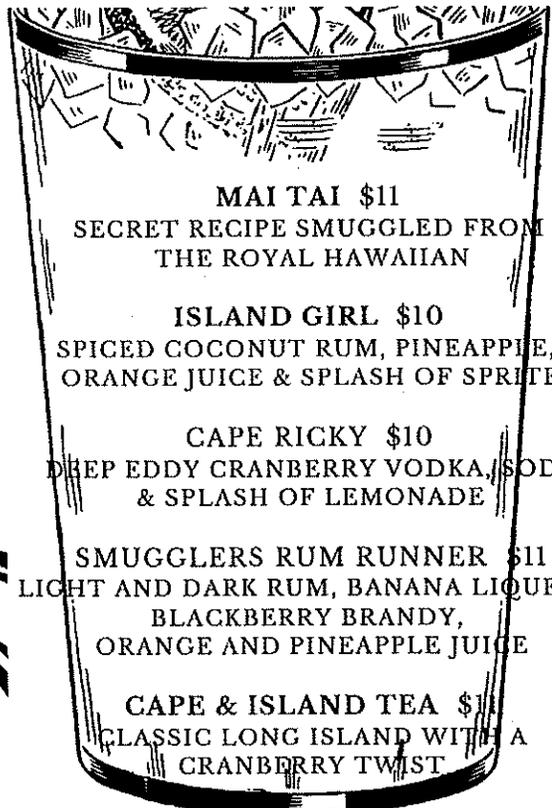
SPECIALTY COCKTAILS

NON-ALCOHOLIC

COORS EDGE
HEINEKEN 0.0 NA
SAM ADAMS JUST THE HAZE NA

SODA \$3
PEPSI, DIET PEPSI, ORANGE CRUSH,
GINGER ALE, LIPTON ICED TEA,
LEMONADE, IBC ROOT BEER,
DIET IBC ROOT BEER
OTHER \$3
MILK, CHOCOLATE MILK
HOT DRINKS \$3
CAPE COD COFFEE(REG/DECAF
LIPTON TEA

SPECIALTY COCKTAILS



MAI TAI \$11
SECRET RECIPE SMUGGLED FROM
THE ROYAL HAWAIIAN

ISLAND GIRL \$10
SPICED COCONUT RUM, PINEAPPLE,
ORANGE JUICE & SPLASH OF SPRITE

CAPE RICKY \$10
DEEP EDDY CRANBERRY VODKA, SODA
& SPLASH OF LEMONADE

SMUGGLERS RUM RUNNER \$11
LIGHT AND DARK RUM, BANANA LIQUEUR,
BLACKBERRY BRANDY,
ORANGE AND PINEAPPLE JUICE

CAPE & ISLAND TEA \$11
CLASSIC LONG ISLAND WITH A
CRANBERRY TWIST

WHEELHOUSE MARG \$11
LUNAZUL BLANCO TEQUILA, TRIPLE SEC,
OR SOUR MIX
WITH A SPLASH OF ORANGE JUICE

SANGRIA (RED OR WHITE) \$11
PINOT NOIR OR PINOT GRIGIO,
PEACH SCHNAPPS,
PINEAPPLE AND ORANGE JUICE
WITH A SPLASH OF SODA

OR BLOODY MARY \$11
MADE WITH OUR HOUSE INFUSED VODKA,
GARNISHED
WITH LEMON, LIME, QUEEN OLIVES &
BACON!

RED BEER \$10
20OZ GOLDEN ALE WITH A SHOT OF OR
BLOODY MARY MIX

BOAT DRINK \$11
DON Q COCONUT RUM, COCONUT CREAM
& PINEAPPLE JUICE WITH A DARK RUM
FLOAT

RIPTIDE RITA \$15
CASA MEXICO BLANCO TEQUILA,
COINTREAU,
OR SOUR MIX WITH A GRAND MARNIER
FLOAT

BLACKBERRY SMASH SWEET TEA \$12
CLEVELAND UNDERGROUND WHISKEY
WITH MUDDLED
BLACKBERRIES AND MINT, SQUEEZE OF
FRESH LEMON JUICE, SIMPLE
SYRUP AND TEA

CAPE COD SUNSET \$11
COCONUT RUM, MELON LIQUEUR,
PINEAPPLE & CRANBERRY JUICE

side of Balsamic vinaigrette 11 *GF

CAESAR SALAD

Fresh Greens, Caesar dressing, parmesan cheese and croutons 11 *GF

QUAHOG CHOWDER

Chopped Quahogs, Applewood Smoked Bacon, Onion, Celery, Tender Red Bliss Potato cup-7 Bowl-11

AWARD WINNING CHILI

Ground beef, shredded pork, beans and seasonings Cup- 7 Bowl-11 Load It Up- +3

BAR SNACKS & STARTERS

STUFFED QUAHOG

Golden Brown And Filled With Chunks Of Quahog, Linguica Served With Melted Butter, Lemon Wedge 8

STUFFED SCALLOP

A Special Recipe Including Linguica Shrimp And Scallop Chunks With Melted Butter And Lemon Wedge 9

CHICKEN FINGERS(5PC) 13

Make it a meal- Add Fries +3

QUESADILLA

Cheese- 9 Lobsta-MP BBQ Pulled Pork 14

FRENCH FRIES

Plain 5 Truffle 9 Chili Cheese or Wavy Gravy 10

GIANT PRETZEL

Served With Cheese Dipping Sauce 9

HOUSE NACHOS

Topped With Melted Cheese, Tomato, Red Onion, Jalapenos, and Shredded Lettuce. Sides Of Salsa and Sour Cream 14

CHICKEN WINGS(7PC) 15

Magic Spice, Buffalo, Old Bay, Mango Habanero, BBQ, Lemon Pepper, Ranch Rub, Truffalo, Cajun *GF

ONION RINGS 10

Q.R. COMBOS

Choose a Cup of Chowder OR Chili

LOBSTA

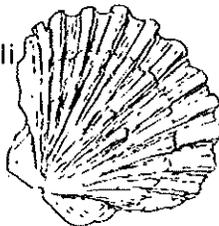
Smalla, Larger, Monsta- MP

Stuffed Quahog 13

Stuffed Scallop 14

- SIDES -

FRIES, CAPE COD POTATO CHIPS, COLESLAW, BAKED BEANS



UPGRADES 5

TRUFFLE PARM FRIES, ONION RINGS, MAC & CHEESE, WAVY GRAVY/CHILI CHEESE FRIES

LOBSTA

THE LOBSTA ROLL

Lightly Dress Tail and Claw Meat On Toasted Brioche Roll with lettuce, side of butter, lemon wedge and choice of side MP *GF

Smalla- Quarter Pound Of Lobsta Meat

Larger- Half Pound Of Lobsta Meat

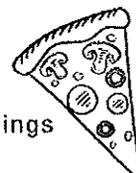
THE MONSTA- Three Quarter Pound Lobster Meat

LOBSTA GRILLED CHEESE

Choice of White or Wheat. With Swiss, Cheddar and Mozzarella Cheese and one side MP



BAR PIE(PIZZA)



Start With A Plain Cheese And Add Your Toppings

Plain Cheese-12

Extra Cheese-2, Extra sauce-2

Meats-Bacon(3), Pepperoni(4), Grilled or Crispy Chicken(5), Pulled Pork(5), Sausage(5), Ham(5) Veggies-(1.50 Each)

Peppers, Red Onion, Mushroom, Olives, Tomato, Chopped Garlic, Jalapeno, Peppercini, Pineapple, Caramelized Onion

Specialty Bar Pie

Captain Tom's Cheeseburger Pie 18

Ketchup and Mustard Base, ground beef, Red Onion, Tomato, Pickles, Melted Cheese And topped with Shredded Lettuce

Veggie Supreme 18

Garlic & Oil Base, Tomato, Red Onion, Peppers, Mushrooms, Olives, Melted Cheese

Johnny Quahog 17

Garlic & Oil Base, Shredded Chicken, Caramelized Onion, Mushrooms, Melted Cheese

Q.R. FAVORITES

CUBANO

Oven Roasted Pulled Pork, Black Forest Ham, Chopped Pickles, Marinated Red Onion, Swiss Cheese, Chipotle Aioli, Whole Grain Mustard Brushed French Bread Choice Of One Side 18

CRUNCHY COD FISH & CHIPS

Deep Fried Battered Cod in Corn Flakes and Sliced Almonds Served with Fries, Creamy Coleslaw 21

MAKE IT A SANDWICH- On grilled potato roll with one side

GRILLED CHEESE

Choice of White/Wheat with American cheese 10

BLT

Choice of White or Wheat, Lettuce, Tomato, Applewood Smoked Bacon, Side of mayo 12

POORMAN'S SURF & TURF

Quarter Pound All-Beef Hot Dog, Grilled brioche Roll and a Stuffed Quahog 17 OR Scallop 18

ANGUS BEEF BURGER

Toasted Bun, lettuce, tomato Choice of one side

GRILLED CHICKEN SANDWICH

Garlic & Oil Marinated Chicken Breast On Toasted Roll, lettuce, tomato, one side 15

BBQ PULLED PORK SANDWICH

Pulled Pork, House Chipotle BBQ Sauce Topped



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

ENTERTAINMENT LICENSE ANNUAL APPLICATION

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

Required fields are outlined in red.

NAME OF BUSINESS: Leeside Inc. D/B/A Quahog Republic's Leeside Pub
 ADDRESS: 29 Railroad Avenue
 TOWN: Woods Hole STATE: MA ZIP CODE: 02543
 NAME OF OWNER/MANAGER: Thomas Hughes, President
 TELEPHONE #: [REDACTED] EMAIL: [REDACTED]
 MAILING ADDRESS: 15 Keene Street, Bourne, MA 02532
 LOCATION OF ENTERTAINMENT ON PREMISES: 29 Railroad Avenue, Woods Hole, MA 02543

DAYS OF ENTERTAINMENT: Mondays - Saturdays
 HOURS OF ENTERTAINMENT: 11:30 AM - 11:00 PM

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

Local disc jokey, small bands, juke box / Actual TBD

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

SUNDAY ENTERTAINMENT: NO YES (if YES, complete a separate Sunday Entertainment application - see 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 public 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 10/24/22 X [Signature]
 Signature - OWNER or MANAGER

Total Fees Payable to the Town of Falmouth : \$110
 Filing Fee: \$10 due upon application
 License Fee: \$100



Entertainment License applications must be reviewed by the Building Commissioner's Office before the application is submitted to the Select Board

APPLICANT:

ADDRESS:

LICENSE OR LICENSE CHANGE APPLIED FOR:

The attached application with the following supporting documents, has been reviewed by the Building Commissioner's Office :

- a. A seating plan completed and stamped by an Engineer or Architect and showing the occupancy load calculation.
- b. If any outdoor seating, a plot plan or site plan by a certified land surveyor. Must include parking

Building Department sign-off: X

DATE: 10-24-22

PUBLIC HEARINGS

2. Application for a New Sunday Entertainment License – Leaside, Inc. d/b/a Quahog Republic's Leaside Pub, 29 Railroad Avenue, Woods Hole **(5 minutes)**



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

PUBLIC NOTICE OF HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that , Leaside, Inc. d/b/a Quahog Republic's Leaside Pub has applied for a Sunday Entertainment License located at 29 Railroad Avenue, Woods Hole, MA.

A hearing will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, November 21, 2022, at 7:15 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, November 11, 2022; Falmouth Enterprise

PUBLIC NOTICE OF HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that , Leaside, Inc. d/b/a Quahog Republic's Leaside Pub has applied for a Sunday Entertainment License located at 29 Railroad Avenue, Woods Hole, MA.

A hearing will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, November 21, 2022, at 7:15 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

November 11, 2022

LICENSE APPLICATION REVIEW

Restaurant/Business: Quahog Republic's Leaside Pub

Address: 29 Railroad Avenue

License Type: All Alcohol Common Victualler

New or Transfer of License _____

or

Change of License Transfer of License

Police No objection

Fire No objections

Building _____

Health _____

Zoning _____

Planning No concerns

DPW _____

NOTES:



Entertainment License applications must be reviewed by the Building Commissioner's Office before the application is submitted to the Select Board

APPLICANT:

ADDRESS:

LICENSE OR LICENSE CHANGE APPLIED FOR:

The attached application with the following supporting documents, has been reviewed by the Building Commissioner's Office :

- a. A seating plan completed and stamped by an Engineer or Architect and showing the occupancy load calculation.
- b. If any outdoor seating, a plot plan or site plan by a certified land surveyor. Must include parking

Building Department sign-off: X 

DATE: 10-24-22

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

THE COMMONWEALTH OF MASSACHUSETTS
Town _____ OF Falmouth



LICENSE

For

PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is Leeside Inc. d/b/a Quahog Republic's Leeside Pub in or on the property at No. _____
29 Railroad Avenue, Falmouth (Woods Hole), MA 02543 (address)

The Licensee or Authorized representative, Leeside Inc. d/b/a Quahog Republic's Leeside Pub 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
2022	*	*Regular Hours: Sunday 1:00 PM - Midnight - \$50 Check to Commonwealth of MA; and \$75 Check to Town of Falmouth

Hon. Douglas C. Brown Mayor/ Chairman of Board of Selectman, Town of Falmouth (City or Town)

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

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

Do not write in this box

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

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

(Revised 2015)



Town of Falmouth Assessing Department

59 Town Hall Square, Falmouth MA 02540

Telephone: 508-495-7380

Fax: 508-495-7384

RECEIVED

NOV 08 2022

Board of Assessors, Town of Falmouth

REQUEST OF CERTIFIED ABUTTERS LIST

Name of person requesting abutters list:

Phyllis Downey

Address of person requesting abutters list:

Town Manager's Office ✓

Phone: x 7325

Abutters to (subject property):

Map	Section	Parcel	Lot
Map	Section	Parcel	Lot
Map	Section	Parcel	Lot

Lot size of subject property: _____

Location of subject property: 29 Railroad Avenue Woods Hole ✓

Check one:

Direct abutters (includes properties across street)

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

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

Immediate abutters plus churches and schools within 500'

Properties within 300' ✓

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

Properties within 100'

Other (specify) _____

Fee. \$25.00 Total n/a

9 LUSCOMBE AVE 51A 01 005 000
ESTES TRUSTEE DONALD A LUC: 326
ESTES TRUSTEE JAMES
PO BOX 107
WOODS HOLE, MA 02543-0107

0 RAILROAD AVE 51A 01 044A 000
NEW BEDFORD-WOODS HOLE LUC: 929
MARTHAS VINEYARD & NANTUCKET
PO BOX 284
WOODS HOLE, MA 02543

44 WATER ST 51A 01 002 000
WOODS HOLE OCEANOGRAPHIC INST LUC: 943
GENERAL ACCOUNTING OFFICE
569 WOODS HOLE RD
ATTN: NANCY SHEA
WOODS HOLE, MA 02543

1 SCHOOL ST 51 05 031 000
JONES TRUSTEE BARBARA WOLL LUC: 101
SCHOOL ST NOMINEE REALTY TRUST
38 LOCUST ST
FALMOUTH, MA 02540-2657

0 RAILROAD AVE OFF 51A 01 044B 000
NEW BEDFORD-WOODS HOLE LUC: 929
MARTHAS VINEYARD & NANTUCKET
PO BOX 284
WOODS HOLE, MA 02543

0 WATER ST 51A 01 003 000
WOODS HOLE OCEANOGRAPHIC INST LUC: 929
GENERAL ACCOUNTING OFFICE
569 WOODS HOLE RD
ATTN: NANCY SHEA
WOODS HOLE, MA 02543

29 RAILROAD AVE 51A 01 009 000
LUSCOMBE AVENUE LLC LUC: 326
BOX 4
WOODS HOLE, MA 02543

33 RAILROAD AVE 51A 01 045 000
NEW BEDFORD-WOODS HOLE LUC: 929
MARTHAS VINEYARD & NANTUCKET
PO BOX 284
WOODS HOLE, MA 02543

38 WATER ST 51A 01 004 000
WOODS HOLE OCEANOGRAPHIC INST LUC: 325
GENERAL ACCOUNTING OFFICE
569 WOODS HOLE RD
ATTN: NANCY SHEA
WOODS HOLE, MA 02543

28 WATER ST A THRU D 51A 01 012 000
LUSCOMBE AVENUE LLC LUC: 302
PO BOX 4
WOODS HOLE, MA 02543

20 LUSCOMBE AVE 51A 01 010 000
SALTHOUSE JAMES E LUC: 325
SALTHOUSE MARGARET C
22 GLENDON RD
WOODS HOLE, MA 02543

10 WATER ST 51A 01 015 000
MARTHA ERTMANN LLC LUC: 326
10 WATER ST
WOODS HOLE, MA 02543

19 RAILROAD AVE 51A 01 011 000
STIMPSON TRUSTEE CYNTHIA DEW LUC: 337
RAILROAD AVE NOMINEE RLTY TR
PO BOX 646
FALMOUTH, MA 02541

2 WATER ST 51A 01 016 000
MARTHAS VINEYARD SAVINGS BANK LUC: 341
PO BOX 1069
EDGARTOWN, MA 02539

22 WATER ST 51A 01 013 000
STRATTON TRUSTEE JOYCE B LUC: 325
PETERS TRUSTEE JEFFREY G
PO BOX 444
WOODS HOLE, MA 02543-0444

9 RAILROAD AVE 51A 01 017 000
MARTHAS VINEYARD SAVINGS BANK LUC: 337
PO BOX 1069
EDGARTOWN, MA 02539

3 WATER ST 51 05 032 000
WGBH EDUCATIONAL FOUNDATION LUC: 943
ONE GUEST ST
BOSTON, MA 02135

21 LUSCOMBE AVE 51A 01 007 006
NAUSHON TRUST LUC: 013
121 MOUNT VERNON ST
C/O J M FORBES & CO
BOSTON, MA 02108

16 WATER ST 51A 01 014 000
WOODS HOLE FOUNDATION LUC: 350
PO BOX 603
WOODS HOLE, MA 02543-0603

29 LUSCOMBE AVE 51A 01 008 000
NEW BEDFORD-WOODS HOLE LUC: 929
MARTHAS VINEYARD & NANTUCKET
PO BOX 284
WOODS HOLE, MA 02543

45 WATER ST 49A 01 059 000
WOODS HOLE OCEANOGRAPHIC INST LUC: 943
GENERAL ACCOUNTING OFFICE
569 WOODS HOLE RD
ATTN: NANCY SHEA
WOODS HOLE, MA 02543

36 RAILROAD AVE 51A 01 044 000
NEW BEDFORD-WOODS HOLE LUC: 929
MARTHAS VINEYARD & NANTUCKET
PO BOX 284
WOODS HOLE, MA 02543

5 SCHOOL ST 51 05 037 000
WOODS HOLE OCEANOGRAPHIC INST LUC: 943
GENERAL ACCOUNTING OFFICE
569 WOODS HOLE RD
ATTN: NANCY SHEA
WOODS HOLE, MA 02543

BUSINESS

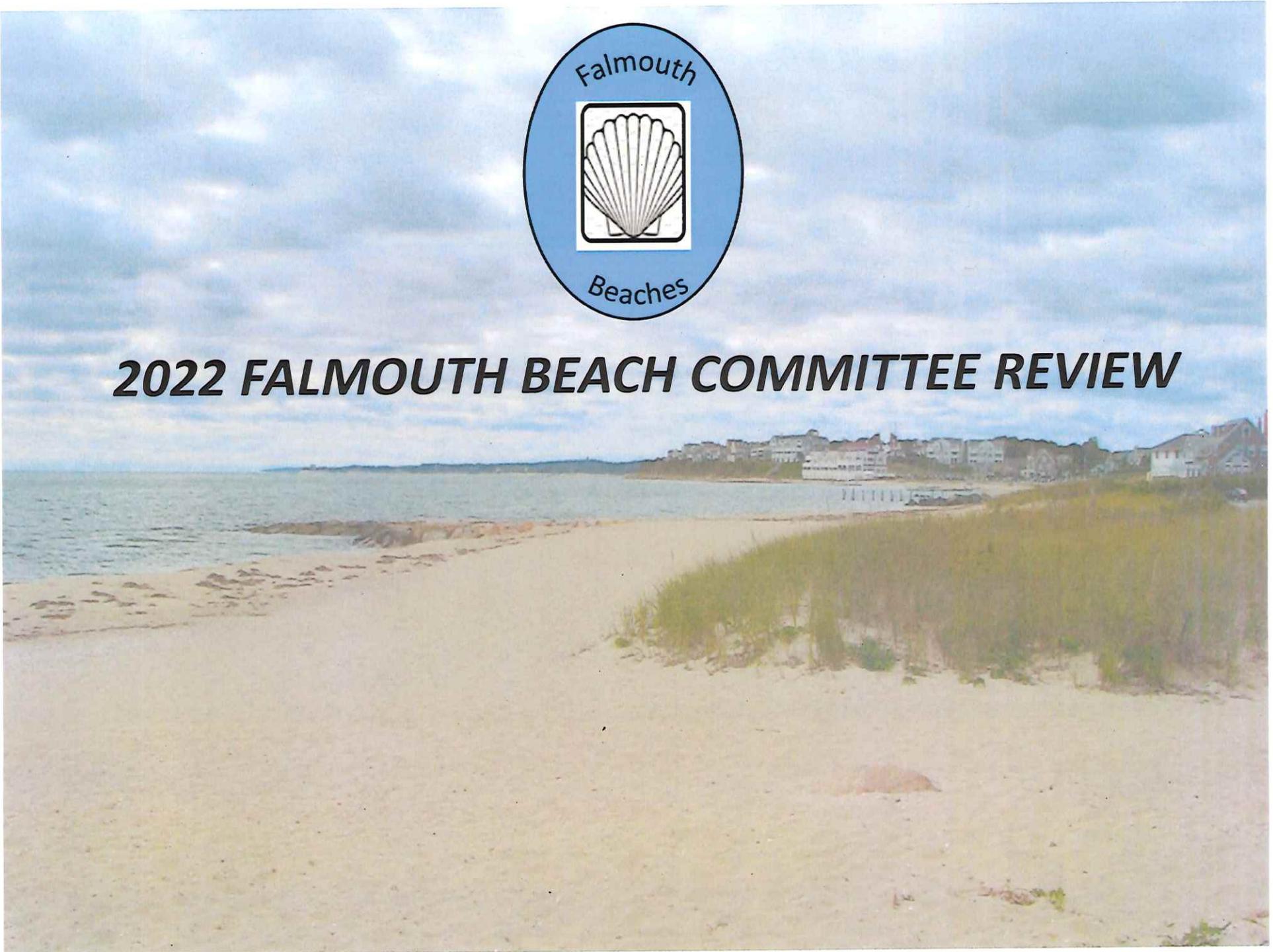
1. Report/Update – Senator Susan Moran **(10 minutes)**

BUSINESS

2. Report – Beach Committee **(15 minutes)**



2022 FALMOUTH BEACH COMMITTEE REVIEW



2022 BEACH COMMITTEE

Barbara Schneider - Chair

- Falmouth full-time resident for 21 years. Seasonal resident since 1977
- Doctorate in Leadership and Policy Studies from Loyola of Chicago
- Educator for 25 years, journalist since college graduation, public relations director for District 128 in Illinois for 16 years. Charter member of CPC; Town meeting member and precinct captain; President of Falmouth Dog Parks, Inc., co-founder of The Osprey Project, marine mammal rescue volunteer for IFAW, election worker for Town

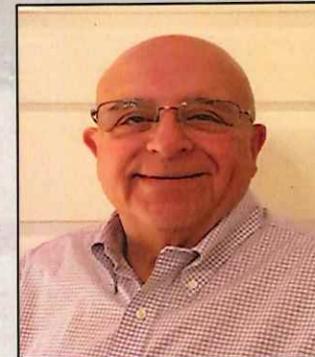
"Our beaches are in trouble and yet they are what makes Falmouth one of the best seaside communities in the country; I think I can make a difference in helping the town make educated, informed decisions on what we can do to rescue and sustain them, and how to upgrade the facilities and instill pride in being part of the beach staff."



Joseph Stazzulla – Vice Chair

- Falmouth resident for 24 years
- Attended Boston University
- Retail and Commercial Property Manager. Chair of the Hopkinton Select Board, Planning Board and School committee
- Oversaw major capital projects such as two new schools, hiring Town's first planner, and restructuring Town Hall Operations.

"I realize that the beaches are what make Falmouth such a special place for everyone."



2022 BEACH COMMITTEE

Nancy Quigg

- Part time Falmouth resident since 1974, full time since 2000
- Earned B.S. in Behavioral Health from Suffolk University in 1981.
- Served on the Falmouth Substance Abuse Commission for 9 years, PTO member 15 years, celebrations volunteer 6 years, and Lawrence School Council 2 years

"I wanted to serve on the Beach Committee to maintain and protect our beaches while providing a safe and enjoyable experience for residents and visitors."



Derek Pratt

- Falmouth resident for 25 years
- Earned BA in Management from Eastern Nazarene College
- Retired Banking Executive with over 33 years of financial, trading and relationship management experience

"I volunteered to help Falmouth do a better job with managing our beaches and beach resources to enable our residents and town guests to gain a better beach experience."



2022 BEACH COMMITTEE

Heather Burke

- 11 year resident of Falmouth, lifelong summer resident of Cape Cod
- B.S. in Psychology and Sociology from Massachusetts College of Liberal Arts
- Vice Chair of Falmouth Dog Park and Co-Founder of Falmouth based female network group with over 500 members
- 25 years in Marketing for great brands, including Ford Motor Company and The Boston Red Sox; currently Broker Associate at Kinlin Grover Compass

“I want to ensure the safety and preservation of our most precious resource through sustainable and meaningful actions.”



Lyn Schad

- Falmouth resident since 2011 Full time since 2019
- B.S. in Biology from Saint Joseph's College
- Large Animal Technician Supervisor at Tufts University for 34 years. Realtor with Kinlin Grover Compass since 2019

“The natural beauty and enjoyment of Falmouth’s beaches and coastal waters are the lifeblood of the economic vitality of our town. With the ever-present risk of sea level rise and coastal erosion I want to be part of the solutions to mitigate these challenges, and to ensure the sustainability and resiliency of our beaches.”



2022 BEACH COMMITTEE

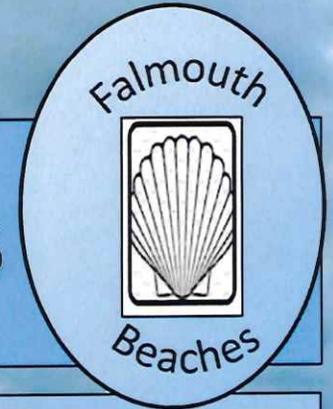
Mark Twitchell

- Falmouth full-time resident for 6 years. Part-time resident for 25 years
- Earned his Associate of Arts from Quinsigamond Community College
- Realtor and Mentor at Kinlin Grover Compass

"Our beaches and waterways are our biggest natural resources and need to be managed well in order to preserve them for our future."

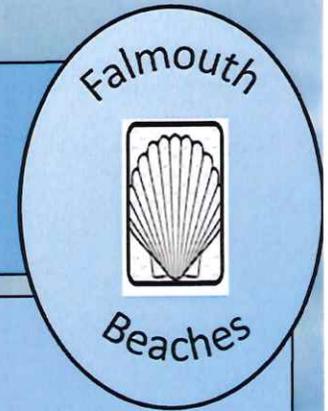


2022 ACCOMPLISHMENTS



- Reorganized three times due to leadership changes and expanded from a 5 to 7 member board
- Arranged an objective, independent inspection of the three buildings on town beaches
- Educated about the drone study and what information continuance will provide
- Met with research group to assess what the town needs to make informed decisions regarding beach sustainability in the future
- Researched methods of attracting and retaining staff from all Cape Beaches and recommended to the Select Board what would be necessary for Falmouth to successfully hire staff for the summer of 2022

2022 ACCOMPLISHMENTS



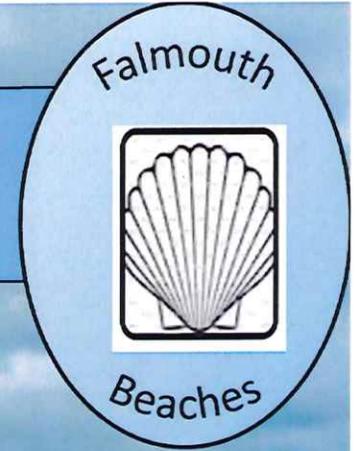
- Solicited sponsorships and donations for the awards banquet allowing staff to attend at almost zero cost
- Began a collaborative effort with the DPW, Neubauer Architecture and Upper Cape Technical School to have newly designed, inclusive, and safer parking attendant huts
- Improved inclusivity at most of the beaches with additional mobi-mats and accessible comfort stations
- Partnered with Water Stewards to identify beaches for water refill stations to supply clean water to beach employees and visitors
- Crafted a mission statement
- Monitored social media to identify issues and concerns and responded when needed



STAFFING PLAN

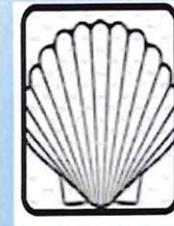
Nancy & Joe

STAFFING PLAN

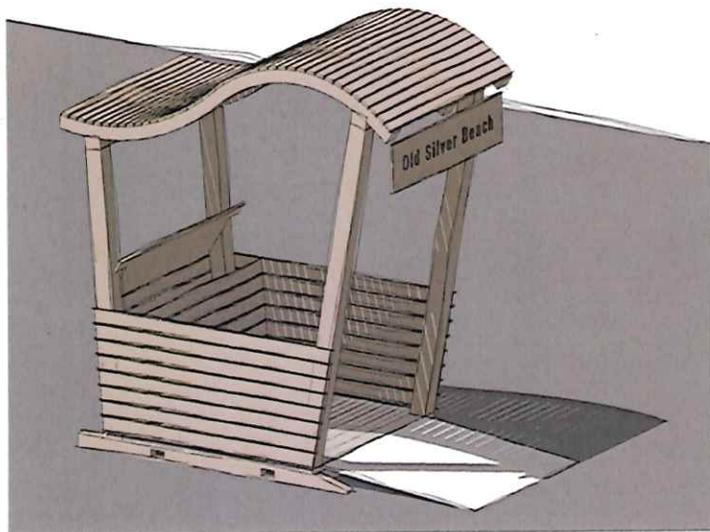


PARKING ATTENDANT (PA) HUT PROJECT

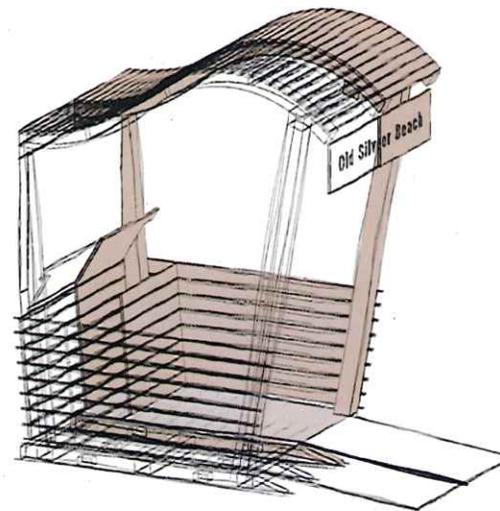
Falmouth



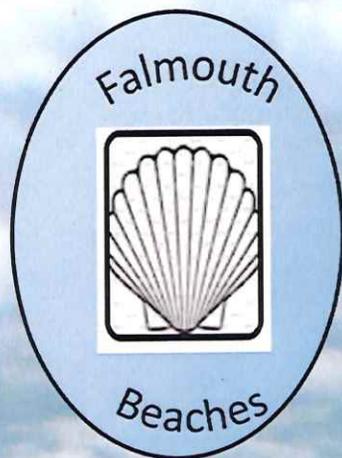
Beaches



SUMMER SOLSTICE SOLAR STUDY



3D PERSPECTIVE



MOBILITY PLAN

NANCY & DEREK

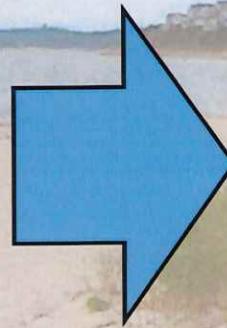
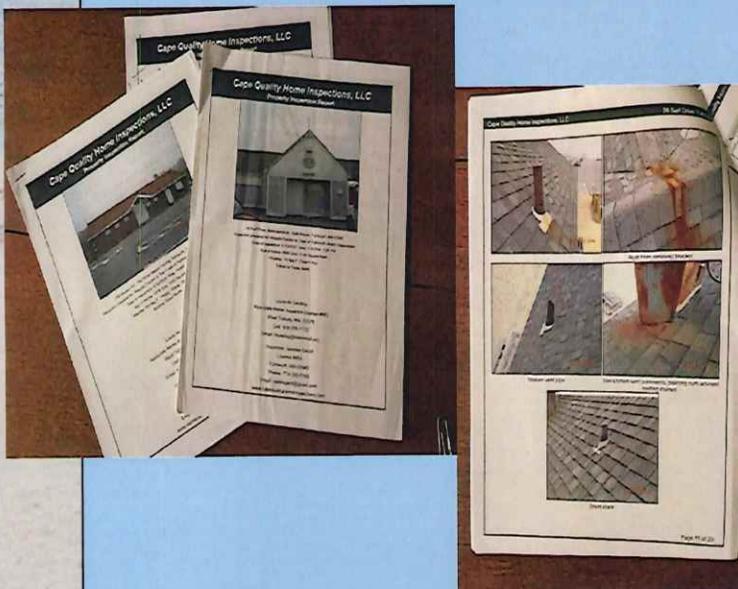


Comprehensive Building Inspection performed by Cape Quality Homes Inspections, LLC. 5/13/2022

- **Old Silver Beach 296 Quaker Road-PUBLIC-Built 1978, 1440 Square Feet**
Overall condition Fair/Poor
- **Old Silver Beach 318 Quaker Road- RESIDENT-Built 1950, 884 Square Feet**
Overall condition Fair/Poor
- **Surf Drive Administration/Bath House 56 Surf Drive-Built 1956, 2140 Square Feet**
Overall condition Fair/Poor

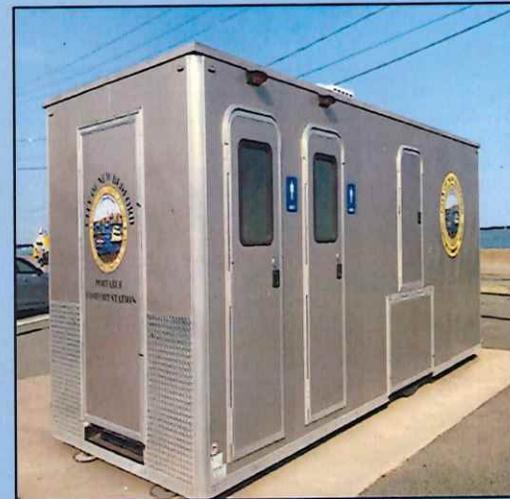
CURRENT STATE

Unsafe, deteriorated,
obsolete, uninviting



FUTURE STATE

Inclusive, mobile,
forward thinking





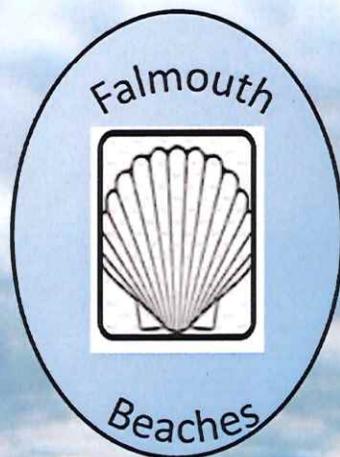
Mobile Comfort Stations

- Lease and purchase options
- Several national and local (New England) providers
- Handicap access units

Future Considerations

- Relocation of Beach Department offices or relocatable modular offices that remain at Surf Drive
- Food trucks replace on site kitchens
- Recommended for capital planning in the next 5 years





COMMUNICATION PLAN

Heather Burke

WHY WE COMMUNICATE



Ensure safety at the beaches



Promote community involvement/engagement



Avoid misinformation via Social Media

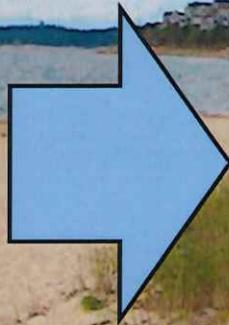
WHAT WE COMMUNICATE



CURRENT STATE

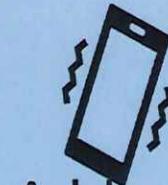
Text/Email Alerts

Town Website

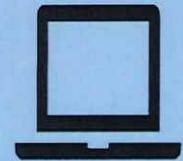


FUTURE STATE

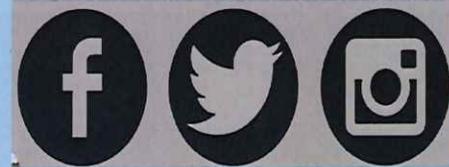
Keep:



Add:



Social Media



TOWNS WITH SOCIAL MEDIA PLATFORMS

10:42

Dennis Beaches

Dennis Beaches
5.1K likes · 5.6K followers

Call Now Message

Liked

Posts About Photos Men

Details
Page · Beach
685 Rte 134, South Dennis, MA, United State...
(508) 760-6159

town dennis ma us/Dennis/

Dennis Beaches is in

10:42

Dennis Beaches

Posts About Photos Men

Dennis Beaches
Sep 4 ·

It is bittersweet that we post our final "Lifeguard of the Week" and "Gate Attendant of the... See more

88 3 comments 3 shares

Like Comment Share

10:42

Nauset Beach

Nauset Beach
5.8K likes · 5.8K followers

Message Like

Posts About Photos Menti

Details
Page · Community
Send message
See Nauset Beach's About Info

Nauset Beach's posts

10:43

Nauset Beach

Posts About Photos Menti

will give you a FREE slice. You can put it in a brown paper bag if you'd like. A great family activity. Let's all help clean our beaches! Let's give it a try. (One slice per person per day). Provincetown, MA

Every town should be Provincetown

ONE BUCKET OF BEACH TRASH = ONE SLICE

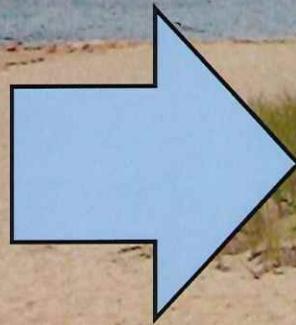
SOCIAL MEDIA RECOMMENDATIONS

CURRENT STATE

Town Controls Content -
Restrictive

Lack Of Transparency

Additional Workload For Beach
Staff

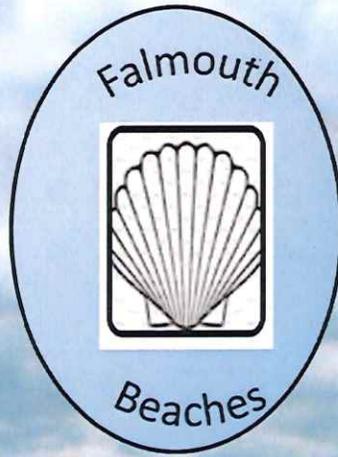


FUTURE STATE

Beach Committee Branded Social
Media Presence

Managed by Beach Committee

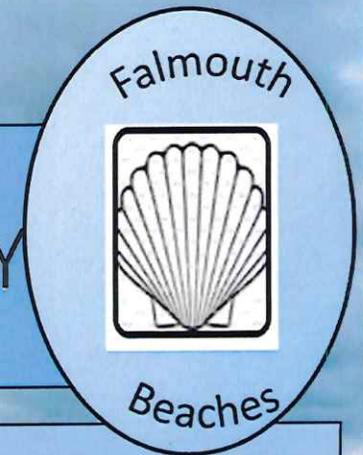
Community Driven



SUSTAINABILITY & COASTAL RESILIENCY

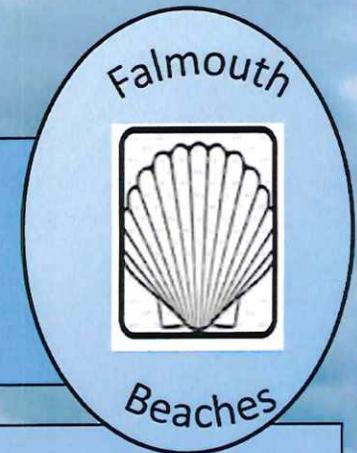
LYN & MARK

SUSTAINABILITY & COASTAL RESILIENCY



- The natural beauty and enjoyment of Falmouth's beaches and coastal waters are the lifeblood of the economic vitality of our town. Our beaches are at constant risk to sea level rise and coastal erosion due to the consequences of the climate crisis our town and region is currently facing.
- The role of this subcommittee is to advise the beach committee, and subsequently the Select Board, on best practices and actions for the Town to take to preserve our beaches, through sustainability, mitigation and coastal resiliency measures.

SUSTAINABILITY & RESILIENCY



Accomplishments of 2022

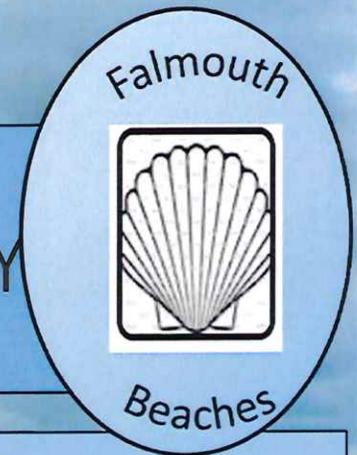
- Expert collaborations with Conservation Commission Staff, Sustainable Coastal Solutions, Woods Hole Group and GPI

Beach projects current/proposed

- In progress projects - Menauhant Beach and bridge project: in regulations now; expected start fall 2023; Chappy sea wall – has permits, expected start date fall 2023
- Suggested priorities



SUSTAINABILITY & COASTAL RESILIENCY

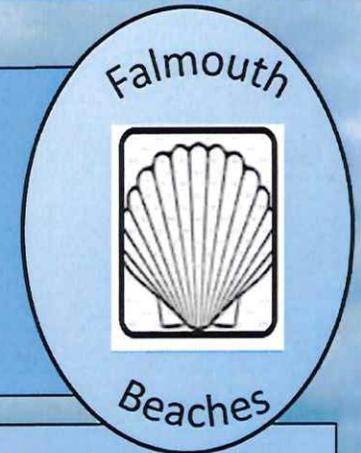


GPI Drone Study

- The drone imagery service has been instrumental, and will be an excellent tool going forward, to continually evaluate the status of our beaches
- Several cycles will enable the select board to prioritize future beach replenishment and mitigation projects. The beach committee reviewed the results of one round of the drone study (Sept 2021 and April 2022). The expectations for future cycles will provide us with important patterns of erosion to help the select board make meaningful beach mitigation decisions.
- Grant funding options include coastal zone management programs, municipal vulnerability programs and FEMA programs
- Possible Future collaborations



BEACH COMMITTEE MISSION STATEMENT



The Falmouth Beach Committee is charged with advising the Falmouth Select Board
On matters that involve:

- Operating, restoring and preserving 10 Falmouth beaches and their facilities;
- Attracting and retaining staff;
- Developing and growing programs offered to the public at the beaches;
- Recommending ways to secure needed funds; and,
- Communicating with the Falmouth community as well as providing assistance with communication between the Select Board, beach patrons, town departments, and the public.

To that end the 7-member committee meets monthly in a public location to discuss how to implement these objectives.



CLOSING REMARKS

Joseph Strazzulla, Vice Chair

BUSINESS

3. Report – Veterans Council Committee **(15 minutes)**

BUSINESS

4. Vote to form a subcommittee of two Select Board members to review the request to name the new senior center the "John V. Magnani Senior Center", and that the old senior center building named after John DeMello retain his name **(5 minutes)**

SUMMARY OF ACTIONS

2. Administrative Orders

- b. Naming request to consider naming the new senior center, the John V. Magnani Senior Center, and that the old senior center building named after John DeMello retain his name

Town of Falmouth
Board of Selectmen
NAMING POLICY FOR PUBLIC FACILITIES AND PLACES
Adopted, December 6, 2010

Policy:

This policy is adopted pursuant to the naming of public facilities and places in honor and/or in memory of those who served the greater Falmouth community.

Guidelines:

It is the policy of the Town of Falmouth, that the naming of public facilities and places is a significant event and should be done rarely, and only in accordance with the following guidelines:

Public facilities or places shall be considered for naming or renaming by written request, accompanied by background information and rationale, to the Board of Selectmen;

The Board shall consider naming based upon:

- Persons who were residents or town employees of excellent character and reputation who made significant contributions to the town. Attributes include:
 - Unusually effective and dedicated service to or on behalf of the town;
 - Efforts to sustain the high quality of life and service within the community;
 - Demonstrated understanding and activities within the essential functions of town government;
 - Service in the defense of freedom or other examples of effective citizenship;
- A geographic or functional name related to the facility or area;
- Names provided as part of trust arrangements, donations, bequests or other related activities;
- Tradition;
- Some combination of the above mentioned attributes.

Procedure:

In order to avoid personal or collective prejudice, favoritism, political pressure and/or temporary popularity, the Board shall take no action on an application to name a public facility or place for a period of at least one (1) year following submission of said application;

After the waiting period has elapsed, a subcommittee of two (2) selectmen shall seek the input and advice of whichever department, board, committee, or commission oversees the public facility or place to be named or renamed, and hold a public hearing to seek input from the community;

The recommendation of the subcommittee shall be considered and voted by the full Board of Selectmen in an open regular meeting. Naming the public facility or place shall require a vote of four (4) members of the Board of Selectmen;

Changing the name of a public facility or place already named shall require a vote of four (4) members of the Board of Selectmen AND a two-thirds vote of Town Meeting.

Eligibility:

All public facilities and places under the jurisdiction of the Board of Selectmen and/or any of its direct and indirect appointees are eligible to be named. These facilities and places include, but are not limited to: town buildings or parts thereof, undeveloped parcels of land, recreation areas, intersections, streets and roads, and other landmarks.

Exceptions:

Exceptions to this policy shall be made for:

- The Memorial Bench Policy;
- Where state or national laws, or regulations pertaining thereto, require that a facility or place be named in any manner inconsistent with this policy. For example, the Massachusetts LAND grant program requires that property acquired with these funds be named before they will reimburse the town for said purchase;
- Where naming is utilized as part of a capital campaign to raise funds. For example, the capital campaign which supported the 2007 renovation of the main branch of the Falmouth Public Library.

Diane Davidson

From: Julian Suso
Sent: Friday, October 1, 2021 11:52 AM
To: Diane Davidson
Subject: FW: Falmouth Senior Center naming

Diane,
FYI.
Julian

From: Doug Brown <doug.brown@falmouthma.gov>
Sent: Friday, October 1, 2021 11:39 AM
To: Vieira, David - Rep. (HOU) <David.Vieira@mahouse.gov>
Cc: Julian Suso <julian.suso@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Nancy Taylor <nancy.taylor@falmouthma.gov>
Subject: Re: Falmouth Senior Center naming

Hello Representative Vieira
Thanks for your email. I believe we can accommodate your request at our meeting of October 25. We will look forward to seeing you then if your schedule should allow.

Thank You, Doug

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

On Sep 30, 2021, at 6:52 PM, Vieira, David - Rep. (HOU) <David.Vieira@mahouse.gov> wrote:

Chairman Brown, I am emailing to request that the Falmouth Select Board consider naming the new senior center, the John V. Magnani Senior Center, and that the old senior center building named after John Demello retain his name.

Thank you for your consideration. I look forward to working with the board in September 2022, after the required one year wait period, to make this a reality.

David T. Vieira
State Representative
Third Barnstable District

BUSINESS

5. Request for Variance to Sign Code – §184-26 Illumination – Context Architecture - Signage for the Sandwich Road Fire Station, 878 Sandwich Road, East Falmouth **(10 minutes)**

Diane Davidson

From: Ellen Light <elight@contextarc.com>
Sent: Friday, November 18, 2022 12:58 PM
To: Jonathan Dickinson; Diane Davidson
Cc: Boyd Demello; 'Steven Kirby'; Timothy Smith; Melanie Bush; Peter Johnson-Staub; Greg Endicott; Jeff Shaw; Nicole Groleau
Subject: FW: Sign for Firestation
Attachments: 2022.11.17_2113_Sandwich Road FS Exterior Signage Application.pdf

We have addressed your additional question of what percentage of the App Bay elevation will be lit.

- 1.1% of the Apparatus Bay elevation will be lit by the backlit wall signage (1,510 SF) - the letters alone will cast 17.3 SF of light, around their edges

Please let us know if you need anything more.

ELLEN LIGHT, AIA LEED AP BD&C
PROJECT MANAGER

context ARCHITECTURE

65 FRANKLIN STREET BOSTON, MA 02110
TEL: (617) 423-1400 X 116 WEB: CONTEXTARC.COM
[INSTAGRAM](#) | [LINKEDIN](#) | [FACEBOOK](#)

From: Ellen Light
Sent: Thursday, November 17, 2022 1:28 PM
To: 'Jonathan Dickinson' <jonathan.dickinson@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>
Cc: Boyd Demello <boyd.demello@falmouthfirema.gov>; 'Steven Kirby' <skirby@vertexeng.com>; 'Timothy Smith' <timothy.smith@falmouthfirema.gov>; 'Melanie Bush' <melanie.bush@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Greg Endicott <greg.endicott@falmouthma.gov>; Jeff Shaw <jshaw@contextarc.com>; Nicole Groleau <ngroleau@contextarc.com>
Subject: RE: Sign for Firestation

Hi Jonathan,

I am resending the application for review at the Monday night Select Board hearing. As discussed this AM, Boyd DeMello will explain the variance request to the Board.

I have edited the detail section sheet with the updated information that address the questions asked and renamed the file with today's date. Thanks for your email to Diane with your support. Our additional information, noted in the application:

- This is a 30 linear foot wall sign of individual stainless steel backlit letters, with an elevation shown on p.2 of the PDF and detail sections on p. 5-6 of the PDF.
- The location of the sign above the apparatus doors is 82.7' back of the front property line.
- This is an LED dimmable sign, via the building's automatic lighting control: the sign will be activated to the on position with a photocell and shut off on a timer schedule
- The approximate wattage of the sign is 350W-400W (13,281 lumens)

- The LED color temperature is 4000K, typical of the exterior site lighting
- The project is currently out to bid, with final bids due in midDecember

ELLEN LIGHT, AIA LEED AP BD&C
PROJECT MANAGER

context ARCHITECTURE

65 FRANKLIN STREET BOSTON, MA 02110
TEL: (617) 423-1400 X 116 WEB: CONTEXTARC.COM
[INSTAGRAM](#) | [LINKEDIN](#) | [FACEBOOK](#)

From: Jonathan Dickinson <jonathan.dickinson@falmouthma.gov>
Sent: Thursday, November 17, 2022 12:38 PM
To: Diane Davidson <diane.davidson@falmouthma.gov>
Cc: Ellen Light <elight@contextarc.com>; Boyd Demello <boyd.demello@falmouthfirema.gov>
Subject: Re: Sign for Firestation

Hi Ellen,

I do not have an application yet, this will be after the meeting. Ellen, please update with this information.

Respectfully,

Jonathan Dickinson

Jonathan Dickinson, MBA
Assistant Zoning Compliance Agent
Town of Falmouth
O:508-495-7468

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Thursday, November 17, 2022 10:23 AM
To: Jonathan Dickinson <jonathan.dickinson@falmouthma.gov>
Cc: Ellen Light <elight@contextarc.com>; Boyd Demello <boyd.demello@falmouthfirema.gov>
Subject: RE: Sign for Firestation

Hi Jonathan,

Thank you for this recommendation.

I have a copy of the application attached to an email dated 11/9/22. Is there an updated application being submitted to you? If yes, will it address the questions the Select Board had: 1) What part of the sign is internally lit? 2) What percentage of the sign is internally lit? 3) How many lumens are the LED's? 4) What is the color temperature of the LED's?

If we receive this information by noon today, I can ask the Chair if this can be added to the 11/21 agenda.

Thank you very much,

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

From: Jonathan Dickinson
Sent: Thursday, November 17, 2022 8:37 AM
To: Diane Davidson <diane.davidson@falmouthma.gov>
Cc: Ellen Light <elight@contextarc.com>; Boyd Demello <boyd.demello@falmouthfirema.gov>
Subject: Sign for Firestation

Hi Diane,

I reviewed the sign documentation and once the application is in my office, I will approve.

As for the internally lit specifications, I am in favor of this as this is an Emergency Need and feel it beneficial especially in inclement weather.

Respectfully,

Jonathan Dickinson

Jonathan Dickinson, MBA
Assistant Zoning Compliance Agent
Town of Falmouth
O:508-495-7468

Town of Falmouth Sign Permit Application (rev. 12/20)

(508) 495-7470 Fax (508) 548-4290

For office use only:

BD Permit#: _____ Fee*: _____ HDC App. #: _____ DRC App. #: _____
 *\$8 per \$1000/ Min. \$100 (per sign)

DATE: November 17 2022

STREET ADDRESS FOR PROPOSED SIGN(S): 878 Sandwich Road

BUSINESS NAME: Sandwich Road Fire Station

BUSINESS OWNER: N/A ADDRESS/PHONE: NA

PROPERTY OWNER: TOWN OF FALMOUTH ADDRESS/PHONE: _____

CONTRACTOR / SIGN COMPANY: N/A

APPLICANT E-MAIL: jshaw@contextarc.com

Please Provide Two Copies of the Following:

- *Finished sign design.
- *Storefront elevations and plan to show sign location.
- *Documentation (including dimensions) of all existing signs on site.
- *Pictures of the building and all signs on property.
- *Structural Design for Freestanding Signs
- *Attachment Details for Wall Mounted Signs

IS THE PROPOSED SIGN LOCATED WITHIN A LOCAL HISTORIC DISTRICT? Y N

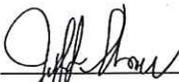
If YES, the applicant must first submit this application to the Historic District Commission (HDC) for their approval (§184-13).

<u>Type of Sign</u>	<u>Check</u>
FREESTANDING SIGN(s) § 184-25; Projecting sign(s) § 184-35	<input type="checkbox"/>
WALL SIGN(s) § 184-37; Awning(s) § 184-22	<input checked="" type="checkbox"/>
ROOF SIGN(s) § 184-37	<input type="checkbox"/>
PROMOTIONAL/SPECIAL EVENT SIGN(s) § 184-30 (No Fee)	<input type="checkbox"/>
OFF-PREMISES SIGN(s) § 184-32; VARIANCE § 184-20	<input type="checkbox"/>

The Select Board must approve all off-premise signs.

Proposed location: _____ Size: _____

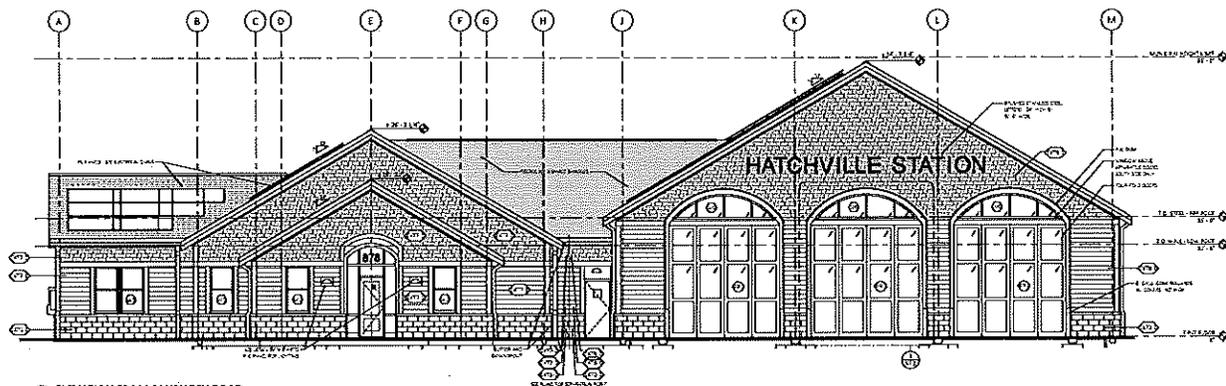
Please Attach Approval Letter

	11.17.2022		
Signature of Applicant	Date	Signature of Owner	Date

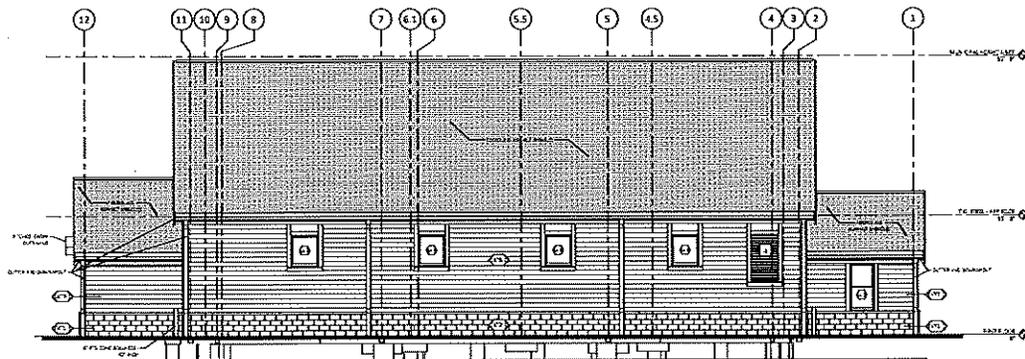
Historic District Commission	Date
With the following conditions: _____	

Sign Review Committee	Date
With the following conditions: _____	

Building Commissioner/Inspector	Date
With the following conditions: _____	



1 ELEVATION FROM SANDWICH ROAD
3/16" = 1'-0"



2 ELEVATION FROM MUNICIPAL PLAYGROUND
3/16" = 1'-0"



FALMOUTH SANDWICH ROAD FIRE STATION
878 SANDWICH ROAD, FALMOUTH, MA
PROJECT NUMBER: 0112

Scale: 3/16" = 1'-0"
Drawn by: VS/ABC

File: 878 Falmouth Fire St
01

A3.1

FALMOUTH SANDWICH ROAD FIRE STATION

MEMO – 09 November 2022

Subject: Falmouth Sandwich Road Fire Station Signage Variance

Distribution: Town of Falmouth Select Board
Peter Johnson-Staub
Chief Timothy Smith
Greg Endicott
Jonathan Dickinson
Melanie Bush
Steve Kirby, Vertex
Jeff Shaw, CTX
Nicole Groleau, CTX
File: 2113.05.1

Select

Select Board Members:

Attached please find our application for a variance for the proposed wall-mounted internally illuminated exterior building sign.

The proposed building location is at 878 Sandwich Road. The sign is on the street elevation centered above the exterior apparatus bay doors as shown on the attached elevation drawing A3.1. It is set approximately 83' back of the front property line as shown on the attached site layout plan C3.0.

We are requesting a variance to the following two items in the Zoning Code:

- **Dimensions:**
Per item 184-5D: "No sign shall be larger than forty (40) square feet, except for a mall sign, which shall be no larger than one hundred thirty-two (132) square feet."

The attached sign is a total of 60 SF (24" high x 30' wide). It is comprised of individual stainless steel letters mechanically attached to the building façade with posts as shown on the attached enlarged elevation.

- **Internal Illumination:**
Per item 184-26B: "Internal illumination is permitted for up to forty (40) square feet of area for any sign, except that no internal illumination is permitted for residential and/or home occupation signs and for all signs in the Historic Districts other than time-and-temperature signs, Residential Districts and Agricultural Districts, regardless of the use of the property. In no case shall internally illuminated signs cause a glare."

The attached sign letters are backlit by low voltage steady stationary LED lights. Lumens (the equivalent of 40 watts total) are detailed on our technical wall sections, attached.

Please let us know whether you need further information.



BUSINESS

6. Approve Annual License Renewals for 2023 (5 minutes)

ALL ALCOHOL RESTAURANT LICENSE and COMMON VICTUALLER LICENSE

99 Restaurant, 30 Davis Straits
Anchor Ale House, 100 Davis Straits
Añejo Mexican Bistro, 188 Main Street
Bucatino Restaurant & Wine Bar, 7 Nathan Ellis Highway
C Salt, 75 Davis Straits
Captain Kidd Restaurant, 77 Water Street
Chapoquoit Grill, 410 West Falmouth Highway
DJ's Family sports Pub, 872 Main Street
Falmouth Country Club, 630 Carriage Shop Road
Falmouth Jade, 143-145 East Falmouth Highway
Osteria la Civetta, 133 Main Street
Papa Jakes, 146 Sandwich Road
Paul Harney Golf Enterprises, Inc., 74 Club Valley Drive
Paul's Pizza, 37 Elain Avenue
Quarterdeck Restaurant, 164 Main Street
Quick's Hole Tavern, 29 Railroad Avenue
Sacconneset Golf Club, 132 Falmouth Woods Road
Shipwrecked, 263 Grand Avenue
Simply Divine Pizza, 271 Main Street
Sweet Rice, 167 Teaticket Highway
The Conference Table, 205 Worcester Court
The Glass Onion, 37 North Mains Street
The Golden Swan, 323-325 Main Street

ALL ALCOHOL INNHOLDER LICENSE and INNHOLDER LICENSE

Coonamesett Inn, 311 Gifford Street

ALL ALCOHOL CLUB LICENSE

Midway Trap & Skeet, 284 Old Meetinghouse Road
Woods Hole Golf Club, 130 Quissett Avenue

ALL ALCOHOL CLUB LICENSE and COMMON VICTUALLER LICENSE

Falmouth Yacht Club, 290 Clinton Avenue
Woods Hole Golf Club, 130 Quissett Avenue

ALL ALCOHOL PACKAGE STORE

Falmouth Wine & Spirits, 322 Palmer Avenue
Family Foods, 350 East Falmouth Highway
Kappy's, 21 Spring Bars Road
North Falmouth Liquors, 362 North Falmouth Highway
Teaticket Market, 125 Teaticket Highway
West Falmouth Market, 623 West Falmouth Highway

WINE AND MALT RESTAURANT LICENSE and COMMON VICTUALLER LICENSE

Country Fare, 319 Main Street
Crabapples, 553 Palmer Avenue
Seafood Sam's, 356 Palmer Avenue
WINE, MALT & CORDIAL RESTAURANT LICENSE and COMMON VICTUALLER LICENSE
Doggz & Hoggz, 781 Main Street

WINERY - BREWERY

Aquatic Brewing, 661 Main Street
Bad Martha's, 876 East Falmouth Highway
Cape Cod Winery, 4 Oxbow Road

WINE & MALT PACKAGE STORE

Holly Park Variety, 580A Route 28A
Intergas, 607 Main Street
Ocean State Job Lots, 50 Teaticket Highway
Rapid Refill, 435 Palmer Avenue
Wild Harbor General Store, 188-200 Old Main Road
Windfall Market, 77 Scranton Avenue

COMMON VICTUALLER LICENSE

Bad Martha's, 876 East Falmouth Highway
Betsy's Diner, 457 Main Street
Burger King, 111 Teaticket Highway
Cape Cod Winery, 4 Oxbow Road
Coonamesett Farm, 277 Hatchville Road
D'Angelo's, 689 Main Street
Mary Ellen's Portuguese Bakery, 829 Main Street
McDonald's, 263 Teaticket Highway
Papa Gino's, 56 Davis Straits
Persy's Place, 40 North Main Street
Starbucks, 11 Davis Straits
Talk of the Town Diner, 587 Quaker Road

ENTERTAINMENT

Anchor Ale House, 100 Davis Straits
Bad Martha's, 876 East Falmouth Highway
Bucatino Restaurant & Wine Bar, 7 Nathan Ellis Highway
Cape Cod Winery, 4 Oxbow Road
Captain Kidd Restaurant, 77 Water Street
Coonamesett Farm, 277 Hatchville Road
Coonamesett Inn, 311 Gifford Street
Falmouth Yacht Club, 290 Clinton Avenue
Papa Jakes, 146 Sandwich Road
Quarterdeck Restaurant, 164 Main Street
Quick's Hole Tavern, 29 Railroad Avenue
Sacconneset Golf Club, 132 Falmouth Woods Road
Simply Divine Pizza, 271 Main Street
Tony Andrews Farm, 394 Old Meetinghouse Road
Woods Hole Golf Club, 130 Quissett Avenue

SUNDAY ENTERTAINMENT LICENSE

Bad Martha's, 876 East Falmouth Highway
Bucatino Restaurant & Wine Bar, 7 Nathan Ellis Highway
Coonamesett Farm, 277 Hatchville Road
Coonamesett Inn, 311 Gifford Street
Falmouth Yacht Club, 290 Clinton Avenue
Quick's Hole Tavern, 29 Railroad Avenue
Sacconneset Golf Club, 132 Falmouth Woods Road
Tony Andrews Farm, 394 Old Meetinghouse Road

AUTOMATIC AMUSEMENT LICENSE

DJ's Family Sports Pub, 872 Main Street

USED CAR DEALER LICENSE - CLASSES I, II and

III

Braga's Auto Sales, 227R Main Street
Capstan Yachts, 56 Scranton Avenue
Costa's Auto Body Co., 222 Carriage Shop Road
Falmouth Auto Works, 151 Worcester Court
Falmouth Pier 37, 64 Scranton Avenue
Falmouth Salvage, 9 Hayway Road

Frank's Auto Sales, 442-R - 444 East Falmouth Highway
Reine Trucking, 9 Hayway Road
Sandi's Auto Sales, 45 Simpson Lane
Savon Hatem, 561 Thomas Landers Road
Teaticket Auto Body, 108 Trotting Park Road

FORTUNE TELLER

The Holistic Swan, 628 West Falmouth Highway

BUSINESS

7. Discuss and Vote 2023 Select Board meeting calendar **(10 minutes)**

January 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1 <i>New Year's Day</i>	2 <i>New Year's Day Observed</i>	3	4	5	6	7
8	9 Select Board Meeting <i>Vote to adopt FY2024 budget and submit it to the Finance Committee</i>	10	11	12	13 <i>Budget due to Finance Committee</i> <i>April Town Meeting Warrant Closes</i>	14
15	16 <i>Martin Luther King Jr. Day</i>	17	18	19	20 <i>MMA Meeting & Trade Show</i>	21 <i>MMA Meeting & Trade Show</i>
22	23 Select Board Meeting	24	25	26	27	28
29	30 Select Board Meeting <i>Vote articles & execute warrant</i>	31				

February 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3 <i>Publish Articles Only</i>	4
5	6	7	8	9	10	11
12	13 Select Board Meeting <i>Petition Article Presentations</i>	14	15	16	17	18 Select Board Meeting - Workshop
19	20 <i>Presidents' Day</i>	21	22	23	24	25
26	27 Select Board Meeting <i>Vote Article Recommendations</i>	28				

March 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12 <i>Daylight Saving Time begins</i>	13 Select Board Meeting	14	15	16	17 <i>Publish Warrant with Recommendations</i>	18
19	20	21	22	23	24	25
26	27 Select Board Meeting <i>Seasonal/annual license renewals</i>	28	29	30	31	

April 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2 <i>Palm Sunday</i>	3 Select Board Meeting <i>Season/annual license renewals</i>	4	5 <i>Passover begins at Sundown</i>	6	7 <i>Good Friday</i>	8
9 <i>Easter</i>	10 Town Meeting	11	12	13	14	15
16	17 <i>Patriot's Day</i>	18	19	20	21	22
23	24 Select Board Meeting <i>Seasonal/annual license renewals</i>	25	26	27	28	29
30						

May 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8 <i>Select Board Meeting</i>	9	10	11	12	13
14 <i>Mother's Day</i>	15	16 <i>Town Election</i>	17	18	19	20
21	22 <i>Select Board Meeting</i> <i>Reorganization of the Select Board</i>	23	24	25	26	27
28	29 <i>Memorial Day</i>	30	31			

June 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5 <i>Select Board Meeting</i> <i>Town Committee Re-appointments (early 6:00 p.m. start?)</i>	6	7	8	9	10
11	12	13	14 <i>Flag Day</i>	15	16	17
18 <i>Father's Day</i>	19 <i>Juneteenth</i>	20	21	22	23	24
25	26 <i>Select Board Meeting</i>	27	28	29	30	

July 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 <i>Independence Day</i>	5	6	7	8
9	10 <i>Select Board Meeting</i>	11	12	13	14	15
16	17	18	19	20	21	22
23	24 <i>Select Board Meeting</i> <i>Announce November Town Meeting Schedule</i>	25	26	27	28	29
30	31					

August 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7 <i>Select Board Meeting</i>	8	9	10	11	12
13	14	15	16	17	18	19
20	21 <i>Select Board Meeting</i> <i>Operating Budget Policy, Financial Policy Update and Capital Plan Presentation</i>	22	23	24	25	26 <i>Strategic Planning Session?</i>
27	28	29	30	31		

September 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 <i>November Town Meeting Warrant Closes</i>	2
3	4 <i>Labor Day</i>	5	6	7	8	9 <i>Strategic Planning Session?</i>
10	11 Select Board Meeting <i>Vote Articles & Execute Warrant</i>	12	13	14	15 <i>Publish Articles Only</i>	16
17	18	19	20	21	22	23
24	25 Select Board Meeting <i>Petition Article Presentations</i> <i>Fee Hearing</i>	26	27	28	29	30 <i>Strategic Planning Session?</i>

October 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 <i>Select Board Meeting</i> <i>Vote Article Recommendations</i>	3	4	5	6	7
8	9 <i>Indigenous Peoples Day</i>	10	11	12	13	14
15	16 <i>Select Board Meeting</i> <i>Adopt Strategic Plan</i>	17	18	19	20	21
22	23	24	25	26	27 <i>Publish Warrant Recommendations</i>	28
29	30 <i>Select Board Meeting</i>	31				

November 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5 <i>Daylight Savings Time ends</i>	6 Select Board Meeting <i>Annual License Renewals</i>	7	8	9	10 <i>Veteran's Day</i>	11
12	13 Town Meeting? TBD	14	15	16	17	18
19	20 Select Board Meeting <i>Annual License Renewals</i> <i>Select Board Meeting</i> <i>Calendar for next year</i>	21	22	23 <i>Thanksgiving</i>	24 <i>Day after Thanksgiv- ing</i>	25
26	27	28	29	30		

December 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4 <i>Select Board Meeting</i> <i>Annual License Renewals</i>	5	6	7	8	9
10	11	12	13	14	15	16
17	18 <i>Select Board Meeting</i> <i>Budget Presentation</i> <i>Annual License Renewals</i>	19	20	21	22	23
24	25 <i>Christmas</i>	26	27	28	29	30
31 <i>New Year's Eve</i>						

CONSENT AGENDA

1. Licenses

- a. Approve Request to Extend Seasonal All Alcoholic Common Victualler License until January 2, 2023 – Landfall Restaurant, 9 Luscombe Avenue, Woods Hole

Landfall Restaurant



Box 107, Woods Hole Harbor, Cape Cod, Massachusetts 02543

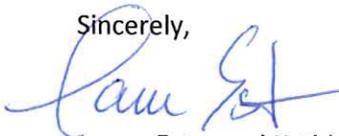
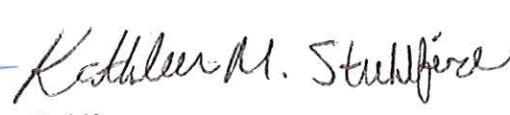
Falmouth Selectmen
Town Hall Square
Falmouth, MA 02540

November 1, 2022

Dear Falmouth Selectmen,

The Landfall Restaurant would like to apply for an extension of our 2022 Liquor license. We would ask that the extension be for December 1st 2022 to January 2nd 2023.
Thank you for your attention in this matter.

Sincerely,

 
James Estes and Kathleen Stuhlfire



CONSENT AGENDA

1. Licenses

- b. Approve application for two Special One-Day Liquor Licenses – Falmouth Theatre Guild, located at 58 Highfield Drive, Falmouth – December 2nd and 3rd and December 9th and 10th, 2022 6:30 pm to 10:00 pm. The Friday licenses are requested for 6:30 pm to 9:30 pm and the Saturday licenses are requested for 3:00 pm to 6:00 pm.

(Note: After tonight's approval, the Falmouth Theatre Guild will have used 23 of a total of 30 days allowed annually by the ABCC for one-day liquor licenses.)

LICENSE APPLICATION REVIEW

Restaurant/Business: Falmouth Theatre Guild

Address: 58 Highfield Drive, Falmouth

License Type: One-Day Liquor License

New or Transfer of License One-Day Liquor License

or

Change of License _____

Police

No objections

Fire

No objections

Building

Health

Zoning

Planning

DPW

Assessor

Tax Collector

NOTES:



Falmouth Theatre Guild

Bringing you the best in Community Theater since 1958

Falmouth Theatre Guild

P.O. Box 383

Falmouth MA, 02541

www.falmouththeatreguild.org

(508) 548-0400

October 31, 2022

Board of Directors

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

Application for Special One Day Liquor License:

Falmouth Theatre Guild

for the theatrical run of "*The Farndale Avenue... Christmas Carol*"

Dec. 2, 3, 9, 10 (4 days)

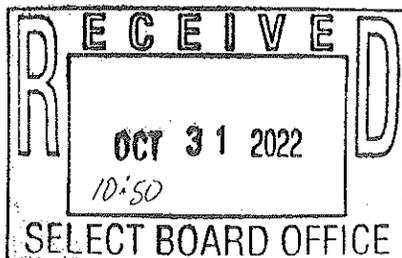
Dear Town of Falmouth,

Please find attached a completed application requesting special one-day liquor licenses covering four of the six performances we have scheduled for our production of "*The Farndale Avenue... Christmas Carol*," running Fridays, Saturdays, and Sundays from December 2 to December 11, 2022.

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

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

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



Thank you,

Brian Buczkowski, Director-at-Large

(508) 564-0181

bjbuczkowski@gmail.com



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

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

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

NAME OF ORGANIZATION: Falmouth Theatre Guild

MAILING ADDRESS: same as above

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

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

EVENT TITLE: "The Farndale Avenue... Christmas Carol" (Theatrical Prod.) **APPROXIMATE # OF PEOPLE:** 275 per performance

DATE(S) OF EVENT: Dec. 2, 3, 9, 10 (4 days) **HOURS OF EVENT:** Friday: 6:30pm - 9:30pm; Saturday 3:00pm - 6:00pm

AUTHORIZED MANAGER OF ESTABLISHMENT/EVENT Tomas McCahill, Concessions Chair

TYPE OF LICENSE:

- | | | | | | | |
|----|---------------|---------------|-----------------|---------------|------------|---------------|
| 1. | WINE & MALT | <u> </u> | NON-PROFIT | <u> ✓ </u> | FOR PROFIT | <u> </u> |
| 2. | ALL ALCOHOLIC | <u> ✓ </u> | NON-PROFIT ONLY | <u> </u> | | |

REQUIREMENTS check list:

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

DATE

Brian Buczkowski

APPLICANT SIGNATURE *Director-at-large*

Filing Fee: \$10.00

License Fee: \$25.00 per day

SELECT BOARD

CONSENT AGENDA

1. Licenses

- c. Approve application to for a Release of Pledge of License – West Falmouth Market located at 623 West Falmouth Highway, Falmouth.

No recommendations were
requested for this release of
Pledge of License

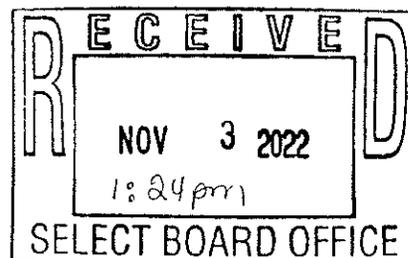
PAID
\$ 10-

ck# 324

200 YEARS
1822-2022

November 2, 2022

Falmouth Town Hall
59 Town Hall Square
Falmouth, MA 02540
Attn: Select Board Office



Re: DTJ Enterprises, Inc. d/b/a West Falmouth Market
Our File No. 041579.00004

Dear Sir/Madam:

Enclosed please find the following:

1. Signed Application for Amendment-Pledge Collateral;
2. Signed Entity Vote;
3. Copy of Release of Pledge Agreement;
4. Filing fee check in the amount of \$10.00 payable to Town of Falmouth.

Thank you for your attention and courtesies in this regard.

Very truly yours,

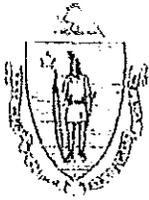
A handwritten signature in black ink, appearing to read "AMR" with a circled "dr" or similar initials to the right.

Alex M. Rodolakis, Esq.
Fletcher Tilton PC
1597 Falmouth Rd., Ste. 3
Centerville, MA 02632
Tel. 508-778-1100
arodolakis@fletcherilton.com

AMR/dr

Encs.

cc: Phyllis Downey, Administrative Assistant
Town Administration (via email only)



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

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

APPLICATION FOR AMENDMENT-Pledge of Collateral

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN

STATE

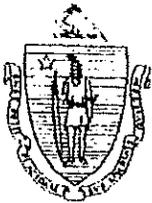
ZIP CODE

For the following transactions (Check all that apply):

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

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358



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

APPLICATION FOR AMENDMENT-Pledge of Collateral

Pledge of License Pledge of Stock Pledge of Inventory

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Pledge of License, Stock or Inventory Application
- Vote of the Entity
- Pledge documentation
- Promissory note

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
DTJ Enterprises, Inc. d/b/a West Falmouth Market	Town of Falmouth	08917-PK-0390

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

Release of Pledge of Liquor License in favor of West Market Holding Company, Inc. See attached Release of Pledge Agreement

APPLICATION CONTACT

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

Name	Title	Email	Phone
Alex M. Rodolakis, Esq.	Counsel to DTJ Enterprises, Inc.	arodolakis@fletchertilton.com	508-778-1100

2. AMENDMENT-Pledge Information

Pledge of License

To whom is the pledge being made:

N/A - Release of existing pledge only

Pledge of Inventory

Pledge of Stock

3. FINANCIAL DISCLOSURE

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

APPLICANT'S STATEMENT

I, Danielle Johnson the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory
of DTJ Enterprises, Inc.
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: Danielle Johnson
Title: President

Date: October 24, 2022

ENTITY VOTE

The Board of Directors or LLC Managers of DTJ Enterprises, Inc. d/b/a West Falmouth Market

Entity Name

duly voted to apply to the Licensing Authority of Falmouth

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on 10/28/2022

Date of Meeting

For the following transactions (Check all that apply):

Pledge of License

Pledge of Inventory

Pledge of Stock

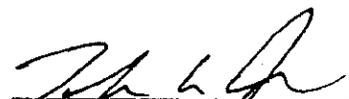
Other Release of Pledge of Liquore License

"VOTED: To authorize Dannielle Johnson, President and Alex M. Rodolakis, attorney for DTJ Enterprises, Inc.

Name of Person

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

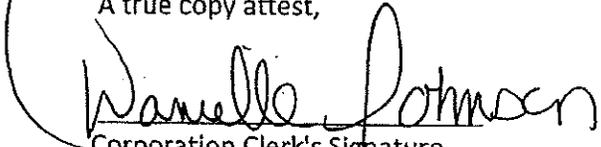
A true copy attest,


Corporate Officer / LLC Manager Signature

Thomas Johnson
(Print Name)

For Corporations ONLY

A true copy attest,


Corporation Clerk's Signature

Dannielle Johnson
(Print Name)

RELEASE OF PLEDGE AGREEMENT

West Market Holding Company, LLC, a Massachusetts limited liability company having a place of business at 21 Fruean Way, South Yarmouth, MA (the "Lender"), does hereby release the pledge and security interest that it now holds in the RETAIL ALCOHOLIC BEVERAGES LICENSE issued for DTJ Enterprises Inc. for its location at 623 West Falmouth Highway, Falmouth, Massachusetts, by virtue of that certain Pledge Agreement between DTJ Enterprises Inc. and the Lender (the "Pledge Agreement"). Lender declares the Pledge Agreement to be of no further force or effect and all of the obligations of DTJ Enterprises Inc. to Lender, its successors and assigns, having been satisfied in full.

IN WITNESS WHEREOF, the undersigned has caused this Release of Pledge Agreement to be duly executed on behalf of West Market Holding Company, LLC this ____ day of 9/01/2022 2022.

West Market Holding Company, LLC

Kayla Orlando
Witness

By: Martin R. MacRae
Name: Martin R. MacRae
Title: President

CONSENT AGENDA

2. Administrative Orders

- a. Authorize increase in spending limit for Shellfish and Aquaculture Revolving account to \$150,000



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

TO: Select Board
FROM: Peter Johnson-Staub, Acting Town Manager *PJS*
SUBJECT: Request to increase spending cap for Shellfish and Aquaculture Revolving Fund
DATE: November 18, 2022

The Marine and Environmental Services Department is seeking to increase the spending cap for the Shellfish and Aquaculture Revolving Fund from \$45,000 to \$150,000 for this fiscal year (FY2023) for the reasons outlined in the attached email from Marine Fisheries Biologist Christina Lovely below. Under MA general laws C. 44 Section 53E1/2, the revolving fund cap can be raised during the fiscal year by vote of both the Finance Committee and Select Board. By statute, the Town is only able to expend monies deposited into the revolving fund. In this case, the funds are paid by aquaculture license holders. There are no tax dollars being spent in connection with these revolving fund activities. The current balance in the Shellfish & Aquaculture revolving fund is \$34,977.

The shellfish activities supported by these revolving fund expenditures were approved by the Select Board in 2017 as part of the draft rotational aquaculture plan <https://www.falmouthma.gov/862/Aquaculture-Plan>. This request to increase the spending cap does not change the areas in which aquaculture is being conducted now.

Thank you for your consideration.

CC: Charles Martinsen, Shellfish Warden
Christina Lovely, Marine Fisheries Biologist

//Revolving Fund Increase 11-18-2022

From: Christina Lovely

Sent: Monday, August 8, 2022 9:43 AM

To: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>

Cc: Gregg Fraser <gregg.fraser@falmouthma.gov>; Charles Martinsen <chuck.martinsen@falmouthma.gov>

Subject: Request to Increase Shellfish Revolving Account

Good morning Peter,

In advance of the Eel River Aquaculture Contractors paying the contractual gear rental obligation for this year, we are requesting that the cap on the Shellfish Revolving Account be raised. Due to availability issues this past year which we learned about in early March 2022, we were unable to order the field-size plantable quahogs we have guaranteed to the fisherman that the funds will be used to purchase. The proceeds from the previous year's rental fees is still in the Revolving account. We cannot order the large quahog seed until we know the funding available from the previous year, therefore we need the ability to accommodate 2 years of grower obligations to the Town. Each grower has the potential to pay a maximum of approximately \$20,000 in rental fees. Multiplied by the three growers, the maximum total in annual gear rental fees from the Eel River Aquaculture Contractor Pilot Project is approximately \$60,000. Additionally, we are anticipating sales of some of the intermediate oyster seed to other Cape municipalities, which is projected to total around \$30,000. Our hope is to increase the cap on the Revolving Account from the current \$45,000.00 to \$150,000 (\$120,000 from two years of grower obligations + \$30,000 of shellfish seed sales).

Please let me know what is needed to bring this request before the Select Board.

Thank you very much.

Best,

Christina M. Lovely

Marine Fisheries Biologist
Marine & Environmental Services
Town of Falmouth
christina.lovely@falmouthma.gov
774-392-4097

CONSENT AGENDA

2. Administrative Orders

- b. Vote to appoint Susan Lumping as the Town of Falmouth representative to the Cape Cod Municipal Health Group**



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

COMMONWEALTH OF MASSACHUSETTS
The Town of Falmouth

Susan Lumping
59 Town Hall Square
Falmouth, MA 02540

We, the Selectmen of the Town of Falmouth by virtue of the authority in us vested by the laws of the Commonwealth, do hereby appoint you

**TOWN OF FALMOUTH
REPRESENTATIVE
CAPE COD MUNICIPAL HEALTH GROUP**

Given at FALMOUTH this 21st day of NOVEMBER, 2022

Please present this appointment to the Town Clerk to be sworn into the office of which you have been appointed in order to validate the appointment.

Nancy R. Taylor, Chair

Onjalé Scott Price, Vice Chair

Samuel H. Patterson

Douglas C. Brown

Edwin (Scott) P. Zylinski II

RECORDED _____ 2022

ATTEST _____ TOWN CLERK

Diane Davidson

From: Carol Cormier [REDACTED]
Sent: Wednesday, June 8, 2022 9:36 AM
To: Julian Suso; Falmouth Town Manager
Cc: Joseph Anderson; Karen Quinlivan; Mavro-Flanders, Noreen (H); Skip (A. Francis) Finnell
[REDACTED]
Subject: FW: CCMHG - Board representation for Falmouth

Follow Up Flag: Follow up
Due By: Wednesday, August 17, 2022 8:00 AM
Flag Status: Flagged

I typed Karen Quinlivan's email address incorrectly in my email below. It's Karen_Quinlivan@ajg.com. I'm sorry about that.

Carol Cormier

From: Carol Cormier
Sent: Wednesday, June 8, 2022 9:27 AM
To: Julian Suso <julian.suso@falmouthma.gov>; Peter_Johnson-Staub@falmouth.gov
Cc: Joseph Anderson <Joseph_Anderson@ajg.com>; Karen Quinlivan (Karen_Quinlivan@ajg.com) <Karen_Quinlivan@ajg.com>; Mavro-Flanders, Noreen (H) [REDACTED] Skip (A. Francis) Finnell [REDACTED]
Subject: CCMHG - Board representation for Falmouth

Dear Julian and Peter:

With the departure of Denise Coleman the Town of Falmouth is without representation on the Cape Cod Municipal Health Group (CCMHG) Board. In addition to being your Board representative, Denise was also a Steering Committee member and was a big contributor in that role. The CCMHG Board appoints Steering Committee members, and I believe there is recognition that Falmouth should be represented on that Committee. The Board will meet on July 20 at 10 AM at Barnstable Town Hall. If the Town would like to participate in votes at that meeting, you would have to have submitted a letter from the Town's Appropriate Public Authority naming your Primary representative and Alternate representative who may vote in the absence of the Primary member. Also, if your representatives are appointed prior to the meeting, either the Primary or the Alternate could be nominated for the Steering Committee.

Please send a letter naming your appointments along with their contact information as soon as possible. The letter can be sent as an email attachment to Karen Quinlivan at Karen_Quinlivan@ajg.com. It should be addressed to

Noreen Mavro-Flanders
CCMHG Board Chair
c/o Gallagher Benefit Services, Inc.
446 Main Street, Suite 1801
Worcester, MA 01608

Thank you.

Best,
Carol

Carol G. Cormier, MHA, LIA
Senior Area Vice President



Insurance | Risk Management | Consulting
Gallagher Benefit Insurance Services

446 Main Street, Suite 1801, Worcester, MA 01608
Direct 774-321-3560
Office general 800-229-8008 and 508-832-0490
Fax 508-832-0491

www.ajg.com



CONSENT AGENDA

2. Administrative Orders

- c. Vote to approve request from The 300 Committee for a Conservation Restriction for the Ed Brown-Leger 3.72-acre property at 0 Boxberry Hill Road

MOTION: That the Select Board approve a Conservation Restriction from Edward J. Brown-Leger (grantor) to The 300 Committee Land Trust, Inc. (grantee), over approximately 3.7 acres of land located at 0 Boxberry Hill Road in East Falmouth, Property ID 10 03 010 002, for conservation purposes. Approval granted shall allow for non-substantive changes, meaning without significant impact to the terms of the conservation restriction, based on final review by the state Executive Office of Energy and Environmental Affairs.

MOTION: That the Select Board approve a Conservation Restriction from Edward J. Brown-Leger (grantor) to The 300 Committee Land Trust, Inc. (grantee), over approximately 3.7 acres of land located at 0 Boxberry Hill Road in East Falmouth, Property ID 10 03 010 002, for conservation purposes. Approval granted shall allow for non-substantive changes, meaning without significant impact to the terms of the conservation restriction, based on final review by the state Executive Office of Energy and Environmental Affairs.

Explanation for Select Board:

As we are facing delays with the required state Executive Office of Energy and Environmental Affairs Conservation Restriction review, and we have a closing deadline of December 2022 under the terms of the State Conservation Land Tax Credit Program, we respectfully request that your approval vote allow for non-substantive changes, meaning without significant impact to the terms of the conservation restrictions, based on final legal review by the state agency.



November 17, 2022

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

Dear Ms. Taylor,

The 300 Committee Land Trust, Inc. respectfully requests to appear at your Monday, November 21, 2022 open session meeting to seek your review and approval of the attached conservation restriction (CR) that will enable the property owner to preserve his land for conservation and water quality protection purposes.

The CR is for the property at 0 Boxberry Hill Road, East Falmouth, owned by Mr. Brown-Leger. This approximately 3.7 acre property is proximal to the Frances A. Crane Wildlife Management Area (over 1,800 acres of open space), falls within a Zone II area of contribution to public water supply, and contains wooded deciduous wetlands that contribute to flood control, prevention of pollution, and protection of water quality in Coonamessett Pond.

The conservation restriction outlines the ecological values, prohibited and permitted acts and uses, and legal descriptions of the premises. Please let me know if you have any questions. We appreciate your consideration of the CR.

Sincerely,

A handwritten signature in blue ink that reads "Jessica Whritenour". The signature is fluid and cursive.

Jessica Whritenour
Executive Director

Attached: Conservation Restriction, Draft Motion, Locus Maps, Conservation Commission Letter of Support

Preserving Open Space for Falmouth

157 Locust Street • Falmouth, MA • 02540-2658 • Phone 508-540-0876 • Fax 508-457-6406 • www.300committee.org

GRANTOR: Edward J. Brown-Leger

GRANTEE: The 300 Committee Land Trust, Inc.

ADDRESS OF PREMISES: 0 Boxberry Hill Road, East Falmouth, MA 02536

FOR GRANTOR'S TITLE SEE: Land Court Certificate#: 81618, and Barnstable County Registry of Deeds Book 7629, Page 338, Book 3090, Page 314, Book 3090, Page 316, and Book 2617, Page 60.

FOR GRANTOR'S PLAN SEE: Barnstable Registry of Deeds Plan Book 482 Page 19; Land Court Plan 8838V and Land Court Plan 12349-8

GRANT OF CONSERVATION RESTRICTION

I. STATEMENT OF GRANT

Edward J. Brown-Leger, Surviving Tenant by the Entirety, 398 Boxberry Hill Road, East Falmouth, Barnstable County, Massachusetts 02536, being the sole surviving owner of the Premises as defined herein, for my successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grant, with QUITCLAIM COVENANTS, to **THE 300 COMMITTEE LAND TRUST, INC.**, a Massachusetts charitable corporation, having an office and mailing address at 157 Locust Street, Falmouth, Barnstable County, Massachusetts, 02540, its permitted successors and assigns ("Grantee"), for nominal consideration as a gift, **IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES**, the following Conservation Restriction on land located in Falmouth, Barnstable County, Commonwealth of Massachusetts containing a 3.723-acre± parcel of land ("Premises"), which Premises is more particularly described in Exhibit A and shown in the attached reduced copy of a survey plan in Exhibit B, both of which are incorporated herein and attached hereto.

II. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation

Brown-Leger Conservation Restriction, East Falmouth, MA

Restriction (“Purposes”) are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition, and to prevent any use or change that would materially impair the Conservation Values (as defined below).

Conservation Land Tax Credit. The Conservation Restriction was acquired utilizing, in part, the Conservation Land Tax Credit Program (CLTC#0503) authorized under the Chapter 509 Acts of 2008 Sections 1-4 as amended by Chapter 409 Acts of 2010 Sections 4-13 of the Massachusetts General Court.

The Conservation Values protected by this Conservation Restriction include the following:

- **Open Space Protection.** The Premises contributes to the protection of the scenic and natural character of East Falmouth and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises is proximal to the Frances A. Crane Wildlife Management Area (over 1,800 acres of open space), Braeburn Farms Conservation Area, and to a significant expanse of additional publicly-owned property.
- **Working Farmland and Forest.** This Conservation Restriction will ensure that the Premises will be permanently available for agriculture activities that are consistent with the protection of conservation values present on the Premises.
- **Protection of Wildlife Habitat.** The Premises falls entirely within a Massachusetts Natural Heritage & Endangered Species Program- (“NHESP”) designated Priority Habitat of Rare Species as well as entirely within an NHESP-designated Estimated Habitat of Rare Wildlife. Moreover, the Premises falls entirely within NHESP BioMap2-designated Critical Natural Landscape, containing the Landscape Block Core Component. BioMap2, published in 2010, was designed to guide strategic biodiversity conservation in Massachusetts over the next decade by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. BioMap2 is also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan. Therefore, the protection of the Premises aligns with NHESP’s wildlife and habitat protection objectives and would ensure perpetual protection for each of these state-recognized habitats.
- **Water Supply Protection.** The Premises falls approximately 100% within a Zone II Area of Contribution to a Public Water Supply. Therefore, permanent protection from further human development of the Premises with this Conservation Restriction will assist in maintaining public water supply quality in area of the Premises.
- **Soils and Soil Health.** The Premises includes a majority of Prime Forest Land of Statewide Importance as identified by the USDA Natural Resources Conservation Service. The protection of the Premises will promote healthy soils and healthy soils practices as such terms are defined in Chapter 358 of the Acts of 2020, which added definitions of these terms to Section 7A of Chapter 128 of the Massachusetts General Laws.

Brown-Leger Conservation Restriction, East Falmouth, MA

- Wetlands. The Premises contains wooded deciduous wetlands protected under the Massachusetts Wetlands Protection Act. Wetlands contribute to flood control, prevention of pollution, reduced storm damage, and protection of public water supplies (Coonamessett Pond).
- Climate Change Resiliency. The Premises is identified as an area of average Terrestrial Resilience according to The Nature Conservancy's (TNC) Resilient Land Mapping Tool, including slightly above average Landscape Diversity and average Local Connectedness. TNC's Resilient Land Mapping Tool was developed in order to map 'climate-resilient' sites that are 'more likely to sustain native plants, animals, and natural processes into the future.' The protection of these climate resilient sites is an important step in both reducing human and ecosystem vulnerability to climate change and adapting to changing conditions.
- Consistency with Clearly Delineated Barnstable County Conservation Policy. Protection of the Premises will assist in achieving Barnstable County conservation goals. In July 1991, the Barnstable County Assembly of Delegates, pursuant to the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), adopted a *Regional Policy Plan*, amended in 1996, 2002 2009, and 2012, which provided, *inter alia* (references are to the 2012 Plan):
 - "To preserve and enhance rural land uses, including agriculture, that are environmentally compatible with the Cape's natural resources in order to maintain opportunities to enjoy the traditional occupations, economic diversity, and scenic resources associated with rural lands, and to support activities that achieve greater food independence for Cape Cod" (Land Use Goal LU3, p.18);
 - "Open space has helped define Cap Cod's heritage and economy. Open space, and the rural character it imparts, is one of the region's most valuable assets. Marshes, beaches, farms, and woodlands contribute directly to key industries on Cape Cod, attracting tourists and providing areas for farming and cranberry growing, hunting, fishing, and swimming" (Open Space and Recreation introduction, p. 62);
 - Investigate "programs for the Cape to ensure protection of the most sensitive resources, as an incentive for protecting working agricultural lands, and to provide contiguous open space" (Open Space and Recreation Goal OS1-C3, p. 64);
 - "The Cape Cod Commission will continue to inventory the region's distinctive cultural landscapes, including historic agricultural lands, and will make recommendations to preserve these significant resources through land protection, preservation or conservation restrictions, educational efforts to increase public awareness, and other means" (Heritage Preservation and Community Character Goal HPCC1-C1, p. 88);
 - Regional Rural Lands Protection Tools: "The Commission will investigate the use of land use protection tools, including DCPCs and TDR, as well as conservation restrictions, toward the goal of protecting significant soils, natural resources, or working agricultural landscapes" (LU3-C2, p. 18);
 - Businesses such as high technology, clean, light manufacturing, and resource-based industries (e.g., shellfishing, ecotourism, farming) can foster economic development that is dependent upon the preservation of open space and protection of natural resources (p. 18); and,

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- Land Use Goal 1.3.2: Development unrelated to agricultural operations shall be designed so as to avoid or minimize development on lands capable of sustained agricultural production as evidenced by soils, recent agricultural use, and/or surrounding agricultural use (p. 25).

Each of these objectives will be fulfilled with this Conservation Restriction because it will ensure that the Premises value as a farming and conservation resource is maintained in perpetuity. This Conservation Restriction will ensure that the Premises remains protected open space that is available for agricultural activities that are consistent with preserving its conservation values.

- Consistency with Clearly Delineated Town of Falmouth Conservation Policy. Protection of the Premises will further the Town of Falmouth's documented goals regarding conservation of land. In fact, the use of the Premises for farming comports with zoning, as the Premises falls within an Agricultural District. Additionally, in 2014, the Town of Falmouth outlined its open space and recreation goals in its updated *Open Space and Recreation Plan*, identifying goals, policies, and actions to guide conservation efforts, among them the to "acquire 30% of Falmouth's total land area as high quality, permanently protected open space" (Goal 1, p. 77). Further, permanently protecting the Premises with this Conservation Restriction also comports with the Town of Falmouth's goals and policies for growth in the next 50 years as outlined by the Town Planning Board's 2016 *Local Comprehensive Plan*. The Planning Board established goals to guide management of open space and farmland in Falmouth, including: "to protect the things about Falmouth to be treasured and kept, such as our natural resources and heritage" (p.1). . . . and to protect "remaining farmlands [which] are critical to our community's resiliency and open space network" (p. 3).

In 1991, the Town of Falmouth adopted a *Conservation Restriction Policy*, consisting of policies and guidelines approved by the Board of Selectmen, Assessors and Conservation Commission (updated and reaffirmed in 2001), which encourages the use of conservation restrictions in perpetuity as a means of "preserving open space . . . and providing scenic enjoyment" and:

- to ensure that land remains available for farming;
- to permanently protect open space;
- to limit or prevent construction on land of natural resource value; and,
- to add to existing restricted land which is contiguous to the land proposed to be restricted.

Implementing this Conservation Restriction will assist in achieving each of the objectives listed above because it will add to the protected open space network in Falmouth, it will be permanently available for agricultural uses, and its valuable scenic and rural character will be preserved.

- Consistency with Clearly Delineated Federal Conservation Policy. Protection of the Premises meets the definition of "conservation purposes" as defined in 26 CFR 1.170A-

14(d)(1), because its conservation would: promote protection of neighboring state-recognized habitats as well as the ecosystem contained on and contiguous to the Premises; preserve open space and maintain the scenic and rural character of the farm for enjoyment by the public.

- Consistency with Clearly Delineated State Conservation Policy. The Premises possesses significant open space, natural, aesthetic, ecological, plant and wildlife habitat, solid and water resource quality, watershed, and scenic values (collectively “Conservation Values”) of great importance to the Grantee and the people of Falmouth and the Commonwealth of Massachusetts.
- Historical Purposes. This Conservation Restriction will ensure that the Premises not only remains protected open space, but that the Premises will be available for Agricultural Activities as defined herein which are consistent with maintaining its conservation value.

III. PROHIBITED and PERMITTED ACTS AND USES

A. Prohibited Acts and Uses

The Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Structures and Improvements. Constructing, placing, or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled area, roads, sign, gate, billboard or other advertising, antenna, utilities or other structures, utility pole, tower, wind turbine, solar panel, , conduit, line, septic or wastewater disposal system, storage tank, or dam;
2. Extractive Activities/Uses. Mining, excavating, dredging, withdrawing, or removing soil, loam, peat, gravel, sand, rock, surface water, ground water, or other mineral substance or natural deposit, or otherwise altering the topography of the Premises;
3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing, or destroying trees, shrubs, grasses or other vegetation;
5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archaeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive

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in such recognized inventories as the Massachusetts Introduced Pests Outreach Project, the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantee;

7. Motor Vehicles. Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have a legal right to enter the Premises;
8. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantee's intention to maintain the entire Premises under unified ownership;
9. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;
10. Adverse Impacts to Stone Walls, Boundary Markers. Disrupting, removing, or destroying stone walls, granite fence posts, or any other boundary markers;
11. Residential, Commercial, or Industrial Uses. Using the Premises for residential, industrial, or for more than *de minimis* commercial recreation purposes;
12. Inconsistent Uses. Using the Premises for Purposes that would materially impair the Conservation Values.

B. Permitted Acts and Uses

Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A, the Grantor may conduct or permit the following acts and uses on the Premises, provided they do not materially impair the Purposes and/or Conservation Values. In conducting any Permitted Act and Use, Grantor shall minimize impacts to the Conservation Values to ensure any such impairment thereto is not material.

1. Vegetation Management. Maintaining vegetation, including pruning, trimming, cutting, and mowing, and removing brush, all to prevent, control, and manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report, including maintaining meadows and pasture for animals, clearance of historic paths and trails, clearance immediately around fences, and maintenance of horticultural tree specimens. (see Paragraph XV);
2. Non-native, Nuisance, or Invasive species. Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;

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3. Composting. Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises, provided that such stockpiling and composting is in locations where the presence of such activities will not impair the conservation values (including scenic values) of this Conservation Restriction. No such activities will take place closer than one hundred (100) feet from any wetland, waterbody or stream. All exercise of this reserved right shall take into account sensitive areas and avoid harm to nesting species during nesting season;
4. Natural Habitat and Ecosystem Improvement. With prior written approval of the Grantee, conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including planting native trees, shrubs, and other vegetation;
5. Archaeological Investigations. Conducting archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but only in accordance with an archaeological field investigation plan, which plan shall also address restoration following completion of the archaeological investigation, prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission State Archaeologist (or appropriate successor official) and by the Grantee. A copy of the results of any such investigation on the Premises is to be provided to the Grantee;
6. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity and address of the Grantor, sale of the Premises, the Grantee's interest in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises. Any signs or informational kiosks shall be positioned so as to not impede the public view of the land;
7. Trails. Maintaining and constructing trails as follows:
 - a. Trail Maintenance. Conducting routine maintenance of trails, which may include widening the "Way as Shown on L.C. 8838^A", as shown on Exhibit B, up to twenty (20) feet in width overall, with a treadway up to ten (10) feet in width; and routine maintenance of other trails which may include widening trail corridors up to five (5) feet in width overall.
 - b. New Trails. With prior written approval of the Grantee, constructing new trails or relocating existing trails, provided that any construction or relocation results in trails that conform with the five (5) feet overall width limitations above.
 - c. Trail Features. With prior written approval of the Grantee, constructing bog bridging, boardwalks, footbridges, railings, steps, culverts, benching, cribbing, contouring, or other such features, together with the use of motorized equipment to construct such features;

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8. Motorized Vehicles. Using motorized vehicles by persons with mobility impairments, or as necessary for engaging in Agricultural Activities as permitted herein, and for mowing the historic pathway across the Premises to the cul-de-sac;
9. Outdoor Passive Recreational and Educational Activities. Horseback riding, hiking and other non-motorized outdoor recreational activities that do not materially alter the landscape, do not degrade environmental quality, and do not involve more than minimal use for commercial recreational activities;
10. Solar Arrays. Ability to access, repair and maintain solar panel array as it exists on Premises and as described in Section III.C Special Use Area and the Baseline Report. The solar panel array shall be for the sole use of the residential premises at 398 Boxberry Hill Road. The solar panel array and associated connecting underground connection may be maintained and replaced *in situ*, but not enlarged beyond the 350 square feet in area;
11. Right-of-Way. The Conservation Restriction shall not interfere with Grantor's use or maintenance of pre-existing easements.
12. Agricultural Activities. The Grantor reserves the right to conduct Agricultural Activities within the Special Use Area as defined in Section III. C.
 - a. Permitted Activities. "Agricultural Activities" are collectively defined as "Animal Husbandry" and "Horticulture," defined below:
 - i. Animal Husbandry. Raising animals, including but not limited to dairy cattle, beef cattle, poultry, sheep, swine, horses, ponies, mules, goats, and bees, for the purpose of using, consuming, or selling such animals or a product derived from such animals in the regular course of business; or when primarily and directly used in a related manner which is incidental thereto and represents a customary and necessary use in raising such animals and preparing them or the products derived therefrom for use, consumption, or market.
 - ii. Horticulture. Raising fruits, vegetables, berries, nuts, and other foods for human consumption, feed for animals, flowers, trees, nursery or greenhouse products, and ornamental plants and shrubs, but not plant species deemed to be invasive or otherwise detrimental to the native plant and animal community, such as those listed in the "Massachusetts Prohibited Plant List", which is maintained and updated by the Massachusetts Department of Agricultural Resources, all for the purpose of selling such products in the regular course of business; or when primarily and directly used in raising forest products under a Forest Stewardship Plan designed to improve the quantity and quality of a continuous crop for the purpose of using, consuming, or selling these products in the regular course of business; or when primarily and directly used in a related manner which is incidental to those uses and represents a customary and necessary use in raising such products and preparing them for use, consumption, or market.

- b. Requirement to Follow Best Agricultural Practices. Agricultural Activities shall be conducted in a manner consistent with generally accepted best management practices for sustainable farming as those practices may be identified from time to time by appropriate governmental or educational institutions such as the USDA Natural Resources Conservation Service (NRCS), UMass Extension, Northeast Organic Farming Association (NOFA), Massachusetts Department of Agricultural Resources, and the like, (collectively, “Best Agricultural Practices”) and in a manner that promotes healthy soils and healthy soil practices, as such terms are defined in Chapter 358 of the Acts of 2020, which added definitions of these terms to Section 7A of Chapter 128 of the Massachusetts General Laws (“Healthy Soils and Practices”), and in a manner that does not hinder the ability of future generations to engage in Agricultural Activities on the Premises;

- c. Requirement for a Farm Conservation Plan. Agricultural Activities shall require a farm conservation plan, such as an NRCS Conservation Plan (“Farm Conservation Plan”), prepared for the Premises, and approved in writing by the Grantee. The Farm Conservation Plan shall be developed in accordance with generally-accepted Best Agricultural Practices, and shall, at a minimum, address the following:
 - i. establish wetland buffers and/or filter strips to prevent adverse impacts to the water quality of existing wetlands and waterways;
 - ii. in the event animal husbandry activities are proposed, establish and govern the type and number of each type of animal unit permitted on the Premises, and analyze the pasturage potential of the Premises and establish and govern the cycling of pasturage, and any other measures necessary to ensure the carrying capacity of the Premises is not exceeded in order to protect water quality, prevent soil erosion, and otherwise protect the Conservation Values; and
 - iii. describe how Agricultural Activities will maximize soil and water conservation, and promote Healthy Soils and Practices.

- d. Agricultural Structures and Improvements. Constructing and maintaining structures and improvements to conduct Agricultural Activities, including:
 - i. the installation of sight-pervious fencing or other similar infrastructure to manage livestock or protect agricultural resources;
 - ii. the installation and maintenance of an irrigation system that serves only the Premises;
 - iii. with the Grantee’s approval, the construction, use, maintenance, repair, relocation, and replacement of minor and temporary structures, without cement, subsurface, or other permanent foundations that result in the excavation or disturbance of the soil, only to the extent necessary, effective, and efficient to engage in Agricultural Activities provided that said structures shall, in aggregate, not cover an area greater than two thousand (2,000) square feet.

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- iv. the removal of trees, saplings, shrubs, stumps, and roots preliminary to and including the preparation of surface topography and soils for the purposes of accommodating and instituting Agricultural Activities as described above (hereinafter "Land Conversion"), provided that any such Land Conversion does not convert any land classified as wetlands by the Massachusetts Department of Environmental Protection ("Mass DEP") or the US Fish and Wildlife Service, or any land classified as Priority Habitat of Rare Species by the Massachusetts Natural Heritage and Endangered Species Program, and further provided that any such Land Conversion in excess of one (1) acre over any given five (5) year period is described in the Farm Plan (as described herein);

C. Special Use Area.

The Grantor reserves the right to conduct or permit the following activities and uses only within the area shown on the Plan in Exhibit B as "Agricultural Use Area" in addition to the Permitted Acts and Uses described in Paragraph III.B, and otherwise subject to this Conservation Restriction:

1. Agricultural Activities as described in Section III. B. 12.
2. Constructing, using, maintaining, repairing, improving, or replacing, the existing driveway, barnyard, solar panel array and associated underground connection, fencing ("Improvements") but not to locate such Improvements outside of the Agricultural Area unless a qualified professional certifies in writing that there is no feasible location for any such improvement within the Special Use Area, such a finding not to consider financial feasibility, and the Grantee approves of any such Improvements to be located outside of the Special Use Area, and further provided that any of these Improvements serves only the single family dwelling located at 398 Boxberry Hill Road, Falmouth.

D. Site Restoration

Upon completion of any Permitted Acts and Uses, any disturbed areas shall be restored substantially to the conditions that existed prior to said activities, including with respect to soil material, grade, and vegetated ground cover.

E. Compliance with Permits, Regulations, Laws

The exercise of any Permitted Acts and Uses under Paragraph III.B shall be in compliance with all applicable federal, state and local laws, rules, regulations, zoning, and permits, and with the Constitution of the Commonwealth of Massachusetts. The inclusion of any Reserved Right requiring a permit, license or other approval from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

F. Notice and Approval

1. Notifying Grantee. Whenever notice to or approval by Grantee is required, Grantor shall notify or request approval from Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
 - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;
 - b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
 - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals.
 - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the Purposes and Conservation Values.
2. Grantee Review. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of receipt of Grantor's request. Grantee's approval shall only be granted upon a showing that the proposed activity will minimize impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation Values. Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.
3. Resubmittal. Grantee's failure to respond within sixty (60) days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

IV. INSPECTION AND ENFORCEMENT

A. Entry onto the Premises

The Grantor hereby grants to the Grantee, and its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.

B. Legal and Injunctive Relief

1. Enforcement. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory relief, including without limitation, compensation for interim losses (i.e., ecological and public use service losses that occur from the date of the violation until the date of restoration) and equitable relief against any violations, including, without limitation, injunctive relief and relief requiring restoration of the Premises to its condition prior to

the time of the injury (it being agreed that the Grantee will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction.

2. Notice and Cure. In the event the Grantee determines that a violation of this Conservation Restriction has occurred and intends to exercise any of the rights described herein, the Grantee shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantee may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) days applies only if Grantor immediately ceases the violation and Grantee determines that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantee may notify the proper authorities of such violation.
3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including counsel fees) incurred by the Grantee in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey by a Massachusetts licensed professional land surveyor and to have the boundaries permanently marked.

C. Non-Waiver

Enforcement of the terms of this Conservation Restriction shall be at the sole discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

D. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

E. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from natural causes beyond the Grantor's control, including but not limited to fire, flood, weather, climate-related impacts, and earth movement, or from any prudent action taken by the Grantor

under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

V. PUBLIC ACCESS

This Conservation Restriction does not grant any right of access to the general public and the Grantor retains its rights to prohibit access to the Premises by the general public.

VI. TERMINATION/RELEASE/EXTINGUISHMENT

A. Procedure

If circumstances arise in the future that render the Purposes impossible to accomplish, this Conservation Restriction can only be terminated, released, or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, or successor official ("Secretary"), and any other approvals as may be required by Section 32 of Chapter 184 of the Massachusetts General Laws.

B. Grantor's and Grantee's Right to Recover Proceeds

If any change in conditions ever gives rise to termination, release, or extinguishment of this Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph VI.C, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

C. Grantee's Receipt of Property Right

Grantor and Grantee agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the conveyance, bears to the value of the unrestricted Premises. The proportionate value of the Grantee's property right as of the Effective Date (see Paragraph XII) was determined to be 66 %. Such proportionate value of the Grantee's property right shall remain constant.

On a subsequent sale, exchange, or involuntary conversion of the subject property, the Grantee organization will be entitled to a portion of the proceeds at least equal to that proportionate value of the perpetual conservation restriction. All of the Grantee organization's proceeds from a subsequent sale or exchange of the property must be used by the Grantee organization in a manner consistent with the conservation purposes of the original contribution.

D. Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph VI.B and Paragraph VI.C. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

VII. DURATION and ASSIGNABILITY

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except when all of the following conditions are met:

1. the Grantee requires that the Purposes continue to be carried out;
2. the assignee is not an owner of the fee in the Premises;
3. the assignee, at the time of the assignment, qualifies under and 26.U.S.C. 170(h), and applicable regulations thereunder, if applicable, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws; and
4. the assignment complies with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VIII. SUBSEQUENT TRANSFERS

A. Procedure for Transfer

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the effective date of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. If the Grantor fails to reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, then the Grantee may record it in the Barnstable County Registry of Deeds, and at the Grantor's expense, a notice of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

B. Grantor's Liability

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

IX. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

X. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction following the terms set forth in Paragraph VII.C to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

XI. AMENDMENT

A. Limitations on Amendment

Grantor and Grantee may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

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1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;
3. affect the qualification of this Conservation Restriction as a "qualified conservation contribution" or "interest in land" under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;
4. affect the status of Grantee as a "qualified organization" or "eligible donee" under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws; or
5. create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantee, of the economic impact of the proposed amendment; or
6. alter or remove the provisions described in Paragraph VI (Termination /Release/Extinguishment); or
7. cause the provisions of this Paragraph XI to be less restrictive; or
8. cause the provisions described in Paragraph VII.C (Running of the Benefit) to be less restrictive

B. Amendment Approvals and Recording

No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor, approved by the Town of Falmouth and by the Secretary in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the Barnstable County Registry of Deeds.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the Barnstable County Registry of Deeds.

XIII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Edward Brown-Leger
398 Boxberry Hill Road
East Falmouth, MA 02536-4124

To Grantee: The 300 Committee Land Trust, Inc.
157 Locust Street
Falmouth, MA 02540

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIV. GENERAL PROVISIONS

A. Controlling Law

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in order to effect the Purposes and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the Purposes that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement

This instrument sets forth the entire agreement of the Grantor and Grantee with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

XV. BASELINE DOCUMENTATION REPORT

The Conservation Values, as well as the natural features, current uses of, and existing improvements on the Premises, such as, but not limited to, trails, woods roads, structures, meadows or other cleared areas, agricultural areas, and scenic views, as applicable, are described in a Baseline Documentation Report ("Baseline Report") prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and included by reference herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein, and (iv) may be supplemented as conditions on the Premise change as allowed over time. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant in addition to the Baseline Report.

XVI. MISCELLANEOUS

A. Pre-existing Public Rights

Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary, is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Release of Homestead

The Grantor hereby agrees to waive, subordinate, and release any and all Homestead rights pursuant to Chapter 188 of the Massachusetts General Laws it may have in favor of this Conservation Restriction with respect to any portion of the Premises affected by this Conservation Restriction, and hereby agrees to execute, deliver and/or record any and all instruments necessary to effectuate such waiver, subordination and release. In all other respects, the Grantor reserves and retains any and all Homestead rights, subject to this Conservation Restriction, pursuant to Section 10(e) of Chapter 188 of the Massachusetts General Laws.

C. Subordination

The Grantor shall record at the Barnstable County Registry of Deeds simultaneously with this Conservation Restriction all documents necessary to subordinate any mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

D. Executory Limitation

If Grantee shall cease to exist or to be qualified to hold conservation restrictions pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, or to be qualified organization under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and a prior assignment is not made pursuant to Paragraph VII, then Grantee's rights and obligations under this Conservation Restriction shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law and with due regard to the requirements for an assignment pursuant to Paragraph VII.

E. Prior Encumbrances

This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises.

Brown-Leger Conservation Restriction, East Falmouth, MA

F. The following signature pages are included in this Grant:

Grantor – Edward Brown-Leger

Grantee Acceptance – The 300 Committee Land Trust, Inc.

Approval by Select Board

Approval of the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts.

G. The following exhibits are attached and incorporated herein:

Exhibit A: Legal Description of Premises

Exhibit B: Reduced Copy of Recorded Plan of Premises

Brown-Leger Conservation Restriction, East Falmouth, MA

WITNESS my hand and seal this ____ day of _____, 2022,

Edward Brown-Leger

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this ____ day of _____, 2022, before me, the undersigned notary public, personally appeared Edward Brown-Leger, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

ACCEPTANCE OF GRANT

The foregoing Conservation Restriction from Edward Brown-Leger was accepted by The 300 Committee Land Trust, Inc. this _____ day of _____, 2022.

By: _____
Anne-Marie Runfola

Its: President, duly authorized

By: _____
Richard Dotson

Its: Treasurer, duly authorized

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared Anne-Marie Runfola, President, The 300 Committee Land Trust, Inc., and Richard Dotson, Treasurer, The 300 Committee Land Trust, Inc., and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

APPROVAL OF TOWN OF FALMOUTH SELECT BOARD

We the undersigned, being a majority of the Select Board of the Town of Falmouth, hereby certify that at a public meeting duly held on _____, 2022, the Select Board voted to approve the foregoing Conservation Restriction from Edward Brown-Leger to The 300 Committee Land Trust, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

TOWN OF FALMOUTH SELECT BOARD

Nancy R. Taylor, Chair

Onjalé Scott Price, Vice Chair

Samuel H. Patterson

Douglas C. Brown

Edwin P. Zylinski II

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared Nancy R. Taylor, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

**APPROVAL OF SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS OF
THE COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby approves the foregoing Conservation Restriction from Edward Brown-Leger to The 300 Committee Land Trust, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2022

Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this ____ day of _____, 2022, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

Legal Description of the Premises

Being tract of registered and unregistered land situated in Falmouth (East Falmouth) Massachusetts, with a total acreage of 3.72±, shown on the Town of Falmouth Assessors Map 10 Section 03 Parcel 10 Lot 002, and further described as follows:

Being Lot 2 shown on the plan entitled, "*Plan of Land in Hatchville, Falmouth, Mass. Being a Resubdivision L.C#12349 for Loch Spruce Realty Trust*", dated 5/1/1991 (Rev 6/19/1991), by Mm. M. Warwick & Assoc. Inc., 213 Old Main Road, Box 801, North Falmouth, Mass, 02556, and recorded in Barnstable County Registry of Deeds in Plan Book 482, Page 19 ("Plan of Record"); more particularly described as follows:

Registered Land (0.98 acres±)

Being Lot 194 shown on the above referred to Plan Book 482, Page 19, also shown as Lot 194 on Land Court Plan 8838V, and formerly as a portion of Lot 53 on Land Court Plan 8838L.

For Grantors title see Deed in the Barnstable Registry District of the Land Court Certificate#: 81618, Document#: 265426.

AND,

Being Lot 180 shown on the above referred to Plan Book 482, Page 19, also shown on Land Court Plan 12349-8, said Lot 180 comprising Lot 146 shown on Land Court Plan 12349-1, excluding the fee in Loch Spruce Lane shown on said plan, and Lot 53 shown on Land Court plan 8838-L.

For Grantors title see Deed in the Barnstable County Registry of Deeds in Book 7629, Page 338.

AND,

Being Lot 179 shown on the above referred to Plan Book 482, Page 19, also shown on Land Court Plan 12349-8. Lot 179 comprising Lot 144 and Lot 145 shown on Land Court Plan 12349-1.

For Grantors title see Deed in the Barnstable Registry District of the Land Court Certificate#: 81618, Document#: 265424.

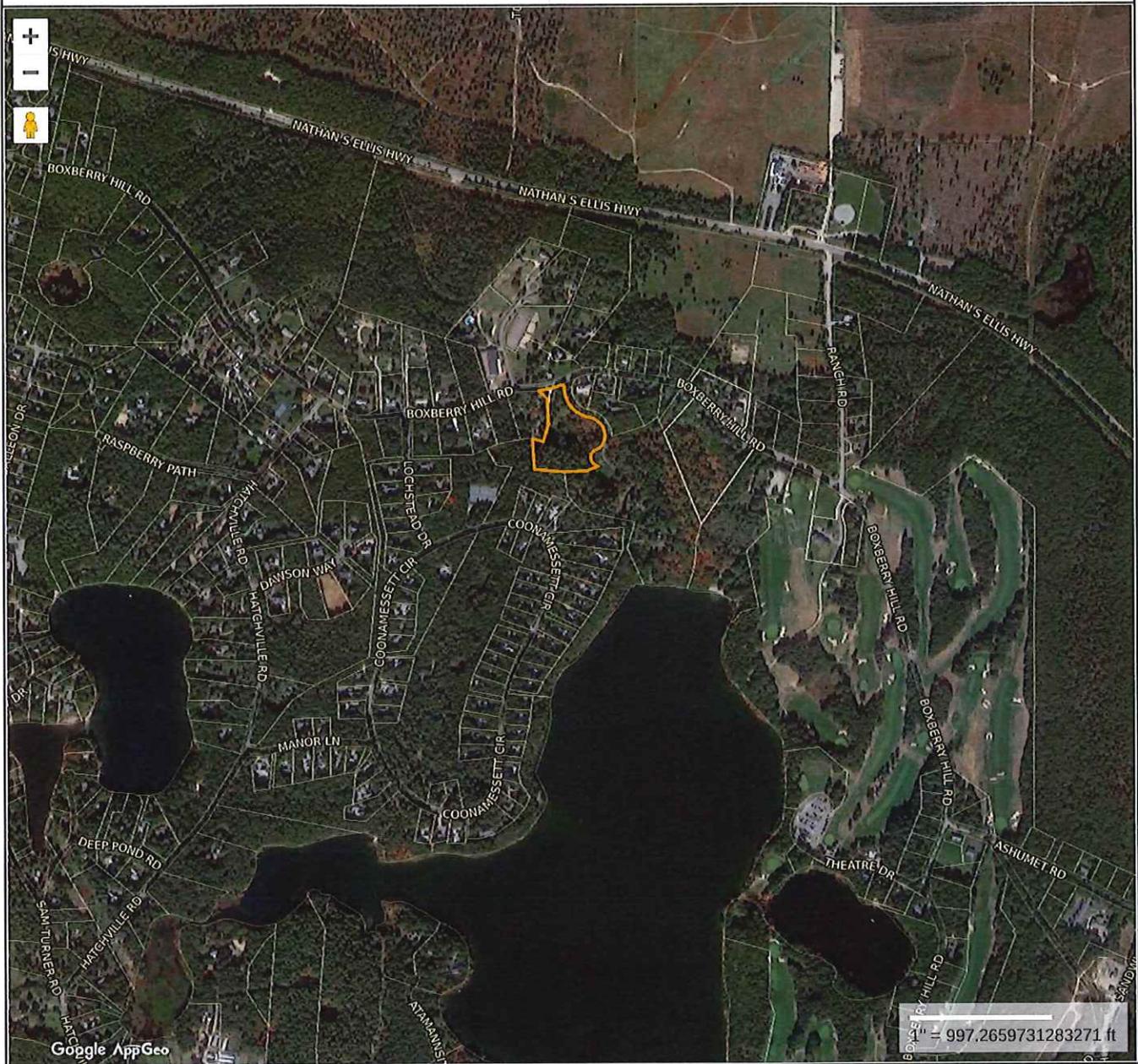
Unregistered Land (2.74 acres±)

Being the unregistered portion of Lot 2 as shown on the above referred to Plan Book 482, Page 19.

For Grantors title see Deeds in the Barnstable County Registry of Deeds in Book 3090, Page 314 and Book 3090, Page 316, and Book 2617, Page 60.

The street address for all parcels is 0 Boxberry Hill Road, (East) Falmouth, MA 02536.

Brown Leger Boxberry Hill Road Conservation Restriction



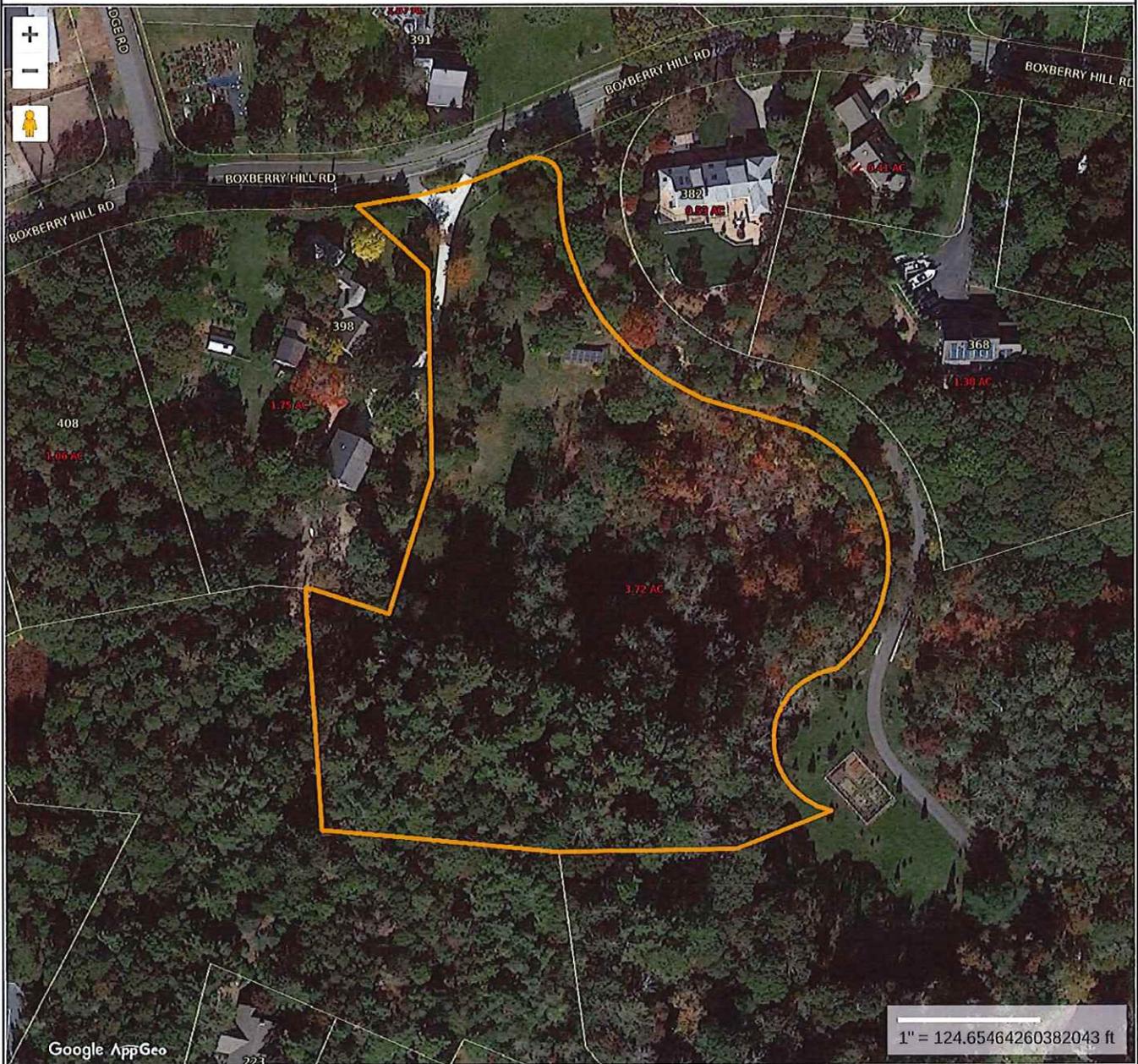
**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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

Geometry updated 05/05/2022
Data updated 07/21/2022

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

Brown Leger Boxberry Hill Road Conservation Restriction



**MAP FOR REFERENCE ONLY
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Geometry updated 05/05/2022
Data updated 07/21/2022

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



FALMOUTH CONSERVATION COMMISSION

59 Town Hall Square, Falmouth, Massachusetts 02540
(508) 495-7445

October 27, 2022

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

To the Select Board,

At its October 19, 2022 meeting, the Town of Falmouth Conservation Commission voted in favor of recommending your approval and signature of the attached conservation restriction (CR) that is being coordinated by The 300 Committee Land Trust, Inc. Your approval of the CR will help facilitate the natural resource protection of the following property:

Brown-Leger CR – 0 Boxberry Hill Road. East Falmouth. This approximately 3.7 acre property is proximal to the Frances A. Crane Wildlife Management Area (over 1,800 acres of open space), falls within a Zone II area of contribution to public water supply, and contains wooded deciduous wetlands that contribute to flood control, prevention of pollution, and protection of water quality (Coonamessett Pond).

The conservation restriction outlines the ecological values (e.g., wildlife habitat, water resource protection, biodiversity, trail connectivity, climate resiliency), prohibited and permitted acts and uses, public access, and legal description of the premises.

Your approval and signing of this conservation restriction will help preserve the property to ensure many conservation benefits as described in the document. Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Lincoln".

Jennifer Lincoln
Conservation Administrator

MINUTES

1. Review and Vote to Approve Minutes of Meetings:

a. Public Session – October 3, 2022

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, OCTOBER 3, 2022
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

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

Staff Present: Maura O'Keefe, Town Counsel; James McLoughlin, Town Engineer.

1. Call to Order by Chair Taylor at 7 p.m.
2. Pledge of Allegiance
3. Recognition-none
4. Announcements
Chair Taylor announced regarding the fire union minimum shift staffing, the Town affirmed the Memorandum of Understanding (MOU) with the Fire Fighters union.

Mr. Johnson-Staub will not be present at this meeting.

Ms. Scott Price announced:

Coffee with a Cop on Wednesday, 10/5/22 from 9:00-11:00 a.m. at Peg Noonan Park.

October is Breast Cancer Awareness month. The Falmouth Police Department pink patches are available for purchase.

5. Public Comment
David Moriarty, Falmouth resident, stated the second wind turbine is coming down 10/5/22 between 9-11 a.m. There is a five-state proposal looking for information from stakeholders on an ocean wind cable that does not interfere with towns. He left a document with Chair Taylor.

TOWN MANAGER'S PRELIMINARY REPORT

Chair Taylor noted the public hearing for Wagner Hospitality d/b/a Holiday Inn is for the transfer of ownership of an all alcoholic Innholder license, no changes to the term of the license and no staff concerns.

The Resilient Woods Hole report is available online.

Items on the Consent Agenda were reviewed by staff and there were no concerns.

Atty. O'Keefe reported ongoing litigation in the matter with Mastriani v. ZBA and the Judge in Barnstable Superior Court granted a motion for preliminary injunction. The Court order issued ordering a cease and desist of all use of the pickleball courts at Lawrence Middle School. The Town has yet to receive the decision on the preliminary injunction. This lasts during the pendency of litigation, the Town will continue to litigate it, the case has yet to be tried, motions still need to be heard and filed.

COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee member
 - a. Conservation Commission
Melissa Freitag, Precinct 6, currently an alternate member of the Conservation Commission. She would like to continue membership, and is taking a course for fundamentals in MA Conservation Certificate.

**Mr. Brown motion approval of Ms. Freitag to a full member position ending 6/30/2025.
Second Mr. Patterson. Vote: Yes-5. No-0.**

PUBLIC HEARINGS

1. Application for a Transfer of an All Alcoholic Common Victualler License – Wagner Hospitality Management, LLC d/b/a Holiday Inn Falmouth, 291 Jones Road

Ms. Scott Price read the hearing notice.

Mr. Wagner addressed the Board stating he recently acquired the business and asked for transfer of the liquor license, all else will remain the same.

Mr. Brown noted misspelling of “Wagner” and the Manager listed should be Mr. Wagner on front page, under manager.

Public comment: none.

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

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

BUSINESS

1. Report – Resilient Woods Hole (RWH) – Rob Munier, Woods Hole Oceanographic Institution (WHOI)

Mr. Munier, Vice President of Marine Facilities and Operations at WHOI, explained that Resilient Woods Hole is a private-public investment to ensure the future of the seaside community and blue economy village of Woods Hole developed by the Wood Hole Oceanographic Institute, Marine Biological Laboratory (MBL), and the National Oceanic and Atmospheric Administration to develop solutions for the impact of climate change. It is vital they train the businesses and residents and work with the Town to develop solutions for sea level rise. A steering committee was established including these institutions and the Town, and they appreciate support from the Town.

Paul Spear, Chief Operating Officer MBL, stated this is critical to the MBL, their campus sprawls from waterfront park within the community to Stoney Beach. They are mindful of the importance working with the local community, including homeowners and businesses.

Leslie-Ann McGee, Program Manager for Resilient Woods Hole, described the first three phases and provided the final report to the Board. The Steering Committee is active, had meetings over the last year, they review materials, provide ideas, and are involved in the symposium. The Woods Hole Community Association, with liaisons from neighborhoods and the business community, are involved. NOAA Tide Gauge results were shown, tracked sea level rise since about 1930's. It is on their site and they have local data. Sea level is rising and cannot be avoided; it has raised about a foot in the last almost one hundred years. During Phase 1 they conducted vulnerability assessments for institutional properties and evaluated how they may be impacted. They presented a symposium to the public that included their evaluation and what they will do in the future. Phase 2 includes expanding the study area and vulnerability assessments to include properties around them. By 2070 could flood about 5.5 miles of roadway, over 300 buildings in Woods Hole would potentially be impacted. Presented another symposium to show the community what they learned. Phase 3 includes receipt of coastal resiliency grant funding, held a forum on vulnerability, reached out to stakeholders to survey to understand what they wanted to see and what they wanted to see used. Community said doing nothing is not an option, neighborhood level plans for all nine neighborhoods in Woods Hole, showed them adaptations they could do in their neighborhood and how long pathways would last. During the next phase, they will go back to the neighborhoods to show the options and ask what they prefer. Their website, www.resilientwoodshole.org, has all reports and stories. Phase 3 report is on their website, and Ms. McGee provided the Board with a copy of the report. Regulatory Review findings; outline how bylaws, ordinances can be modified so they can consider what is needed to become climate resilient; and study is on the website and has recommendations from the local, federal, state levels. Reviewed local level recommendations in the computer presentation. Streamline the permit process, amend

building height definition for buildings in flood zones, reduced setback, coastal resiliency review, community feedback, and change wetlands bylaw to develop a limited project including 25 feet velocity zone buffer. Next they want to demonstrate action, got a second resiliency grant with a match from the institutions, it will go about 18 months and they want to demonstrate the power of this private public project. Design and construct after evaluating the most critical assets, then test. These will be done immediately. Phase 4 will be looking at the dune system at Stoney Beach and see if they can provide flood protection of that area. Outreach and engagement with the community will be more robust and long term. Podcasts will be made available to the public, and social technology to serve those who are underserved and diverse. They plan to produce an accessible Woods Hole Climate walking tour.

2. Update on traffic improvements at the Route 151, Sam Turner, Boxberry Hill and Cloverfield intersection, and Worcester Court and Spring Bars Road intersection – James McLoughlin – DPW/Engineering

James McLoughlin, Town Engineer, and John Dias, GPI Traffic Engineer who has been working in Town for a long time. Both intersections have had a number of traffic accidents. There was a fatality a few years ago at the Route 151 location. Worcester Court has a lot of accidents and near misses.

John Dias, GPI, stated a Road Safety Audit done a few years ago for Worcester Court at Spring Bars Rd., and installed a flashing beacon with red flashing lights on Worcester Court and flashing yellow on Spring Bars Rd.

Route 151/Sam Turner, they considered a roundabout, but it required a lot of land impacts outside the right of way, it really did not work, and there was a significant cost difference. They looked at a signal, right of way impacts, so at this approach here most fits within the right of way. Reviewed the project via PowerPoint. Operations of intersection include signals on approaches, dedicated left turns, throughs, and pedestrian access. Signals are fully actuated, either video detection or in pavement loops. They will look at the school bus stop nearby.

Mr. McLoughlin said that it will be several years to construction, and they need to continue planning and addressing right of way issues. Both projects are on Town property, within the jurisdiction of the Town. Sam Turner and Route 151 is extensive and will likely require some Town Meeting votes. This will be a very substantial cost to the Town. Dillingham Ave. and Davis Straits are TIPS projects, five plus years out. MA DOT TIP process, still working on an acceptable plan by the State.

3. Town Manager Hiring Process

Atty. O'Keefe noted the following additional clarifying remarks: 1. She expressed reservations about using the Request for Proposal (RFP) process, so reached out to the Inspector General's Office (IG) and under these facts where the estimated cost is under \$50,000, the RFP process is not available. Atty. O'Keefe provided a summary document with two processes and a flow chart: solicitation of at least three quotes, or sealed bids through an Invitation for Proposal (IFP) process. She believes the solicitation of three quotes is the appropriate way to go because there are only a handful of companies that do this and we know the universe of people who will try to get this contract. It is easy to reach out to the companies and send them a solicitation for a quote and have them return it. It is the quickest, most efficient way. The IFP process is more regimented, more involved, still tied to lowest bidder who meets the qualifications, and lengthens the time by 3 times the length to contract with a consultant.

Chair Taylor motion to use solicitation of at least three quotes. Second Ms. Scott Price. Vote: Yes-5. No-0.

4. Vote Article Recommendations for November 2022 Annual Town Meeting

Mr. Patterson motion to recommend approval of Article 6. Second Mr. Zylinski. Vote: Yes-5. No-0.

Mr. Patterson motion indefinite postponement of Article 11. Second Ms. Scott Price. Vote: Yes-5. No-0.

Mr. Patterson motion indefinite postponement of Article 12. Second Ms. Scott Price. Vote: Yes-5. No-0.

Mr. Patterson motion to recommend approval of Article 13. Second Mr. Brown. Vote: Yes-5. No-0. According to Atty. O'Keefe, this applies to all future trade-ins, and the only weapons banned by the Commonwealth would be subject to this. Mr. Zylinski noted that the Town does not own automatic weapons, these are semi-automatic weapons.

Ms. Scott Price motion indefinite postponement of Article 14. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Kasparian, Falmouth Chamber of Commerce, told Ms. Scott Price that the businesses have not been informed of this. Ms. Scott Price would like to support this in the future.

CONSENT AGENDA

1. Licenses

- a. Approve Application for Transfer of a Common Victualler License – 10 Water Street, LLC d/b/a Pie in the Sky, 10 Water Street, Woods Hole
- b. Approve Application for Special One-Day All Alcohol Liquor Licenses – Falmouth Theatre Guild – Highfield Theater, 58 Highfield Drive – October 21, 22, 23, 28, 29, 30 & November 4, 5 and 6, 2022 (9 days) – Friday and Saturday 6:30 pm – 9:30 pm, Sunday 1:00 pm – 4:00 pm
- c. Approve Application for a Special One-Day Wine and Malt Liquor License – Shipwrecked – Falmouth in the Fall Road Race After Party – Shipwrecked/Heights Hotel parking lot – Sunday, November 6, 2022 – 10:00 am – 6:00 pm
- d. Approve application for a Special One-Day Wine & Malt Beverages License – TAPPED – wedding reception – 16 Worcester Avenue, Falmouth – Saturday, October 15, 2022, from 1:00 pm – 3:00 pm.
- e. Approve request by Olive Restaurants, Inc. d/b/a Shiverick Café & Bar for extended hours of service for an All Alcoholic Beverages License to 8:00 am to 1:00 am Monday through Saturday and 10:00 am to 1:00 am Sunday.

2. Administrative Orders

- a. Approve request for a waiver of the special event permit fee for the Chris Wetherbee Memorial Toy Run on Sunday, 11/6/22
- b. Approve Grant of License to Sharon and Ronald Nunes to maintain a wooden picket fence and landscaping elements located in the town right of way at 23 Oak Street.

Mr. Patterson motion approval of consent agenda licenses a-e, administrative orders a, b. Second Ms. Scott Price. Vote: Yes-5. No-0.

MINUTES

1. Review and Vote to Approve Minutes of Meetings: Public Session – June 21, 2021

Mr. Patterson motion approval as edited and release for public access. Second Ms. Scott Price. Vote: Yes-5. No-0.

TOWN MANAGER'S SUPPLEMENTAL REPORT

SELECT BOARD REPORTS

Mr. Brown attended the Martha's Vineyard Steamship Authority long range planning task force meeting--no responses were received to the RFP for New Bedford service. Mr. Brown asked the Board to consider sending a letter to legislators to provide a subsidy to the Steamship Authority (SSA) for a port in New Bedford and subsidize the service for some period of time.

Ms. Scott Price reported the 2022 Coastal Conference is scheduled for 10/24/22, it is about coastal resiliency and coastal change.

DISCUSSION OF FUTURE AGENDA ITEMS

Coastal Resiliency issue is important and there were recommendations from the Coastal Resiliency Action Committee, pairing efforts up with the Woods Hole community, and the need for State legislation.

Ms. Scott Price motion to adjourn at approximately 9:25 p.m. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

DRAFT

TOWN MANAGER'S SUPPLEMENTAL REPORT



TOWN OF FALMOUTH

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

TO: Select Board
FROM: Peter Johnson-Staub, Acting Town Manager 
SUBJECT: Supplemental Report for November 21, 2022
DATE: November 18, 2022

Opioid Abatement Funds:

Human Services Director Suzie Hauptmann has been working with the Commission on Substance Use and the Human Services Committee to develop a plan for allocating the funds the Town has begun receiving as a result of class action lawsuits against the firms that made and sold opioids. They have received guidance from state and regional professionals on best practices. The objectives are to identify the most impactful use of these funds by seeking input from individuals and communities directly impacted by substance use disorders. We are considering a Working Group appointed by the Town Manager which would include the Human Services Director, one member of the Human Services Committee, one member of the Commission on Substance Use, and 4 Falmouth residents with relevant professional and/or lived experience related to the impacts of Opioid Use Disorder. The funds received through the litigation will be appropriated to a dedicated line-item within the Human Services budget. The amounts to be received are still a moving target. I will update the Board as we learn more.

Noise Complaints – 23 Town Hall Sq, Timber:

After hearing of recurring concerns from abutters regarding the music heard in residential apartments late into the night, I sent a letter to the owner's representative for Timber located at 23 Town Hall Square. We received a prompt reply on behalf of Timber which identifies several measures that will be taken to mitigate the impact of the music on the abutting properties. This response mentions live music which was the first time this Office became aware that there was live music at this location. We then followed up with a second letter notifying Timber that an entertainment license is required if they wish to continue to have live music. The owner has indicated they will be submitting an application for an entertainment license. We will advertise a hearing and notify abutters upon receipt of an application.

Joint Base Cape Cod – Inter-Municipal Agreement (IMA):

The Towns of Falmouth, Bourne, Mashpee, and Sandwich have an IMA which was created to jointly manage a solid waste rail transfer station at the Base. Prior to 2018, Falmouth's municipal solid waste was brought to this transfer station where it was loaded into rail cars and transported to a facility in Rochester, MA where it was incinerated. After June 30, 2018, Falmouth began disposing its solid waste at the Bourne landfill. A new IMA was executed effective July 1, 2018 through December 31, 2022 which allows the Towns to continue to jointly manage the 18.87 acre site. Since then, the transfer station has continued to receive solid waste from private haulers and the four member towns each receive a small rental revenue from the private operator which was awarded a contract by the towns to operate the transfer station. The Town of Bourne has decided to cease its involvement with this transfer station and will not participate in a renewal agreement. Former DPW Director Ray Jack serves as Falmouth's representative to the JBCC and recommends that Falmouth enter

a renewal agreement with the remaining two towns to keep options open for potential uses of the 18.87 acre site. This agreement will be brought to the Board for consideration at an upcoming meeting.

Next Meetings:

- December 5, 2022
- December 19, 2022
- *January 7, 2023 – Saturday Budget Workshop*
- January 9, 2023
- January 23, 2023
- January 30, 2023

//Supplemental Report 11-07-22



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

October 27, 2022

Mr. Devan Muttart, Manager
Town Hall Partners, LLC d/b/a Timber
23 Town Hall Square
Falmouth, MA 02540

devan@longfellowdb.com
[REDACTED]

Subject: Notice of Liquor License Violation

Dear Mr. Muttart:

The Select Board and Town Manager's Office have received multiple complaints of loud music emanating from Timber located at 23 Town Hall Square.

We ask that you confirm receipt of this notice and notify this office of your plan for reducing the noise levels of the music so that it is not heard outside of the building.

The Select Board has been notified of this violation and may consider enforcement action. Should you have any questions regarding this matter, please contact the Town Manager's Office at 508-495-7320 or townmanager@falmouthma.gov.

Respectfully,

Peter Johnson-Staub
Acting Town Manager

cc: Select Board
Town Counsel

Town Hall Partners LLC, DBA
Timber Axe Bar Bowl
23 Town Hall Square
Falmouth, MA 02540



November 4, 2022

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

RE: Timber noise complaints

Dear Mr. Johnson-Staub,

I am in receipt of your letter notifying us of complaints of loud music emanating from our establishment. This is an issue that we are actively seeking to address.

We have had conversations with a direct abutter regarding this issue and have taken several actions to address concerns, including but not limited to, the following:

- Instructing staff to ensure exterior egress doors are closed whenever live music is occurring.
- Directing our entertainers to keep the volume at a reasonable level during their set.
- Directing our entertainers to lower the volume for the last hour of their performance.
- Changed performance set times to start earlier in the evening.
- Moved the physical location of the performer setup area from the edge of the building to a central location within.
- Instructed our staff to ensure the windows on the west side of the building are closed.
- Turning down the volume on any recorded music playing.
- Having staff monitor noise levels outside of the building.

Further, we are presently investigating additional insulation and sound proofing options for our building.

Should you feel it necessary, I am happy to schedule a time to sit down with you to further discuss the matter, as we would welcome additional suggestions or recommendations to address the complaints. I can be reached by email at mike@timberaxbarbowl.com or by phone at (508)274-9153.

Respectfully Submitted,

Michael Mueller, Co-Owner
Timber Axe Bar Bowl



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

November 9, 2022

Mr. Michael Mueller, Co-Owner
Timber Axe Bar Bowl
23 Town Hall Square
Falmouth, MA 02540

Dear Mr. Mueller,

Thank you for your thoughtful response to the recent noise complaints from abutters. In your letter, you indicate that you are directing your entertainers to manage the volume levels. While this is greatly appreciated, the Select Board was not previously aware that the establishment was providing live entertainment. It is now apparent that Timber Axe and Bowl requires an entertainment license.

Pursuant to M.G.L. c. 140 § 183A, any business holding a section 12 license to serve alcohol must also seek and obtain a license for any "concert, dance, exhibition, cabaret or public show of any description." Under this statute, any restaurant or bar that hosts live entertainment must hold an entertainment license.

If you would like to continue to provide live entertainment at Timber Axe and Bowl, please fill out the enclosed entertainment license application and return to this office. In the meantime, until the application can be processed, then reviewed and approved by the Select Board, please refrain from hosting live entertainment.

Please contact this office with any questions.

Sincerely,

Peter Johnson-Staub
Interim Town Manager

cc: Select Board
Town Counsel

Diane Davidson

From: Mike Mueller <mike@timberaxbarbowl.com>
Sent: Monday, November 14, 2022 3:39 PM
To: Diane Davidson
Subject: Re: Timber Noise Complaints

Good Afternoon Ms. Davidson,

I am in receipt of your email and attached letter, thank you for the coorespondance. We will be submitting the Entertainment License Application as soon as possible.

Respectfully,
Mike

Michael Mueller, Co-Owner
Timber Axe Bar & Bowl
23 Town Hall Square
Falmouth, MA 02540
Cell: 508.274.9153

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Thursday, November 10, 2022 5:39 PM
To: Mike Mueller <mike@timberaxbarbowl.com>
Cc: Devan Muttart <devan@longfellowdb.com>; [REDACTED] Falmouth
Town Manager <townmanager@falmouthma.gov>
Subject: Timber Noise Complaints

Dear Mr. Mueller,

Attached please find a letter in response to your letter dated November 4, 2022 with regard to noise complaints at Timber located at 23 Town Hall Square.

Thank you.

Sincerely,

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