

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**AGENDA**  
**MONDAY, APRIL 3, 2023 – 6:00 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.*

**6:00 p.m. OPEN SESSION**

**6:00 p.m. EXECUTIVE SESSION**

1. M.G.L. c.30A s.21(a)(3) – To discuss strategy with respect to collective bargaining with AFSCME Unit A

**6:30 p.m. OPEN SESSION**

1. Call to Order
2. Pledge of Allegiance
3. Proclamation – Arbor Day
4. Recognition
5. Announcements
6. Public Comment

**6:45 p.m. PUBLIC HEARINGS**

1. Application for a New Entertainment License and Sunday Entertainment License – West Falmouth Library – 575 West Falmouth Highway, West Falmouth, continued from 3/27/23 (5 minutes)
2. Application to amend an Entertainment License and Sunday Entertainment License – 311 Gifford Street OpCo, LLC d/b/a Coonamesett Inn, located at 311 Gifford Street, Falmouth (10 minutes)
3. Application to Amend an Entertainment License – Qhog, Inc. d/b/a Quahog Republic Dive Bar, located at 97 Spring Bars Road, Falmouth (10 minutes)

**7:10 p.m. CONSENT AGENDA**

1. Licenses
  - a. Application for three Special One-Day All Alcohol Liquor Licenses - Falmouth Theatre Guild - Highfield Theater, 58 Highfield Drive, Falmouth – 4/28 – 4/30, 5/5 – 5/7, 5/12 – 5/14/23
  - b. Application for a Class I License to Buy and Sell New and Second Hand Motor Vehicles – Flying Bridge Marina, LLC d/b/a Flying Bridge Marina to be exercised at 250 Scranton Avenue, Falmouth
  - c. Application for a Special One-Day Wine & Malt Beverages License – Noreen Cavanaugh – Unitarian Universalist Church of Falmouth, 840 Sandwich Road, East Falmouth – Saturday, 4/15/23
2. Administrative Orders
  - a. Approve administrative Change of Address of an All Alcoholic Beverages Common Victualler License – DJ's Holdings, Inc. d/b/a DJ's Family Sports Pub, located at 870 Main Street, Unit A, Falmouth
3. License Renewals – 2023 Seasonal/Annual
  - SEASONAL ALL ALCOHOL CLUB  
Seacoast Shores Assn., 7 Farview Lane
  - SEASONAL COMMON VICTUALLER  
Eulinda's, 634 West Falmouth Highway  
Village Café of West Falmouth, 634 West Falmouth Hwy.

SEASONAL ALL ALCOHOL COMMON  
VICTUALLER

Falmouth Raw Bar, 56 Scranton Avenue  
Landfall Restaurant, 2 Luscombe Avenue  
Pier 37 Boathouse, 88 Scranton Avenue  
Shuckers, 91A Water Street  
The Woods Hole Wharf, 71 Water Street

ENTERTAINMENT

Falmouth Raw Bar, 56 Scranton Avenue  
Landfall Restaurant, 2 Luscombe Avenue

Pier 37 Boathouse, 88 Scranton Avenue  
Shuckers, 91A Water Street  
The Woods Hole Wharf, 71 Water Street

SUNDAY ENTERTAINMENT

Falmouth Raw Bar, 56 Scranton Avenue  
Landfall Restaurant, 2 Luscombe Avenue  
Pier 37 Boathouse, 88 Scranton Avenue  
Shuckers, 91A Water Street  
The Woods Hole Wharf, 71 Water Street

**7:15 p.m. BUSINESS**

1. Application to Mass Housing for project eligibility - Acapesket Gardens, located at 0 Acapesket Road and 0 Old Bayberry Lane, East Falmouth (5 minutes)
2. Application for a Change of Manager of an All Alcohol Common Victualler License – Town Hall Partners, LLC d/b/a Timber, located at 23 Town Hall Square, Falmouth (5 minutes)
3. Sustainability Coordinator job description (5 minutes)
4. Diversity, Equity and Inclusion Officer job description (5 minutes)
5. Approve request from ArtsFalmouth, Inc. for a waiver/reduction of the special event permit fee for the Arts Alive Festival on the Library Lawn, Peg Noonan Park and Shore Street Extension on Friday, 6/16, Saturday, 6/17 and Sunday, 6/18/23 (5 minutes)
6. Approve request from John Wesley United Methodist Church for a waiver/reduction of the special event permit fee for Sunday Worship Services at Surf Drive Beach from 7/2/23 – 9/3/23 (5 minutes)
7. Request for variance to Sign Code – §184-30 (C) Special Events: John Wesley United Methodist Church, 270 Gifford Street (5 minutes)
8. Approve request from Falmouth Art Market and Falmouth Cultural Council for a waiver/reduction of the special event permit fee for the Falmouth Art Market at Marina Park on Tuesdays from 6/27/23 – 8/29/23 (5 minutes)
9. Approve request from Dawna Hammers for a waiver/reduction of the special event permit fee for the Earth Day Concert at the Bandshell/Marina Park on Saturday, 4/22/23 (5 minutes)
10. Request for variance to Sign Code – §184-32 Off-Premise Signs: Buzzards Bay Coalition – Buzzards Bay Watershed Ride on Saturday, 10/1/23 (5 minutes)
11. Vote to appoint Town Manager (45 minutes)

**8:50 p.m. MINUTES**

1. Review and Vote to Approve Minutes of Meetings
  - a. Public Session – September 12, 2022

**8:55 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT**

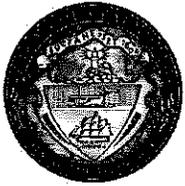
**9:00 p.m. ADJOURN**

Nancy R. Taylor, Chair  
Select Board

**OPEN SESSION**

**TOWN MANAGER'S PRELIMINARY REPORT**

April 3, 2023



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

TO: Select Board  
FROM: Peter Johnson-Staub, Interim Town Manager *PJS*  
SUBJECT: Preliminary Report for April 3, 2023  
DATE: March 31, 2023

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**Hearings:**

1. New Entertainment License – West Falmouth Library, 575 West Falmouth Highway

This hearing is continued from last week. The West Falmouth Library seeks an entertainment license to host periodic events that are beyond the scope of traditional library functions some of which take place outdoors on the library grounds. The application has been reviewed by staff with no concerns raised.

2. Amend Entertainment License – Coonamesett Inn, 311 Gifford Street

The applicant seeks approval to add outdoor entertainment on existing deck which seeks 60 people. The hours are 11:00am to 12:30am. The application indicates that outdoor entertainment would end earlier but does not specify specific hours. The Town received only two noise complaints in the recent past related to prior indoor entertainment. Both were received on the same day in 2019. There is further information from the Police Department in your packet. The Board may want to consider setting specific hours for the entertainment on the deck.

3. Amend Entertainment License – Qhog Republic Dive Bar, 97 Spring Bars Road

The applicant seeks to begin entertainment at 8:00pm and end at 12:30am where the current license hours are 10:30pm to 12:30am. We do not have a record of noise complaints related to this license though there are apartments above the bar.

**Consent Agenda:**

1. Licenses:

There are two special one-day liquor licenses. The Flying Bridge Marina seeks approval of a license to sell new and used boats – AKA “motor vehicles.” All applications have been reviewed by staff with no concerns raised. I recommend approval.

2. Administrative Orders:

There is one change of address to clarify the unit number and a number of seasonal liquor and entertainment licenses. All applications have been reviewed by staff with no concerns raised. I recommend approval.

**Business:**

1. Application for Project Eligibility – John DeSangro, 0 Acapesket road:

Mr. DeSangro has applied to MassHousing for site approval for a Ch. 40B comprehensive permit to construct 12 units of rental housing. The Town has 30 days to submit comments to MassHousing regarding the proposal. Town staff met with the applicant and reviewed the application. We did not identify any significant concerns. The applicant has indicated he will seek funding from the Falmouth Affordable Housing Fund to offset the cost to make all 12 units affordable. Included in your packet is a letter drafted by Jed Cornock based on comments received from staff and an assessment of how this project fits with the Town's affordable housing needs and goals based on the Town's Housing Production Plan and the Local Comprehensive Plan. The purpose of this agenda item is to seek Board input on the project that we might incorporate into this draft letter.

### 2. Application for Change of Manager – Timber, 23 Town Hall Square:

The new manager has been invited to attend so the Board can meet him and reiterate that he is responsible for compliance with applicable laws and regulations.

### 3. Sustainability Coordinator Job Description:

A non-binding petition article was approved at the April 2022 Town Meeting recommending that the Select Board create a "Sustainability Director" position to integrate "...sustainability and coastal resiliency policies and programs into activities of all Town departments..." At your strategic planning sessions, I proposed a "Sustainability Coordinator" position which would not be a department head. The Select Board identified this position as a priority for funding in the FY2024. After conferring with Conservation Administrator Jennifer Lincoln and consultants at the Woods Hole Group, I prepared a job description for this position which is primarily focused on oversight of implementing energy conservation and renewable energy projects to deliver tangible results. I did not include coastal resilience as a central component of the job duties because it requires a very different knowledge base and skill set.

The Board has heard from some of the individuals who brought forward the petition article to Town Meeting expressing concern about the title and asking that the job description include coastal resilience responsibilities. Under the Town Charter, the Select Board has the authority to create new positions by a vote of 4/5 vote. Determining the functions and duties of employees rests with the Town Manager as chief administrative officer of the Town. Nevertheless, I seek the Board's input on the scope of this proposed position in light of the concerns raised by the advocates for the petition article.

### 4. Diversity Equity and Inclusion (DEI) Officer Job Description:

A new position was funded via a petition article at the June 2020 Town Meeting (originally planned for April). The Select Board later approved creation of this position. The petition article proposed the position title of Affirmative Action/Diversity Outreach Coordinator and called for the position to report to both the School Superintendent and Town Manager. A job description was created through an extensive dialog among Town staff, School staff and community advocates. The position was filled but the individual holding the position resigned after a short period of time. The School Department then created its own full-time position and the Select Board identified it as a priority for the FY2024 budget to create a full-time Town position and increase the pay grade.

I sought input from a number of individuals in revising the job description including an HR consultant, who is a woman of color, two community members who are women of color, a member of the Affirmative

Action/Diversity Committee and Sandy Faiman-Silva who initiated the petition article. The job description I propose is focused on Town policies and practices and Town departments, boards and committees. It does not include substantial responsibilities for mediating conflict among private individuals in the community. I am concerned that a broader scope of responsibilities will discourage qualified individuals from applying. I fear that expecting one individual to mediate DEI issues for the entire community sets the person up to fail. The Board has heard concern from community advocates regarding this reduced scope of responsibilities and the lack of community engagement in making the decision to change to the job description. I acknowledge I could have done more to communicate with those who were involved in creating the job description.

Determining the functions and duties of employees rests with the Town Manager as chief administrative officer of the Town. Nevertheless, I seek the Board's input on the scope of this proposed position in light of the concerns raised by the advocates for the petition article. As a new position, I would plan to revisit the job description after it is filled for a year or so to solicit input from the person holding the position on changes that might make the position more effective.

5. Special Event Fee Waiver – Arts Alive:

Arts Alive seeks a full waiver of the special event fee for this two-day event. The applicant has submitted financial documentation showing that all proceeds will be used to offset the cost of the event. The Board waived the fee last year and approved a reduced fee in the years before 2022.

6. Special Event Fee Reduction - John Wesley United Methodist Church:

The Church seeks a reduced fee for recurring use of Surf Drive Beach for worship services. In prior years, the Board approved a waiver of the fee for all but the first and last of the one-day events held during the season.

7. Sign Code Variance - John Wesley United Methodist Church, 270 Gifford Street:

The Church seeks a variance for an on premises sign that exceeds the duration allowed by right. This request has been approved in the past.

8. Special Event Fee Waiver - Falmouth Art Market:

The Falmouth Art Market and Cultural Council seek a full waiver of the fee for this recurring event.

9. Special Event Fee Reduction/Waiver – Earth Day Concert, Dawna Hammers:

The applicant seeks a waiver or reduction of the fee to hold a concert at Marina Park for an Earth Day concert. The Board may want to consider a reduced fee of \$50 for this new event.

10. Sign Code Variance – Buzzards Bay Coalition:

The applicant seeks a variance for off premises signs to promote its annual Watershed Ride. The Board has approved this variance in the past.

11. Town Manager Appointment:

I will recuse myself from this discussion.

**OPEN SESSION**

3. Proclamation – Arbor Day



## PROCLAMATION

**WHEREAS:** The Town of Falmouth benefits from the graceful canopy of tree limbs that shade us from the blazing summer sun, purify our air of contaminants, provide a peaceful respite from the ordinary world, and generally beautify our community; and

**WHEREAS:** The Town has been recognized by a National Program and is known far and wide as a "Tree City"; and

**WHEREAS:** The Falmouth Tree Warden, Falmouth Garden Club and Falmouth Public Schools recognize the aesthetic value of the beautiful trees of Falmouth by organizing a day to celebrate the purity and strength exemplified by a statuesque tree and all living green things; and thereby honor the trees of Falmouth by singing songs, sharing thoughts and teaching more about the value of our trees; and

**NOW, THEREFORE, WE,** Nancy R. Taylor, Onjalé Scott Price, Samuel H. Patterson, Douglas C. Brown and Scott Zylinski as the Select Board of the Town of Falmouth, do hereby **PROCLAIM**, Friday, April 28, 2023 as:

## ARBOR DAY

**IN WITNESS WHEREOF,** We have hereunto set our hands and caused the Great Seal of the Town of Falmouth to be affixed this day, Monday, April 3, 2023.

\_\_\_\_\_  
Nancy R. Taylor, Chair

\_\_\_\_\_  
Douglas C. Brown

\_\_\_\_\_  
Onjalé Scott Price, Vice Chair

\_\_\_\_\_  
Edwin (Scott) P. Zylinski II

\_\_\_\_\_  
Samuel H. Patterson

\_\_\_\_\_  
SELECT BOARD

## **OPEN SESSION**

### **PUBLIC HEARINGS**

1. Application for a New Entertainment License and Sunday Entertainment License – West Falmouth Library – 575 West Falmouth Highway, West Falmouth, continued from 3/27/23 **(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](mailto:townmanager@falmouthma.gov)

## NOTICE OF PUBLIC 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 West Falmouth Library located at 575 West Falmouth Highway has applied for an Entertainment License and a Sunday Entertainment License.

A hearing will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, March 27, 2023, at 6:45 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, March 17, 2023; Falmouth Enterprise  
Acct. #2056*

**LICENSE APPLICATION REVIEW**

Restaurant/Business: West Falmouth Library

Address: 575 West Falmouth Highway, West Falmouth

License Type: \_\_\_\_\_

New or Transfer of License \_\_\_\_\_

or

Change of License Entertainment and Sunday Entertainment Licenses

Police No Objection

Fire No issues

Building \_\_\_\_\_

Health \_\_\_\_\_

Zoning No issues

Planning No comments

DPW \_\_\_\_\_

Assessor \_\_\_\_\_

Tax Collector \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOTES:**

A list of some of the events is attached.

The Building Commissioner has signed off on the floor plans submitted.

The representative appearing for the West Falmouth Library is Suzy Bergman, Community Programs, Events, and Outreach.



**Town of Falmouth**

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

**ENTERTAINMENT LICENSE APPLICATION**

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

Required fields are outlined in red.

NAME OF BUSINESS: **West Falmouth Library** D/B/A

ADDRESS: **575 West Falmouth Highway, West Falmouth, MA 02574**

TOWN: **West Falmouth** STATE: **MA** ZIP CODE: **02574**

NAME OF OWNER/MANAGER: **Susan Bergmann**

TELEPHONE #:  EMAIL:

MAILING ADDRESS: **PO Box 1209 West Falmouth, MA 02574**

LOCATION OF ENTERTAINMENT ON PREMISES: **575 West Falmouth Highway**

DAYS OF ENTERTAINMENT: **Monday - Sunday**

HOURS OF ENTERTAINMENT: **10 am - 10 pm**

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

see attachment

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

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

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

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

DATE **3/3/2023**

X **Susan Bergmann**

Signature - OWNER or MANAGER

Total Town Fees: **\$110**  
Filing Fee: **\$10**  
License Fee: **\$100**

Fees payable to Town of Falmouth

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 West Falmouth Library in or on the property at

No. 575 West Falmouth Highway, West Falmouth, MA 02540 (address)

The Licensee or Authorized representative, Susan Bergmann 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
<i>Annual</i>		Regular Hours: Sunday 1:00 PM - Midnight - \$50 check to Commonwealth of Massachusetts
		- \$75 check to Town of Falmouth
		**Fee of \$75 payable to Town of Falmouth by Money Order or Certified Bank Check only.

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

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

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

Do not write in this box

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

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

West Falmouth Library  
ANNUAL ENTERTAINMENT LICENSE  
ADDENDUM

3/15/23	6:00 – 8:00 pm	Wine tasting	indoors
3/18/23	11:00 am – noon	Ruth Bader Ginsburg program	indoors
4/18/23	4:00 – 6:00 pm	Jazz Concert	indoors
5/6/23	2:00 – 4:00 pm	Hats and High Tea	indoors
4/16/23	4:00 – 6:00 om	Jazz Concert	indoors
4/30/23	3:30 – 5:30 pm	Favorite Poetry Project	indoors
5/11/23	2:30 – 4:30	Art history	indoors
5/19/23	7:00 – 8:30 pm	Guitar concert	indoors
6/7/23	6:00 – 8:00 pm	Wine Tasting	TBD
6/16/23	5:00 – 7:00 pm	Garden Party	outdoors?
7/1/23	10:30 - noon	Professors Bugman	indoors
7/16/23	4:00 – 5:30 pm	College Light Opera concert	indoors
7/21/23	5:00 – 7:00 pm	Art Show Opening	indoors
7/30/23	4:00 – 5:30 pm	College Light Opera concert	indoors
7/13/23	4:00 – 5:30 pm	College Light Opera concert	indoors
7/27/23	4:00 – 5:00 pm	Ice Cream Social	outdoors
8/5/23	10:30 – noon	Zoomobile	outdoors?
8/19/23	10:30 – 11:30 am	Joys of Nature	indoor
9/29/23	4:00 – 6:00 pm	Jazz Concert	indoors
12/1/23	6:00 – 7:30 pm	Tree Lighting	indoors/outdoors
12/3/23	4 ;00 – 6:00 pm	Jazz Concert	indoors



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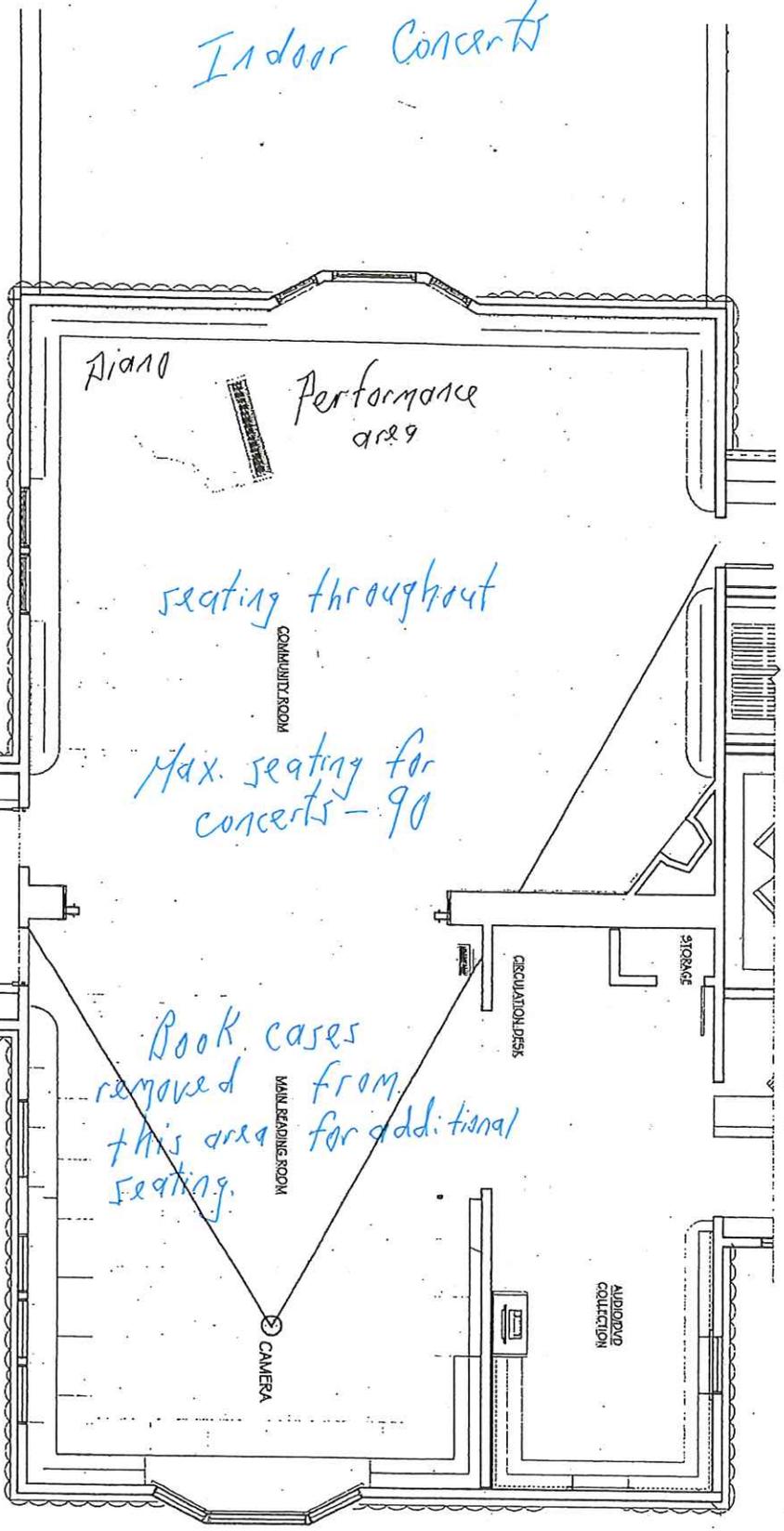


Office of Planning and Development Falmouth News | capenews.net Home - Dropbox The New York Times - Breaking News, World News & Multimedia

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10.21.13

Indoor Concerts



seating throughout

Max. seating for concerts - 90

Book cases removed from this area for additional seating.

Parking Lot

MAX OCCUPANCY 99 PERSONS

3-3-23

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N

M

J

142 SEATS SHOWN  
COMMUNITY ROOM: +/- 27'-6" x +/- 32'-6" = +/- 894 SF  
MAIN READING ROOM: +/- 29'-0" x +/- 21'-0" = +/- 609 SF  
TOTAL: +/- 1503 SF

Proposed Addition and Alterations To:  
West Falmouth Library  
575 West Falmouth Highway,  
West Falmouth, MA

BROWN LINDQUIST FENUCCIO & RABEN ARCHITECTS, INC



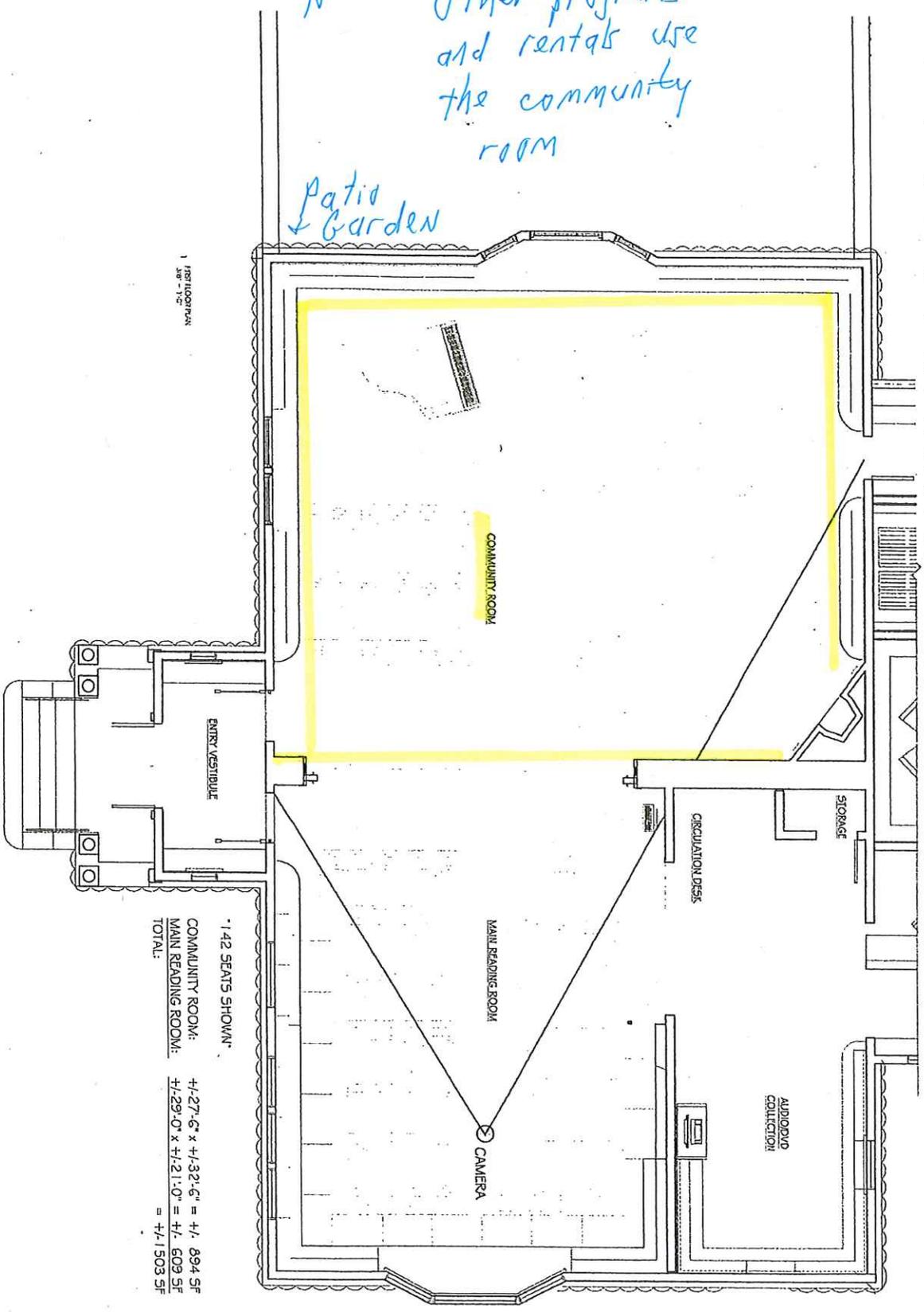
Other programs and rentals use the community room

N

Patio Garden

Parking lot

5

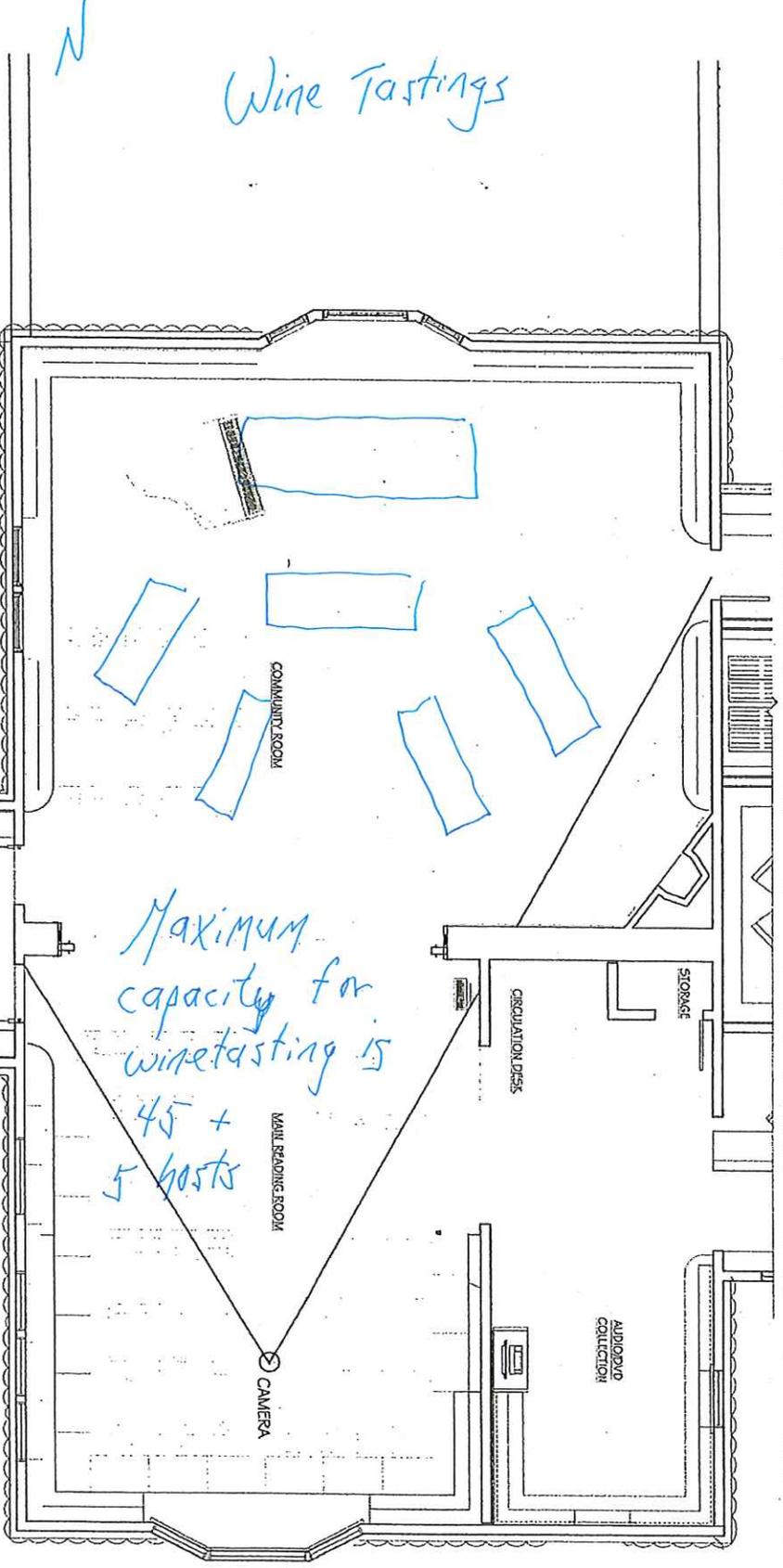


\* 142 SEATS SHOWN \*

COMMUNITY ROOM: +/- 27'-6" x +/- 32'-6" = +/- 894 SF

MAIN READING ROOM: +/- 29'-0" x +/- 21'-0" = +/- 609 SF

TOTAL: = +/- 1503 SF



142 SEATS SHOWN\*

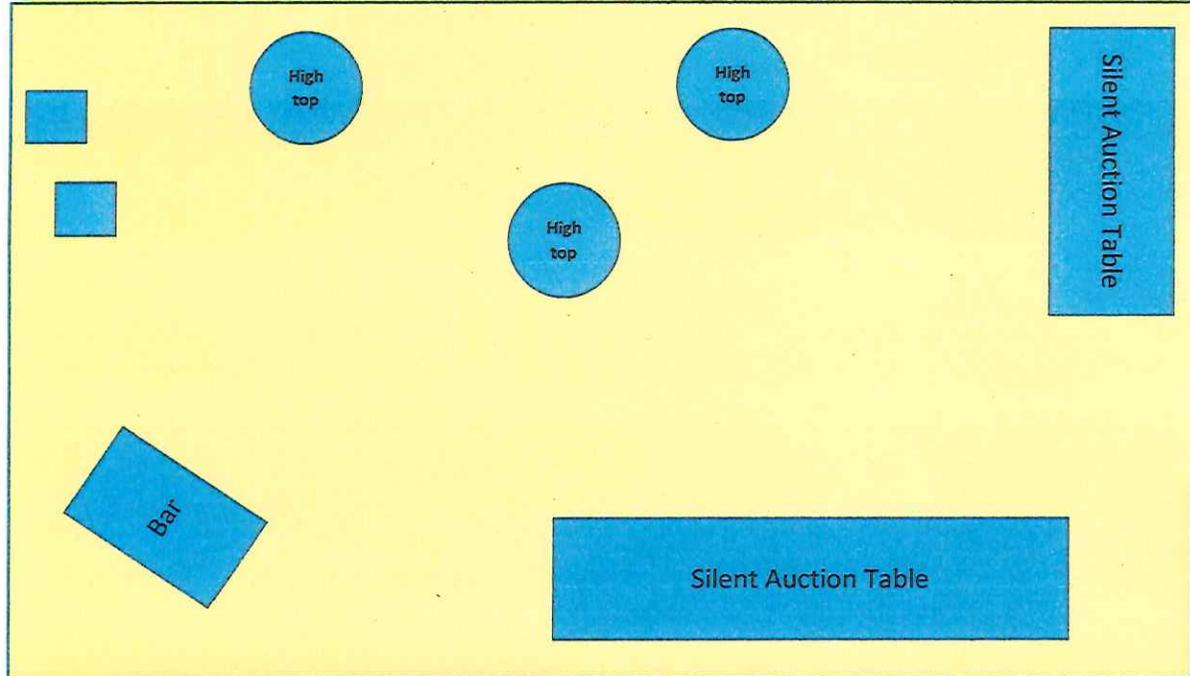
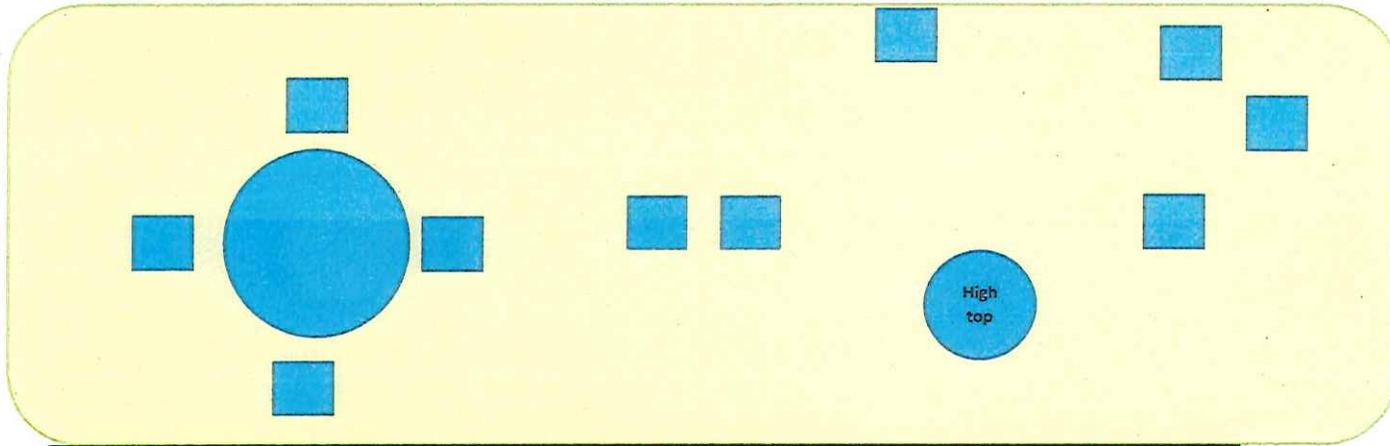
COMMUNITY ROOM: +/-27'-6" x +/-32'-6" = +/- 894 SF

MAIN READING ROOM: +/-29'-0" x +/-21'-0" = +/- 609 SF

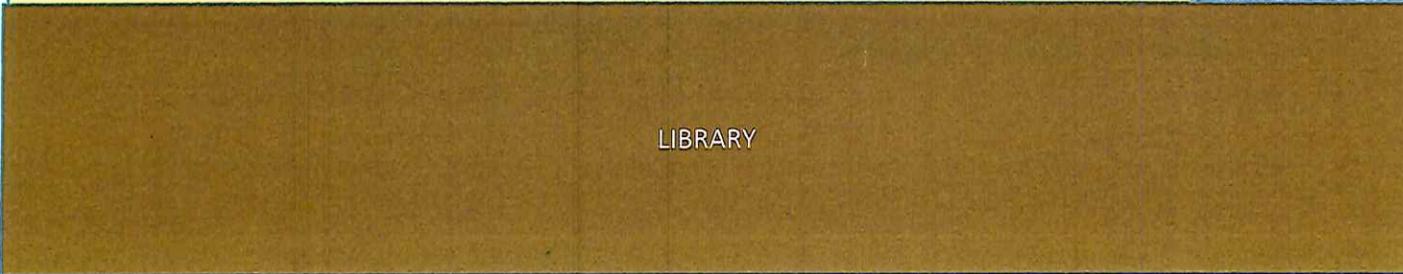
TOTAL: +/-1503 SF

N

garden area extends further north ↑



*June 16  
Garden Party  
Fundraiser*



*Parking Lot ↓*

S

W

E

597 WEST FALMOUTH HWY 24 16 011A 003AU  
597 WEST FALMOUTH HIGHWAY LLC LUC: 102  
2611 WEST GULF DR  
#17  
SANIBEL, FL 33957

597 WEST FALMOUTH HWY 24 16 011A 007AU  
GOULET TRUSTEE JOHN LUC: 102  
GOULET TRUSTEE KAREN  
32 STURBRIDGE RD  
WELLESLEY, MA 02481

597 WEST FALMOUTH HWY 24 16 011A 012AU  
MERCADANTE MICHAEL T LUC: 102  
MERCADANTE MARGIE GEMBICKI  
597 W FALMOUTH HWY  
UNIT 12  
FALMOUTH, MA 02540

597 WEST FALMOUTH HWY 24 16 011A 006AU  
597 WEST FALMOUTH HIGHWAY UNIT LUC: 102  
597 WEST FALMOUTH HWY  
UNIT 6  
FALMOUTH, MA 02540

561 WEST FALMOUTH HWY 24 16 018 000EU  
GREEN TRUSTEE ELISABETH MCSHERRY LUC: 102  
GREEN TRUSTEE HOWARD H  
73 ALLEN FARM LN  
CONCORD, MA 01742-2202

593 WEST FALMOUTH HWY 24 16 012 000  
OLMSTED GORDON M LUC: 340  
OLMSTED DEBORAH A  
90 DEER POND RD  
EAST FALMOUTH, MA 02536-5004

597 WEST FALMOUTH HWY 24 16 011A 002AU  
BURCHARD SUSAN CRONIN LUC: 102  
27 WELLESLEY ST  
WESTON, MA 02493

561 WEST FALMOUTH HWY 24 16 018 000AU  
JONES TRUSTEE ALICE W LUC: 102  
JONES JR TRUSTEE PAUL  
4 MARINER LN  
FALMOUTH, ME 04105-1518

576 WEST FALMOUTH HWY 24A 05 009B 000  
OVERSEERS OF SANDWICH LUC: 961  
MONTHLY MEETING OF FRIENDS  
PO BOX 720  
W FALMOUTH, MA 02574-0720

584 WEST FALMOUTH HWY 24A 05 009 000  
CHAPMAN TRUSTEE DAVID M LUC: 355  
WEST FALMOUTH FUNERAL HOME REALTY TRUS  
3778 FALMOUTH RD  
MARSTONS MILLS, MA 02648

561 WEST FALMOUTH HWY 24 16 018 000BU  
JONES TRUSTEE DAVID H LUC: 102  
JONES CRAFTFORD TRUSTEE A ELIZABETH  
1339 KALMIA RD NW  
WASHINGTON, DC 20012

50 FRIENDS WAY 24 16 014 001  
PAYNE RICHARD E LUC: 101  
SIEGAL DEBORAH  
PO BOX 734  
WEST FALMOUTH, MA 02574-0734

597 WEST FALMOUTH HWY 24 16 011A 008AU  
COAN TRUSTEE STEPHEN D LUC: 102  
COAN TRUSTEE HEATHER W  
PO BOX 643  
W FALMOUTH, MA 02574

597 WEST FALMOUTH HWY 24 16 011A 011AU  
KOCH JOANNE B LUC: 102  
597 WEST FALMOUTH HWY  
UNIT 11  
WEST FALMOUTH, MA 02540

597 WEST FALMOUTH HWY 24 16 011A 005AU  
SILTON JODI L LUC: 102  
PO BOX 549  
FALMOUTH, MA 02541

585 WEST FALMOUTH HWY 24 16 013 001  
DOWNS TRUSTEE ANNE L LUC: 101  
A L DOWNS 2013 REVOC LIV TR  
585 WEST FALMOUTH HWY  
FALMOUTH, MA 02540

3 BAKERS LN 24A 05 005 001  
LYTLE ROBERT A LUC: 101  
LYTLE JUDITH P  
841 COMMONWEALTH AVE  
NEWTON CENTER, MA 02459

0 WEST FALMOUTH HWY 24 16 018C 000  
SOCIETY OF FRIENDS LUC: 960  
PO BOX 725  
WEST FALMOUTH, MA 02574

0 WEST FALMOUTH HWY 24 16 010 000G  
FALMOUTH TOWN OF LUC: 980  
INHABITANTS OF  
59 TOWN HALL SQ  
FALMOUTH, MA 02540-2761

597 WEST FALMOUTH HWY 24 16 011A 004AU  
MALLON HELEN LUC: 102  
MALLON STEPHEN  
8790 DUVEEN DR  
GLENSIDE, PA 19038

572 WEST FALMOUTH HWY 24A 05 010 000  
SOCIETY OF FRIENDS LUC: 960  
PO BOX 720  
WEST FALMOUTH, MA 02574

0 BLACKSMITH SHOP RD 24 16 016B 000  
FALMOUTH TOWN OF LUC: 930  
59 TOWN HALL SQ  
FALMOUTH, MA 02540-2761

597 WEST FALMOUTH HWY 24 16 011A 001AU  
MARSHALL TRUSTEE ROBERT S LUC: 102  
MARSHALL TRUSTEE SARALEE  
PO BOX 537  
WEST FALMOUTH, MA 02574

8 BLACKSMITH SHOP RD 24 16 019 000  
TAMM PETER L LUC: 101  
TAMM CARRIE L  
24 NORMAN RD  
NEWTON HIGHLANDS, MA 02461

555 WEST FALMOUTH HWY 24 16 020 000  
FALMOUTH TOWN OF LUC: 931  
59 TOWN HALL SQ  
FALMOUTH, MA 02540-2761

561 WEST FALMOUTH HWY 24 16 018 000CU  
MCSHERRY TRUSTEE ELISABETH M LUC: 102  
MOORE TRUSTEE THOMAS B  
73 ALLENS FARM LN  
CONCORD, MA 01742

597 WEST FALMOUTH HWY 24 16 011A 009AU  
WASSERMAN TRUSTEE W NEAL LUC: 102  
W NEAL WASSERMAN LIV TR  
179 MOORING BOUY  
HILTON HEAD ISLAND, SC 29928

558 WEST FALMOUTH HWY 1 24A 05 011 001  
GOSNOLD INC LUC: 959  
200 TER HEUN DR  
FALMOUTH, MA 02540

561 WEST FALMOUTH HWY 24 16 018 000FU  
MCSHERRY TRUSTEE ELISABETH M LUC: 102  
MOORE TRUSTEE THOMAS B  
73 ALLENS FARM LN  
CONCORD, MA 01742-2202

575 WEST FALMOUTH HWY 24 16 016 003  
WEST FALMOUTH LIBRARY INC LUC: 956  
PO BOX 1209  
WEST FALMOUTH, MA 02574-1209

28 BLACKSMITH SHOP RD 24 16 016A 000

WEST FALMOUTH PRE-SCHOOL LUC: 951  
PO BOX 115  
WEST FALMOUTH. MA 02574-0115

597 WEST FALMOUTH HWY 24 16 011 001

WESTWIND COTTAGES LLC LUC:  
28 BLUE SHUTTERS LN  
NORTH FALMOUTH. MA 02556

597 WEST FALMOUTH HWY 24 16 011A 010AU

YELLAND TRUSTEE JANICE LUC: 102  
JANICE YELLAND 1997 REVOC TR  
PO BOX 1002  
WEST FALMOUTH. MA 02574



Entertainment License applications must be reviewed by the Building Department before the application is submitted to the Select Board

APPLICANT: Susan Bergmann for the West Falmouth Library

ADDRESS: PO Box 1209, 575 West Falmouth Hwy, West Falmouth, MA 02574

LICENSE OR LICENSE CHANGE APPLIED FOR: Annual Entertainment License

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

- 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: 3-3-23

## **OPEN SESSION**

## **PUBLIC HEARINGS**

2. Application to amend an Entertainment License and Sunday Entertainment License – 311 Gifford Street OpCo, LLC d/b/a Coonamessett Inn, located at 311 Gifford Street, Falmouth **(10 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](mailto:townmanager@falmouthma.gov)

## NOTICE PUBLIC 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 311 Gifford Street OpCo, LLC d/b/a Coonamessett Inn has applied to amend its Entertainment License and Sunday Entertainment License to be exercised at 311 Gifford Street, Falmouth MA.

A hearing will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, April 3, 2023, at 6:45 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, March 24, 2023; Falmouth Enterprise*

LICENSE APPLICATION REVIEW

Restaurant/Business: Coonamessett Inn

Address: 316 Gifford Street, Falmouth

License Type: \_\_\_\_\_

New or Transfer of License \_\_\_\_\_

or

Change of License Entertainment and Sunday Entertainment Licenses amendment

Police

Two noise complaints received on 10/25/19

Fire

No objections or comments

Building

Health

Zoning

No comments

Planning

No comment

DPW

Assessor

Tax Collector

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTES:

The application is to amend the current Entertainment and Sunday Entertainment Licenses to include the existing 60-seat deck adjacent to the ballroom and dining room. The Building Commissioner has approved the plan submitted with the application for entertainment.

## Phyllis Downey

---

**From:** Brian Reid <brian.reid@falmouthpolicema.gov>  
**Sent:** Monday, March 20, 2023 7:09 PM  
**To:** Phyllis Downey; Peter Johnson-Staub; Sean Doyle  
**Subject:** Fwd: Coonamessett Inn

Peter & Phyllis,

Below is a summary of the reported incidents at the Coonamessett Inn compiled by Lt. Doyle. Of the 11 incidents, only 2 were neighbor complaints due to excessive noise. Those complaints were on the same date (10-25-19) and were within 32 minutes of each other.

Respectfully,  
Capt. Reid

Sent from my iPhone

Begin forwarded message:

**From:** Sean Doyle <sean.doyle@falmouthpolicema.gov>  
**Date:** March 20, 2023 at 6:35:13 PM EDT  
**To:** Brian Reid <brian.reid@falmouthpolicema.gov>  
**Subject:** Coonamessett Inn

Captain,

There were 11 total calls at the Coonamessett Inn since January 1, 2019. They are as follows:

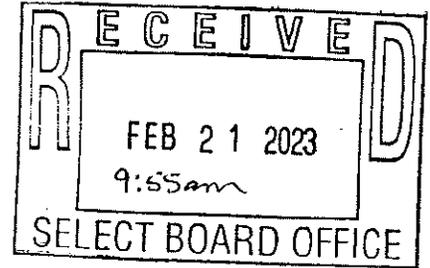
1. 03/07/23 @ 2145 - Female in the bar who appears intoxicated and confused. Officers determined she had mental health issues and she was transported to the ER and sectioned.
2. 8/8/19 @ 00935 - Walk-in reports a lost or stolen wallet at Coonamessett the previous night.
3. 10/25/19 @ 2233 - Neighbor reports loud music and fire alarm going off. Handled by officers. FD responded for the alarm.
4. 10/25/19 @ 2305 - Neighbor reports loud music. Employees were advised to turn it down and staff advised that the music was stopping at 2330. No enforcement taken.
5. 03/07/20 @ 2038 - Staff reported a male threatening to punch people in the ballroom. A male and female attending a comedy event were heckling the comedian and causing a disturbance. The staff wanted them removed. We had friends take them to their rooms for the night and the staff was content as long as they did not return to the show.

6. 07/04/20 @ 2049 - Staff reported being assaulted. There was chaos during a wedding that started after disagreements regarding masking. There was an allegation that one of the people from the wedding party assaulted the staff. It was a chaotic situation. Officers ended the reception and sent the wedding party to their rooms for the night. The staff planned on issuing all of the people associated with the wedding trespass notices when they checked out.
  
7. 12/13/20 @ 1247 - Staff called to report a male refused to leave his room after check-out. He was extremely drunk and was PCed and brought to the PD.
  
8. 03/24/22 @ 1138 - A male party staying in one of the rooms said he could not get out of bed and that he wanted to go to Gosnold. Gosnold had a bed available, and the male was transported to Gosnold by cruiser.
  
9. 04/09/22 @ 2137 - Staff reported a drunk female attacking people. Officers confirmed that the female was intoxicated and disorderly. She was left in the care and custody of a friend.
  
10. 07/31/22 @ 2343 - Officers responded to check the welfare of a male (who may have been an employee) in his car in the parking lot. The vehicle was gone upon our arrival.
  
11. 08/08/22 @ 1311 - Dispatch received an abandoned 911 call. The cell phone pinged in the area of the Coonamessett. Officers checked the area but there were unable to locate anyone in need of police or fire.

Sean



**Town of Falmouth**  
 Office of the Town Manager and Select Board  
 59 Town Hall Square, Falmouth, Massachusetts 02540  
 Telephone (508) 495-7320



**ENTERTAINMENT LICENSE APPLICATION**

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

NAME OF BUSINESS The Coonamessett Inn  
 d/b/a 311 Gifford St, OPECO, LLC

ADDRESS 311 Gifford St TOWN Falmouth STATE MA ZIP 02540

MAILING ADDRESS Same TOWN \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

NAME OF OWNER (MANAGER) John Norton

HOME ADDRESS 17 Hilltop Drive TOWN Sagamore STATE MA ZIP 02561

TELEPHONE # [REDACTED] EMAIL Coonamessett@larchhotels.com

NARRATIVE DESCRIBING ENTERTAINMENT live music, dj for dining and weddings  
on deck to be added to current license

\*LOCATION OF ENTERTAINMENT Deck adjacent to ballroom and dining room

\*Attach a floor plan showing where on the premises live music or dancing will take place.

DAYS OF OPERATION (check all that apply): MON  TUE  WED  THR  FRI  SAT

HOURS OF ENTERTAINMENT: 11AM to 12:30AM (Deck Earlier)

SUNDAY ENTERTAINMENT: Y/N Y (Complete separate State application and include fees.)

CHECK THE APPROPRIATE BOXES, BELOW, FOR TYPES OF ENTERTAINMENT:

1. DANCING: By Patrons: Y/N Y Other Dancing: Y/N N

2. MUSIC: Recorded: Y/N Y Live: Y/N Y No. of Musicians 3/4 Amplification: Y/N Y

Type of Instruments Guitar, Drums

3. OTHER: \_\_\_\_\_

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

TAX ATTESTATION: I certify under the penalties of perjury that the information provided in this application is true and that, to my best knowledge, I have filed all state tax returns and paid all state and local taxes as required under law. I understand that licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation.

DATE 3-17-23 X [Signature]  
 SIGNATURE - OWNER OR (MANAGER)

FILING FEE: \$10.00  
 PERMIT FEE: \$100.00

State Fee, \$ 100.00  
Municipal Fee, \$ 150.00

THE COMMONWEALTH OF MASSACHUSETTS  
Town \_\_\_\_\_ OF Falmouth



# LICENSE

For  
PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is The Commodore Inn in or on the property at No. \_\_\_\_\_  
311 Gifford St, Falmouth 02540 (address)

The Licensee or Authorized representative, John Norton in

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

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
<u>2023</u>	<u>9am - Midnight</u>	<u>Live music, dj for dining &amp; weddings on outdoor deck to be added to current license</u>

Hon. \_\_\_\_\_ 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**



311 GIFFORD ST 311 GIFFORD ST RE HOLDINGS LLC 29 MAIN ST AMESBURY, MA 01913	38 09 001 001A LUC: 302	230 JONES RD BENTO JR JOSEPH PO BOX T TEATICKET, MA 02536-0200	38 03 001 002U LUC: 343	344 GIFFORD ST COPPER COMMERCIAL LLC 118 WATERHOUS RD UNIT G BOURNE, MA 02532	38 03 344 003U LUC: 102
316 GIFFORD ST 342 GIFFORD ST LLC 303 PALMER AVE C/O DIST PROP SERVICES FALMOUTH, MA 02540	38 03 314B 001U LUC: 343	285 GIFFORD ST BERMAN DOUGLAS 530 VALLEY RD APT 4S MONTCLAIR, NJ 07043	38 10 006 006 LUC: 101	344 GIFFORD ST COPPER COMMERCIAL LLC 118 WATERHOUS RD UNIT G BOURNE, MA 02532	38 03 344 004U LUC: 102
316 GIFFORD ST 342 GIFFORD ST LLC 303 PALMER AVE C/O DIST PROP SERVICES FALMOUTH, MA 02540	38 03 314B 002U LUC: 343	65 PETERSON RD BOONSTRA SHARON MAHAN ROBERT 65 PETERSON RD FALMOUTH, MA 02540	38 10 018 018 LUC: 101	344 GIFFORD ST COPPER COMMERCIAL LLC 118 WATERHOUS RD UNIT G BOURNE, MA 02532	38 03 344 005U LUC: 102
316 GIFFORD ST 342 GIFFORD ST LLC 303 PALMER AVE C/O DIST PROP SERVICES FALMOUTH, MA 02540	38 03 314B 003U LUC: 327	237 JONES RD BROWN ROXANNE 229 JONES RD FALMOUTH, MA 02540-2944	38 04 024B 016 LUC: 130	314 GIFFORD ST CRUZ ANDERSON C 46 SHEAFFER RD CENTERVILLE, MA 02632	38 03 314 004U LUC: 343
316 GIFFORD ST 342 GIFFORD ST LLC 303 PALMER AVE C/O DIST PROP SERVICES FALMOUTH, MA 02540	38 03 314B 004U LUC: 343	229 JONES RD BROWN ROXANNE 229 JONES RD FALMOUTH, MA 02540-2944	38 04 024C 015 LUC: 101	314 GIFFORD ST CRUZ ANDERSON C 46 SHEAFFER RD CENTERVILLE, MA 02632	38 03 314 007U LUC: 102
316 GIFFORD ST 342 GIFFORD ST LLC 303 PALMER AVE C/O DIST PROP SERVICES FALMOUTH, MA 02540	38 03 314B 005U LUC: 102	230 JONES RD BUCCIARELLI JAMES-E BUCCIARELLI LISA S 149 REGIS RD EAST FALMOUTH, MA 02536	38 03 001 004U LUC: 343	230 JONES RD DIAS ALBERT S 51 N BOURNES POND RD EAST FALMOUTH, MA 02536-7010	38 03 001 005U LUC: 343
316 GIFFORD ST 342 GIFFORD ST LLC 303 PALMER AVE C/O DIST PROP SERVICES FALMOUTH, MA 02540	38 03 314B 006U LUC: 343	275 JONES RD BURNS ROBINS L BRANDT ERIC S 275 JONES RD FALMOUTH, MA 02540	38 10 009 009 LUC: 101	323 JONES RD FALMOUTH TOWN OF 59 TOWN HALL SQ FALMOUTH, MA 02540-2761	38 10 021 000 LUC: 934
342 GIFFORD ST 342 GIFFORD ST LLC 303 PALMER AVE C/O DIST PROP SERVICES FALMOUTH, MA 02540	38 03 342 004U LUC: 343	336 GIFFORD ST CALFEE TRUSTEE ARTHUR D CALFEE TRUSTEE JANE B 37 TWO PONDS RD FALMOUTH, MA 02540	38 03 336 001U LUC: 343	JONES RD FALMOUTH TOWN OF 59 TOWN HALL SQUARE FALMOUTH, MA 02540	38 09 002C 000 LUC: 980
279 JONES RD & A ARGENTIERI THOMAS O ARGENTIERI ELIZABETH E 279 JONES RD FALMOUTH, MA 02540	38 10 019 019 LUC: 104	344 GIFFORD ST COPPER COMMERCIAL LLC 118 WATERHOUS RD UNIT G BOURNE, MA 02532	38 03 344 001U LUC: 343	331 GIFFORD ST FERREIRA GEORGE H 43 BRANTWOOD RD FALMOUTH, MA 02540-2130	38 09 002B 000 LUC: 105
342 GIFFORD ST ARMSTRONG TRUSTEE RICHARD A ARMSTRONG TRUSTEE ELLEN P 57 MILLFIELD ST WOODS HOLE, MA 02543-1123	38 03 342 001U LUC: 343	344 GIFFORD ST COPPER COMMERCIAL LLC 118 WATERHOUS RD UNIT G BOURNE, MA 02532	38 03 344 002U LUC: 349	337 GIFFORD ST GAGNON JOHN KIM GAGNON CHRISTINA Y 19 GREEN TREE CIR EAST FALMOUTH, MA 02536	38 09 002A 000A LUC: 340

245 JONES RD GARBER TRUSTEE DAVID E GARBER TRUSTEE JODY 136 BAY SHORE RD NORTH FALMOUTH, MA 02556	38 04 024A 017 LUC: 342	320 GIFFORD ST HOMEPORT LLC PO BOX 711 POCASSET, MA 02559	38 03 300 004U LUC: 343	346 GIFFORD ST HOMEPORT LLC PO BOX 711 POCASSET, MA 02559	38 03 346 005U LUC: 343
46 PETERSON RD GREGORIAN FELIX S BEDROSIAN GREGORIAN CANDACE M 3 BLUEBERRY HILL LN CHELMSFORD, MA 01863	38 10 011 011 LUC: 101	320 GIFFORD ST HOMEPORT LLC PO BOX 711 POCASSET, MA 02559	38 03 300 005U LUC: 343	346 GIFFORD ST HOMEPORT LLC PO BOX 711 POCASSET, MA 02559	38 03 346 006U LUC: 343
265 JONES RD GRIFFIN MARTIN THOMAS 46 OCEAN ST QUINCY, MA 02171	38 10 008 008 LUC: 013	332 GIFFORD ST HOMEPORT LLC PO BOX 711 POCASSET, MA 02559-1927	38 03 332 001U LUC: 343	55 PETERSON RD HORNOR TRISTAN J HORNOR NICOLA L 55 PETERSON RD FALMOUTH, MA 02540-3345	38 10 017 017 LUC: 101
230 JONES RD HAJJAR TRUSTEE CHARLES C JONES RD REALTY TRUST 30 ADAMS ST MILTON, MA 02186	38 03 001 006U LUC: 343	332 GIFFORD ST HOMEPORT LLC PO BOX 711 POCASSET, MA 02559-1927	38 03 332 002U LUC: 343	340 GIFFORD ST HUDSON HEIGHTS LLC 29 HUDSON ST FALMOUTH, MA 02540	38 03 007D 007 LUC: 031
230 JONES RD HAJJAR TRUSTEE CHARLES C JONES RD REALTY TRUST 30 ADAMS ST MILTON, MA 02186	38 03 001 007U LUC: 343	332 GIFFORD ST HOMEPORT LLC PO BOX 711 POCASSET, MA 02559-1927	38 03 332 003U LUC: 343	342 GIFFORD ST JIYA & AUM LLC 46 EQUESTRIAN LN E FALMOUTH, MA 02536	38 03 342 003U LUC: 343
230 JONES RD HEGARTY EDWARDS GROUP LLC 2 HERITAGE DR SUITE 301 QUINCY, MA 02171	38 03 001 003U LUC: 343	332 GIFFORD ST HOMEPORT LLC PO BOX 711 POCASSET, MA 02559-1927	38 03 332 004U LUC: 343	314 GIFFORD ST LAWLER TRUSTEE DAWN LAWLER TRUSTEE THOMAS 490 OLD BARNSTABLE RD EAST FALMOUTH, MA 02536	38 03 314 005U LUC: 343
210 JONES RD HICKEY TRUSTEE DOROTHY E HOMEPORT ASSOCIATES TRUST 303 PALMER AVE C/O DISTINCTIVE PROP SERV FALMOUTH, MA 02540	38 03 003 003 LUC: 031	346 GIFFORD ST HOMEPORT LLC PO BOX 711 POCASSET, MA 02559	38 03 346 001U LUC: 343	230 JONES RD LYNCH JOHN LYNCH HEATHER PO BOX 165B NORTH FALMOUTH, MA 02556	38 03 001 001U LUC: 343
320 GIFFORD ST HOMEPORT LLC PO BOX 711 POCASSET, MA 02559	38 03 300 001U LUC: 343	346 GIFFORD ST HOMEPORT LLC PO BOX 711 POCASSET, MA 02559	38 03 346 002U LUC: 343	54 PETERSON RD MANN MARY ANNE 54 PETERSON RD FALMOUTH, MA 02540	38 10 010 010 LUC: 101
320 GIFFORD ST HOMEPORT LLC PO BOX 711 POCASSET, MA 02559	38 03 300 002U LUC: 343	346 GIFFORD ST HOMEPORT LLC PO BOX 711 POCASSET, MA 02559	38 03 346 003U LUC: 343	310 JONES RD MCDONOUGH HELENA T 310 JONES RD FALMOUTH, MA 02540-3339	38 09 002A 002 LUC: 101
320 GIFFORD ST HOMEPORT LLC PO BOX 711 POCASSET, MA 02559	38 03 300 003U LUC: 343	346 GIFFORD ST HOMEPORT LLC PO BOX 711 POCASSET, MA 02559	38 03 346 004U LUC: 343	270 GIFFORD ST NE ANNUAL CONF UN METH CHURCH 270 GIFFORD ST FALMOUTH, MA 02540	38 04 024 000A LUC: 960

314 GIFFORD ST 38 03 314 001U  
RASSILAN TIAGO LUC: 343  
72 POND CIR  
MASHPEE, MA 02649

314 GIFFORD ST 38 03 314 008U  
WEST MILL LLC LUC: 343  
6 WEST MILL ST  
MEDFIELD, MA 02052

310 GIFFORD ST 38 03 007C 002A  
SANTANDER BANK LUC: 341  
TWO MORRISSEY BLVD  
C/O LEASE ADMINISTRATION  
BOSTON, MA 02125

314 GIFFORD ST 38 03 314 003U  
WESTBURG JOANNE LUC: 343  
115 SCRANTON AVE  
APT 316  
FALMOUTH, MA 02540

291 JONES RD 38 10 020 000  
SYNH LLC LUC: 301  
1249 BEACON ST  
BROOKLINE, MA 02446

389 GIFFORD ST 38 09 002C 001  
WOODBRIAR SENIOR LIVING LLC LUC: 125  
PO BOX 71970  
C/O ALTUS GROUP  
PHOENIX, AZ 85050

342 GIFFORD ST 38 03 342 005U  
TC ENDO REALTY LLC LUC: 102  
62 THORNBERRY LN  
CENTERVILLE, MA 02632

327 GIFFORD ST 38 09 002C 000C  
YEBBA TRUSTEE NICHOLAS C LUC: 326  
YEBBA TRUSTEE ELISABETTA  
20 COMMERCIAL DR  
WRENTHAM, MA 02093

342 GIFFORD ST 38 03 342 002AU  
TC ENDO REALTY LLC LUC: 343  
62 THORNBERRY LN  
CENTERVILLE, MA 02632

342 GIFFORD ST 38 03 342 002BU  
TC ENDO REALTY LLC LUC: 343  
62 THORNBERRY LN  
CENTERVILLE, MA 02632

339 GIFFORD ST 38 09 002 003  
VTR FALMOUTH LLC LUC: 125  
PO BOX 71970  
C/O ALTUS GROUP  
PHOENIX, AZ 85050

293 GIFFORD ST 38 10 007 007  
WARNER CHRISTOPHER P LUC: 013  
DVORAK WARNER ANN  
293 GIFFORD ST  
FALMOUTH, MA 02540

314 GIFFORD ST 38 03 314 002U  
WEST MILL LLC LUC: 343  
6 WEST MILL ST  
MEDFIELD, MA 02052

314 GIFFORD ST 38 03 314 006U  
WEST MILL LLC LUC: 343  
6 WEST MILL ST  
MEDFIELD, MA 02052



APPLICANT: The Coonamessett Inn

ADDRESS: 311 Gifford St, Falmouth 02540

LICENSE OR LICENSE CHANGE APPLIED FOR: Entertainment on Deck

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

- 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:

2-21-23

## **OPEN SESSION**

### **PUBLIC HEARINGS**

3. Application to Amend an Entertainment License – Qhog, Inc.  
d/b/a Quahog Republic Dive Bar, located at 97 Spring Bars Road,  
Falmouth **(10 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](mailto: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 the Qhag, Inc. d/b/a Quahog Republic Dive Bar has applied to amend its Entertainment License to be exercised at 97 Spring Bars Road, Falmouth MA.

A hearing will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, April 3, 2023, at 6:45 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, March 24, 2023; Falmouth Enterprise*

**LICENSE APPLICATION REVIEW**

Restaurant/Business: Quahog Republic Dive Bar

Address: 97 Spring Bars Road, Falmouth

License Type: Entertainment License

New or Transfer of License \_\_\_\_\_  
\_\_\_\_\_

or

Change of License amend Entertainment License

Police It is worth noting that there is a row of apartments on the top floor of the building.

- Fire \_\_\_\_\_
- Building \_\_\_\_\_
- Health \_\_\_\_\_
- Zoning \_\_\_\_\_
- Planning \_\_\_\_\_
- DPW \_\_\_\_\_
- Assessor \_\_\_\_\_
- Tax Collector \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

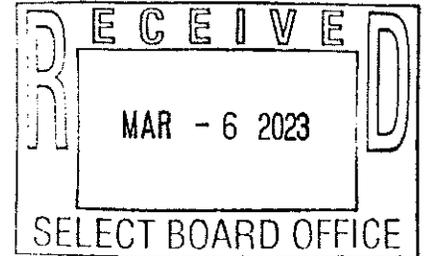
**NOTES:**

The license amendment seeks to change the current entertainment hours from 10:30 pm - midnight to 8:00 am - 1:00 am



Town of Falmouth

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



ENTERTAINMENT LICENSE APPLICATION

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

Required fields are outlined in red.

NAME OF BUSINESS: Quag Fuc. D/B/A Quag Republic Dive Bar
ADDRESS: 97 Spring Bars Rd
TOWN: Falmouth STATE: MA ZIP CODE: 02540
NAME OF OWNER/MANAGER: Thomas Hughes
TELEPHONE #: [REDACTED] EMAIL: Tom@QuagRepublic.com
MAILING ADDRESS: 19 Sewall Dr Mashpee, MA 02649
LOCATION OF ENTERTAINMENT ON PREMISES: Front Window

DAYS OF ENTERTAINMENT: MONDAY - SATURDAY
HOURS OF ENTERTAINMENT: 8:00 pm - 1:00 AM

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

Looking to Amend current license from 10:30pm start to on 8:00pm start. Live music by front entrance approx. 3 days per week. SAME Footprint as current license.

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

SUNDAY ENTERTAINMENT: NO YES (if YES, complete a separate Sunday Entertainment application - contact Select Board office)
1. DANCING By Patrons No Dancing
2. MUSIC Recorded Live Amplified Acoustic Other

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

DATE 27 Feb 23

X [Signature] Signature - OWNER or MANAGER

Total Town Fees: \$110
Filing Fee: \$10
License Fee: \$100

Fees payable to Town of Falmouth

24'-7"±

24'-10"

11'-0"± KITCHEN

13'-7"± DINING AREA

NEW WALL FIRE ROCK ALL

7'-6" CEILING HT AT END IN SLOPE

LIGHTED EXIST. SIGN

NEW 3'x6' STE FIRE. DOOR REUSE LOCKS



3'x6' EXIST

8'-0" CH. NEW ROCK TO 11'-4" REMOVE DROP CLG.

STORAGE

EMERG. LIGHTS

STROBE

2'-7"

3'-3" c/o

DELETE WALLS

DRAIN

11'-4" CH.

BAR RAIL

18 BARRAIL SEATS

EXIST. HEAT DETECTOR

DRAIN

NEW 2SETS OF SALOON DOORS

ELEC PANELS

ICE MACHINE

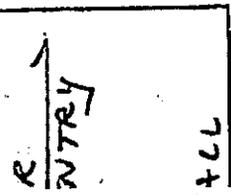
DRY STORAGE DOOR

3'-8 1/2" EMERG. LIGHTS

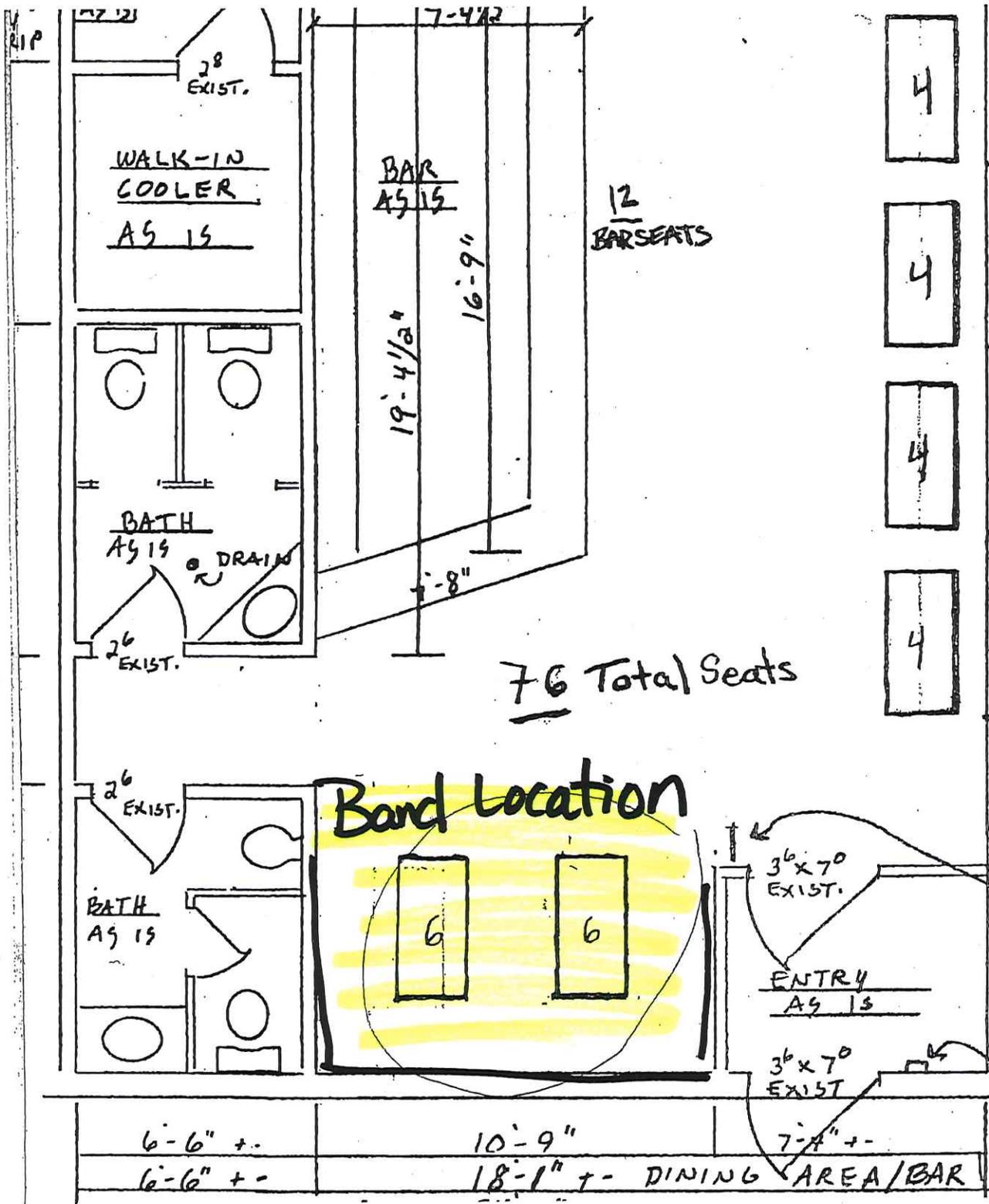


16'-11"±

24'-10"



V. D. U.



51'-1/2" ± - TOTAL DINING WALL AREA - AFTE

27'-8" x 5'-0" HIGH PATCH STUCCO ON EXISTING

ALL

DINING A  
 CEILING  
 REUSE 4  
 NEW KIT  
 DELETE  
 (SAVE TIL FOR  
 \* FOUR

76 Total Seats

FLOOR

LIGHTED EXIST. SIGN

5'-8"

FIRE PULL BOX + STROBE

6'-6" ±  
 6'-6" ±

10'-9"  
 18'-1" ± - DINING AREA/BAR

7'-4" ±



APPLICANT: Qhog Inc.

ADDRESS: 95 Spring Bars. Rd.

LICENSE APPLIED FOR: Entertainment License Application

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

- 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.

NOTES: ENTERTAINMENT START TIME TO BE 8 PM

Building Department sign-off: X *Larry Street*

DATE: 3-7-23

60 SPRING BARS RD ATC PONDEROSA K LLC PO BOX 723597 C/O AMERICAN TOWER ATLANTA, GA 31139	39 15 044A 000 LUC: 433	6 HARRINGTON ST HEMPENSTALL BRIAN D HEMPENSTALL TRACEY L 6 HARRINGTON ST EAST FALMOUTH, MA 02536	39A 30 000 066 LUC: 101	3 RANDOLPH ST STERNER JR DONALD R STERNER DENISE A 3 RANDOLPH ST TEATICKET, MA 02536-6754	39A 30 000 121 LUC: 101
3 MONTAUK ST BANCROFT JOHN W BANCROFT EILEEN T 3 MONTAUK ST TEATICKET, MA 02536-6739	39A 28 000 172 LUC: 101	6 MONTAUK ST JOYCE RICHARD T JOYCE MARY T 6 MONTAUK ST E FALMOUTH, MA 02536	39A 29 000 005 LUC: 101	137 TEATICKET HWY TA FALMOUTH LLC ONE FEDERAL ST 17TH FLOOR BOSTON, MA 02110	39 15 044 000 LUC: 323
2 HARRINGTON ST CARROLL ROBERT T CARROLL MAUREEN A 26 FILBERT ST HAMDEN, CT 06517	39A 30 000 063 LUC: 101	41 SPRING BARS RD LITTLE POND PLACE LLC 704 MAIN ST FALMOUTH, MA 02540	39 15 047 001 LUC: 112		
7 HARRINGTON ST DESAUTELS RAYMOND A DESAUTELS SHARON A 7 HARRINGTON ST EAST FALMOUTH, MA 02536	39A 29 000 056 LUC: 101	6 CYPRESS ST MCGOURTY III HUGH F MC MCGOURTY IRREV TR 29 HIGH ST HINGHAM, MA 02043-3191	39A 28 000 114 LUC: 101		
4 RANDOLPH ST ELLIS TRUSTEE ROBERT C ELLIS TRUSTEE PATRICIA A 4 RANDOLPH ST TEATICKET, MA 02536-6767	39A 31 000 123 LUC: 101	2 CYPRESS ST MCGOURTY III TRUSTEE HUGH F MC MCGOURTY IRREV TR 29 HIGH ST HINGHAM, MA 02043-3191	39A 28 000 111 LUC: 106		
89 SPRING BARS RD FALMOUTH TOWN OF CONSERVATION COMMISSION PO BOX 241 FALMOUTH, MA 02541-0241	39 15 046 002 LUC: 982	0 LITTLE BAY ST MCGOURTY JR HUGH F MCGOURTY MARILYN C 290 WEST ST BRAintree, MA 02184-3914	39A 28 000 535 LUC: 132		
SPRING BARS RD FALMOUTH TOWN OF CONSERVATION COMMISSION 59 TOWN HALL SQ FALMOUTH, MA 02540	39 15 046A 000 LUC: 932	2 MONTAUK ST MEDEIROS TERRIANN 146 OLD CAMPUS DR E FALMOUTH, MA 02536-4424	39A 29 000 001 LUC: 101		
110 SPRING BARS RD FALMOUTH TOWN OF 59 TOWN HALL SQ FALMOUTH, MA 02540	39 15 044 002A LUC: 931	3 OAK ST PHILLIPS PETER C PHILLIPS DEBRA J 19 FOREST AVE SHREWSBURY, MA 01545-4618	39A 31 000 187 LUC: 101		
0 LITTLE BAY ST FERREIRA MARK S FERREIRA LOUISE S 729 MAIN ST FALMOUTH, MA 02540-3215	39A 29 000 000F LUC: 132	3 HARRINGTON ST RADFORD TRUSTEE GERARD D GD RADFORD REV TR 888 BLVD OF THE ARTS SARASOTA, FL 34236	39A 29 000 058 LUC: 101		
95 SPRING BARS RD 1 - 222 FTC-LLC 91A SPRING BARS RD FALMOUTH, MA 02540	39 15 046B 000A LUC: 031	7 MONTAUK ST STANTON TRUSTEE PAULINE GIUNTA TRUSTEE CHRISTOPHER 326 E SQUANTUM ST QUINCY, MA 02171-1841	39A 28 000 168 LUC: 101		

## **OPEN SESSION**

## **CONSENT AGENDA**

### **1. Licenses**

- a. Application for three Special One-Day All Alcohol Liquor Licenses -  
Falmouth Theatre Guild - Highfield Theater, 58 Highfield Drive,  
Falmouth – 4/28 – 4/30, 5/5 – 5/7, 5/12 – 5/14/23

**LICENSE APPLICATION REVIEW**

Restaurant/Business: Falmouth Theatre Guild

Address: 58 Highfield Drive, Falmouth

License Type: One-Day All Alcoholic Beverages License

New or Transfer of License \_\_\_\_\_

or

Change of License \_\_\_\_\_

Police No objections

Fire No objections

Building \_\_\_\_\_

Health \_\_\_\_\_

Zoning \_\_\_\_\_

Planning \_\_\_\_\_

DPW \_\_\_\_\_

Assessor \_\_\_\_\_

Tax Collector \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTES: Application for three licenses for nine (9) weekend performances as follows:

April 28<sup>th</sup> – 30<sup>th</sup>

May 5<sup>t</sup> – 7<sup>th</sup>

May 12<sup>th</sup> – 14<sup>th</sup>

Service is scheduled for Fridays and Saturdays from 6:30 pm to 9:30 - Sundays from 1:00 pm to 5:00 pm.



# Falmouth Theatre Guild

Bringing you the best in Community Theater since 1958

Falmouth Theatre Guild

P.O. Box

Falmouth MA, 02541

[www.falmouththeatreguild.org](http://www.falmouththeatreguild.org)

(508) 548-0400

March 14, 2023

## Board of Directors

Brett Baird  
Joan Baird  
Ashley Bolbrock  
Rob Bowerman  
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 musical "*Something Rotten*"  
April 28-30, May 5-7 & 12-14 (9 days)

Dear Town of Falmouth,

Please find attached a completed application requesting special one-day liquor licenses covering the <sup>nine</sup>~~six~~ performances we have scheduled for the musical "*Something Rotten*," running Friday-Sunday, April 28-30 2023, Friday-Sunday May 5-7 2023, & Friday-Sunday, May 12-14, 2023.

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,

Tomas McCahill, Director-at-Large  
(774) 392-3299

[Tm.tmccahill@gmail.com](mailto:Tm.tmccahill@gmail.com)



APPLICATION

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

NAME OF APPLICANT: Tomas McCahill, Director-At-Large

ADDRESS OF APPLICANT: PO Box 383

Falmouth MA 02541  
TOWN STATE ZIP CODE

NAME OF ORGANIZATION: Falmouth Theatre Guild

MAILING ADDRESS: See Above

TELEPHONE #: [REDACTED] EMAIL: [REDACTED]

LOCATION TO BE LICENSED-ADDRESS: Highfield Theater - 58 Highfield Dr

Falmouth MA 02540  
TOWN STATE ZIP CODE

EVENT TITLE: Something Rotten APPROXIMATE # OF PEOPLE: 300/perf

DATE(S) OF EVENT: Apr 28-30, May 5-7 & 12-14 HOURS OF EVENT: Fri & Sat 6:30-9:30, Sun 1:00-5:00

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Tomas McCahill - Concessions Chair

TYPE OF LICENSE:  
1. WINE & MALT  FOR PROFIT   
2. ALL ALCOHOLIC  NON-PROFIT ORGANIZATIONS ONLY NON-PROFIT

REQUIREMENTS check list:

1. Submit in a separate note or letter a narrative overview of the event including a description of the premises, 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 OCCURANCE - \$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, consumed, and securely stored and how this will be separated from public areas (roping, fences, etc.)
6. Temporary Food Permit (Health Department)

Mar 14, 2023  
DATE

[Signature]  
APPLICANT SIGNATURE

FEE: \$25.00 PER DAY  
\$10.00 FILING FEE

## **OPEN SESSION**

### **CONSENT AGENDA**

#### **1. Licenses**

- b. Application for a Class I License to Buy and Sell New and Second Hand Motor Vehicles – Flying Bridge Marina, LLC d/b/a Flying Bridge Marina to be exercised at 250 Scranton Avenue, Falmouth

**LICENSE APPLICATION REVIEW**

Restaurant/Business: Flying Bridge Marina, LLC d/b/a Flying Bridge Marina

Address: 250 Scranton Avenue

License Type: Motor Vehicle Dealer Class 1 License

New or Transfer of License \_\_\_\_\_

or

Change of License \_\_\_\_\_

Police No Comment

Fire No Objections

Building \_\_\_\_\_

Health \_\_\_\_\_

Zoning \_\_\_\_\_

Planning \_\_\_\_\_

DPW \_\_\_\_\_

Assessor \_\_\_\_\_

Tax Collector \_\_\_\_\_

. MES No issues

. \_\_\_\_\_

. \_\_\_\_\_

NOTES: The Inmar Marine Group boats the proposed licensee intends to sell at the marina are inflatable.



**Town of Falmouth**  
 Office of the Town Manager & Selectmen 59  
 Town Hall Square, Falmouth, MA 02540  
 508-495-7320 • [licensing@falmouthma.gov](mailto:licensing@falmouthma.gov)

**NEW APPLICATION - MOTOR VEHICLE DEALER LICENSE – Class I, II, III**  
 M.G.L. CHAPTER 140

BUSINESS NAME: Flying Bridge Marina LLC. D/B/A Flying Bridge Marina

ADDRESS: 250 Scranton Avenue

TOWN: Falmouth STATE MA ZIP CODE 02540

MAILING ADDRESS: (if different) 367 main street

TOWN: Falmouth STATE MA ZIP CODE 02540

OWNER OF PROPERTY: Mark Bogosian

NAME OF APPLICANT: Mark Bogosian TITLE: owner

HOME ADDRESS: 33 waterside Avenue

TOWN: Falmouth STATE MA ZIP CODE 02540

FID # [REDACTED] EMAIL (required) devan@longfellowold.com

TELEPHONE # (BUSINESS) (774)255-1709 (HOME) [REDACTED]

CLASS OF LICENSE: Class I NUMBER OF VEHICLES: 30

DEALER/REPAIR PLATE # na

**ADDITIONAL DOCUMENTS REQUIRED:**

- Special Permit under Zoning Bylaw Sections 240-51(B)(3) allowing motor vehicle sales
- Massachusetts Form 53 in duplicate - available at Select Board Office
- Public Hearing requiring abutter notification by Certified Return Receipt Mail (Class III only)
- Proof of Surety Bond in the amount of \$25,000 (Class II only)
- Copy of Manufacturer's Agreement (Class I only)

[Signature]  
 Signature - OWNER or MANAGER of RECORD

3/13/23  
 DATE

**FEES:**

CLASS I - TOTAL LICENSE FEE: \$110  
 CLASS II - TOTAL LICENSE FEE: \$85  
 CLASS III - TOTAL LICENSE FEE: \$60

## LEASE

### 1. PARTIES

Flying Bridge Restaurant Corp., a Massachusetts Corporation with a principal office located at 12 Washington Street, Wellesley, MA 02481 and William C. Roberts, Trustee of the Falco Nominee Trust, of 12 Washington Street, Wellesley, MA 02481, which expression shall include heirs, successors, and assigns where the context so admits (**collectively the "Landlord"**), does hereby lease to Flying Bridge Marina LLC, a Massachusetts Limited Liability Company having a principal office located at 367 Main Street, Falmouth, MA 02540 (**the "Tenant"**), which expression shall include successors, executors, administrators, and assigns where the context so admits.

The Landlord by this instrument ("**Lease**") hereby leases to Tenant the following described premises:

### 2. PREMISES

The Premises consist of the following parcels of real estate and the buildings and structures hereon:

Parcel One:

220 Scranton Avenue, Falmouth, Massachusetts, being the property shown as Lot 4 on a plan recorded at the Barnstable County Registry of Deeds in Plan Book 352, Page 50, being the premises conveyed in a deed recorded at said Registry in Book 8328, Page 135.

and

Parcel Two:

250 Scranton Avenue, Falmouth, Massachusetts, being the property shown as Lot 5 on a plan recorded at Barnstable Registry of Deeds in Plan Book 358, Page 25, and being a portion of the premises conveyed in a deed recorded at Said Registry in Book 8748, Page 177.

The Premises include the buildings, structures, and improvements now thereon and the existing appurtenant licenses as may now or hereinafter exist, and the fixtures belonging to the SELLER and used in connection therewith.

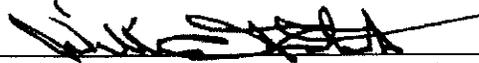
Handwritten initials "MB" and a signature.

\_\_\_\_\_ day of \_\_\_\_\_, 2021.

**LANDLORD:**

FLYING BRIDGE RESTAURANT CORP.

BY:

  
\_\_\_\_\_

WILLIAM C. ROBERTS, PRESIDENT & TREASURER

FALCO NOMINEE TRUST

BY:

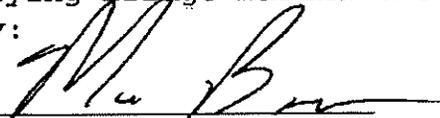
  
\_\_\_\_\_

WILLIAM C. ROBERT, TRUSTEE

**TENANT:**

Flying Bridge Marina LLC

By:

  
\_\_\_\_\_

MARK BOGOSIAN, Manager

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ County, ss.

\_\_\_\_\_, 20\_\_

Then personally appeared before me the above-named \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_ as aforesaid, who is personally known to me or proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed to the foregoing instrument, and acknowledged the foregoing to be his/her free act and deed, and the free act and deed of \_\_\_\_\_.

Notary Public

My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ County, ss.



## Dealer Agreement

### 1. RIGHTS GRANTED TO DEALER

1.1 **Dealer Rights.** Subject to the terms of this Agreement, Inmar hereby grants Dealer the non-exclusive rights, other than those specified within (Exhibit A)

- (1) To buy and resell at retail, in the ordinary course of Dealer's business, the Inmar Products, the types of which may be periodically revised by Inmar in its discretion upon notice to Dealer;
- (2) To identify itself as an authorized dealer of the Inmar Products utilizing approved signage solely at the Location; and
- (3) To use the name Inmar and the Inmar Marks in the advertising, promotion, sale and servicing of the Inmar Products from the Location in the manner provided in this Agreement.

No obligation exists on the part of Inmar to sell any Inmar products to Dealer other than as set forth in this Agreement. Inmar reserves the right to sell the Inmar Products to any customers, including retail customers, and to grant the privilege of using the name Inmar or the Inmar Marks to other dealers or entities, wherever they may be located.

### 2. RESPONSIBILITIES ACCEPTED BY DEALER

2.1 **Dealer Responsibilities.** Dealer accepts its appointment as an authorized Inmar dealer and agrees to:

- (1) Promote, advertise, market and sell the Inmar Products actively, aggressively, honestly and effectively, subject to the terms and conditions of this Agreement, in order to meet, and expand to the fullest extent possible, the demand for Inmar Products by retail customers that are generally located in the area of the Location;
- (2) Service the Inmar Products in the same manner, subject to the terms and conditions of this Agreement;
- (3) Establish and maintain satisfactory and attractive dealership facilities at the Location in accordance with the written guidelines, if any, established and amended from time to time by Inmar;
- (4) Make all payments to Inmar when due; and discharge all obligations under this Agreement.

### 3. PLACE OF BUSINESS

3.1 **Location.** Dealer shall operate its dealership, including showroom and sales, service and parts departments, only at the Location, and in a manner that is in compliance with Inmar's image requirements, facility standards and other guidelines, if any, established and amended by Inmar from time to time

3.2 **Multiple Brands.** Inmar recognizes that Dealer may be approved to sell or service other brands or line-makes of products at the Location which are competitive with the Inmar Products. In the event Dealer handles such competitive products, Dealer agrees to afford the Inmar Products at least as much effort as Dealer gives to competitive products handled by Dealer in terms of advertising, promotion and sale, floor space, inventory and service. Dealer shall also maintain equal or greater prominence as that afforded to competitive brands in the installation and display of Inmar logo signs and all other signage bearing the Inmar Marks.



**Special Terms (Exhibit A)**

1. Dealer Name, Location

FLYING BRIDGE MARINE  
367 MAIN ST  
FALMOUTH, MA 02540  
774-238-9887

2. Minimum order requirements: Program based on Sales Volume

3. Warranty Labor Rates: \$95 hourly

4. Credit Line: \$100,000.00

Dealer must provide a Certificate of insurance for inventory coverage, and signed credit line guarantee in the name listed below for amount of the credit line requested. Certificate to be received no later than 30 days from date of agreement.

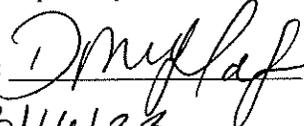
Global Marine Group, Inc  
dba Inmar Boats  
6020 Progressive Ave, Ste 800  
San Diego, CA 92154

5. Term of agreement:

This agreement is effective as of March 3, 2023 and continues in effect through December 31, 2023 (the "Term"), unless earlier terminated as provided in section 11 of the agreement.

6. Incorporation by reference

This Exhibit A is made a part of the Dealer Agreement, between INMAR and Dealer (the "Agreement"). Upon execution by both parties, this Exhibit A is incorporated by reference into and is made part of the Agreement, and is subject to the terms and conditions of the Agreement.

Signed by:  Print Name: Devan Daffaf Title: G.M.  
Date: 3/16/23

Inmar Marine Group, a division of Global Marine Group, Inc.  
Legal Representative: Josh Palmer / CFO

Signed by:  Date: 3/16/2023

## Phyllis Downey

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**From:** Noreen Stockman  
**Sent:** Thursday, January 5, 2023 3:39 PM  
**To:** Phyllis Downey  
**Cc:** Ashley DeMello  
**Subject:** RE: 250 Scranton Avenue-request for guidance

Hi Phyllis,

Under By-Law 240-39 (Marine District) A. (2) Boat sales is a permitted use. Therefore, there would not be a requirement for permitting from the ZBA.

Sincerely,  
Noreen

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

**From:** Phyllis Downey <phyllis.downey@falmouthma.gov>  
**Sent:** Thursday, January 5, 2023 3:02 PM  
**To:** Noreen Stockman <noreen.stockman@falmouthma.gov>  
**Cc:** Ashley DeMello <ashley.demello@falmouthma.gov>  
**Subject:** 250 Scranton Avenue-request for guidance

Good afternoon Noreen,

The procedure for applying for a Motor Vehicle (used car dealer) License requires a copy of the “**Special Permit under Zoning Bylaw Sections 240-51(B)(3) allowing use of the property for motor vehicle sales**” which Ashley and I worked on gathering in 2019. However, we very rarely have applications this type of application so the process may need to be tweaked in certain circumstances.

Longfellow Design Build is applying to sell new and used boats via a Class I Motor Vehicle License to be located at 250 Scranton Avenue which has land use code 384- Marina. They are asking if a special permit for motor vehicle sales is required for this location and zoning. May I please have your advice regarding how to respond? If you prefer to speak with Longfellow directly, please let me know.

Phyllis

Phyllis Downey  
Town Administration  
508-495-7325

## **OPEN SESSION**

### **CONSENT AGENDA**

#### **1. Licenses**

- c. Application for a Special One-Day Wine & Malt Beverages License  
– Noreen Cavanaugh – Unitarian Universalist Church of Falmouth,  
840 Sandwich Road, East Falmouth – Saturday, 4/15/23

LICENSE APPLICATION REVIEW

Restaurant/Business: Noreen Cavanaugh

Address: 840 Sandwich Road, East Falmouth

License Type: \_\_\_\_\_

New or Transfer of License Special One-Day Wine & Malt Beverages Licenses

\_\_\_\_\_ or \_\_\_\_\_

Change of License \_\_\_\_\_

- Police \_\_\_\_\_
- Fire No objections
- Building \_\_\_\_\_
- Health \_\_\_\_\_
- Zoning \_\_\_\_\_
- Planning \_\_\_\_\_
- DPW \_\_\_\_\_
- Assessor \_\_\_\_\_
- Tax Collector \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

NOTES:

Application is for a Paint & Sip event to be hosted at the Unitarian Universalist Church of Falmouth on April 15<sup>th</sup>.



APPLICATION

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

NAME OF APPLICANT: Noreen Cavanaugh

ADDRESS OF APPLICANT: [Redacted]  
TOWN STATE ZIP CODE  
[Redacted] MA 02532

NAME OF ORGANIZATION: Unintarian Universalist Church of Falmouth

MAILING ADDRESS: 840 Sandwich Rd. E Falmouth

TELEPHONE #: [Redacted] EMAIL: [Redacted]

LOCATION TO BE LICENSED-ADDRESS: 840 Sandwich Rd.  
TOWN STATE ZIP CODE  
East Falmouth MA 02536

EVENT TITLE: Paint and Sip APPROXIMATE # OF PEOPLE: 40

DATE(S) OF EVENT: April 15, 2023 HOURS OF EVENT: 3-5pm

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Noreen Cavanaugh

TYPE OF LICENSE:  
1. WINE & MALT  FOR PROFIT   
2. ALL ALCOHOLIC  NON-PROFIT ORGANIZATIONS ONLY NON-PROFIT

REQUIREMENTS check list:

- ✓ 1. Submit in a separate note or letter a narrative overview of the event including a description of the premises, 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 OCCURANCE - \$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, consumed, and securely stored and how this will be separated from public areas (roping, fences, etc.)
- 6. Temporary Food Permit (Health Department) *No food*

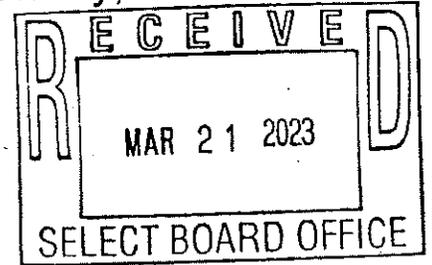
03/21/2023  
DATE

*Noreen Cavanaugh*  
APPLICANT SIGNATURE

FEE: \$25.00 PER DAY  
\$10.00 FILING FEE

# UU Falmouth

Rev. Joseph Cherry, Interim Minister



March 22, 2023

To the Charity/Donor Team at Canterbury Market;

On April 15, 2023 from 3-5pm the Unitarian Universalist Fellowship of Falmouth will host a "Paint and Sip" event to raise money in support of the Falmouth Food Pantry (AKA The Falmouth Service Center.)

You at Canterbury Market are invited to become an integral part of this event through your sponsorship.

Originally, we had hoped to raise funds for the suffering people in Syria and Turkey resulting from the horrific earthquakes there. We discovered, however, that right in our own backyard the need is equally as great or even greater. We were shocked to discover that the food pantry had recently run out of food when the need is the greatest.

Why is that?

Now that the Emergency Allotments have ended for those receiving food assistance, families will lose up to \$250 a month. With inflation and food prices skyrocketing this means that families who receive Snap benefits will now only get an average of \$6.10 per person a day for food. In white households in Massachusetts 1 in 6 children or 18.4% go hungry daily. In Black households with children, it's 1 in 3 or 34% and in Latino/a households 35.5% are food insecure.

The Falmouth Food Pantry is distinct in its efforts to the community in that they honor all who have needs from anywhere in MA. In addition, they support families in need with other services, as well.

Please join us as we work together to combat food insecurity on the Cape and beyond!

The MA Taxpayer ID for UUFalmouth is 11398126. The MA non-profit # is 000304209.

I look forward to hearing from you soon!

Best regards,

Noreen Cavanaugh, Volunteer Development Director

doors / doors /

All wine will be  
previously chilled  
and subsequently  
on the serving  
tables

Painting

Painting

Painting

Painting

Painting

Raffle

Wine

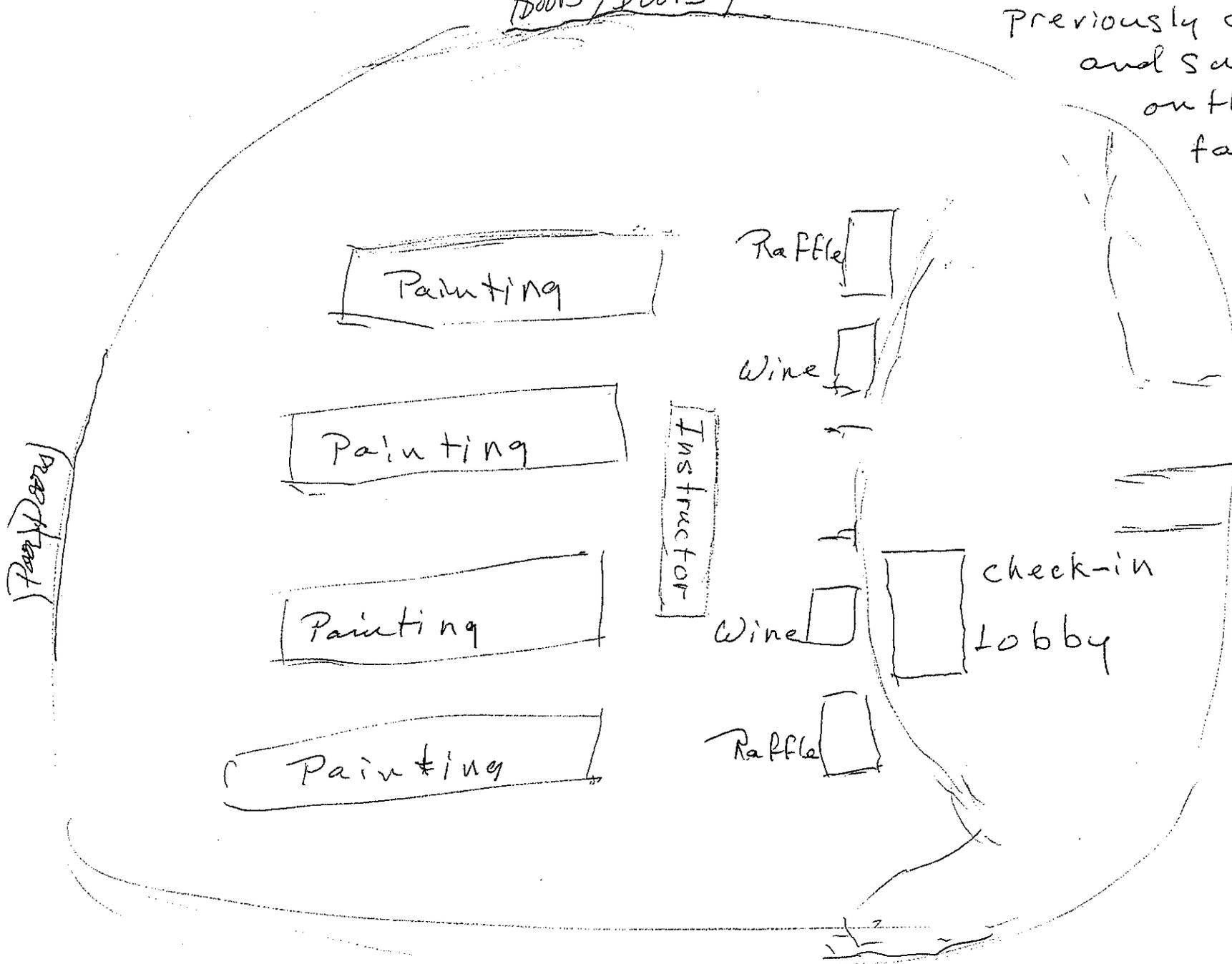
Instructor

Wine

Raffle

check-in  
Lobby

Entrance



## **OPEN SESSION**

### **CONSENT AGENDA**

#### **2. Administrative Orders**

- a. Approve administrative Change of Address of an All Alcoholic Beverages Common Victualler License – DJ's Holdings, Inc. d/b/a DJ's Family Sports Pub, located at 870 Main Street, Unit A, Falmouth



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

00191-RS-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee  DBA

Street Address  Zip Code

Manager

Granted under Special Legislation? Yes  No

If Yes, Chapter  of the Acts of (year)

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

Store fronts 1 and 2 located at 870 Main Street (Colonial Shopping Center), Unit A including approximately 5,500 square feet of space, 1 main front entrance, 1 rear exit from kitchen, 1 emergency exit from side building.  
(Address updated by Town Engineer to 870 Main Street, Unit A 3/17/2023)

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date  Time

Advertised Yes  No  Date Published  Publication

Abutters Notified: Yes  No  Date of Notice

Date APPROVED by LLA  Decision of the LLA

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

For Transfers ONLY:  
Seller License Number:  Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission  
Ralph Sacramone  
Executive Director

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

[townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)

TO: DJ'S Family Sports Pub  
John Carlin, Manager  
870 Main Street, Unit A  
Falmouth, MA 02540

FROM: Phyllis Downey  
Select Board Office  
508-495-7325

DATE: March 24, 2023

SUBJECT: Address Correction - Admiralty Inn - Parcel # 39 21 003A 000

Dear John Carlin,

The Town Engineer's Office has updated addresses at parcel #39 21 003A 000 because they do not conform to the Town's address policy. The policy requires each parcel to be assigned a street number and the buildings within parcels to be assigned unit letters.

The new address change for the DJ's Family Sports Pub is:

**870 Main Street, Unit A, Falmouth MA 02540**

Enclosed please find a copy of the address assignment which was sent Bogosian Development, LLC, a change of address checklist you may find useful in advising your contacts of your address change, and your 2023 Licenses reissued with the corrected address. Please post the new license in an area where the public has access to see it.

Please contact me if you have any questions or if I can be of assistance.

Sincerely,

Phyllis A. Downey

cc: Building Commissioner, Gary Street  
Police Chief, Edward Dunne  
Fire Chief, Timothy Smith  
Health Agent, Scott McGann



# Town of Falmouth

Department of Public Works - Engineering Division

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

Jim McLoughlin, P.E., Town Engineer

Jim.McLoughlin@falmouthma.gov

## House Number Assignment/Change

**\*NOTE: VACANT LOTS MUST HAVE A VALID BUILDING PERMIT IN ORDER TO BE ASSIGNED A HOUSE NUMBER**

Date: **3/17/2023**

From: Engineering Division

To: Assessors Department      Gis Department      Planning  
Building Department      Combined Dispatch Center      Fire Prevention  
Board of Appeals      Notify911      United States Postal Service

Parcel ID(s) (Use separate sheet if required):

Owner's Name:

**39 21 003A 000**

**Bogosian Development LLC**

Old Address(es) (Use separate sheet if required):

870, 874, 8787, 882, 886, 890, 894 Main Street

New Address(es) (Use separate sheet if required):

**870 Main Street Unit A      870 Main Street Unit C**  
**870 Main Street Unit D      870 Main Street Unit E**

This road is:       PUBLIC       PRIVATE       STATE

A Driveway Permit       IS REQUIRED AND IS ON FILE WITH ENGINEERING      Permit #:

IS NOT REQUIRED

Falmouth Fire Rescue Approved       YES       NOT APPLICABLE

Assigned by: Scott Schluter, P.E.

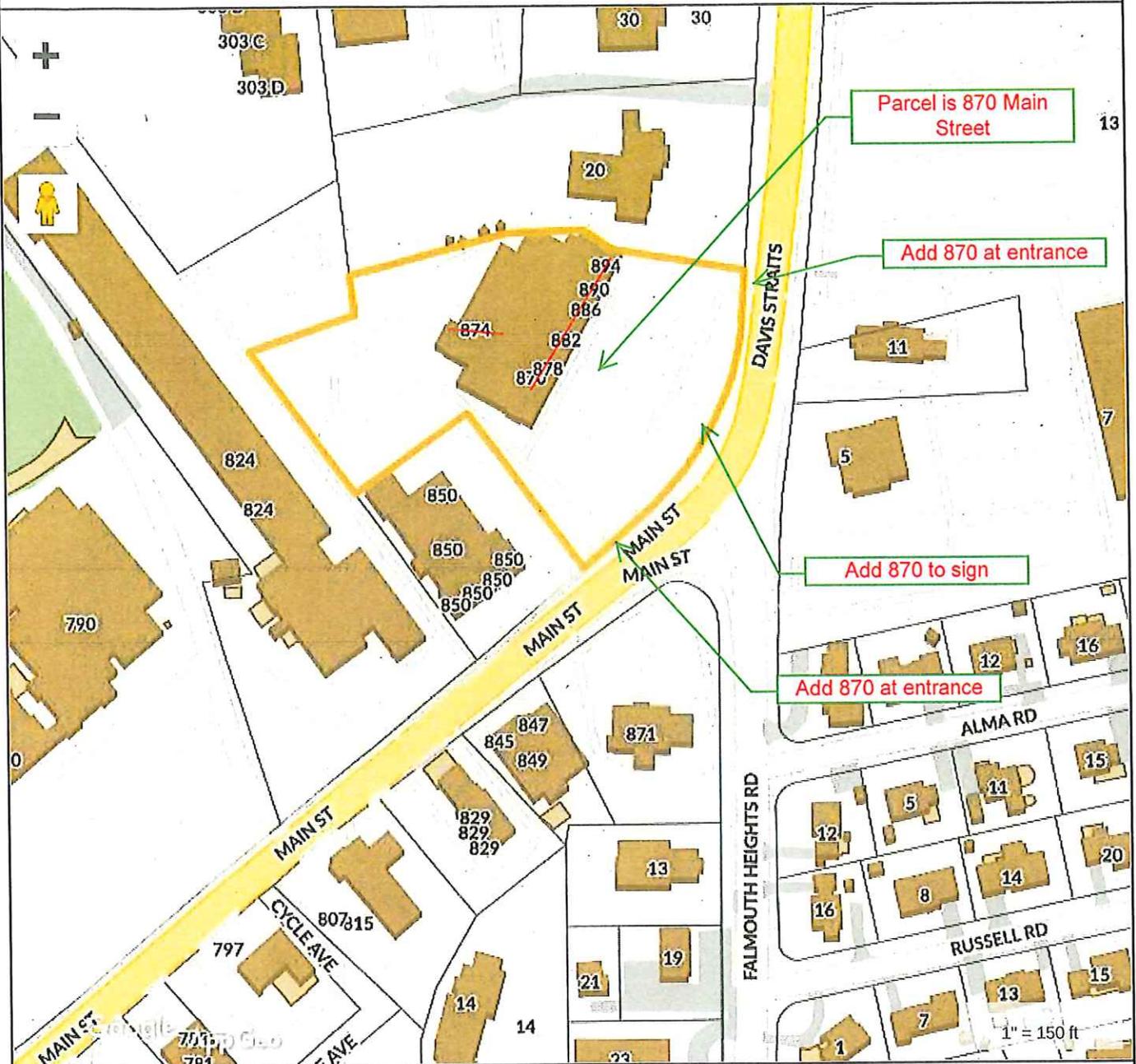
### Notes:

**Bringing the lot up to conformance with current Address Policy for new liquor license business.**

THIS FORM IS INFORMATIONAL ONLY, ADDRESS CHANGES ARE OFFICIAL WHEN ASSESSING PUTS IT IN THEIR SYSTEM.

**IF THIS CHANGE AFFECTS THE MAILING ADDRESS FOR TOWN BILLING, THE PROPERTY OWNER SHOULD CONTACT THE ASSESSORS OFFICE.**

### 870 Main Street



See next page for unit designations.



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 01/03/2023  
Data updated 07/21/2022

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

**870 Main Street Units A, C, D, E**



**Unit designations to be posted at main entrances.**

Addresses to assign:

DJ's Wings  
870 Main St Unit A

Ideal Floor Covering  
870 Main St Unit C

Falmouth Convenience Store  
870 Main St Unit D

Taco Blanco  
870 Main St Unit E

## **OPEN SESSION**

### **CONSENT AGENDA**

#### **3. License Renewals – 2023 Seasonal/Annual**

##### **SEASONAL ALL ALCOHOL CLUB LICENSE**

Seacoast Shores Assn., 7 Farview Lane

##### **SEASONAL COMMON VICTUALLER LICENSE**

Eulinda's, 634 West Falmouth Highway

Village Café of West Falmouth, 634 West Falmouth Highway

##### **SEASONAL ALL ALCOHOL COMMON VICTUALLER LICENSE**

Falmouth Raw Bar, 56 Scranton Avenue

Landfall Restaurant, 2 Luscombe Avenue

Pier 37 Boathouse, 88 Scranton Avenue

Shuckers, 91A Water Street

The Woods Hole Wharf, 71 Water Street

##### **ENTERTAINMENT LICENSE**

Falmouth Raw Bar, 56 Scranton Avenue

Landfall Restaurant, 2 Luscombe Avenue

Pier 37 Boathouse, 88 Scranton Avenue

Shuckers, 91A Water Street

The Woods Hole Wharf, 71 Water Street

##### **SUNDAY ENTERTAINMENT LICENSE**

Falmouth Raw Bar, 56 Scranton Avenue

Landfall Restaurant, 2 Luscombe Avenue

Pier 37 Boathouse, 88 Scranton Avenue

Shuckers, 91A Water Street

The Woods Hole Wharf, 71 Water Street

## **OPEN SESSION**

## **BUSINESS**

1. Application to Mass Housing for project eligibility - Acapesket Gardens, located at 0 Acapesket Road and 0 Old Bayberry Lane, East Falmouth **(5 minutes)**

March 31, 2023

Michael Busby  
MassHousing  
One Beacon Street  
Boston MA 02108

RE: Project Eligibility – 0 Acapesket Road, E. Falmouth, “Acapesket Gardens”

Dear Mr. Busby:

The Town has reviewed an application for Project Eligibility for “Acapesket Gardens” located at 0 Acapesket Road and 0 Old Bayberry Lane, East Falmouth submitted by John DeSangro on behalf of Acapesket Gardens, LLC. The project was discussed most recently at a site visit on March 16, 2023, and at a meeting with the Town’s development staff on February 15, 2023. The proposal consists of 12 rental units in 6 single story duplex buildings on 1.54 acres. Altogether, the proposal includes 2 one-bedroom units, 8 two-bedroom units, and 2 three-bedroom units.

The current proposal consists of 3 affordable units at 80% AMI. However, Mr. DeSangro is requesting \$1,200,000 from the Falmouth Affordable Housing Fund, and if granted, will make all of the units affordable at 80% - 100% AMI. We are awaiting the formal application and will take it under advisement at that time.

The location on Acapesket Road is not presently served by a fixed route bus service, but it is on a main roadway approximately a mile from the East Falmouth Elementary School, a small grocery store, and other commercial establishments. The site is considered a reasonable location for greater housing density (proposed at 8 units per acre) and the proposed single-story structures fit the character of the surrounding neighborhood.

The mix of housing types align well with the Town’s housing needs as identified in the 2018 Housing Production Plan. The HPP notes in the Priority Needs of the Town, that 1) rental housing is the most significant need, 2) priority should be placed on units with fewer than three bedrooms to provide more opportunities for seniors, singles and individuals just beginning a family, and 3) units that are barrier-free and handicapped accessible are in need. As such, the Town requests that all units be visitable and that at least one unit be fully accessible.

As a Green Community, Falmouth requires that all new construction be compliant with the Stretch Energy Code, and therefore, these new units will need to be situated in a way that maximizes their orientation for solar panels. A better HERS Rating will provide cost savings for both market rate and affordable units and will be substantially better for the environment over the life of the homes.

We look forward to working with MassHousing and Mr. DeSangro on this housing proposal to meet the identified housing needs for the Town of Falmouth within the context of our local planning efforts.

Sincerely,

Peter Johnson-Staub  
Interim Town Manager

DRAFT

**Acapesket  
Gardens**



**Mass Housing Project Eligibility Application**

# Acapesket Gardens

## Mass Housing Project Eligibility Application

### TABLE OF CONTENTS

Section M	Site Approval Application
Section N	Section 1 General Information <ul style="list-style-type: none"><li>- Tax Maps</li></ul>
Section O	Section 2 Existing Conditions <ul style="list-style-type: none"><li>- Existing Conditions Plan</li><li>- Aerial Photos</li><li>- Site Characteristics/Constraints</li></ul>
Section P	Section 3 Project Information <ul style="list-style-type: none"><li>- Preliminary Concept Plan</li><li>- Floor Plans/Elevations</li><li>- Design Approach Narrative</li><li>- Tabular Zoning Analysis</li><li>- Email from FAHF</li></ul>
Section Q	Section 4 Site Conditions <ul style="list-style-type: none"><li>- Deed – 0 Acapesket</li><li>- Deed – 0 Old Bayberry</li></ul>
Section R	Section 5 Financial Information <ul style="list-style-type: none"><li>- Letter of Intent NEF Lender</li></ul>
Section S	Section 6 Applicant Qualifications <ul style="list-style-type: none"><li>- John DeSangro Resume</li><li>- Nick Mirrione Resume</li><li>- Tim Santos Resume</li><li>- Applicant 40B Experience</li><li>- Applicant Fair Housing Experience</li><li>- Applicant Certification and Acknowledgement</li></ul>
Section T	Section 7 Notification & Fees <ul style="list-style-type: none"><li>- Sustainable Development Criteria</li><li>- Notification of DHCD of Application</li><li>- Proof of Payment to MHP</li><li>- Proof of Wire to Mass Housing Finance</li><li>- John DeSangro Redacted W9</li></ul>

**M**

ACAPESKET GARDENS  
C/O MIRRIONE REALTY, LLC  
354 WEST STREET, #4  
WEST BRIDGEWATER, MA 02379



March 3, 2023

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

RE: Notice of Filing  
MassHousing Site Approval/Project Eligibility Application/Rental  
Acapesket Gardens, Falmouth, Massachusetts

Dear Chairperson Taylor:

As the representative of John DeSangro, Owner, I am pleased to notify you of our submittal to MassHousing for our application for Project Eligibility/Rental for Acapesket Gardens located at 0 Acapesket Road and 0 Old Bayberry Lane in East Falmouth, Massachusetts. The parcel consists of 1.54 acres and proposed to be twelve (12) rental units in six duplex buildings. We propose ten, two-bedroom, one bath units, each approximately 784 square feet, one, one-bedroom, one bath unit approximately 560 square feet and one three-bedroom, one bath unit, approximately 1008 square feet. Each unit will be single story and will have a full basement and no garage. At a later point in the process, we will file a Chapter 40B application for a Comprehensive Permit with the Town of Falmouth Zoning Board of Appeals.

Thank you in advance for your review of the enclosed application. Please let us know if we can be of assistance in addressing any questions you may have as you review this material.

Sincerely,

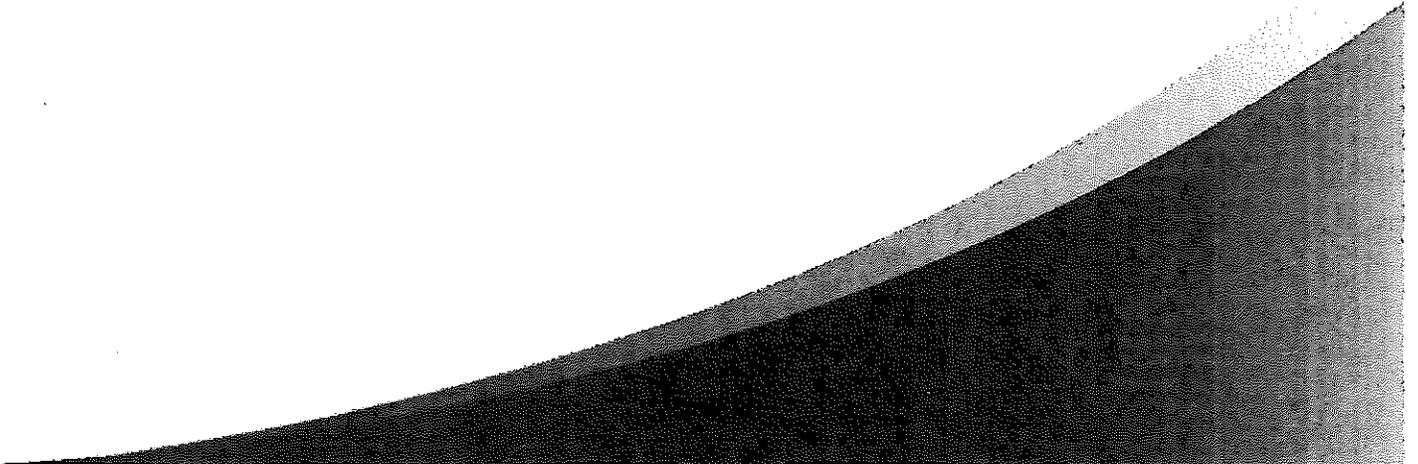
  
Charles (Nick) Mirrione  
Representative and Contact  
Person for Applicant

  
Acapesket Gardens  
John DeSangro, Owner



**Comprehensive Permit  
Site Approval Application  
Rental**

[www.masshousing.com](http://www.masshousing.com) | [www.masshousingrental.com](http://www.masshousingrental.com)



## Comprehensive Permit Site Approval Application/Rental

Attached is the Massachusetts Housing Finance Agency ("MassHousing") application form for Project Eligibility/Site Approval ("Site Approval") under the state's comprehensive permit statute (M.G.L. c. 40B, Sections 20-23 enacted as Chapter 774 of the Acts of 1969) known as "Chapter 40B". Developers seeking a comprehensive permit to construct affordable housing under Chapter 40B and intending to use a MassHousing financing program or financing through the New England Fund ("NEF") program must receive Site Approval from MassHousing. This approval (also referred to as "project eligibility approval") is a required component of any comprehensive permit application to be submitted to the local Zoning Board of Appeals of the municipality in which the development is to be located.

As part of its review of your application, MassHousing will conduct an inspection of the site and will solicit comments from the relevant municipality. MassHousing will consider any relevant concerns that the municipality might have about the proposed project or the developer. The applicant is encouraged, therefore, to make contact with the municipality prior to submitting the Site Approval application in order to ensure that the applicant understands any concerns that the municipality may be likely to raise regarding the proposed development.

In order for a project to receive Site Approval, MassHousing must determine that (i) the applicant has sufficient legal control of the site, (ii) the applicant is a public agency, non-profit organization or limited dividend organization, and (iii) the applicant and the project are generally eligible under the requirements of the MassHousing program selected by the applicant, subject to final eligibility review and approval. Furthermore, MassHousing must determine that the site of the proposed project is generally appropriate for residential development (taking into consideration municipal actions previously taken to meet affordable housing needs) and that the conceptual project design is generally appropriate for the site. In order for MassHousing to be able to make these findings (required by 760 CMR 56.04 (4)), it is important that you answer all questions in the application and include all required attachments.

**Please note that MassHousing requires that all applicants meet with a member of our Planning and Programs Department staff before submitting their application. Applications for any projects that have not been the subject of a required pre-application meeting will not be accepted or processed.**

Upon completion of its analysis, MassHousing will either issue a Site Approval Letter that approves, conditionally approves or denies the application. If the application is approved, the applicant should apply to the Zoning Board of Appeals within two years from the date of the Site Approval Letter (unless MassHousing extends such term in writing).

Please note that Site Approval from MassHousing does not constitute a loan commitment by MassHousing or any other financing program. All potential MassHousing financing is subject to further review and underwriting by MassHousing's Rental Lending Department.

Please be sure you have familiarized yourself with all of the applicable requirements set forth in the Chapter 40B regulations and guidelines, which can be found at

<https://www.mass.gov/doc/760-cmr-56-comprehensive-permit-low-or-moderate-income-housing/download>  
[www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf](https://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf).

Instructions for completing the Site Approval Application are included in the application form which is attached. The completed application form and all additional documentation should be sent, after your pre-application meeting has been held, to:

**Manager of Planning Programs  
One Beacon Street, Boston, MA 02108**

We look forward to working with you on your proposed development. Please contact Jessica Malcolm at 617-854-1201 or [jmalcolm@masshousing.com](mailto:jmalcolm@masshousing.com) to discuss scheduling your pre-application meeting or if there is any assistance that we can provide in the meantime to make your application process a smooth and efficient one.

### Our Commitment to You

MassHousing recognizes that applicants seek some measure of predictability regarding the timeframe for our processing of their applications. Our staff will endeavor to adhere to the following schedule for reviewing applications for site approval :

Within one week of receipt of your application (provided that you have attended a required pre-application meeting) a member of our staff will notify you of any of the items listed on the checklist at the end of the application form that were missing from your application package. Please note that our acknowledgement of receipt of an item does not indicate that any substantive review has yet taken place.

**If your application package is missing any of the items indicated on the checklist by an asterisk, we will not be able to continue processing your application until such items are received.**

If we have received the information which is crucial to the commencement of our review process, we will proceed to (i) give the municipality a period of thirty (30) days in which to submit comments relating to your proposal, (ii) schedule and conduct a site visit, and (iii) solicit bids for and commission and review an "as is" appraisal of your site.

If during our review of your application package we determine that additional information or clarification is needed, we will notify you as soon as possible. Depending on when we receive such additional information, this may affect the amount of time required for MassHousing to complete the site approval process.

Assuming that your application package was complete and that you respond in a timely manner to requests for additional information or clarification, we would expect to issue or deny your site approval within 90 days of our receipt of your application package.



**N**

**Application for Chapter 40B Project Eligibility / Site Approval  
for MassHousing-Financed and New England Fund ("NEF") Rental Projects**

**Section 1: GENERAL INFORMATION**

**Name of Proposed Project:** Acapesket Gardens

**Municipality:** Falmouth

**County:** Barnstable

**Address of Site:** 0 Acapesket Road and 0 Old Bayberry Lane

**Cross Street:**

**Zip Code:** 02536

**Tax Parcel I.D. Number(s):** 33 09 003 398 and 33 09 003 520

**Name of Proposed Development Entity** Acapesket Gardens, LLC

*(typically a single purpose entity):*

**Entity Type:** Limited Dividend Organization

*\* If the Proposed Development Entity is a Non-Profit, please contact MassHousing regarding additional documentation that must be submitted.*

**Has this entity already been formed?**

No

**State Formed:** Massachusetts

**Name of Applicant:** John DeSangro

*(typically the Proposed Development Entity or its controlling entity or individual)*

**Applicant's Web Address:**

Does the applicant have a related party relationship with any other member of the development team? No

If yes, please explain:

**Primary Contact Information:**

**Contact Name:** Nick Mirrione

**Relationship to Applicant:**

**Company Name:** Acapesket Gardens, LLC

**Address:** 354 West Street #4

**Municipality:** West Bridgewater

**State:** Massachusetts

**Zip:** 02379

**Phone:** 508-509-3372

**Cell Phone:** 508-509-3372

**Email:** nmirrione@mirrionerealty.com

**Secondary Contact Information:**

**Contact Name:** John DeSangro

**Relationship to Applicant:**

**Company Name:** John DeSangro

**Address:** 28 Tam Way

**Municipality:** East Falmouth

**State:** Massachusetts

**Zip:** 02536

**Phone:** 508-509-3372

**Cell Phone:** 774-521-8460

**Email:** teaticket1358@gmail.com

**Additional Contact Information:**

**Contact Name:**

**Relationship to Applicant:**

**Company Name:**

**Address:**

**Municipality:**

**State:**

**Zip:**

**Phone:**

**Cell Phone:**

**Email:**

**Anticipated Construction Financing:** NEF

**Name of Lender (if not MassHousing financed):** Martha's Vineyard Bank

**Anticipated Permanent Financing:** NEF

**Other Lenders:** Martha's Vineyard Bank

***Please note: under the NEF Program, a minimum of 25% of the Permanent financing must be obtained from an NEF Lender and remain in place for 5 years***

**Age Restriction:** None

**Brief Project Description:**

The Acapesket Gardens project is located at 0 Acapesket Road and 0 Bayberry Lane in East Falmouth. The site is 1.54 acres of land with little topography and set in a residential section of East Falmouth.

The project will consist of twelve units in six duplex buildings, three of which would be affordable to households earning no more than 80% of the AMI for the statistical market area of Barnstable County.

The proposed units are one-, two- and three-bedroom single story units with minimal stairs to gain entry. All units have one bathroom and bedroom doors that are 32" to allow wheelchair access. If a tenant should need a permanent ramp, we will accommodate the need. All units have two parking spaces and there will be additional parking for guests.

The units are separately metered for gas and electric and the rents will be structured where the tenants will pay their own utilities.





**O**

**Application for Chapter 40B Project Eligibility / Site Approval  
for MassHousing-Financed and New England Fund ("NEF") Rental Projects**

**Section 2: EXISTING CONDITIONS / SITE INFORMATION**

*In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that the site is generally appropriate for residential development.*

**Buildable Area Calculations (Acres)**

<b>Total Site Area:</b>	<b>1.54</b>
<b>Wetland Area (per MA DEP):</b>	<b>0.00</b>
<b>Flood Hazard Area (per FEMA):</b>	<b>0.00</b>
<b>Endangered Species Habitat (per MESA):</b>	<b>0.00</b>
<b>Conservation / Article 97 Land:</b>	<b>0.00</b>
<b>Protected Agricultural Land (i.e. EO 193):</b>	<b>0.00</b>
<b>Other Non-Buildable:</b>	<b>0.00</b>
<b>Total Non-Buildable Area:</b>	<b>0.00</b>
<b>Total Buildable Area:</b>	<b>1.54</b>

**Current use of the site and prior use if known:**

Vacant Land

**Is the site located entirely within one municipality?** No

**If not, in what other municipality is the site located?** N/A

**How much land is in each municipality?**

**Additional Site Addresses:**

**Current zoning classification and principal permitted uses:**

Single Residential (RC)

**Previous Development Efforts**

Please list any previous applications pertaining to construction on or development of the site, including (i) type of application (comprehensive permit, subdivision, special permit, etc.); (ii) application filing date; (iii) date of denial, approval or withdrawal. Also indicate the current Applicant's role, if any, in the previous applications.

Note that, pursuant to 760 CMR 56.03 (1), a decision of a Zoning Board of Appeals to deny a Comprehensive Permit, or (if the Statutory Minima defined at 760 CMR 56.03 (3) (b or c) have been satisfied) grant a Comprehensive Permit with conditions, shall be upheld if a related application has previously been received, as set forth in 760 CMR 56.03 (7).

None Known

To the best of your knowledge, has this site ever been rejected for project eligibility/site approval by another subsidizing agency or authority? No

If Rejected, Please Explain:

Existing Utilities and Infrastructure	Yes/No	Description
Wastewater- private wastewater treatment	Yes	Title V system
Wastewater - public sewer	No	
Storm Sewer	Yes	on site sub surface recharge
Water-public water	Yes	
Water-private well	No	
Natural Gas	Yes	
Electricity	Yes	
Roadway Access to Site	Yes	
Sidewalk Access to Site	No	
Other	No	

**Describe Surrounding Land Uses:**

The area is mostly single family and small duplex/ multifamily homes. Most homes a single story and 1 1/2 story buildings. The area homes are somewhat older homes and are predominantly year-round residences.

Surrounding Land Use/Amenities	Distance from Site	Available by Public Transportation?
Shopping Facilities	2.00	Yes
Schools	2.00	Yes
Government Offices	3.50	Yes
Multi-Family Housing	1.00	Yes
Public Safety Facilities	1.00	Yes

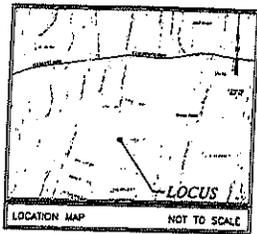
<b>Office/Industrial Uses</b>	3.00	Yes
<b>Conservation Land</b>	0.50	Yes
<b>Recreational Facilities</b>	0.75	Yes
<b>Houses of Worship</b>	0.25	Yes
<b>Other</b>	0.00	N/A

**Public transportation near the Site, including type of transportation and distance from site:**

Busses operated by the Cape Cod Regional Transit Authority (CCRTA) run multiple times per day between Hyannis and Woods Hole with many convenient stops. Passengers may board at any of the regular Bus stops or may flag down the Bus anywhere along the route. Dial a Ride also operated by the CCRTA offers a scheduled pickup at your house. This service is available to all Cape Cod residents.

**Site Characteristics and Development Constraints**

Are there any easements, rights of way or other restrictions of record affecting the development of the site?	No
Is there any evidence of hazardous, flammable or explosive material on the site?	No
Is the site, or any portion thereof, located within a designated flood hazard area?	No
Does the site include areas designated by Natural Heritage as endangered species habitat?	No
Are there documented state-designated wetlands on the site?	No
Are there documented vernal pools on the site?	No
Is the site within a local or state Historic District or listed on the National Register or Historic Places?	No
Has the site or any building(s) on the site been designated as a local, state or national landmark?	No
Are there existing buildings and structures on site?	No
Does the site include documented archeological resources?	No
Does the site include any known significant areas of ledge or steep slopes?	No



**RECORD OWNER:**

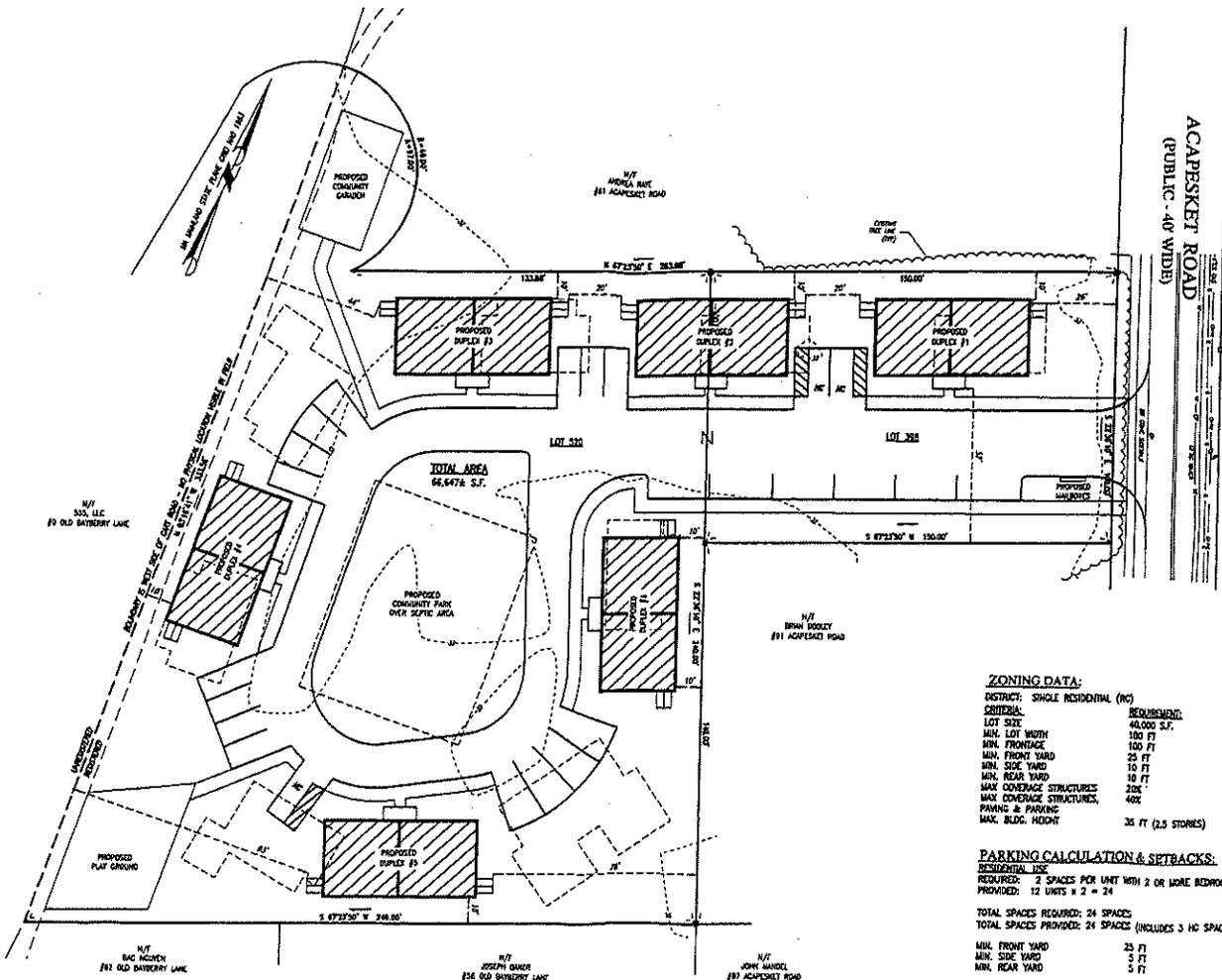
PARCEL # 833 ON 003 346  
 0 ACAPESKET ROAD  
 PARCEL # 833 ON 003 520  
 0 OLD BATHURST LANE  
 JOHN J. DESAIGRO  
 28 TUN WAY  
 EAST FAIRMOUTH, MA 02536  
 LAND COURT CERTIFICATE #225775  
 LOT 386 LAND COURT PLAN #314-1  
 LOT 532 LAND COURT PLAN #314-33

**NOTES:**

1. TOPOGRAPHIC AND BENCH INFORMATION SHOWN HEREON IS BASED UPON AN ON THE GROUND SURVEY PERFORMED BY MERRILL ENGINEERS AND LAND SURVEYORS DURING MARCH OF 2022.
2. ALL ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988.
3. NO KNOWN WETLAND RESOURCE AREAS EXIST ON SITE.
4. SUBJECT SITE IS IN THE "C" ZONE, THE GREEN FORD COASTAL FORD OVERLAY DISTRICT AND PARTIALLY WITHIN THE SEASIDE AND BEACH OVERLAY AS DEPICTED ON THE TOWN OF FAIRMOUTH ZONING MAP.
5. EXISTING UTILITIES, WHOSE DEPTH HAVE BEEN COMPILED BASED ON UNRECORDED ABOVE GROUND EVIDENCE AND AVAILABLE RECORD PLANS AND ARE TO BE CONSIDERED APPROXIMATE. MERRILL ENGINEERS AND LAND SURVEYORS DOES NOT GUARANTEE THE LOCATION OF THE UNDERGROUND UTILITIES SHOWN OR THAT ALL EXISTING UTILITIES AND/OR SURFACE STRUCTURES ARE SHOWN.
6. SUBJECT SITE IS NOT LOCATED IN A WIND BLOWNE DUNE SETBACK.
7. WHO OPERATING CATEGORY: B

**FLOOD NOTE:**

BY GRAPHIC PLATING ONLY, THIS PROPERTY IS LOCATED IN ZONE X OF THE FLOOD INSURANCE RATE MAP, AS SHOWN ON COMBINED MAP No. 220102722R, WHICH BEARS AN OFFICIAL DATE OF JULY 18, 2014, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.



**ZONING DATA:**

CRITERIA:	REQUIREMENT:	PROPOSED:
DISTRICT: SINGLE RESIDENTIAL (R1)		
LOT SIZE	40,000 S.F.	66,847 S.F.
MIN. LOT WIDTH	100 FT	100 FT
MIN. FRONT YARD	100 FT	100 FT
MIN. SIDE YARD	25 FT	25 FT
MIN. REAR YARD	10 FT	10 FT
MAX. COVERAGE STRUCTURES	20%	16%
MAX. COVERAGE STRUCTURES, PAVING & PARKING	40%	49%
MAX. BLDG. HEIGHT	35 FT (2.5 STORES)	77 FT (1.5 STORY)

**PARKING CALCULATION & SETBACKS:**

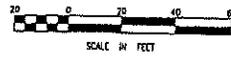
RESIDENTIAL USE  
 REQUIRED: 2 SPACES PER UNIT WITH 2 OR MORE BEDROOMS  
 PROVIDED: 12 UNITS x 2 = 24

TOTAL SPACES REQUIRED: 24 SPACES  
 TOTAL SPACES PROVIDED: 24 SPACES (INCLUDES 3 HO SPACE)

MIN. FRONT YARD	MIN. SIDE YARD	MIN. REAR YARD
25 FT	5 FT	5 FT
33 FT	15 FT	27 FT

**TITLE 5 CALCULATIONS:**

RESIDENTIAL  
 24 BEDROOMS x 110 GPD/BEDROOM = 2,640 GPD  
 PROPOSED TITLE 5 FLOW FOR SITE = 2,640 GPD



merrillinc.com

REVISION

DATE

BY

DATE

**DRAFT**

CONCEPT PLAN  
 NOT FOR  
 CONSTRUCTION



**Merrill**  
 Engineers and Land Surveyors  
 477 Main Street  
 Second Floor, Suite 200  
 Fairmouth, MA 02536  
 Tel: 508-253-2000  
 Fax: 508-253-2001  
 www.merrillinc.com

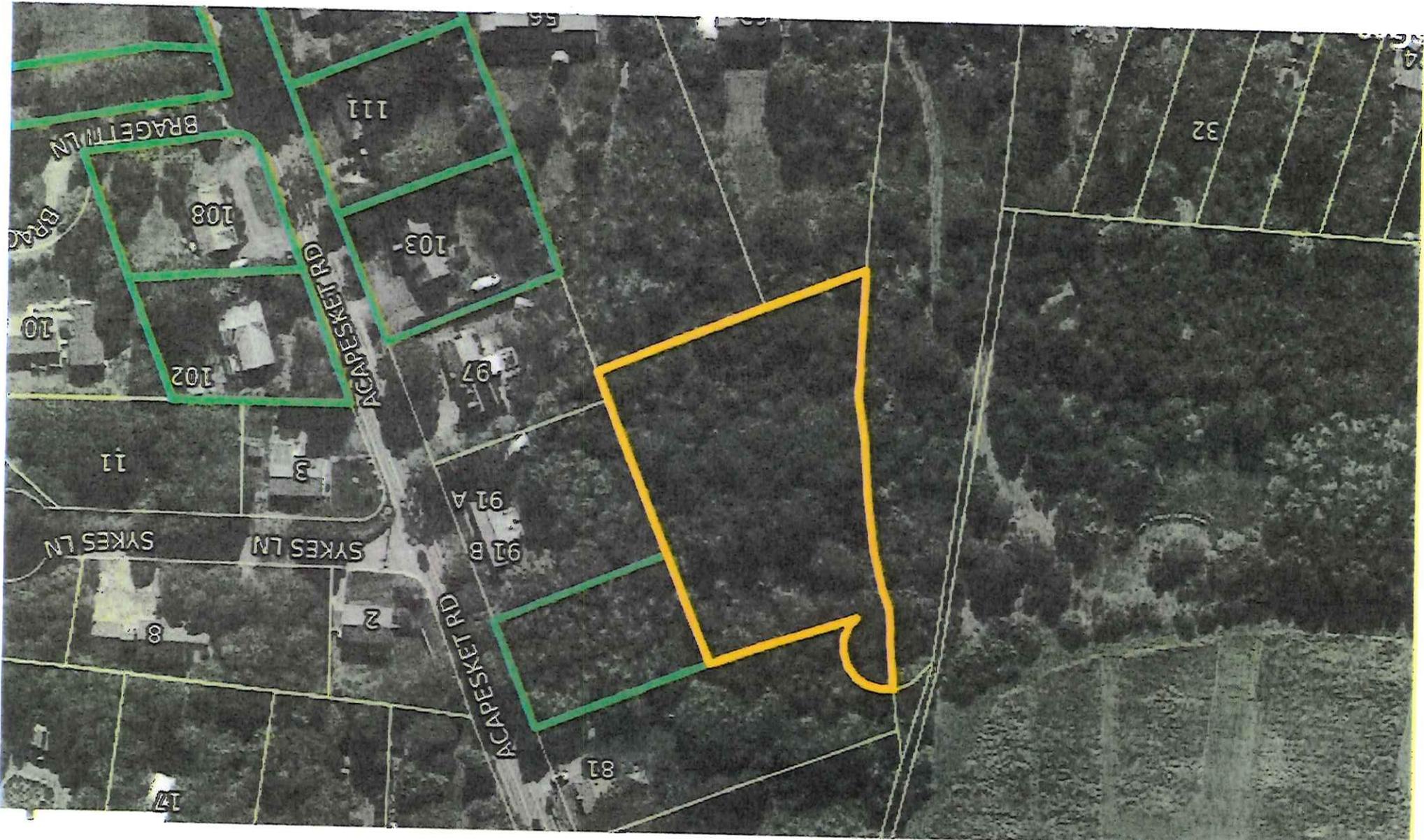
PROJECT #  
 22-223  
 ACAPESKET GARDENS  
 ACAPESKET ROAD  
 FAIRMOUTH, MASSACHUSETTS

DATE  
 JOHN DESAIGRO  
 28 TUN WAY  
 EAST FAIRMOUTH, MA 02536

PROJECT TITLE  
 CONCEPT SITE PLAN  
 DATE  
 JANUARY 1, 2023

SHEET 1 of 1  
 © Merrill Engineers

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0 Acapesket Road Falmouth MA 02540



#### **2.4 DOCUMENTATION REGARDING SITE CHARACTERISTICS:**

**The property is not in a flood plain.**

**There are no wetlands.**

**The property is not in a Historical District.**

**P**

**Application for Chapter 40B Project Eligibility / Site Approval  
for MassHousing-Financed and New England Fund ("NEF") Rental Projects**

**Section 3: PROJECT INFORMATION**

*In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that the proposed project appears generally eligible under the requirements of the housing subsidy program and that the conceptual project design is generally appropriate for the site.*

**Construction Type:** New Construction

<b>Total Dwelling Units:</b>	12	<b>Total Number of Affordable Units:</b>	3
<b>Number of Market Units:</b>	9	<b>Number of AMI 50% Affordable Units:</b>	0
		<b>Number of AMI 80% Affordable Units:</b>	3

**Unit Information:**

Unit Type	Bedrooms	Baths	# Of Units	Unit Sq. Ft.	Rent	Utilities
Affordable Unit - Below 80%	1 Bedroom	1 Bath	1	560	\$1,500	\$250
Affordable Unit - Below 80%	2 Bedroom	1 Bath	1	784	\$1,800	\$275
Affordable Unit - Below 80%	3 Bedroom	1 Bath	1	1,008	\$2,100	\$190
Market	2 Bedroom	1 Bath	7	780	\$2,500	\$0
Market	1 Bedroom	1 Bath	1	560	\$1,800	\$0
Market	3 Bedroom	1 Bath	1	1,008	\$2,800	\$0

**Utility Allowance Assumptions** (utilities to be paid by tenants):

Tenant pays heat, hot water and electric.  
Owner pays water and sewer and trash removal.

**Percentage of Units with 3 or More Bedrooms:** 16.67

*\* Note that the January 17, 2014 Interagency Agreement Regarding Housing Opportunities for Families with Children requires that at least 10% of the units in the Project must have three (3) or more bedrooms. Evidence of compliance with this requirement must be provided at Final Approval.*

<b>Handicapped Accessible Units - Total:</b>	0	<b>Market Rate:</b>	0	<b>Affordable:</b>	0
<b>Gross Density (units per acre):</b>	7.7922	<b>Net Density (units per buildableacre):</b>	7.7922		

**Building Information:**

Building Type	Building Style	Construction Type	Stories	Height	GFA	Number Bldg
Residential	Other	Construction	1	21	1,560	6

Will all features and amenities available to market unit residents also be available to affordable unit residents?

Yes

If not, explain the differences:

**Parking**

**Total Parking Spaces Provided:** 24

**Ratio of Parking Spaces to Housing Units:** 2

**Lot Coverage**

**Buildings:** 16%

**Parking and Paved Areas:** 33%

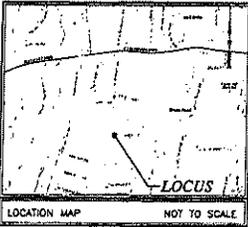
**Usable Open Space:** 51%

**Unusable Open Space:** 0%

**Lot Coverage:** 49%

Does project fit definition of "Large Project" (as defined in 760 CMR 56.03 (6))?

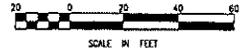
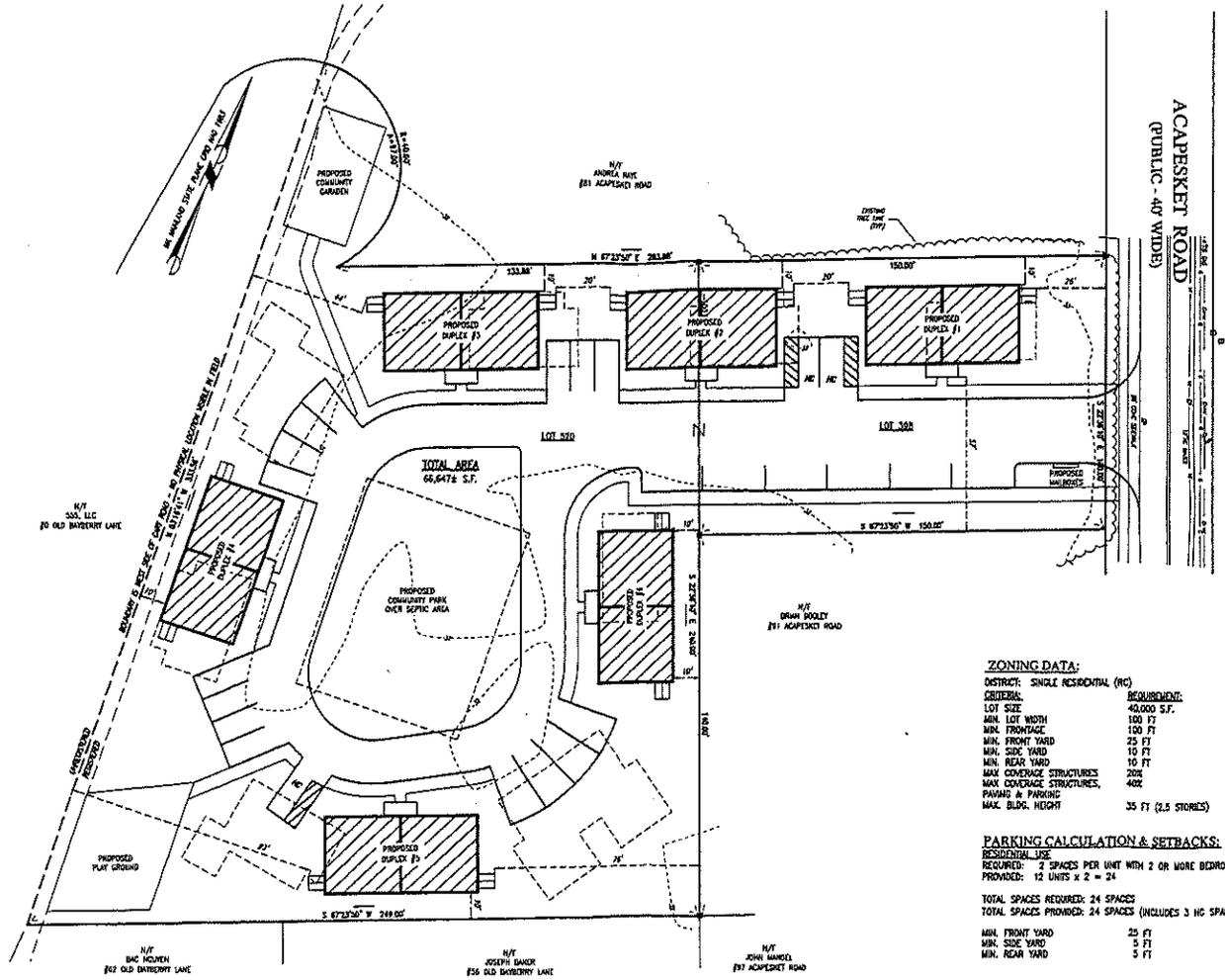
No



**RECORD OWNER:**  
 PARCEL ID #33 OR 003 388  
 3 ACAPESKET ROAD  
 PARCEL ID #33 OR 003 500  
 6 OLD BATTERY LANE  
 JOHN J. DESANDRO  
 28 TAY WAY  
 EAST FAIRHURST, MA 02534  
 LAND COURT CERTIFICATE #225775  
 LOT 206 LAND COURT PLAN #314-1  
 LOT 520 LAND COURT PLAN #314-33

- NOTES:**
1. TOPOGRAPHIC AND DETAIL INFORMATION SHOWN HEREON IS BASED UPON AND ON THE GROUND SURVEY PERFORMED BY MERRILL ENGINEERS AND LAND SURVEYORS DURING MARCH OF 2022.
  2. ALL ELEVATIONS ARE BASED ON THE NORTH AMERICAN HORIZONTAL DATUM OF 1988.
  3. NO KNOWN WETLAND RESOURCE AREAS EXIST ON SITE.
  4. SUBJECT SITE IS IN THE "F" ZONE, THE GREEN POND COASTAL FLOOD OVERLAY DISTRICT AND PARTIALLY WITHIN THE SEARCH AND RESCUE OVERLAY AS SHOWN ON THE TOWN OF FAIRHURST ZONING MAP.
  5. EXISTING UTILITIES, WHERE SHOWN, HAVE BEEN COMPILED BASED ON OBSERVED ABOVE GROUND EVIDENCE AND AVAILABLE RECORD PLANS AND ARE TO BE CONSIDERED APPROXIMATE. MERRILL ENGINEERS AND LAND SURVEYORS DOES NOT GUARANTEE THE LOCATION OF THE UNDERGROUND UTILITIES SHOWN OR THAT ALL EXISTING UTILITIES AND/OR SUBSURFACE STRUCTURES ARE SHOWN.
  6. SUBJECT SITE IS NOT LOCATED IN A WAD BOUNDARY DESIGN DISTRICT.
  7. WAD EXPOSURE CATEGORY: II

**FLOOD NOTE:**  
 BY GRAPHIC PLATING ONLY, THIS PROPERTY IS LOCATED IN ZONE X OF THE FLOOD INSURANCE RATE MAP, AS SHOWN ON COUNTY MAP NO. 220010072AL, WHICH BEARS AN EFFECTIVE DATE OF JULY 16, 2014, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.



**ZONING DATA:**

DISTRICT: SINGLE RESIDENTIAL (R3)		
REQUIREMENT	REQUIREMENT	PROPOSED
MIN. LOT SIZE	40,000 S.F.	66,647 S.F.
MIN. LOT WIDTH	100 FT	100 FT
MIN. FRONTAGE	100 FT	100 FT
MIN. FRONT YARD	25 FT	26 FT
MIN. SIDE YARD	10 FT	10 FT
MIN. REAR YARD	10 FT	10 FT
MAX. COVERAGE STRUCTURES	20%	18%
MAX. COVERAGE STRUCTURES, PAVING & PARKING	40%	49%
MAX. BLDG. HEIGHT	35 FT (2.5 STORES)	?? FT (1.5 STORY)

**PARKING CALCULATION & SETBACKS:**

**RESIDENTIAL USE**  
 REQUIRED: 2 SPACES PER UNIT WITH 2 OR MORE BEDROOMS  
 PROVIDED: 12 UNITS x 2 = 24

TOTAL SPACES REQUIRED: 24 SPACES  
 TOTAL SPACES PROVIDED: 24 SPACES (INCLUDES 3 HC SPACE)

MIN. FRONT YARD	MIN. SIDE YARD	MIN. REAR YARD
25 FT	5 FT	5 FT
35 FT	5 FT	27 FT

**TITLE 5 CALCULATIONS:**

**RESIDENTIAL**  
 26 BEDROOMS x 110 GPD/BEDROOM = 2,860 GPD  
 PROPOSED TITLE 5 FLOW FOR SITE = 2,860 GPD

merrillinc.com

RECORD:	
DRAWN BY:	MC
DESIGNED BY:	MC
CHECKED BY:	

**DRAFT**

CONCEPT PLAN  
 NOT FOR  
 CONSTRUCTION



**Merrill**  
 Engineers and Land Surveyors  
 107 South Street  
 Fairhurst, MA 02534  
 508-253-5500  
 40 West Street, 2nd Fl.  
 Fairhurst, MA 02534  
 508-746-0800  
 100 Main Street  
 Fairhurst, MA 02534  
 508-746-0800  
 107 Main Street  
 Fairhurst, MA 02534  
 508-253-5500

PROJECT #  
 22-223

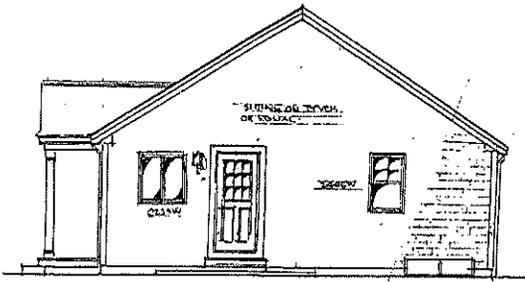
PROJECT  
 ACAPESKET GARDENS  
 ACAPESKET ROAD  
 FAIRHURST, MASSACHUSETTS

DATE  
 JOHN DESANDRO  
 28 TAY WAY  
 EAST FAIRHURST, MA 02534

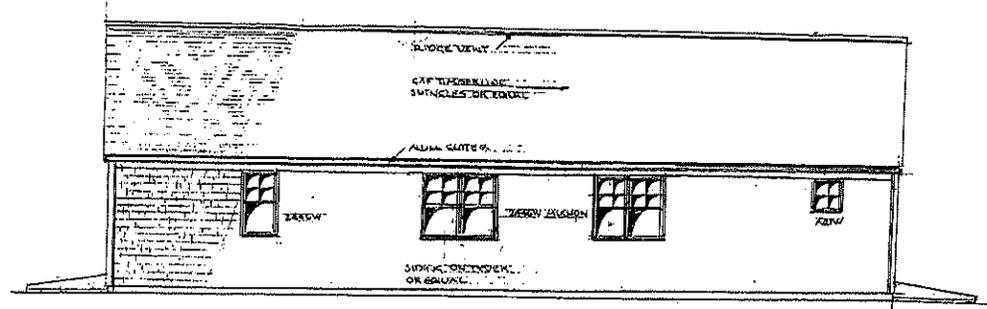
ISSUED DATE  
 CONCEPTUAL SITE PLAN  
 DATE:  
 JANUARY 6, 2023

SHEET 1 of 1  
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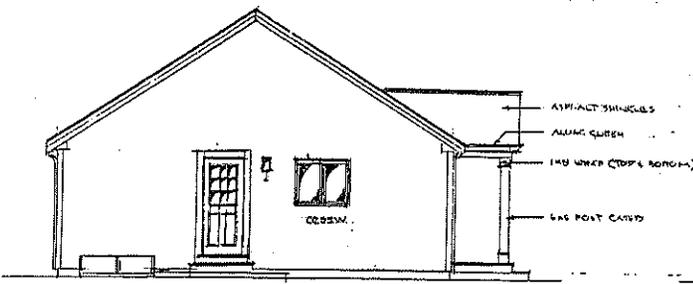
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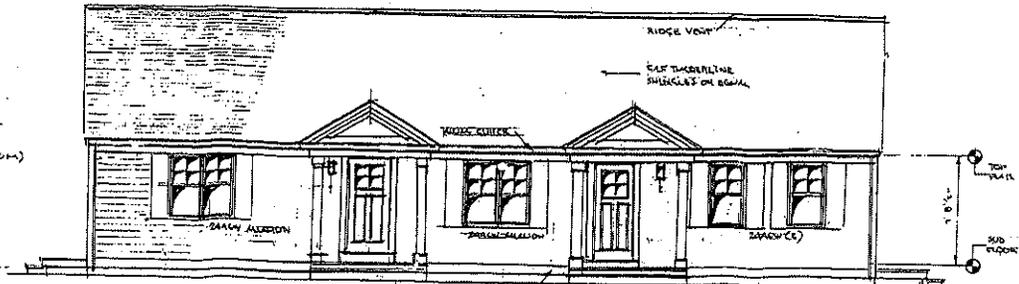
RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION  
(OPTIONAL/ALTERNATIVE)



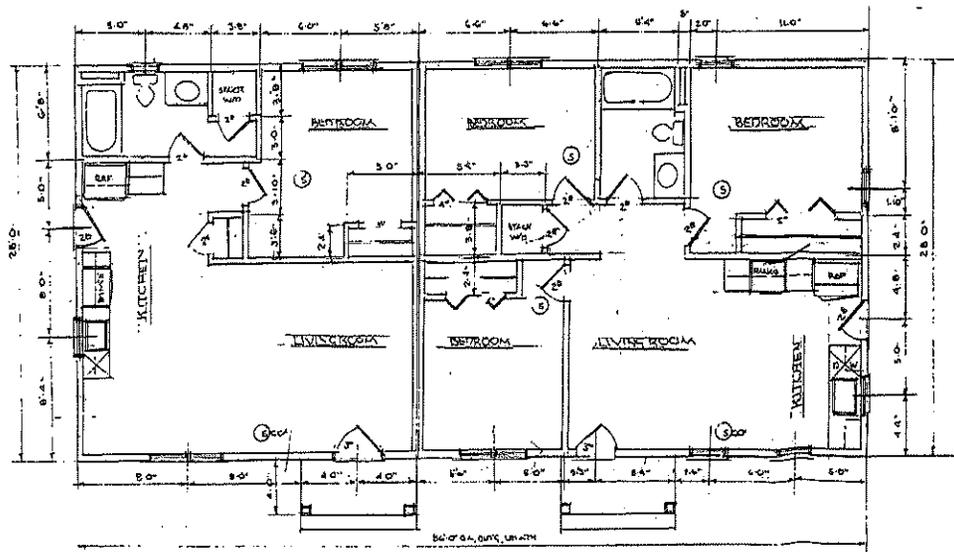
FRONT ELEVATION

SCALE  
1/8" = 1'-0"

ARCHITECTURAL SERVICES  
774-327-5726



BRUCE WAYNE BEYLIN  
DESIGN

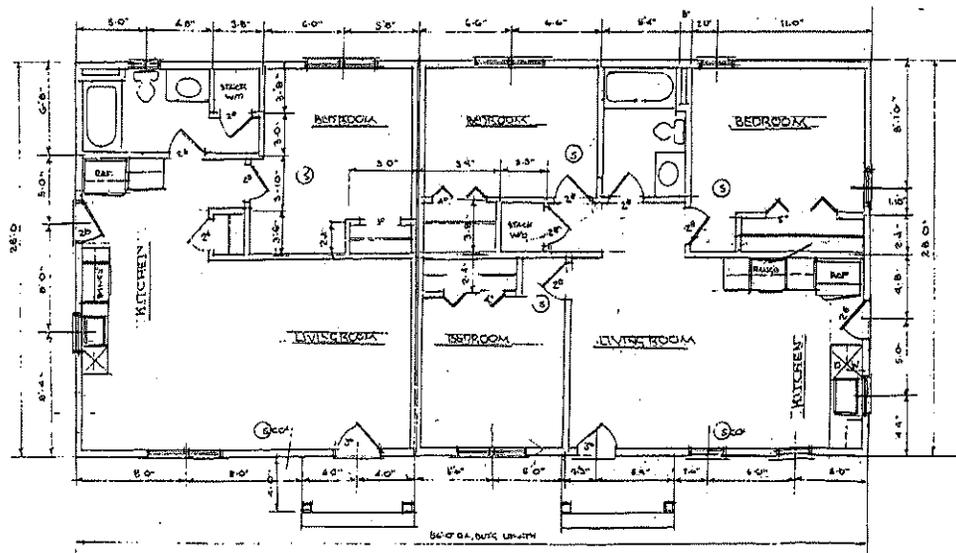


FLOOR PLAN (1/4" = 1'-0")

8'-0" O.A. BATH UNIT

AREA 1,000 S.F. 1,000 S.F.	1,000 S.F.
	1,000 S.F.





FLOOR PLAN (1/4" = 1'-0")

<p>APPROXIMATE</p> <p>AREA</p> <p>ROOMS</p>	
<p>NO. OF ROOMS</p> <p>NO. OF BATHS</p> <p>NO. OF BEDS</p>	<p>AREA</p> <p>NO. OF ROOMS</p> <p>NO. OF BATHS</p> <p>NO. OF BEDS</p>

## **ACAPESKET GARDENS NARRATIVE DESCRIPTION**

### **SITE CHARACTERISTICS:**

The land at 0 Acapesket Road and 0 Old Bayberry Lane is currently vacant, undeveloped land. The lot is approximately 66,647 S.F. (1.53 +/- Acres), located on Acapesket Road. The site is bordered to the north, south, east and west by single family homes.

The site has very flat topography and the soils are conducive for on-site drainage and septic. All utilities will be underground. The buildings are massed in a reverse P shape on the property.

The project will be served by town water. There is natural gas for the property, but electric will most likely be the heat source. A private Title V system will serve the units. There will be two outdoor parking spaces for each unit as there are no garages.

There is one access point to and from the site onto Acapesket Road. Access is in a location where there are excellent site distances.

The Institute of Transportation Engineers common trip generation rates (P.M. peak hour) put the peak hour trip generation for 12 units at .62 trips per unit minimum and 1.0 trips per unit if we use the single-family rate. Either way, the p.m. peak trips are between 7.4 and 12 which in both cases is well below the accepted mitigation level of 25. (See attached table).

**ACAPESKET GARDENS**

**TABULAR ZONING ANALYSIS**

**Zoning District RC**

Required Lot Area  
Lot Width  
Lot Frontage  
Side Yard Setback  
Rear Yard Setback  
Front Yard Setback

**Minimum Required by Zoning**

40,000 Square Feet  
100 Feet  
100 Feet  
10 Feet  
10 Feet  
25 Feet

**Proposed Project Provides**

66647 Square Feet  
100 Feet  
100 Feet  
10 Feet  
10 Feet  
26 Feet

**Maximum Allowed by Zoning**

Lot Coverage by Buildings  
Lot Coverage by Buildings and Paving  
Dwelling Units  
Dwelling Units Per Acre  
Building Height  
Parking

20%  
40%  
1 House  
1 Unit  
35 Feet  
2 Spaces Per Unit

**Proposed Project Provides**

16.00%  
49.00%  
12 Units  
7.8 units  
21 Feet  
2 Spaces Per Unit

**[nmirrione@mirrionerealty.com](mailto:nmirrione@mirrionerealty.com)**

---

**From:** Kim Fish <kim.fish@falmouthma.gov>  
**Sent:** Wednesday, February 1, 2023 1:39 PM  
**To:** nmirrione@mirrionerealty.com  
**Cc:** teaticket1358@gmail.com; 'Deborah Guild'; Peter Johnson-Staub  
**Subject:** RE: Acapesket Gardens LOI

Hi Nick,

Thank you for dropping off the revised Letter of Intent. Based on our conversation this morning you will be sending me an electronic version.

I have reviewed your submission and find it qualifies under the enabling act. Please file the application. As stated on the application, kindly provide one electronic copy and 6 hard copies. Thank you.

Have a great night,  
Kim

**Kimberly Fish**  
**Housing Coordinator**  
**Town of Falmouth, MA**  
**Office: (508) 495-7344**

**From:** Kim Fish  
**Sent:** Monday, January 30, 2023 3:38 PM  
**To:** nmirrione@mirrionerealty.com  
**Cc:** teaticket1358@gmail.com; 'Deborah Guild' <debiguild83@gmail.com>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>  
**Subject:** RE: Acapesket Gardens LOI

Hi Nick,

I've reviewed the LOI and need some clarification on a few things.

Under Project Summary, it states 3 units will be affordable to households no more than 80% of the AMI. The last paragraph states all units will be affordable 80% to 100% AMI. Does that mean you intend 9 units to be at 100% AMI?

Also, Section 4 of the Operating Pro-Forma, line #225 lists 10 units at 80% and I do not see the other 2 units.

Could you please clarify what affordable rates you intend the 12 units to be?

Thank you,  
Kim

**Kimberly Fish**  
**Housing Coordinator**  
**Town of Falmouth, MA**

Q

Application for Chapter 40B Project Eligibility / Site Approval  
for MassHousing-Financed and New England Fund ("NEF") Rental Projects

**Section 4: SITE CONTROL**

**Grantor/Seller:** Frances Demello

**Grantee/Buyer:** John DeSangro

**Grantee/Buyer Type:** Applicant

**If Other, Explain:**

**Are the Parties Related?** No

**For Deeds or Ground Leases:**

**Date(s) of Deed(s) or Ground Leases(s):** 04/01/2021

**Purchase Price:** \$190,000

**For Purchase and Sales Agreements or Option Agreements:**

**Date of Agreement:**

**Expiration Date:**

**Date of Extension** *(if extension granted):*

**New Expiration Date** *(if extension granted):*

**Purchase Price:** \$0

**Will any easements or rights of way over other properties be required in order to develop the site as proposed?** No

**If Yes, Current Status of Easement:** Owned by Development Entity

**Date(s) of Easements(s):**

**For Easements:**

**Date of Agreement:**

**Purchase Price:** \$0

**For Easement Purchase and Sales Agreements or Easement Option Agreements:**

**Expiration Date:**

**Date of Extension** *(if extension granted):*

**New Expiration Date** *(if extension granted):*

**Purchase Price:** \$0

## Quitclaim Deed

I, **FRANCES E. DEMELLO** an unmarried woman, of 75 Acapesket Road, East Falmouth, MA 02536 for consideration paid and received in the amount of **NINETY-FIVE THOUSAND DOLLARS (\$95,000.00)**, hereby grant to **JOHN J. DESANGRO**, Individually, of 28 Tam Way, East Falmouth, MA 02536, with **QUITCLAIM COVENANTS**:

One parcels of land in East Falmouth, Barnstable County, Massachusetts, bounded and described as follows:

LOT 398

LAND COURT PLAN 314-1

The above grantor waives any and all rights of homestead in the premises described herein and certifies under oath that she has no knowledge of any other persons entitled to any homestead rights.

For Title see Deed registered at the Barnstable County Registry of Deeds, Land Court Division, Document No. 191754-1, Certificate of Title 63356 and Death Certificate of Clement J. DeMello at Document No. 1,278,010.

**Property Address:**

**0 Acapesket Road, East Falmouth, MA**

Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2021.

*Frances E. DeMello*  
FRANCES E. DEMELLO

**COMMONWEALTH OF MASSACHUSETTS**

**Barnstable County,**

On this 1<sup>st</sup> day of April, 2021, before me, the undersigned notary public, personally appeared Frances E. DeMello, who proved to me through satisfactory evidence of identification, which was Mass. Drivers Lic., to be the person whose name is signed on the preceding Quitclaim Deed and acknowledged to me that he signed it voluntarily and as his free act and deed for its stated purpose.

*Bretta A. Sandas*  
Notary Public Bretta A. Sandas  
My commission expires: 4/20/2023



BRETTA SANDAS  
NOTARY PUBLIC  
COMMONWEALTH OF MASSACHUSETTS  
MY COMMISSION EXPIRES 04-20-2023

JOHN F. MEADE, ASSISTANT RECORDER  
BARNSTABLE REGISTRY LAND COURT DISTRICT  
RECEIVED & RECORDED ELECTRONICALLY

## Quitclaim Deed

I, **FRANCES M. DEMELLO**, an unmarried woman, of 75 Acapesket Road, East Falmouth, MA 02536 for consideration paid and received in the amount of **NINETY-FIVE THOUSAND DOLLARS (\$95,000.00)**, hereby grant to **JOHN J. DESANGRO**, Individually, of 28 Tam Way, East Falmouth, MA 02536, with **QUITCLAIM COVENANTS**:

One parcel of land in East Falmouth, Barnstable County, Massachusetts, bounded and described as follows:

LOT 520  
LAND COURT PLAN 314-33

The above grantor waives any and all rights of homestead in the premises described herein and certifies under oath that she has no knowledge of any other persons entitled to any homestead rights.

For Title, see Certificate of Title 218149;

**Property Address: 0 Old Bayberry Lane, East Falmouth**

Witness my hand and seal this 1<sup>st</sup> day of April, 2021.

Francis M. DeMello  
FRANCES M. DEMELLO

**COMMONWEALTH OF MASSACHUSETTS**

**Barnstable County,**

On this 1<sup>st</sup> day of April, 2021, before me, the undersigned notary public, personally appeared Francis M. DeMello, who proved to me through satisfactory evidence of identification, which was Mass. Drivers Lic., to be the person whose name is signed on the preceding Quitclaim Deed and acknowledged to me that he signed it voluntarily and as his free act and deed for its stated purpose.

Brett A. Sandas  
Notary Public Brett A. Sandas,  
My commission expires: 4/2-2023



BRETT A. SANDAS  
NOTARY PUBLIC  
COMMONWEALTH OF MASSACHUSETTS  
MY COMMISSION EXPIRES 04-20-2023

**R**

**Application for Chapter 40B Project Eligibility / Site Approval  
for MassHousing-Financed and New England Fund ("NEF") Rental Projects**

**Section 5: FINANCIAL INFORMATION**

*In order to Issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that an initial pro forma has been reviewed and that the Proposed Project appears financially feasible and consistent with the Chapter 40B Guidelines, and that the Proposed Project is fundable under the applicable program.*

**Initial Capital Budget**

**Sources**

<b>Description</b>	<b>Source</b>	<b>Budgeted</b>
Private Equity	Owner's Cash Equity	\$320,000
Private Equity	Tax Credit Equity	\$0
Private Equity	Developer Fee Contributed or Loaned	\$400,000
Private Equity	Developer Overhead Contributed or Loaned	\$0
Other Private Equity	Falmouth Affordable Housing Fund Grant	\$1,200,000
Public/Soft Debt	Martha's Vineyard Bank	\$1,800,000
Subordinate Debt		\$0
Permanent Debt		\$0
Permanent Debt		\$0
Construction Debt	<i>for informational purposes only, not included in Sources T</i>	\$0
Additional Source		\$0
Additional Source		\$0
<b>Total Sources</b>		<b>\$3,720,000</b>

**Pre-Permit Land Value**

<b>Item</b>	<b>Budgeted</b>
As-Is Market Value*:	\$200,000
Reasonable Carrying Costs:	\$20,000
<b>Total Pre-Permit Land Value:</b>	<b>\$220,000</b>

*\* As-Is market value to be determined by a MassHousing commissioned appraisal*

Uses (Costs)

Item	Budgeted
<b>Acquisition Cost (Actual):</b>	
Actual Acquisition Cost: Land	\$190,000
Actual Acquisition Cost: Buildings	\$0
Reasonable Carrying Costs	\$15,000
<b>Subtotal - Acquisition Costs</b>	<b>\$205,000</b>
<b>Construction Costs-Building Structural Costs (Hard Costs):</b>	
Building Structure Costs	\$2,038,000
Hard Cost Contingency	\$20,000
<b>Subtotal - Building Structural Costs (Hard Costs)</b>	<b>\$2,058,000</b>
<b>Construction Costs-Site Work (Hard Costs):</b>	
Earth Work	\$200,000
Utilities: On-Site	\$130,000
Utilities: Off-Site	\$0
Roads and Walks	\$60,000
Site Improvement	\$50,000
Lawns and Plantings	\$30,000
Geotechnical Condition	\$0
Environmental Remediation	\$0
Demolition	\$0
Unusual Site Conditions/Other Site Work	\$10,000
<b>Subtotal - Site Work (Hard Costs)</b>	<b>\$480,000</b>
<b>Construction Costs-General Conditions, Builders Overhead and Profit (Hard Costs):</b>	
General Conditions	\$11,252
Builder's Overhead	\$165,701
Builder's Profit	\$226,000
<b>Subtotal - General Conditions, Builder's Overhead &amp; Profit</b>	<b>\$402,953</b>
<b>General Development Costs (Soft Costs):</b>	
Appraisal and Marketing Study <i>(not 40B "As Is" Appraisal)</i>	\$3,000
Marketing and Initial Rent Up <i>(include model units if any)</i>	\$18,000
Real Estate Taxes <i>(during construction)</i>	\$6,000
Utility Usage <i>(during construction)</i>	\$0
Insurance <i>(during construction)</i>	\$9,000
Security <i>(during construction)</i>	\$2,000
Inspecting Engineer <i>(during construction)</i>	\$9,000
Construction Loan Interest	\$55,000
Fees to Construction Lender:	\$0
Fees to Permanent Lender:	\$0
Fees to Other Lenders:	\$0

**General Development Costs (Soft Costs) - continued**

<b>Item</b>	<b>Budgeted</b>
Architecture / Engineering	\$40,000
Survey, Permits, etc.	\$48,000
Clerk of the Works	\$0
Construction Manager	\$20,000
Bond Premiums	\$3,000
Environmental Engineer	\$5,000
Legal	\$19,000
Title (including title insurance) and Recording	\$5,000
Accounting and Cost Certification (incl. 40B)	\$20,000
Relocation	\$0
40B Site Approval Processing Fee	\$7,803
40B Technical Assistance / Mediation Fee	\$3,100
40B Land Appraisal Cost (as-is value)	\$3,000
40B Final Approval Processing Fee	\$10,800
40B Subsidizing Agency Cost Certification Examination Fee	\$0
40B Monitoring Agent Fee	\$3,120
MIP	\$0
Credit Enhancement	\$0
Letter of Credit Fees	\$0
Tax Credit Allocation Fee	\$0
Other Financing Fees	\$0
Development Consultant	\$30,000
Other Consultant:	\$0
Other Consultant:	\$0
Syndication Costs	\$0
Soft Cost Contingency	\$15,000
Other Development Costs:	\$0
<b>Subtotal - General Development Costs (Soft Costs)</b>	<b>\$334,823</b>
<b>Developer Fee and Overhead:</b>	
Developer Fee	\$50,000
Developer Overhead	\$75,000
<b>Subtotal Developer Fee and Overhead</b>	<b>\$125,000</b>
<b>Capitalized Reserves:</b>	
Development Reserves	\$0
Initial Rent Up Reserves	\$0
Operating Reserves	\$0
Net Worth Account	\$0
Other Capitalized Reserves	\$0

Subtotal - Capitalized Reserves \$0

Summary of Subtotals

Item	Budgeted
Acquisition Costs (Actual):	\$205,000
Building Structural Costs (Hard Costs)	\$2,058,000
Site Work (Hard Costs)	\$480,000
General Conditions, Builder's Overhead & Profit (Hard Costs)	\$402,953
Developer Fee and Overhead	\$125,000
General Development Costs (Soft Costs)	\$334,823
Capitalized Reserves	\$0
Total Development Costs (TDC)	\$3,605,776
Summary	
Total Sources	\$3,720,000
Total Uses (TDC)	\$3,605,776

Projected Developer Fee and Overhead\*: \$125,000

Maximum Allowable Developer Fee and Overhead:\*\*: \$0

Projected Developer Fee and Overhead Equals 100.00% of Maximum Allowable Fee and Overhead

\* Note in particular the provisions of Section IV.B.5.a of the Guidelines, which detail the tasks (i) for which a developer may or may not receive compensation beyond the Maximum Allowable Developer Fee and Overhead and (ii) the costs of which must, if the tasks were performed by third parties, be included within the Maximum Allowable Developer Fee and Overhead.

\*\* Please consult the most recent DHCD Qualified Allocation Plan (QAP) to determine how to calculate the maximum allowable developer fee and overhead. If you have any questions regarding this calculation, please contact MassHousing.

Initial Rental Operating Pro-Forma (for year one of operations)

Item	Notes	Amount
<b>Permanent Debt Assumptions</b>		
Loan Amount	Lende Martha's Vineyard Bank	\$0
Annual Rate	6.5%	0.00%
Term	60	0 Months
Amortization	360	0 Months
Lender Required Debt Service Coverage Ratio	1.2	0.00
Gross Rental Income		\$313,800
Other Income (utilities, parking)		\$0
Less Vacancy (Market Units): 5% (vacancy rate)		\$13,260
Less Vacancy (Affordable Units): 5% (vacancy rate)		\$3,240
Gross Effective Income		\$297,300
Less Operating Expenses	5550	\$66,600
Net Operating Income		\$230,700
Less Permanent Loan Debt Service		\$136,524
Cash Flow		\$94,176
Debt Service Coverage		1.68

Describe Other Income:

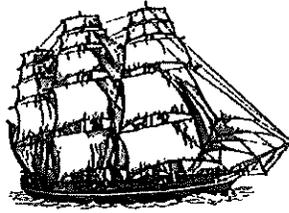
none

Rental Operating Expense Assumption

Item	Notes	Amount
Assumed Maximum Operating Expenses	Calculated based on Net Operating Income, Debt Service and required Debt Service Coverage listed above.	\$66,600
Assumed Maximum Operating Expense/Unit*	Number of Units: 5,550	\$12

\* MassHousing may request further detail regarding projected operating expenses if such expenses appear higher or lower than market comparables.

**MARTHA'S  
VINEYARD  
BANK**



January 17, 2023

John DeSangro  
Acapesket Gardens  
28 Tam Way  
East Falmouth, MA 02536

Dear John,

Martha's Vineyard Bank appreciates the opportunity to explore financing for a 40b construction project located at Acapesket Road and Old Bayberry Lane, East Falmouth. Upon receipt of a completed loan application and supporting financial statements we will process your request. Please note this is not a commitment to lend and should not be considered as such. A financing commitment would require complete underwriting, formal due diligence by the Bank and its legal counsel and Board approval. We are interested in considering this further upon receipt of the final application.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. A. Mercier', written over a horizontal line.

Philip A. Mercier  
Vice President – Commercial Lending

**S**

**Application for Chapter 40B Project Eligibility / Site Approval  
for MassHousing-Financed and New England Fund ("NEF") Rental Projects**

**Section 6: APPLICANT QUALIFICATIONS, ENTITY INFORMATION, AND CERTIFICATION**

*In order to issue Site Approval MassHousing must find (as required by 760 CRM 56.04 (4)) that the applicant is either a non-profit public agency or would be eligible to apply as a Limited Dividend Organization and meets the general eligibility standards of the program.*

**Development Team:**

Company Name	Contact Name	Contact Role	Applicant	Dev Entity	Primary For Role
John DeSangro	John DeSangro	Owner	Yes	No	No
Acapesket Gardens, LLC	Nick Mirrione	Developer	No	Yes	Yes
John DeSangro Constructi	John DeSangro	Contractor	No	No	Yes

**Entities Responsible for Development Tasks:**

Development Task	Developer / Applicant	Contact Name / Company
Architecture and Engineering	No	Acapesket Gardens, LLC, Nick Mirrione
Construction Management	No	John DeSangro Construction, John DeSangro
Finance Package	No	Acapesket Gardens, LLC, Nick Mirrione
Local Permitting	No	Acapesket Gardens, LLC, Nick Mirrione

**Affiliated Entities:**

Company Name	Individual Name	Affiliation	Relation
Acapesket Garden, LLC	John DeSangro	Principals and Controlling Entity	Applicant

**Previous Applications:**

<b>Project Name:</b>	<b>Filing Date:</b>
<b>Municipality:</b>	<b>Decision:</b>
<b>Subsidizing Agency:</b>	<b>Other Reference:</b>
<b>Type:</b>	

**Certification and Acknowledgement**

I hereby certify on behalf of the Applicant, under pains and penalties of perjury, that the information provided above for each of the Applicant Entities is, to the best of my knowledge, true and complete; and that each of the following questions has been answered correctly to the best of my knowledge and belief:

*(Please attach a written explanation for all of the following questions that are answered with a "Yes". Explanations should be attached to this Section 6.)*

Question	Answer
Is there pending litigation with respect to any of the Applicant Entities ?	No
Are there any outstanding liens or judgments against any properties owned by any of the Applicant Entities ?	No
Have any of the Applicant Entities failed to comply with provisions of Massachusetts law related to taxes , reporting of employees and contractors, or withholding of child support?	No
Have any of the Applicant Entities ever been the subject of a felony indictment or conviction ?	No
During the last 10 years, have any of the Applicant Entities ever been party to a lawsuit involving fraud , gross negligence, misrepresentation, dishonesty, breach of fiduciary responsibility or bankruptcy?	No
Have any of the Applicant Entities failed to carry out obligations in connection with a Comprehensive Permit issued pursuant to M.G.L. c. 40B and any regulations or guidelines promulgated thereunder (whether or not MassHousing is or was the Subsidizing Agency/Project Administrator) including, but not limited to, completion of a cost examination and return of any excess profits or distributions?	No
Have any of the Applicant Entities ever been charged with a violation of state or federal fair housing requirements ?	No
Are any of the Applicant Entities not current on all existing obligations to the Commonwealth of Massachusetts , and any agency, authority or instrument thereof?	No

I further certify that the information set forth in this application (including attachments) is true, accurate and complete as of the date hereof to the best of my/our knowledge, information and belief. I further understand that MassHousing is relying on this information in processing the request for Site Approval in connection with the above -referenced project; and

I hereby acknowledge our commitment and obligation to comply with requirements for cost examination and limitations on profits and distributions, all as found at 760 CMR 56.04(8) and will be more particularly set forth in a Regulatory Agreement by and between the Applicant and MassHousing.

I hereby acknowledge that will be required to provide financial surety by means of bond, cash escrow and a surety escrow agree- ment or letter of credit with the agreement that it may be called upon or used in the event that the Developer fails either to (i) complete and submit the examined Cost Certification as required by 760 CMR 56.04(8) and the Regulatory Agreement, or (ii) pay over to the Subsidizing Agency or the Municipality any funds in excess of the limitations on profits and distributions from capital sources as required by 760 CMR 56.04(8) and as set forth in the Regulatory Agreement.

**Signature:** \_\_\_\_\_

**Name:** John DeSangro

**Title:** Manager

**Date:** 03/07/2023

**JOHN DESANGRO  
RESUME**

**Development and Contracting**

John J. DeSangro was a principal partner and director of operations for Northstar Construction, a Falmouth based residential development company primarily focused on private contract construction, speculative building ventures and development of small to medium sized subdivisions in southeastern Massachusetts. He has successfully operated out of Falmouth for thirty years, beginning with the acquisition and management of single site speculative home construction properties.

After several years of steady growth, John expanded his business to include the development of several subdivisions in Falmouth and Foxboro. After locating viable locations to sub divide, Mr. DeSangro's role would include the design of the subdivisions, procedures necessary to seek approval of the designs and then the actual installation of infrastructure and utility functions. Later, he would be responsible for the design and marketing of the homes to be built on the lots and managing the construction of the homes to the specifications of the buyer. Following are examples of his successfully completed projects:

**Falmouth Pines – Falmouth 1986-1988**

A 30-unit Town House community in East Falmouth. Construction Manager

**Waquoit Woods – Waquoit 1990-1994**

A 15-lot subdivision designed, marketed and constructed by Mr. DeSangro

**Waquoit Farms**

A 50-lot subdivision in East Falmouth. Designed, marketed and constructed by Mr. DeSangro

**Kerrywood Estates 1994-2001**

A 100+ lot subdivision in East Falmouth. Designed, marketed and constructed by Mr. DeSangro

**Country Club Lane 2001-2003**

A 35-lot subdivision in East Falmouth. Designed, marketed and constructed by Mr. DeSangro

**Sunrise Estates – Present**

An 18-lot subdivision in East Falmouth. Upscale homes constructed by Northstar Construction

**Mary Manuel Way 2006-Present**

A 9-lot subdivision in East Falmouth. Custom homes with Northstar Construction

**Brick Kiln Place 2020**

Mr. DeSangro recently completed construction and lease up of a 20 Unit rental project by way of a Comprehensive Permit

**Crooked Meadow Condominium**

Mr. DeSangro is currently building a 12-unit condominium project on Crooked Meadow Road in Hatchville. The project is six duplex single story buildings, eight of which are sold. All of the buildings are weather tight. The project is expected to be completed in the Spring of 2023.

**NICK MIRRIONE**  
354 West Street, Unit 4  
West Bridgewater, Massachusetts 02379

Nick Mirrione is the founder and manager of Mirrione Realty, LLC. He has over forty years' experience in real estate development, construction, residential and commercial sales and property management. Combined with his entrepreneurial spirit, he has all the tools necessary for successful relationships in the real estate business.

Nick is committed to both the company and its clients by operating under the highest ethical standard and with the utmost integrity. Customer service is a top priority and always has been.

Below is a partial list of projects completed:

Williamsburg Square, 44,000 Sq. Ft Office Condominiums in Brockton, MA  
Springhill, 29 Single Family Homes in Easton, MA  
Cranberry Ridge, 96 Residential Condominiums in Raynham, MA  
Frothingham Elms, 14 Victorian Style Homes in Easton, MA  
Twin Books, 56 Homes in an Active Adult Community in Easton, MA  
Fox Hill, 50 Homes in an Active Adult Community in Easton, MA  
School House Plaza, 9,800 Sq. Ft. of Retail and Office Space in Easton, MA  
290 Turnpike Street, 20,000 Sq. Ft. Commercial Building in Easton, MA

Following is a list of 40B projects that Nick, as a Development Consultant has been involved in from the permitting process forward:

Sawmill Pond Apartments, 144 Units, Easton, MA – Permitted, not built  
Eastondale Cottages, 28 Units, Easton, MA  
Red Mill Apartments, 128 Units, Norton, MA – Permitted, not built  
Brick Kiln Place, 20 Rental Units, Falmouth, MA  
Locustfield Estates, 12 Homes, Falmouth, MA  
Crooked Meadow, 12 Homes, Falmouth, MA  
Wild Harbor Condominiums, 16 Units in Falmouth, MA  
Cardinal Place, 10 Apartment Units, Falmouth, MA

Timothy M. Santos, P.E.  
**Director of Engineering (Falmouth)**  
(508) 563-2183  
[tsantos@merrillinc.com](mailto:tsantos@merrillinc.com)

**PROFESSIONAL REGISTRATIONS AND CERTIFICATIONS**

- Registered Professional Civil Engineer – Massachusetts
- Municipal Grade 2 Wastewater Operator - Massachusetts
- DEP Title 5 System Inspector – Massachusetts
- DEP Soil Evaluator – Massachusetts

**PROFESSIONAL AFFILIATIONS**

- Member, American Society of Civil Engineers
- Member, Boston Society of Civil Engineers
- Member, Massachusetts Water Environment Association
- Member, Yankee Onsite Wastewater Association

**EDUCATION**

- University of Massachusetts at Amherst – Bachelor of Science

Timothy Santos has over 25 years of experience in the planning, design, management and permitting of numerous residential and commercial projects in southeastern Massachusetts, specifically the Cape Cod area. He has worked on all aspects of projects, and has experience in site design, on-site septic design, groundwater discharge permitting, environmental permitting and construction plans. He has also gained extensive experience with the presentation of projects to approving authorities for project permits at the local and state level for various residential and commercial projects throughout Massachusetts over the years. Additional areas of expertise include coastal permitting, land planning, innovative alternative sewage disposal system designs and construction project management. Tim holds a Bachelor of Science degree in Civil Engineering from the University of Massachusetts at Amherst and has over 20 years of experience as Registered Professional Engineer in Massachusetts as well as a Massachusetts DEP Soils Evaluator, Title 5 System Inspector and Wastewater Operator.

**ACAPESKET GARDENS  
APPLICANT ENTITY 40B EXPERIENCE**

The applicant has been involved in the following two previous 40B projects:

Brick Kiln Place in Falmouth is a 20-unit rental project and is complete and fully occupied. By virtue of a grant from the Falmouth Affordable Housing Fund, all 20 units are affordable.

Crooked Meadow is a 12-unit home ownership project in Falmouth, 8 of which are sold and occupied. The remaining 4 units are under agreement; 2 will be sold and occupied in March and the last two in April.

The applicant's Development Consultant, Nick Mirrione, has been involved in several 40B rental and for sale projects.

**ACAPESKET GARDENS  
FAIR HOUSING EXPERIENCE**

The applicant, John DeSangro, has successfully completed a 40B project in Falmouth known as Brick Kiln Place. The project is twenty units of which all twenty are affordable at 80% AMI. The project is complete and fully occupied. It is currently going through its second round of rent increases and it is still almost \$200.00 per month below the allowable rent amount.

The applicant is currently building a 12-unit home ownership project known as Crooked Meadow, also in Falmouth. All lottery units are sold. Two are occupied and the third home owner moves in on March 30, 2023.

The applicant's development consultant, Nick Mirrione, has been involved in several 40B rental and home ownership projects.

John DeSangro intends to hire HAC of Cape Cod, Gael Kelleher, to provide lottery services and to prepare and obtain approval of the Affordable Fair Housing Marketing Plan.

**Certification and Acknowledgement**

I hereby certify on behalf of the Applicant, under pains and penalties of perjury, that the information provided above for each of the Applicant Entities is, to the best of my knowledge, true and complete; and that each of the following questions has been answered correctly to the best of my knowledge and belief:

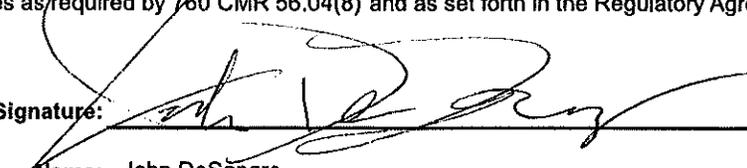
(Please attach a written explanation for all of the following questions that are answered with a "Yes". Explanations should be attached to this Section 6.)

Question	Answer
Is there pending litigation with respect to any of the Applicant Entities ?	No
Are there any outstanding liens or judgments against any properties owned by any of the Applicant Entities ?	No
Have any of the Applicant Entities failed to comply with provisions of Massachusetts law related to taxes , reporting of employees and contractors, or withholding of child support?	No
Have any of the Applicant Entities ever been the subject of a felony indictment or conviction ?	No
During the last 10 years, have any of the Applicant Entities ever been party to a lawsuit involving fraud , gross negligence, misrepresentation, dishonesty, breach of fiduciary responsibility or bankruptcy?	No
Have any of the Applicant Entities failed to carry out obligations in connection with a Comprehensive Permit issued pursuant to M.G.L. c. 40B and any regulations or guidelines promulgated thereunder (whether or not MassHousing is or was the Subsidizing Agency/Project Administrator) including, but not limited to, completion of a cost examination and return of any excess profits or distributions?	No
Have any of the Applicant Entities ever been charged with a violation of state or federal fair housing requirements ?	No
Are any of the Applicant Entities not current on all existing obligations to the Commonwealth of Massachusetts , and any agency, authority or instrument thereof?	No

I further certify that the information set forth in this application (including attachments) is true, accurate, and complete as of the date hereof to the best of my/our knowledge, information and belief. I further understand that MassHousing is relying on this information in processing the request for Site Approval in connection with the above-referenced project; and

I hereby acknowledge our commitment and obligation to comply with requirements for cost examination and limitations on profits and distributions, all as found at 760 CMR 56.04(8) and will be more particularly set forth in a Regulatory Agreement by and between the Applicant and MassHousing.

I hereby acknowledge that will be required to provide financial surety by means of bond, cash escrow and a surety escrow agreement or letter of credit with the agreement that it may be called upon or used in the event that the Developer fails either to (i) complete and submit the examined Cost Certification as required by 760 CMR 56.04(8) and the Regulatory Agreement, or (ii) pay over to the Subsidizing Agency or the Municipality any funds in excess of the limitations on profits and distributions from capital sources as required by 760 CMR 56.04(8) and as set forth in the Regulatory Agreement.

Signature: 

Name: John DeSangro

Title: Manager

Date: 03-07-2023

**T**

**Application for Chapter 40B Project Eligibility / Site Approval  
for MassHousing-Financed and New England Fund ("NEF") Rental Projects**

**Section 7: NOTIFICATION AND FEES**

**Notices**

<b>Event</b>	<b>Date</b>
Date(s) of meetings, if any, with municipal officials prior to submission of application to MassHousing :	02/15/2023
Date of Pre-Application Meeting with MassHousing:	02/22/2023
Date copy of complete application sent to chief elected office of municipality:	03/03/2023
Date notice of application sent to DHCD:	03/03/2023

**Fees**

All fees that are payable to MassHousing should be sent via ACH/Wire Transfer. Please contact MassHousing for the ACH/Wire Transfer Instructions.

Fees payable to the Massachusetts Housing Partnership should be sent directly to MHP with the MHP Cover Letter

<b>Fee</b>	<b>Amount</b>	<b>Description</b>
<b>MassHousing Application Processing Fee:</b>	<b>\$7,803</b>	<i>payable to MassHousing</i>
<b>Chapter 40B Technical Assistance/Mediation Fee:</b>	<b>\$2,500</b>	<i>(Limited Dividend Sponsor \$2,500, Non-Profit or Public Agency Sponsor \$1,000)</i>
<b>Unit Fee:</b>	<b>\$600</b>	<i>(\$50 per Unit)</i>
<b>Total TA/Mediation and Unit Fee:</b>	<b>\$3,100</b>	<i>(Payable to Massachusetts Housing Partnership)</i>

**Land Appraisal Cost:** You will be required to pay for an "as-is" market value appraisal of the Site to be commission by MassHousing. MassHousing will contact you once a quote has been received for the cost of the appraisal.

## SUSTAINABLE DEVELOPMENT CRITERIA

MassHousing encourages housing development that is consistent with sustainable development designs and green building practices. Please provide information indicating that your development complies with either Method 1 or Method 2 of the Sustainable Development Principles

### Method 2 - Consistency with Sustainable Development Principals

Development meets a minimum of five (5) of the Commonwealth's *Sustainable Development Principles* as shown in the next section below.

If the development involves strong municipal support, the development need only meet four (4) of the Sustainable Development Principles. However, one (1) of the Principles met must be **Protect Land and Ecosystems**. Please check the applicable boxes within the "Optional - Demonstration of Municipal Support" section below, include an explanation in the box if necessary and provide attachments where applicable.

### Optional - Demonstration of Municipal Support

- |   |     |
|---|-----|
| - Letter of Support from the Chief Elected Official of the municipality * | No  |
| - Housing development involves municipal funding                          | Yes |
| - Housing development involves land owned or donated by the municipality  | No  |

*\*Other acceptable evidence: Zoning variance issued by ZBA for project; Minutes from Board of Selectman meeting showing that project was discussed and approved, etc.*

### Explanation (Required)

Falmouth Affordable Housing Fund (FAHF) has issued a letter of qualification for this project to be eligible for a FAHF grant.

Please explain at the end of each category how the development follows the relevant *Sustainable Development Principle(s)* and explain how the development demonstrates each of the checked "X" statements listed under the *Sustainable Development Principle(s)*.

### (1) Concentrate Development and Mix Uses

Support the revitalization of city and town centers and neighborhoods by promoting development that is compact, conserves land, protects historic resources, and integrates uses. Encourage remediation and reuse of existing sites, structures, and infrastructure rather than new construction in undeveloped areas. Create pedestrian friendly districts and neighborhoods that mix commercial, civic, cultural, educational, and recreational activities with open spaces and homes.

- |   |     |
|---|-----|
| - Higher density than surrounding area                        | Yes |
| - Mixes uses or adds new uses to an existing neighborhood     | No  |
| - Includes multi-family housing                               | Yes |
| - Utilizes existing water/sewer infrastructure                | Yes |
| - Compact and/or clustered so as to preserve undeveloped land | No  |
| - Reuse existing sites, structured, or infrastructure         | No  |
| - Pedestrian friendly   | No  |
| - Other (discuss below)                                       | No  |

### Explanation (Required)

The project is 7.79 units per acre and are designed as duplex buildings. There is town water available and town sewer is proposed on Acapesket Road. We will run a sewer line so that we can connect in the future.

**(2) Advance Equity & Make Efficient Decisions**

Promote equitable sharing of the benefits and burdens of development. Provide technical and strategic support for inclusive community planning and decision making to ensure social, economic, and environmental justice. Ensure that the interests of future generations are not compromised by today's decisions.

Promote development in accordance with smart growth and environmental stewardship.

- Concerted public participation effort (beyond the minimally required public hearings) No
- Streamlined permitting process, such as 40B or 40R Yes
- Universal Design and/or visitability No
- Creates affordable housing in middle to upper income area and/or meets regional need Yes
- Creates affordable housing in high poverty area No
- Promotes diversity and social equity and improves the neighborhood No
- Includes environmental cleanup and/or neighborhood improvement in an Environmental Justice Community No
- Other (discuss below) No

**Explanation (Required)**

Project will be applied for under chapter 40B and Falmouth's Housing Production Plan notes in the Priority Needs of the Town that rental housing is the most significant need and that the priority should be placed on units with fewer than three bedrooms.

**(3) Protect Land and Ecosystems**

Protect and restore environmentally sensitive lands, natural resources, agricultural lands, critical habitats, wetlands and water resources, and cultural and historic landscapes. Increase the quantity, quality and accessibility of open spaces and recreational opportunities.

- Creation or preservation of open space or passive recreational facilities No
- Protection of sensitive land, including prime agricultural land, critical habitats, and wetlands No
- Environmental remediation or clean up No
- Responds to state or federal mandate (e.g., clean drinking water, drainage, etc.) No
- Eliminates or reduces neighborhood blight No
- Addresses public health and safety risk No
- Cultural or Historic landscape/existing neighborhood enhancement No
- Other (discuss below) No

**Explanation (Required)**

**(4) Use Natural Resources Wisely**

Construct and promote developments, buildings, and infrastructure that conserve natural resources by reducing waste and pollution through efficient use of land, energy, water and materials.

- Uses alternative technologies for water and/or wastewater treatment No
- Uses low impact development (LID) for other innovative techniques No
- Other (discuss below) No

Explanation (Required)

**(5) Expand Housing Opportunities**

Support the construction and rehabilitation of homes to meet the needs of people of all abilities, income levels and household types. Build homes near jobs, transit, and where services are available. Foster the development of housing, particularly multifamily and single-family homes, in a way that is compatible with a community's character and vision and with providing new housing choices for people of all means.

- Includes rental units, including for low/mod households Yes
- Includes homeownership units, including for low/mod households No
- Includes housing options for special needs and disabled population No
- Expands the term of affordability No
- Homes are near jobs, transit and other services No
- Other (discuss below) No

Explanation (Required)

All units are rental units

**(6) Provide Transportation Choice**

Maintain and expand transportation options that maximize mobility, reduce congestion, conserve fuel and improve air quality. Prioritize rail, bus, boat, rapid and surface transit, shared-vehicle and shared-ride services, bicycling and walking. Invest strategically in existing and new passenger and freight transportation infrastructure that supports sound economic development consistent with smart growth objectives.

- Walkable to public transportation Yes
- Reduces dependence on private automobiles (e.g., provides previously unavailable shared transportation, such as Zip Car or shuttle buses) No
- Increased bike and ped access No
- For rural areas, located in close proximity (i.e., approximately one mile) to a transportation corridor that provides access to employment centers, retail/commercial centers, civic or cultural destinations No
- Other (discuss below) No

**Explanation (Required)**

Buses operated by the Cape Cod Regional Transit Authority (CCRTA) run multiple times per day between Hyannis and Woods Hole with many convenient stops. Passengers may board at any of the regular Bus stops or may flag down the Bus anywhere along the route. Dial a Ride also operated by the CCRTA offers a scheduled pickup at your house. This service is available to all Cape Cod residents.

**(7) Increase Job and Business Opportunities**

Attract businesses and jobs to locations near housing, infrastructure, and transportation options. Promote economic development in industry clusters. Expand access to education, training and entrepreneurial opportunities. Support growth of local businesses, including sustainable natural resource-based businesses, such as agriculture, forestry, clean energy technology and fisheries.

- Permanent Jobs No
- Permanent jobs for low- or moderate- income persons No
- Jobs near housing, service or transit No
- Housing near an employment center Yes
- Expand access to education, training or entrepreneurial opportunities No
- Support local business No
- Support natural resource-based businesses (i.e., farming, forestry, or aquaculture) No
- Re-uses or recycles materials from a local or regional industry's waste stream No
- Support manufacture of resource-efficient materials, such as recycled or low-toxicity materials No
- Support businesses that utilize locally produced resources such as locally harvested wood or agricultural products No
- Other (discuss below) No

**Explanation (Required)**

Close to downtown Falmouth and close to public transportation to get there.

**(8) Promote Clean Energy**

Maximize energy efficiency and renewable energy opportunities . Support energy conservation strategies, local clean power generation, distributed generation technologies, and innovative industries. Reduce greenhouse gas emissions and consumption of fossil fuels.

- Energy Star or Equivalent\* Yes
- Uses renewable energy source, recycled and/or non-/low-toxic materials, exceeds the state energy code, is configured to optimize solar access, and/or otherwise results in was reduction and conservation of resources No
- Other (discuss below) No

\*All units are required by MassHousing to be Energy Star Efficient. Please include in your explanation a description of how the development will meet Energy Star criteria.

**Explanation (Required)**

Falmouth is a stretch code community

**(9) Plan Regionally**

Support the development and implementation of local and regional, state and interstate plans that have broad public support and are consistent with these principles. Foster development projects, land and water conservation, transportation and housing that have a regional or multi-community benefit. Consider the long term costs and benefits to the Commonwealth.

- Consistent with a municipally supported regional plan Yes
- Addresses barriers identified in a Regional Analysis of Impediments to Fair Housing No
- Measureable public benefit beyond the applicant community No
- Other (discuss below) No

**Explanation (Required)**

Falmouth's Housing Production Plan notes in the Priority Needs of the Town that rental housing is the most significant need and that the priority should be placed on units with fewer than three bedrooms.

**ACAPESKET GARDENS  
C/O MIRRIONE REALTY, LLC  
354 WEST STREET, #4  
WEST BRIDGEWATER, MA 02379**

March 3, 2023

Jennifer Maddox, Undersecretary  
Mass Dept. of Housing and Community Development  
100 Cambridge Street, Suite 300  
Boston, MA 02114

RE: Notice of Filing  
MassHousing Site Approval/Project Eligibility Application/Rental  
Acapesket Gardens, Falmouth, Massachusetts

Dear Undersecretary Maddox:

As the representative of John DeSangro, Owner, I am pleased to notify you of our submittal to MassHousing of our application for Project Eligibility/Rental for Acapesket Gardens located at 0 Acapesket Road and 0 Old Bayberry Lane in East Falmouth, Massachusetts. The parcel consists of 1.54 acres and proposed to be twelve (12) rental units in six duplex buildings. We propose ten, two-bedroom, one bath units, each approximately 784 square feet and one, one-bedroom, one bath unit approximately 560 square feet and one three-bedroom, one bath unit, approximately 1008 square feet. Each unit will be single story and will have a full basement and no garage.

Thank you in advance for your review of the enclosed application. Please let us know if we can be of assistance in addressing any questions you may have as you review this material.

Sincerely,



Charles (Nick) Mirrione  
Representative and Contact  
Person for Applicant



Acapesket Gardens  
John DeSangro, Owner

## **7.1 NARRATIVE REGARDING CONTACT WITH TOWN OFFICIALS**

We have had a couple of discussions with the town officials regarding the Acapesket Gardens project.

We have filed a Notice of Intent with the Falmouth Affordable Housing Fund for a grant to make all units at Acapesket Gardens affordable as opposed to twenty-five percent of the units.

On February 15, 2023, the town manager coordinated a planning review meeting regarding the project and encouraged us to move forward.

ACAPESKET GARDENS

28 TAM WAY  
EAST FALMOUTH, MA 02536

1007

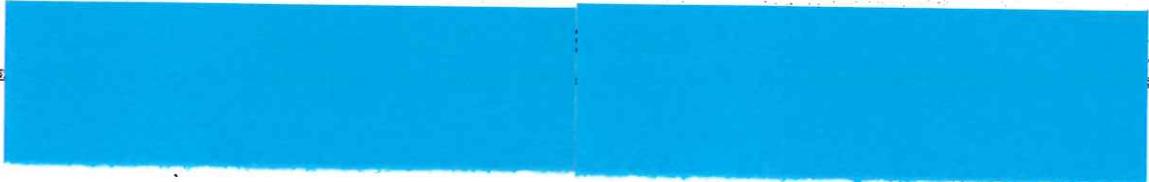
SECURED BY  
EZSHIELD  
53-7292/2113

DATE March 1, 2023

PAY TO THE ORDER OF Massachusetts Housing Partnership

Three thousand one hundred dollars \$3100.00

MARTHA'S VINEYARD BANK  
FOR John Desandro / Acapesket Gardens



Teah Assistance/  
Mediation Fee

3100.00 TO  
MASS HOUSING  
PARTNERSHIP

**PAYMENT OF TOTAL TECHNICAL ASSISTANCE / MEDIATION AND UNIT FEE**

Please complete this form and mail it, along with your check for the Total Technical Assistance / Mediation and Unit Fee made payable to Massachusetts Housing Partnership, to the address below.

MHP FUND  
PO Box 845437  
Boston, MA 02284-5437

**Attn: Katie Bosse**

- Name of applicant: JOHN DeSANGRO
- Location of project: 0 ACAPESICK ROAD AND 0 OLD BAYBERRY LANE FALMOUTH
- Name of project: ACAPESICK GARDENS
- Number of units: 12
- Number of acres of site: 1.54
- Rental or Homeownership: RENTAL



P.O. Box 1069  
Edgartown MA 02539  
(508) 627-4266

Your wire request for \$7,603.00 will be debited from account 45282431.  
In addition, a \$20.00 wire fee has been assessed.

\*\*\* WIRE DETAILS \*\*\*

Wire Sequence  
64384  
Business Code / Wire Type  
CTR-Customer Transfer  
1000-Basic Funds Transfer

Originator Information

Originator  
JOHN DEBANGRO  
D - 45282431  
28 TAM WAY  
E FALMOUTH MA 02530  
United States

Originator To Beneficiary  
ACAPECKET GARDENS, FALMOUTH, MA

Entered Date  
03/08/2023 09:05 AM Eastern Time

Effective Date  
03/08/2023  
Receiving Financial Institution  
025009593 BK AMER NYC  
Beneficiary Information  
Beneficiary  
MASS HOUSING GENERAL LOCKBOX  
D - 4628795913  
1 BEACON ST  
BOSTON MA 02108  
United States

SIGNATURE  
DATE 03/08/2023

By your signature you (Customer) agree to hold Martha's Vineyard Bank (MVB) harmless for any loss that arises from customer negligence and where MVB has exercised due diligence in confirmation with this Agreement. This request will be processed upon approval from the Wire Transfer Department which includes verification that funds are available to perform this transaction.

Customer understands and agrees that MVB and any other financial institution used to carry out the transfer request rely on the information provided by the Customer. If the payment order received by the beneficiary's bank provides a beneficiary name, account number or other identification that is nonexistent or unidentifiable, the acceptance of the payment order cannot occur. Also, if the payment order received by the beneficiary's bank provides a beneficiary name and an account or identifying number identifying different persons, no person has rights as beneficiary except the person paid by the beneficiary's bank if that person is entitled to receive payment from the Customer, the originator of the payment order. If no person has rights as beneficiary, then acceptance of the payment order cannot occur. The beneficiary's bank need not determine whether the name and number refer to the same person, and may not know that different persons are identified. It is critical that Customer verify the beneficiary's information before signing this Agreement.

Customer understands and agrees that MVB is not responsible for the accuracy of a financial institution routing or identifying number provided by the Customer, and that MVB, or any other financial institution used to carry out the transfer request, might rely on the routing or identifying number of the intermediary financial institution, if applicable, and the beneficiary's financial institution provided by the Customer as the proper identification of the intermediary financial institution, if applicable, and the beneficiary's financial institution. If you provide a name and a routing or identifying number, MVB is not required to confirm that the name and identifying number identify the same financial institution. Again, it is critical that Customer verify all information provided for the Wire Transfer Agreement before signing this Agreement. By signing the Agreement, you are confirming the accuracy of the information you provided.

The terms used in this Agreement shall have the same meanings as defined in Article 4A of the Uniform Commercial Code. This Agreement is subject to all applicable transfer system rules, rules of the Board of governors of the Federal Reserve System including Regulation J, 12 CFR 210, Subpart B and its appendices, and 31 CFR B, Chapter 1, Part 103, the Board's operating circulars, other federal laws and of the state in which the Customer's account is located. If any of the terms of this Agreement comes into conflict with the applicable law and is declared to be invalid or unenforceable, those terms will be nullified to the extent that they are inconsistent with the law and the applicable law will govern. However, this shall not affect the validity of the remaining provisions. Also, fund transfers, as used in this Agreement, exclude any transaction if any part of the transfer is covered by the Electronic Funds Transfer Act of 1978, as amended.

Bank Use Only

Source:  In-person  Email/Fax

Purpose of Wire: Application Processing Fee

Wire Request Verification/Input performed by (printed name & signature):

CIP Information used:  Birthdate  SSN  MMN  Keyword  Other (provide details)

# Request for Taxpayer Identification Number and Certification

**Give Form to the  
 requester. Do not  
 send to the IRS.**

**1** Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.  
JOHN DeSANGRO

**2** Business name/disregarded entity name, if different from above

**3** Check appropriate box for federal tax classification; check only one of the following seven boxes:  
 Individual/sole proprietor or single-member LLC  
 C Corporation  
 S Corporation  
 Partnership  
 Trust/estate  
 Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ \_\_\_\_\_  
 Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.  
 Other (see instructions) ▶ \_\_\_\_\_

**4** Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  
 Exempt payee code (if any) \_\_\_\_\_  
 Exemption from FATCA reporting code (if any) \_\_\_\_\_  
*(Applies to accounts maintained outside the U.S.)*

**5** Address (number, street, and apt. or suite no.)  
28 TAM WAY

**6** City, state, and ZIP code  
EAST PALMOUTH, MA 02536

**7** List account number(s) here (optional)

Requester's name and address (optional)

Print or type  
See Specific Instructions on page 2.

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number

0	[REDACTED]	-	[REDACTED]	-	6	1	[REDACTED]
---	------------	---	------------	---	---	---	------------

OR

Employer identification number

		-							
--	--	---	--	--	--	--	--	--	--

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

### Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

**Sign Here**      Signature of U.S. person ▶ [Signature]

Date ▶ 03-02-2023

### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.  
 Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at [www.irs.gov/fw9](http://www.irs.gov/fw9).

#### Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
  - Form 1099-C (canceled debt)
  - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.
- If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.
- By signing the filled-out form, you:
- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
  - Certify that you are not subject to backup withholding, or
  - Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
  - Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

## **OPEN SESSION**

## **BUSINESS**

2. Application for a Change of Manager of an All Alcohol Common Victualler License – Town Hall Partners, LLC d/b/a Timber, located at 23 Town Hall Square, Falmouth **(5 minutes)**

LICENSE APPLICATION REVIEW

Restaurant/Business: Town Hall Partners, LLC d/b/a Timber

Address: 23 Town Hall Square, Falmouth

License Type: All Alcohol Common Victualler

New or Transfer of License \_\_\_\_\_

or

Change of License Change of Manager

- Police \_\_\_\_\_
- Fire No objections
- Building NO comment
- Health No issues
- Zoning \_\_\_\_\_
- Planning \_\_\_\_\_
- DPW \_\_\_\_\_
- Assessor \_\_\_\_\_
- Tax Collector \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

NOTES: Town background check completed 3/23/23



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

AMENDMENT-Change of Manager

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 checked="" 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/<br>Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest<br>(LLC Members/ LLP Partners,<br>Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder       | <input type="checkbox"/> Change of Hours                              |
|  | <input type="checkbox"/> Other <input type="text"/>   |   | <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

**AMENDMENT-Change of Manager**

Change of License Manager

**1. BUSINESS ENTITY INFORMATION**

Entity Name	Municipality	ABCC License Number
Town Hall Partners LLC d/b/a Timber	Falmouth	06241-RS-0390

**2. APPLICATION CONTACT**

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

Name	Title	Email	Phone
Kevin P. Klauer II, Esq.	Attorney	kevin@amentklauer.com	508-360-5255

**3A. MANAGER INFORMATION**

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

Proposed Manager Name	Edmund P. Reid	Date of Birth	[REDACTED]
Residential Address	16 Dartmouth Street, Hyannis, MA 02601		
Email	manager@timberaxbarbowl.com	Phone	[REDACTED]
Please indicate how many hours per week you intend to be on the licensed premises	40+	Last-Approved License Manager	Devan Muttart

**3B. CITIZENSHIP/BACKGROUND INFORMATION**

Are you a U.S. Citizen?\*  Yes  No \*Manager must be 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

**3C. EMPLOYMENT INFORMATION**

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

Start Date	End Date	Position	Employer	Supervisor Name
12/1/22	Present	General Manager	Town Hall Partners dba Timber	Michael Mueller
12/1/22	11/30/22	General Manager	Quick's Hole Tavern	Beth Colt

**3D. 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 Edmund P. Reid Date 2/17/23

## APPLICANT'S STATEMENT

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

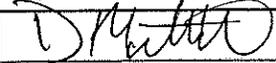
of Town Hall Partners LLC d/b/a Timber  
Name of the Entity/Corporation

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:



Date:

2/17/23

Title:

Manager



## **OPEN SESSION**

## **BUSINESS**

### **3. Sustainability Coordinator job description (5 minutes)**

**SUSTAINABILITY COORDINATOR – JOB DESCRIPTION**  
**GRADE M-8, EXEMPT POSITION**  
**TOWN MANAGER’S OFFICE, TOWN OF FALMOUTH, MA**

**Primary Purpose**

Under the direction of the Assistant Town Manager, the Sustainability Coordinator leads efforts to develop, enhance, and implement energy efficiency and environmental sustainability initiatives for municipal facilities and operations. This position conducts research and analysis to identify, develop, and manage innovative and effective programs to reduce energy consumption, reduce fossil fuel consumption, generate renewable energy, reduce solid waste, conserve water, and generate budgetary savings and new revenue. The Sustainability Coordinator obtains grant funding, administers grant programs related to sustainability work, and collaborates with staff across all municipal departments, including the schools, to identify and support energy resilience and sustainability initiatives.

**Essential Functions**

*(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)*

1. Leads the development and implementation of municipal energy initiatives consistent with the Select Board’s strategic plan and the resolution adopted by Article 37 of the Annual Town Meeting held on September 14, 2020, recognizing the climate emergency.
2. Evaluates and prioritizes renewable energy and energy efficiency opportunities with input from department staff, consultants, Cape Light Compact and/or Cape Vineyard Electric Cooperative, and the Energy Committee. Prioritizes energy efficiency, conservation, and renewable energy projects based upon energy savings, carbon emission reductions, and revenue generation.
3. Identifies opportunities for energy resiliency and coastal resiliency program funding and coordinates efforts with Town staff and other partners to solicit funding and develop project scopes, timelines, and budgets.
4. Supports the team that is overseeing procurement and implementation of renewable energy and conservation projects. May serve as project manager.
5. Supports conversion of the municipal vehicle fleet to electric vehicles and supports the installation of charging stations for Town staff and the public. Interfaces with Eversource and the Massachusetts Department of Energy Resources (DOER) on incentives and programs to support electrification of the municipal fleet.
6. Collaborates with department staff and/or a vendor to implement and maintain a system to monitor Falmouth’s Mass Energy Insight software and annual energy benchmarking, including all liquid fuel data, municipal greenhouse gas, and carbon emissions.

7. Writes grant applications with input and support from staff for the department that has jurisdiction over the applicable facility or program. Administers related grants, including Green Communities.
8. May identify opportunities to conserve water, reduce solid waste, and promote coastal resilience in partnership with department staff. Promotes these initiatives.
9. Conducts periodic meetings with employees to share information, ideas, and feedback, to plan for future projects, and to advance sustainability initiatives.
10. Attends seminars, workshops, training sessions, and staff meetings to remain knowledgeable and current on proper procedures and methods of operation. Some attendance at evening meetings is required.
11. Available for high priority issues, system maintenance, and to meet project deadlines during off hours.
12. Performs other similar or related duties as required or as the situation dictates.

### **Supervision**

*Supervision Received:* The Sustainability Coordinator works under the administrative direction of the Assistant Town Manager and works independently in accordance and consistent with municipal objectives. This position may engage in discussions with employees. Must maintain confidentiality when appropriate.

*Supervision Given:* None.

### **Work Environment**

Work is generally performed in typical office conditions. Use of standard office equipment is required. Fieldwork requires site visits. The work environment is moderately paced, and the noise level in the work environment is usually moderate. At times, this position may be required to work outside of normal business hours and is periodically on call to respond to emergency situations. This position is FLSA exempt and is not eligible for overtime. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

### **Minimum Qualifications**

#### *Education, Training, and Experience:*

Must have a bachelor's degree in environmental sciences, environmental policy, business administration, or related field and five years of related professional experience, including energy efficiency, conservation or renewable energy project management, grant writing, and cost benefit analysis; or a master's degree and three years of related professional experience; local government experience preferred; or any equivalent combination of education, training, or experience which demonstrates possession of the required knowledge, skills, and abilities necessary to perform the essential functions of the position.

Knowledge, Skills, and Abilities:

*Knowledge:* Must have knowledge of environmental management, energy efficiency, and building science. Knowledge of renewable energy principles is preferred, but the successful applicant can gain a working knowledge through on the job learning. This position requires the ability to gain content knowledge through independent study and networking with professionals in related fields.

*Skills:* Must have excellent verbal and written communication skills, attention to detail, and initiative. Must have a demonstrated ability to work independently and with minimal supervision. This position requires strong analytical skills to evaluate costs, benefits, and revenues of potential projects. Must have strong writing skills to prepare concise written reports, correspondence, recommendations, and grant applications. This position requires proficiency with the Microsoft Office Suite, including MS Excel.

*Abilities:* Must have the ability to research, analyze, and synthesize complex information and to develop and present recommendations. This position requires the ability to assume responsibility, prioritize and resolve problems, work under pressure, and coordinate and manage complex projects. Must have the ability to work in a highly collaborative environment and maintain effective working relationships with vendors, consultants, nonprofit partners, and employees at all levels of the organization.

Physical Requirements

While performing the duties of this job, the employee is regularly required to operate a computer and phone. The employee is required to talk and hear and to travel to different work sites within Falmouth. Specific vision abilities are required for this position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions of this position.

*(This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.)*

Adopted: March 14, 2023

Pages: Three (3)

**OPEN SESSION**

**BUSINESS**

4. Diversity, Equity and Inclusion Officer job description (5 minutes)

**DIVERSITY, EQUITY, AND INCLUSION (DEI) OFFICER – JOB DESCRIPTION**  
**M-8, EXEMPT POSITION**  
**TOWN MANAGER'S OFFICE, TOWN OF FALMOUTH, MA**

**Primary Purpose**

The Diversity, Equity, and Inclusion (DEI) Officer will lead the Town's efforts to ensure we are centering a commitment to be an anti-racist organization, to practice diversity, equity, and inclusion in our decision making, and to ensure we are achieving it in our outcomes. This person will advise and collaborate with the Human Resources Director on the development of employee focused DEI initiatives. They will work with department managers and other senior leaders to develop a DEI strategic plan and ensure the successful implementation of these programs. This position will work at the direction of the Town Manager.

The ideal candidate will demonstrate a high level of emotional intelligence and diplomatic skill when dealing with colleagues, employees, elected officials, and members of the public. They will be comfortable working in a highly collaborative workspace and demonstrate the ability to deliver critical policy and programmatic changes.

**Essential Functions**

*(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)*

1. Leads development of vision and strategic plan for Diversity, Equity, and Inclusion for Select Board consideration and adoption.
2. Works collaboratively with staff and with board and committee members in the implementation of the Town's DEI vision and strategic plans and initiatives.
3. Provides direction, support, and communication in the areas of diversity, inclusion, accessibility, and related compliance matters to the Town Manager, Town Departments, boards, and committees.
4. Using the Strategic Plan as a guideline, the DEI Officer works collaboratively with key stakeholders to integrate the policy into the Town of Falmouth's activities and programs.
5. Works with all Town departments to enhance existing programs and develop new programs that encourage active engagement in activities that demonstrate the Town's commitment to diversity and inclusion.
6. Collaborates with the Human Resources Director on DEI initiatives related to training and development, recruitment, compensation, and other core Human Resources functions.
7. Serves as staff liaison to the Falmouth Affirmative Action/Diversity Committee.
8. Partners with the Human Resources Director to develop, support, and potentially lead leadership coaching, workshops, listening sessions, and other opportunities to raise awareness.

9. Advises on the development of new policies and practices intended to standardize diversity, equity, and inclusion throughout Town departments, boards, and committees.
10. Represents the Town at board and community meetings associated with diversity; attends public meetings sponsored by federal, state, and Town agencies.
11. Develops and communicates key metrics and benchmarks to promote transparency and accountability and to measure progress on initiatives.
12. Updates directors, division heads, and other senior leaders on the impact of changes to state and federal regulations and legislation; stays current on laws, regulations, trends, and best practices related to diversity and inclusion.
13. Maintains confidentiality.
14. Performs other similar or related duties as required or as the situation dictates.

### **Supervision**

*Supervision Received:* The DEI Officer works under the administrative direction of the Town Manager and works independently in accordance and consistent with municipal objectives.

*Supervision Given:* None.

### **Work Environment**

Work is generally performed in typical office conditions. Use of standard office equipment is required. Fieldwork is required to perform site visits. The work environment is moderately paced, and the noise level in the work environment is usually moderate. Occasionally, this position, will be required to attend evening meetings and work beyond normal business hours.

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

### **Minimum Qualifications**

#### **Education, Training, and Experience:**

Must have a bachelor's degree in Organizational Development, Business, Human Resources, Public Administration, Human Services, or related field; at least five years of progressively responsible experience delivering solutions related to diversity, equity, and inclusion; or any equivalent combination of education, training, or experience which demonstrates possession of the required knowledge, skills, and abilities necessary to perform the essential functions of the job.

#### **Knowledge, Skills, and Abilities:**

*Knowledge:* Must have subject matter expertise in diversity, equity, and inclusion and a deep understanding of diversity challenges. Must have knowledge and experience with federal and state civil rights laws related to confidentiality, affirmative action, equal opportunity, and disability.

*Skills:* Must exhibit a high degree of diplomacy while working with colleagues, staff, elected officials, and members of the public; exceptional communication, both written and verbal; creativity and innovation to develop new ideas and initiatives; strong analytical and critical thinking skills; and excellent public speaking, listening, presentation, and negotiation skills. Must be a team-oriented, patient, consensus-builder who understands how to influence and achieve commitment from diverse constituencies and design solutions while building and maintaining enthusiasm.

*Abilities:* Must have a demonstrated ability to lead effective strategies and improvement and to engage, influence, and work within administrative leadership and internal teams, building strong relationships as a trusted leader and advisor to facilitate change. Must have the ability to provide frontline customer service and follow-through; to enact positive change in an organization; to work in a highly collaborative environment; and to facilitate and guide challenging DEI conversations. Must have the ability to work with employees of all levels, board and committee members, and community members within the Town of Falmouth; to develop metrics for measuring the effectiveness of implemented diversity initiatives; and to maintain confidential information, as interactions may include matters that are sensitive in nature and that could affect the reputation of the employee or community member. Employee must have the ability to travel to offsite meetings.

### **Preferred Qualifications**

Certified Diversity Professional (CDP), Certified Diversity Executive (CDE), or other related diversity certification; advanced degree in Organizational Development, Business, Human Resources, Public Administration, Human Services, or related field; bilingual (Portuguese or Spanish); experience advising senior or executive leadership on Human Resources employment law, DEI, or organizational equity issues; successful training and/or experience in affirmative action; training in Restorative Practices.

### **Physical Requirements**

While performing the duties of this job, the employee is regularly required to operate, lift, and move standard office equipment. The employee is required to move from one place to another and communicate with others. The employee must occasionally lift and/or move up to 40 pounds.

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions of the position.

*(This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.)*

Adopted: March 6, 2023

Pages: Three (3)

**Board of Selectmen  
Fee Waiver Policy  
-Adopted February 11, 2016**

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

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

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

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

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

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

II. Special Events Fees and Use Charges Policy

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

## BOS Fee Waiver Policy (continued)

### Daily Fees:

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

### Recurring Events:

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

### Fee Waivers:

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

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

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

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

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

## **OPEN SESSION**

## **BUSINESS**

5. Approve request from ArtsFalmouth, Inc. for a waiver/reduction of the special event permit fee for the Arts Alive Festival on the Library Lawn, Peg Noonan Park and Shore Street Extension on Friday, 6/16, Saturday, 6/17 and Sunday, 6/18/23 **(5 minutes)**

## Request for Fee Waiver:

### Arts Alive Festival

#### Notes:

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

The Select Board has voted in recent past years as follows:

2022 Waived  
2021 \$150 permit fee  
2020 -  
2019 Waived  
2018 Waived  
2017 Waived

The calculation of the standard reduction in permit fee is as follows;

\$200.00 per day permit fee x 3 days = \$600.00  
First and last = \$400.00  
1 day x \$200.00 = \$200.00 - \$150.00 (75% reduction) = \$50.00  
\$400.00 + \$50.00  
= \$450.00 permit fee

**ArtsFalmouth, Inc.**  
**Profit and Loss Statement**  
**January through December 2022**

**Income**

Interest Income	\$ 2
Event Income	
<b>Woods Hole Trad Stroll (May 2022)</b>	
Grants (Woods Hole Foundation)	\$ 500
Grants (Mass Cultural Council)	\$ 1,000
Artisans Market (vendor fees)	\$ 200
Donations	\$ 62
<b>Total WHTS income</b>	<b>\$ 1,762</b>
<b>Arts Alive (June 2022)</b>	
Vendor fees	\$10,825
Donated art, swag, drink sales	\$ 549
Raffle	\$ 400
Donations	\$ 1,800
Grants (Woods Hole Foundation)	\$ 1,000
Grants (Falmouth Cultural Council)	\$ 750
Grants (Mass Cultural Council)	\$ 1,500
Grants (Cape Cod Melody Tent)	\$1,000
<b>Total Arts Alive Income</b>	<b>\$17,824</b>
<b>Jazz Stroll (October 2022)</b>	
Total Jazz Stroll Income	\$ 0
<b>TOTAL INCOME</b>	<b>\$19,588</b>

## Expenses

### Event Expenses

#### Arts Alive (September 2021)

Security (Mashpee Police)	\$ 516
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#### Woods Hole Trad Stroll (May 2022)

Payments to performers	\$ 1,900
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Venue fee	\$ 115
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Posters, rack cards, signs	\$ 153
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<b>Total Woods Hole Trad Stroll expenses</b>	<b>\$ 2,168</b>
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#### Arts Alive (June 2022)

Tent, table, and chair rental	\$ 4,445
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Payments to performers	\$ 3,500
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Sound engineers	\$ 2,000
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Permits and fees	\$ 110
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Electric cords	\$ 503
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Canopy tents	\$ 265
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Security	\$ 350
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Recycling bin rental	\$ 100
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Portable toilet rental	\$ 145
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Promotion	\$ 804
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Materials and supplies	\$ 781
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Misc. (vendor cancellation)	\$ 175
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<b>Total Arts Alive expenses</b>	<b>\$ 13,178</b>
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#### Jazz Stroll (October 2022)

Payment to performers	\$ 1,300
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Rack cards	\$ 205
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Venue signs	\$ 67
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<b>Total Jazz Stroll expenses</b>	<b>\$ 1,572</b>
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**Administrative Expenses**

Storage area rental	\$ 960
Liability insurance	\$ 104
Website	\$ 185
FCTV membership/services	\$ 130
Postage	\$ 24
Post Office Box	\$ 202
Legal filings	\$ 54
Advertising	\$ 50
<b>Total Administrative expenses</b>	<b>\$ 1,709</b>
<b>TOTAL EXPENSES</b>	<b>\$ 19,143</b>
<b>Net Income</b>	<b>\$ 445</b>

## Woods Hole Trad Stroll 2023 Budget

### Income

Hoped for grants	\$ 2,000
Vendor fees	\$ 200
T-shirt and Tote bag sales	\$ 250
<b>TOTAL INCOME</b>	<b>\$ 2,450</b>

### Expenses

Payments to performers	\$ 2,000
Space rental	\$ 150
Marketing and promotion	\$ 200
Supplies and materials	\$ 100
<b>TOTAL EXPENSES</b>	<b>\$ 2,450</b>

## Arts Alive 2023 Budget

### Income

Vendor fees	\$10,000
Sales of T-shirts, tote bags, donated art, canned drinks	\$ 750
Arts Foundation of Cape Cod grant	\$ 2,000
Hoped for grants	\$ 3,000
Anticipated donations from local businesses	\$ 1,000
<b>TOTAL INCOME</b>	<b>\$16,750</b>

### Expenses

Tent, table, and chair rental	\$ 5,440
Payment to performers	\$ 4,000
Sound engineers	\$ 2,200
Security	\$ 1,400

Portable toilet rental	\$ 200
Dance floor rental	\$ 300
Swag production costs	\$ 500
Liability insurance	\$ 1,000
Fees to Town of Falmouth	\$ 110
Supplies for videotaping and editing concerts and activities	\$ 100
Marketing and promotion (posters, rack cards, banners, social media)	\$ 1,000
Supplies and materials	\$ 500
<b>TOTAL EXPENSES</b>	<b>\$16,750</b>

## **Jazz Stroll 2023 Budget**

### **Income**

Hoped for grants	\$2,500
Donations	\$ 500
<b>TOTAL INCOME</b>	<b>\$3,000</b>

### **Expenses**

Payments to performers	\$2,500
Marketing and promotion	\$ 300
Supplies and materials	\$ 200
<b>TOTAL EXPENSES</b>	<b>\$ 3,000</b>

## Application for a Special Event: Arts Falmouth/Arts Alive 2023

### Narrative describing the event.

ArtsFalmouth proposes to hold its annual Arts Alive festival on Friday, June 16, 2023, from 5, to 9 PM; Saturday, June 17, 2025, from 10 AM to 9 PM; and Sunday, June 18, 2023, from 11 AM to 5 PM on the Falmouth Library Lawn, on Shore Street Extension, and at Peg Noonan Park.

Arts Alive is a lively three-day celebration of the arts. It includes an artisan's market with handcrafted wares made by artists and craftspeople from the Upper Cape and nearby, a wide array of musical, theatrical, dance, and children's performances and events, plus art, photography, and video demonstrations, storytelling, and more. This year we will continue our collaboration with numerous town organizations and individuals to celebrate Juneteenth and honor African American culture. We will also be celebrating Father's Day and are coordinating with Cape Cod Pride to celebrate Pride Month. We have added an accessibility advisor to our Board who is helping to ensure that the festival is accessible for people with disabilities.

Arts Alive begins Friday evening at 5 PM, includes a Town Dance from 6 to 9 PM, and extends through Sunday afternoon at 5 PM, with something for everyone.

We will continue our post-COVID layout to allow more social distancing and to follow health and safety protocols. We will have one large (30' x 60') performance tent and one smaller (20' x 40') performance tent on the Library Lawn. The large tent will be for larger performance groups (dance groups, theatre companies, bands with more than 3 or 4 members, etc.) and the smaller tent for solo, duo, trio, and quartet performances.

Chairs and tables will be provided, but they will be spread out to allow for social distancing. Elements of the event may be modified or eliminated in accordance with COVID-19/variant conditions at the time of the event.

We will continue having vendors on Shore Street Ext., allowing distance between 10' x 10' vendor tents, allowing for better air flow throughout the entire arts and crafts and food vendor area. Tent leg weights of at least 20 pounds per leg are required.

Peg Noonan Park will also be used for 10' x 10' vendor tents, which will be separated from each other by several feet to promote social distancing and aid air flow. Tents must be staked and weighted.

A limited number of 10' x 10' tents for nonprofit organizations and groups that are not selling anything will be allowed in designated areas on the Falmouth Public Library Lawn.

Public restrooms are available at Peg Noonan Park. A bouse house will be provided for vendors in the Shore Street Ext area.

Arts Alive ends at 5 PM on Sunday, at which time tents and other equipment will be removed. It has in the past taken about an hour for vendors to remove their tents. We have asked that Shore Street Ext. remain closed until 9 PM but expect we can re-open the street earlier.

We will recommend that performers and vendors be vaccinated.

### **Shore Street Extension**

We are again requesting the Select Board's permission to temporarily close Shore Street Ext. to traffic from dawn on Friday, June 16, to 9 PM (though we can probably reopen it earlier) on Sunday, June 18, once vendors remove their tents.

We also request that signs prohibiting overnight parking be placed along the street on Thursday, June 15.

### **We will follow the usual procedures for Arts Alive:**

We request the use of town restrooms at Peg Noonan Park until the closing hours of the festival every day.

We will again ask the DPW for extra trash barrels and their servicing.

We will contact Cavossa Disposal for recycling barrels.

Volunteers will patrol the area during event days to remove any trash or litter.

We will call Dig Safe before installing tents.

We will provide security on Friday and Saturday nights but will ask the Falmouth Police to patrol the area when they are able.

We will obtain the necessary permits and inspections from the Building Department.

We will obtain a permit from the Health Department once food vendors are identified.

### **Request of Waiver of Event Fee:**

We request that the Select Board waive or reduce the fee for this event. ArtsFalmouth, Inc. is a nonprofit organization, and the Arts Alive festival is free and open to all, celebrating and supporting our local artists and performers. The expenses of putting on the festival are substantial, and the volunteer organizers work hard to raise funds through contributions and grants. A fee waiver helps support our fundraising efforts and recognizes the contribution that Arts Alive makes to the Town of Falmouth and its local economy.



## Town of Falmouth

Office of the Town Manager and Select Board  
59 Town Hall Square · Falmouth, MA 02540  
(508) 495-7320 · [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)

### SPECIAL EVENT PERMIT

Event Name	Arts Alive
Type of Event	Arts, crafts, music, performance festival
Applicant Name	ArtsFalmouth, Inc.
Mailing Address	P.O. Box 136, Falmouth, MA 02541
Event Day & Date	Friday, June 16; Saturday, June 17 and Sunday, June 18, 2023
Rain Date	None
Event Location	Falmouth Public Library Lawn, Shore Street Extension, Peg Noonan Park
Event Hours	Friday: 5:00 p.m.-9:00 p.m. Saturday: 10:00 a.m.-9:00p.m. Sunday: 11:00 a.m.-5:00 p.m.
Set-Up	Wednesday, 6/14 – 12:00 p.m.
Break Down	Monday, 6/19 – 12:00 p.m.
Number of Attendees	2,500 – 4,000
Number of Vehicles	
Parking Plan	Public parking lots and Mullen-Hall School lots
Signs	No
Tents	Yes. 1, 30'x60'. 1, 20'x40'. 10'x10' vendor tents at Peg Noonan Park and Shore St. Ext.
Food / Beverages	Yes. 3 food vendors.
Alcohol	No.
Entertainment	Yes.
Additional Details	-Close Shore St. Ext. from dawn on Friday, 6/16 until 9:00 p.m. on Sunday, 6/18. -Request signs prohibiting overnight parking placed along Shore St. Ext. Thursday, 6/15. -Organizer will contact Dig Safe before installing tents. -Organizer will provide security on Friday and Saturday nights, and is requesting the Falmouth Police to patrol the area as well. -Organizer will contact Cavossa for recycling barrels.
Standard Conditions	1. Contact the following Town Departments 30 days prior to event: <ul style="list-style-type: none"><li>• Police Detail Sergeant for public safety requirements.</li><li>• Fire Department for EMS or fire detail coordination.</li><li>• Inspectional Services for tent in excess of 400 sq. ft., permit and inspection.</li><li>• Health Department for temporary food permit and to schedule inspection.</li></ul> 2. Follow the "Recycling Instructions for Special Events", attached. 3. Check locations following the event to clean up any litter or debris.
Special Conditions	1.
Insurance Certificate	Naming the Town of Falmouth as additional insured.
Fees	Filing: \$10.00 · Permit: \$600.00 · Deposit: \$300.00 (separate check)

APPROVED:

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

## **OPEN SESSION**

## **BUSINESS**

6. Approve request from John Wesley United Methodist Church for a waiver/reduction of the special event permit fee for Sunday Worship Services at Surf Drive Beach from 7/2/23 – 9/3/23 **(5 minutes)**

## Request for Fee Waiver:

### Sunday Worship Services – John Wesley United Methodist Church – Surf Drive Beach

#### Notes:

The applicant is requesting a reduction in the permit fee.

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

2022	\$262.50
2021	\$262.50
2020	\$262.50 (events cancelled)
2019	\$262.50
2018	\$262.50
2017	\$262.50
2016	\$262.50

The calculation of the standard reduction in permit fee is as follows;

$\$75.00$  per day permit fee x 8 days =  $\$600.00$   
First and last day =  $\$150.00$   
6 days =  $\$450.00 - \$337.50$  (75% reduction) =  $\$112.50$   
 $\$112.50 + 150.00$   
=  $\$262.50$  permit fee



# John Wesley United Methodist Church

Love God. Love Others. Serve the World.



Special Events Internal Working Group/  
Falmouth Select Board  
Falmouth Town Hall  
59 Town Hall Square  
Falmouth, MA 02540

March 21, 2023

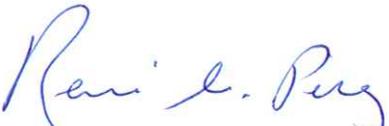
Dear Madams and Sirs:

On behalf of the John Wesley United Methodist Church, I am writing to ask your approval to use Surf Drive Beach again this summer to hold a brief non-denominational worship service on Sunday mornings. As we have done the previous seven summers, we would gather every Sunday from 7:30am-8:00am. Our first service would be on July 2nd and run through September 3rd. We would not hold services on July 9<sup>th</sup> – Falmouth Triathlon, or August 20<sup>th</sup>– Road Race.

I would also ask the Board of Selectmen for a fee waiver under the Fee Waiver Policy, where recurring events are granted a discount up to 75% of the daily charge, excluding the first and last days. We have received this waiver each year in the past, based on the fact that this service provides a broad community benefit, and there is no additional cost to the town, as the beach attendant is already at the beach prior to our service and we leave prior to the opening of the parking lot. This would be a total of 8 Sundays, so with the first and last days being  $\$75 \times 2 = \$150$ , plus 75% reduction of the remaining 6 days, ( $\$18.75 \times 6 = \$112.50$ ), our total would be  $\$262.50$ . Attached is our application form.

Thank you very much for your consideration. If I can provide additional information, please don't hesitate to contact me.

Very truly yours,

  
Rev. René Pérez



## Town of Falmouth

Office of the Town Manager and Select Board  
59 Town Hall Square · Falmouth, MA 02540  
(508) 495-7320 · [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)

### SPECIAL EVENT PERMIT

Event Name	Beach Service
Type of Event	Sunday Worship Services
Applicant Name	Rev. Rene Perez, John Wesley United Methodist Church
Mailing Address	270 Gifford St., Falmouth, MA 02540
Event Day & Date	Sundays, July 2 – September 3, 2023 (except 7/9 & 8/20)
Rain Date	None
Event Location	Surf Drive Beach
Event Hours	7:30 a.m. to 8:00 a.m.
Set-Up	Sundays – 7:00 a.m.
Break Down	Sundays – 8:00 a.m.
Number of Attendees	80
Number of Vehicles	25
Parking Plan	Beach employee open gate at 7:15 a.m. and let out and close at 8:15 a.m.
Signs	No
Tents	No
Food / Beverages	No
Alcohol	No
Entertainment	No
Additional Details	None
Standard Conditions	<ol style="list-style-type: none"><li>Contact the following Town Departments 30 days prior to event:<ul style="list-style-type: none"><li>Police Detail Sergeant for public safety requirements.</li><li>Fire Department for EMS or fire detail coordination.</li><li>Inspectional Services for tent in excess of 400 sq. ft., permit and inspection.</li><li>Health Department for temporary food permit and to schedule inspection.</li><li>Recreation Department to reserve ball field.</li></ul></li><li>Follow the "Recycling Instructions for Special Events", attached.</li><li>Check location following event to clean up any litter or debris.</li></ol>
Special Conditions	<ol style="list-style-type: none"><li>None</li></ol>
Insurance Certificate	Naming the Town of Falmouth as additional insured.
Fees	Filing: \$10.00 · Permit: \$1,200.00 · Deposit: \$300.00 (separate check)

APPROVED:

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

## **OPEN SESSION**

## **BUSINESS**

7. Request for variance to Sign Code – §184-30 (C) Special Events:  
John Wesley United Methodist Church, 270 Gifford Street **(5  
minutes)**

John Wesley United Methodist Church:

Request for promotional sign in excess of days permitted under Section 184-30 of the Sign Code.

Location: John Wesley United Methodist Church, 270 Gifford Street

1. Plant Sale (event date: May 26 & 27)
  - Display Dates: 5/21/23 – 5/27/23.
  - Location: Corner of Jones Rd. and Gifford St.
  - Dimensions: 7' x 2'
  
2. Rummage & Yard Sale (event date: TBD)
  - Display Dates: 7 days prior to the event.
  - Location: Corner of Jones Rd. Gifford Street
  - Dimensions: 7' x 2'
  
3. Trunk or Treat (event date: October 29)
  - Display Dates: 10/23/23 – 10/29/23
  - Location: Corner of Jones Rd. and Gifford St.
  - Dimensions: 7' x 2'
  
4. Christmas Fair (event dates: November 10 & 11)
  - Display Dates: 11/5/22 – 11/11/22
  - Location: Corner of Jones Rd. and Gifford St.
  - Dimensions: 7' x 2'

The applicant is also requesting:

- Four additional promotional temporary signs (in addition to the two allowed annually) for 2023.



# John Wesley United Methodist Church

Love God. Love Others. Serve the World.



To: Select Board

From: John Wesley United Methodist Church

Date: March 21, 2023

We are seeking a variance to display four promotional temporary signs in addition to the two allowed annually.

For 2023 we seek permission to place four additional promotional temporary 7-day signs for events such as the following:

**Plant Sale** (May 26<sup>th</sup> & 27<sup>th</sup>)

Sign display dates: May 21<sup>st</sup> – 27<sup>th</sup> on the corner of Jones Rd. & Gifford St. The size is 7' x 2'.

**Rummage Sale** (Event date: Date to be determined)

Sign Display Dates: 7 days prior to the event on the corner of Jones Rd. & Gifford St. The size is 7' x 2'.

**Trunk or Treat** (Event date October 29<sup>th</sup>)

Sign Display Dates – October 23<sup>rd</sup> -29<sup>th</sup> on the corner of Jones Rd. & Gifford St. The size is 7' x 2'.

**Christmas Fair** (Event dates: Nov. 10 & 11)

Sign Display Dates – November 5<sup>th</sup> -11<sup>th</sup> on the corner of Jones Rd. & Gifford St. The size is 7' x 2'.

We will obtain permits for the events if the Select Board approves this application for us to have four additional permits issued for 2023.

Thank you.

  
Ruth Moulton  
Parish Administrator

## OPEN SESSION

## BUSINESS

8. Approve request from Falmouth Art Market and Falmouth Cultural Council for a waiver/reduction of the special event permit fee for the Falmouth Art Market at Marina Park on Tuesdays from 6/27/23 – 8/29/23 **(5 minutes)**

## Request for Fee Waiver:

### Falmouth Art Market

#### Notes:

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

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

2022	Waived
2021	Reduced to \$300
2020	Reduced to \$300 (but event was cancelled)
2019	Reduced to \$300
2018	Reduced to \$300
2017	Reduced to \$300

The calculation of the standard reduction in permit fee is as follows;

\$200 per day permit fee x 10 days = \$2,000  
First and last day = \$400  
8 days x \$200 = \$1,600 - \$1,200 (75% reduction) = \$400  
\$400 + 400  
= \$800 permit fee

**Report to the Select Board  
April 3, 2023  
Falmouth ArtMarket  
Special Event Permit Fee Waiver Request**

SUMMARY: All of the profit (100%) from the ArtMarket is donated to the Falmouth Cultural Council. If the ArtMarket has to pay \$2,000 (Special Event Permit Fee of \$200 x 10 weeks of the 2023 season), there would be \$0 donation to the Cultural Council from the ArtMarket. Adversely, there would be a cost to the Falmouth Cultural Council of \$579.34.

In the FY 23 grant cycle, the Falmouth Cultural Council awarded \$20,000 to 28 artists and arts organizations. Of this amount, \$1,600 from the Falmouth ArtMarket went directly to the grantees. Therefore, the Falmouth Cultural Council is asking the Select Board to waive the Falmouth ArtMarket Special Event Permit Fee of \$2,000.

BACKGROUND: Falmouth Cultural Council gives out 100% of the town and state funds it receives in grants to local artists and arts organizations. The donations from the Falmouth ArtMarket allows the Council to be able to do much needed community outreach activities, such as an annual community survey to ascertain the council's funding priorities, a grantee reception, and a grant writing workshop that enables first-time applicants to successfully complete the MCC grant application.

**Falmouth ArtMarket Budget  
2023 Season (FY23 – FY24)  
June 27 – August 29 (10 weeks)**

**Estimated Income:**

**Maximum: \$5,000.00 if all vendor slots fill [# of vendors = 25 per week]  
(Vendor fees: \$25.00 per week or \$200 for the season)**

**Expenses:**

Musicians Stipend	(\$150 x 10 weeks)	\$1,500.00
Portable Flooring for Musicians		\$ 200.00

Summer Intern (\$ 20 x 10 weeks) \$ 200.00  
(assists with set-up and take-down of tents)  
Liability Insurance: \$ 379.34  
Special Events Application Fee: \$ 10.00  
Special Events Security Deposit: \$ 300.00

**Promotion\***

Advertising & Printing (lawn signs & flyers) \$1,000.00

**Income estimated: \$5,000.00**

**Expenses estimated: \$3,279.34**

\*Promotion Expenses are necessary due to the change in day of the week and location for the 2023 season of the ArtMarket.

**Net Revenue: \$1,720.66**

**W/o Return of Security Dep./Town Fee \$ 579.34**



February 9, 2023

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

Dear Diane Davidson, Office Manager, & Select Board Members,

The Falmouth Art Market is the local fundraising partner of the Falmouth Cultural Council. The Art Market will take place on Tuesdays from June 27 - August 29, 2023 at Marine Park. We would like to apply for a full waiver for this summer season as we have received in the past.

All vendor fees are donated to the Cultural Council and this revenue helps provide grants to local artists and supports cultural events in the community.

We hope you will consider our request.

Thank you,

Jane Parhiala  
Coordinator, Falmouth Art Market

Alice Kociemba,  
Chair, Falmouth Cultural Council



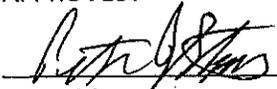
## Town of Falmouth

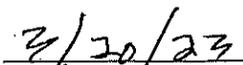
Office of the Town Manager and Select Board  
59 Town Hall Square · Falmouth, MA 02540  
(508) 495-7320 · [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)

### SPECIAL EVENT PERMIT

Event Name	Falmouth Art Market
Type of Event	Arts and crafts market
Applicant Name	Falmouth Art Market/Falmouth Cultural Council, Jane Parhiala.
Mailing Address	47 Sippewissett Road, Falmouth, MA 02540
Event Day & Date	Tuesdays, June 27 – August 29, 2023
Rain Date	None.
Event Location	Marina Park
Event Hours	12:00 noon – 6:00 p.m.
Set-Up	Same day, 10:00 a.m.
Break Down	Same day, 6:00 p.m.
Number of Attendees	
Number of Vehicles	
Parking Plan	Marina park.
Signs	Yes. On site, 27"x37" sandwich board, small 15"x19" and 20"x30". Lawn signs on homeowners' front lawns.
Tents	Yes. 20-25, 10x10.
Food / Beverages	Yes. Ice cream truck.
Alcohol	No.
Entertainment	Yes. Local musicians, folk music. Book booth featuring local authors.
Additional Details	20-25 vendors. Use of electricity at bandshell. Use of public restrooms at Harbormaster.
Standard Conditions	<ol style="list-style-type: none"><li>Contact the following Town Departments 30 days prior to event:<ul style="list-style-type: none"><li>Health Department - food vendors to apply for temporary food permit and to schedule inspection.</li><li>Recreation Department - to obtain key for access to electricity at bandshell.</li></ul></li><li>Follow the "Recycling Instructions for Special Events", attached.</li><li>Check location following event to clean up any litter or debris.</li></ol>
Special Conditions	<ol style="list-style-type: none"><li>Vendors to drop off and shuttle to/from Gus Cauty Recreation Center parking lot.</li><li>Four spaces available for vendor parking on grass area behind Bandshell.</li><li>Vendor parking plaques will be placed on vendors' vehicles.</li></ol>
Insurance Certificate	Naming the Town of Falmouth as additional insured.
Fees	Filing: \$10.00 · Permit: \$2,000.00 · Deposit: \$300.00 (separate check)

APPROVED:

  
Town Manager

  
Date

## **OPEN SESSION**

## **BUSINESS**

9. Approve request from Dawna Hammers for a waiver/reduction of the special event permit fee for the Earth Day Concert at the Bandshell/Marina Park on Saturday, 4/22/23 **(5 minutes)**

## Request for Fee Waiver:

### Earth Day Concert:

#### Notes:

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

The Select Board has voted in recent past years as follows:

This is a new event.

The calculation of the standard reduction in permit fee is as follows:

\$200.00 – \$150.00 (75% reduction)

= \$50.00 permit fee

**Diane Davidson**

---

**From:** Dawna Hammers [REDACTED]  
**Sent:** Wednesday, March 29, 2023 1:53 PM  
**To:** Falmouth Town Manager  
**Subject:** Request waiver for rental fee

Dear Falmouth Select board,

I am writing to request a waiver for the \$200 permit fee of the Marina Pavillion for my Earthday Concert on Sat. April 22nd. I only received a small grant of \$700 from Arts Falmouth to produce this concert and the sound expense alone is \$500 as well as event insurance.

There are many other additional expenses such as feeding and housing the drummers & dancers and advertising the event.

I will be seeking out sponsors in the local community to help with these costs but it would greatly help if you could waive this fee so that I don't personally lose money.

I am simply trying to bring beautiful music to the beautiful land and people of Falmouth and am donating much of my professional time and energy to do so.

Thanks very much for your consideration and support of this event.

Sincerely, Dawna Hammers



## Town of Falmouth

Office of the Town Manager and Select Board  
59 Town Hall Square · Falmouth, MA 02540  
(508) 495-7320 · [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)

### SPECIAL EVENT PERMIT

Event Name	Earth Day Concert
Type of Event	Concert
Applicant Name	Dawna Hammers
Mailing Address	P.O. Box 242, Falmouth, MA 02541
Event Day & Date	Saturday, April 22, 2023
Rain Date	Sunday, April 23, 2023
Event Location	Bandshell/Marina Park
Event Hours	3:00 p.m. – 5:00 p.m.
Set-Up	4/22/23 – 12:00 p.m.
Break Down	4/22/23 – 6:00 p.m.
Number of Attendees	90
Number of Vehicles	25
Parking Plan	Public parking lot. People encouraged to walk, bike and carpool.
Signs	Yes. A few posters.
Tents	No.
Food / Beverages	No.
Alcohol	No.
Entertainment	Quiet, beautiful music.
Additional Details	
Standard Conditions	<ol style="list-style-type: none"><li>Contact the following Town Departments 30 days prior to event:<ul style="list-style-type: none"><li>Police Detail Sergeant for public safety requirements.</li><li>Fire Department for EMS or fire detail coordination.</li><li>Inspectional Services for tent in excess of 400 sq. ft., permit and inspection.</li><li>Health Department for temporary food permit and to schedule inspection.</li><li>Recreation Department to reserve ball field.</li></ul></li><li>Follow the "Recycling Instructions for Special Events", attached.</li><li>Check location following event to clean up any litter or debris.</li></ol>
Special Conditions	<ol style="list-style-type: none"><li>Stop by the Recreation Department the Friday before the event to obtain key to bandshell to access electricity.</li></ol>
Insurance Certificate	Naming the Town of Falmouth as additional insured.
Fees	Filing: \$10.00 · Permit: \$200.00 · Deposit: \$300.00 (separate check)

APPROVED:

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

## **OPEN SESSION**

## **BUSINESS**

10. Request for variance to Sign Code – §184-32 Off-Premise  
Signs: Buzzards Bay Coalition – Buzzards Bay Watershed Ride  
on Saturday, 10/1/23 **(5 minutes)**

Buzzards Bay Watershed Ride:

Request for approval of variance to sign code §184-32 off-premise promotional signs for the Buzzards Bay Watershed Ride on the Shining Sea Bike Path to MBL in Woods Hole on Sunday, October 1, 2023.

Location	Quantity	Type	Size	Length of Time
1. Corner of MBL St. & North St.	1	Finish line banner	2' x 11.8'	Day of event
2. Swope Center Property	3	Sandwich boards		Day of event
3. Swope Building	1 – 3	Banners	3' x 6'	Day of event
4. 49 School St. & WHOI Lot Corner Water St. & MBL St. Corner Water St. & Albatross St. MBL Loeb Lot, North St. MBL Broderick Lot, North St.	5	Parking location signs	24" x 36"	Day of event
5. Allowed under sign code	6	Route marking signs	10" x 14"	Friday before event, 9/29
6. Bike path & County Rd. Bike path & Old Dock Rd. Hutker Architects, 533 Palmer Ave. Corner Cycle, 115 Palmer Ave. Water St. & MBL St.	5	Yard signs	18" x 24"	6 – 8 weeks before event
7. Bike path & County Rd. Bike path & Old Dock Rd.	2	Yard signs	10" x 14"	Week before event

All signs will be removed within 24 hours of the completion of the event.



## Town of Falmouth

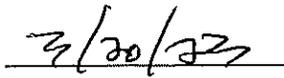
Office of the Town Manager and Select Board  
59 Town Hall Square · Falmouth, MA 02540  
(508) 495-7320 · [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)

### SPECIAL EVENT PERMIT

Event Name	Buzzards Bay Watershed Ride
Type of Event	Cycling fundraiser
Applicant Name	Buzzards Bay Coalition, Jonah Guerin
Mailing Address	114 Front Street, New Bedford, MA 02740
Event Day & Date	Sunday, October 1, 2023
Rain Date	None
Event Location	Shining Sea Bike Path. End at MBL Swope Center, 7 MBL Street, Woods Hole.
Event Hours	1:00 p.m. to 6:00 p.m.
Set-Up	10/1 – 10:30 a.m.
Break Down	10/1 – 6:30 p.m.
Number of Attendees	450
Number of Vehicles	160
Parking Plan	MBL and WHOI lots. (See attached.)
Signs	Yes. (See locations, attached.)
Tents	No.
Food / Beverages	Yes. (Catered by Swope Center.)
Alcohol	Yes. (Catered by Swope Center.)
Entertainment	Yes. (Live band at Swope Center.)
Additional Details	Organizer will request police details at Railroad & Water St. and at Water St. and MBL St.
Standard Conditions	<ol style="list-style-type: none"><li>Contact the following Town Departments 30 days prior to event:<ul style="list-style-type: none"><li>Police Detail Sergeant for public safety requirements.</li><li>Fire Department for EMS or fire detail coordination.</li><li>Inspectional Services for tent in excess of 400 sq. ft., permit and inspection.</li><li>Health Department for temporary food permit and to schedule inspection.</li><li>Recreation Department to reserve ball field.</li></ul></li><li>Follow the "Recycling Instructions for Special Events", attached.</li><li>Check route and locations following event to clean up any litter or debris.</li></ol>
Special Conditions	<ol style="list-style-type: none"><li>Apply for sign permit with Inspectional Services Department on line through PermitEyes. A sign variance approval will be required by Select Board.</li></ol>
Insurance Certificate	Naming the Town of Falmouth as additional insured.
Fees	Filing: \$10.00 · Permit: \$200.00 · Deposit: \$300.00 (separate check)

APPROVED:

  
Town Manager

  
Date



**Buzzards Bay Coalition Watershed Ride**  
**Sunday, October 1, 2023**  
**Schedule of Signs – Falmouth, MA**

**1) Finish Line “Save Buzzards Bay” banner (2’ x 11.8’) at corner of MBL & North Street**

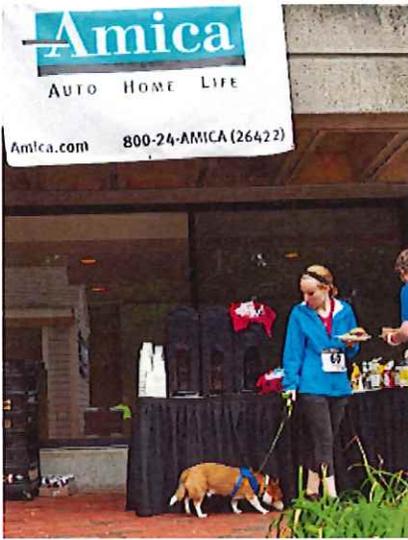
- Set up day of event at 12pm, break down same day at 5pm
- Police detail at top of MBL Street (one way) alerting cars & pedestrians about sign
- Road cones and volunteers in safety green t-shirts stationed to caution cars & pedestrians
- Cyclists crossing under finish line banner between 1-5pm
- Permission to post sign from adjacent property owner, MBL, who is hosting the event



**2) 10’ x 10’ pop up tent, various tables, 3 freestanding sandwich boards on Swope Center property. Set up on Sunday, day of event at 10am, removed by 6pm same day.**



3) One to three (3' x 6') sponsor banners to be hung on Swope Building, TBD. Set up on Sunday, day of event at 10am, removed by 6pm same day.



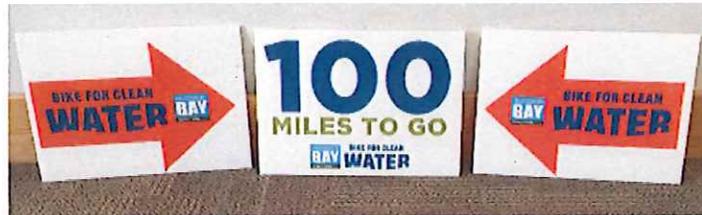
4) 24" x 36" coroplast yard signs on wire "H" stands indicating parking at these locations. Set up on Sunday, day of event at 10am, removed by 6pm same day:

- **4a - "Volunteer Parking" yard sign on grass at Corner of 49 School St. & WHOI School St. Parking Lot**
  - Sign placed Sunday, day of event at 10am, removed by 6pm
  - Permission granted to use lot & post sign by WHOI
- **4b - "Watershed RIDE" yard sign with right arrow on grass at corner of Water St & MBL St.**
  - Sign placed Sunday, day of event at 10am, removed by 6pm
  - Permission granted to post sign by MBL
  - Police detail also stationed here 1-5pm
- **4c - "Watershed RIDE Parking" yard sign with right arrow on grass at corner of Water St & Albatross St.**
  - Sign placed Sunday, day of event at 10am, removed by 6pm
  - Permission granted to post sign by MBL
- **4d - "Shuttle Service" yard sign on grass at entrance to MBL's Loeb Parking Lot, North St.**
  - Sign placed Sunday, day of event at 6am, removed by 6pm
  - Permission granted to use lot & post sign by MBL
- **4e - "Rider Belongings" yard sign on grass at entrance to MBL's Broderick Parking Lot, 17 North St.**
  - Sign placed Sunday, day of event at 10am, removed by 6pm
  - Permission granted to use lot & post sign by MBL



5) Six (6) 10" x 14" route marking signs on wire "H" stands directing cyclists at the following locations. Set up on Friday before event at 10am, removed on day of event by 6pm.

- "10 Miles to Go" on grass on right side of Quaker Rd south of Tricia Road before Highland
- On grass at corner of Nashawena St and Old Dock Road, arrow LEFT
- On grass at corner of Old Dock Road and Shining Sea Bikeway, arrow RIGHT
- On grass next to Shining Sea Bikeway at exit to Carlson Ln, arrow RIGHT
- On grass at corner of sidewalk and Railroad Ave., arrow RIGHT
- On grass at corner of Railroad Ave. and Water St., arrow LEFT (Police detail also stationed here 1-5pm)



6) Five (5) 18" x 24" coroplast yard signs on wire "H" stands promoting the event at these locations. If allowed, signs could go up 6-8 weeks before the event, and would be removed within 24 hours of the event:

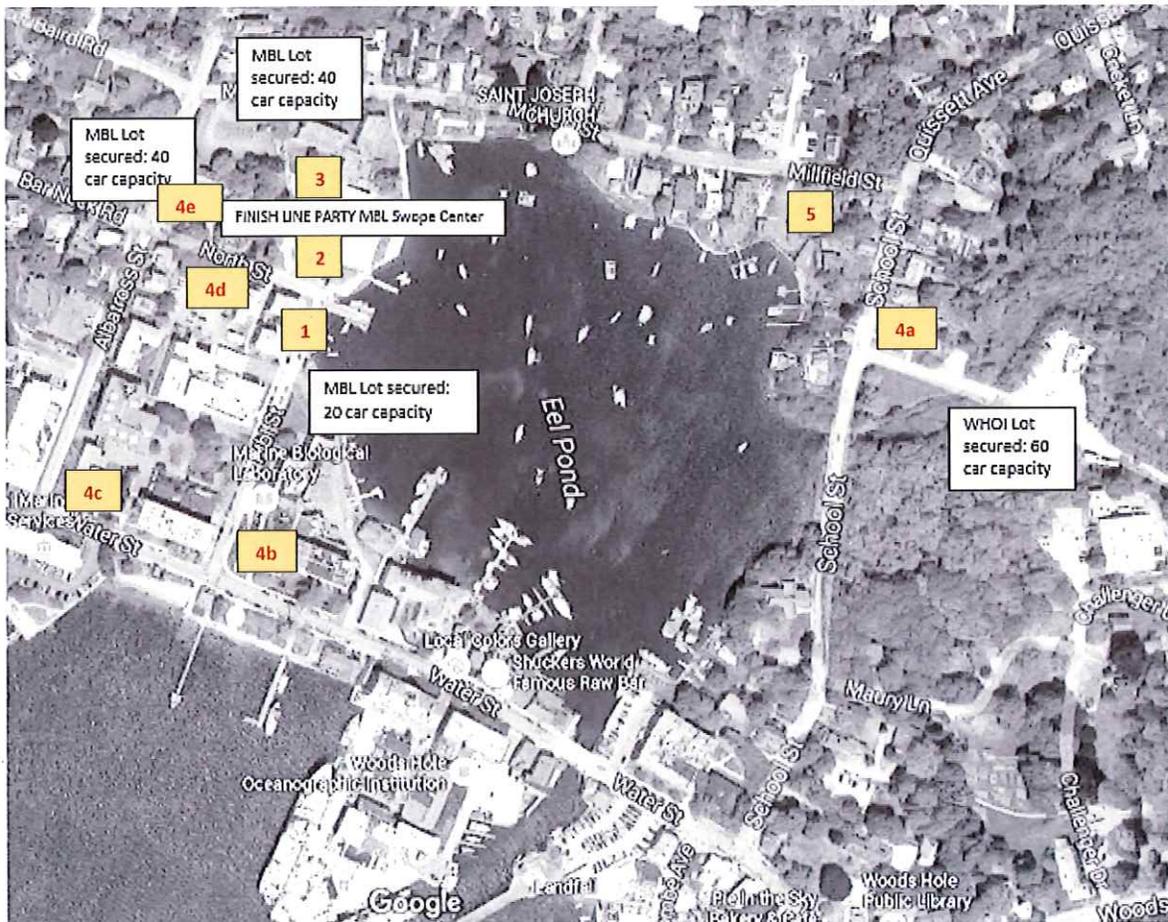
- On grass at Shining Sea Bikeway at County Road entrance
- On grass at Shining Sea Bikeway at Old Dock Road parking lot
- On grass in front of Hutker Architects: 533 Palmer Ave, Falmouth – permission granted by owner
- On grass in front of Corner Cycle, 115 Palmer Ave, Falmouth, MA – not sure who owns grass strip?
- On grass at corner of Water St & MBL St. – permission granted by owner



7) At the request of Town of Falmouth, 10" x 14" coroplast yard signs on wire "H" stands alerting cyclists that an event is happening on Sunday, October 1, 2023. To be posted as requested by Town:

- On grass at Shining Sea Bikeway at County Road
- On grass at Shining Sea Bikeway at Old Dock Road parking lot

**Buzzards Bay Watershed Ride**  
**Site & Sign Map – Woods Hole**



**OPEN SESSION**

**BUSINESS**

11. Vote to appoint Town Manager **(45 minutes)**

## **OPEN SESSION**

### **MINUTES**

#### **1. Review and Vote to Approve Minutes of Meetings:**

Public Session – September 12, 2022

**TOWN OF FALMOUTH  
SELECT BOARD  
Meeting Minutes  
Open Session  
MONDAY, SEPTEMBER 12, 2022 – 5:00 P.M.  
SELECT BOARD MEETING ROOM  
TOWN HALL  
59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

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

Staff Present: Peter Johnson-Staub, Interim Town Manager.

*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.*

1. Chair Taylor called the open session to order at approximately 5:00 p.m.

Mr. Zylinski motioned to convene the executive sessions: 1. M.G.L. c.30A s.21(a)(2) – To discuss strategy with respect to contract negotiation with non-union personnel (Interim Town Manager Peter Johnson-Staub). 2. M.G.L. c.30A s.21(a)(2) – To discuss strategy with respect to collective bargaining: Police Sergeants. 3. M.G.L. c.30A s.21(a)(2) – To discuss strategy with respect to collective bargaining COVID premium pay. 4. M.G.L. c.30A s.21(a)(2) – To discuss strategy with respect to collective bargaining: Firefighters Union because to not go into executive session could prejudice ongoing negotiations. Ms. Scott Price seconded the motion. It was followed by a roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll Call Vote: Mr. Brown, aye; Mr. Patterson, aye; Ms. Scott Price, aye; Chair Taylor, aye; Mr. Zylinski, aye.

2. Pledge of Allegiance
3. Proclamation – Hispanic Heritage Month

Ms. Scott Price read the proclamation in the packet as a motion. Second Mr. Patterson. Vote: Yes-5. No-0.

Chair Taylor asked that Mr. Johnson-Staub have the dates changed on the proclamation.

4. Recognition

Ms. Scott Price spent day with the Fire Department recently and appreciated the time she spent with the Falmouth Fire Department staff. Falmouth Fire Department Chief Smith thanked for the opportunity to host Price for the day. It was educational for the fire personnel, and they felt like they had someone there that they could express the work they're doing--anyone from the Select Board is welcome to spend the day.

5. Announcements

The Falmouth Police Department will host an open house on Saturday, 9/24/23 from 12-2 p.m. Mr. Brown announced a program Comcast offers to help those eligible to save on internet affordable connectivity program. There will be an open house on 10/4/23 at 5:30 p.m. in the Main Library Hermann Room.

Ms. Scott Price noted the Woods Hole Diversity Advisory Committee is hosting events for Woods Hole Hispanic Heritage month.

The Cape Verdean Club festival is scheduled for 9/17/23 from 11:00 a.m. – 6:00 p.m.

6. Public Comment

Dave Moriarty, resident, reported that electricity has been cut to Wind 1 and 2 and they will be taken down. He also stated that the Mayflower cable project is still in process.

**TOWN MANAGER'S PRELIMINARY REPORT**

Mr. Johnson-Staub reviewed his preliminary report in the packet.

**COMMITTEE INTERVIEWS:**

I. Interview, vote and appoint committee members

a. Commission on Substance Use –

Greg Giardi-not present.

Doris Kraemer, a resident since 2008 and mother of a son in long term recovery. Ms. Kraemer is working with Learn to Cope which supports family members of loved ones with substance use disorder. She is a Registered Nurse with mental health experience, she feels she is able to help communities dealing with this and bring the Cape together. She is able to provide Narcan training to the public, she is sponsored by the MA Department of Public Health. There are gaps in services available and few services for family members. Learn to Cope has been around since 2004, there are 27 chapters across MA. Chair Taylor thanked Ms. Kraemer for sharing that she is the parent of a child in long term recovery and appreciates that she can offer families and others use in the use of Narcan. Mr. Brown appreciates looking at this issue regionally.

**Ms. Scott Price moved to appoint Ms. Kraemer to a term ending 6/30/2025. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.**

b. Community Preservation Committee –

Tom Crane has been a summer resident all his life and lived here year round in the 1970's/1980. He is a retired attorney and moved back to Falmouth two years ago. He has some history volunteering in Town government in Weston. It is wonderful that the CPC has funds available for projects and these tax funds should be looked at carefully. He attended one meeting. Mr. Patterson stated Mr. Crane attended the last CPC meeting.

**Mr. Zylinski moved to appoint Mr. Crane to a term ending 6/30/23. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.**

c. Cultural Council –

Nicole Engstrom, present, self-employed musician.

**Mr. Brown moved to appoint Ms. Engstrom to a term ending 6/30/25. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.**

George Scharr, music teacher and ARTS Chair at Falmouth Academy.

**Mr. Brown moved to appoint Mr. Scharr to a term ending 6/30/2024 and then amended his motion to 6/30/2025. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.**

**PUBLIC HEARINGS**

1. Wetlands/Dock – Peter and Karen Hargraves – Application for Special Permit to construct an elevated walkway, ramp and float system in the waters of Flax Pond located at 31 Southview Way, East Falmouth (15 minutes)

Mr. Johnson-Staub reported that the Conservation Commission recommends approval.

Ms. Scott Price read the hearing notice.

Michael Borselli, Falmouth Engineering, representing the applicants. Frontage on Flax Pond, a grey fresh water pond, they are seeking to install and permit a light duty walkway and float system to gain access to the waterfront for their use and enjoyment. This is the fourth application he has submitted, the three others were approved by the Select Board. The Conservation Commission issued an order of conditions. If the Select Board approves, then they apply to the MA DEP for a Chapter 90 license. Plans were submitted, and a profile of the structure was shown. There is limited access to the pond because it is a wooded and steep area to the pond, and passive recreational use. Galvanized pipe driven into the bottom, may be sleeved for aesthetics.

Ms. Scott Price visited the property, and noted that many neighbors have similar systems.

Public comment: none.

**Ms. Scott Price moved to close the hearing. Mr. Patterson seconded the motion. Vote: Yes-5. No-0. Mr. Patterson moved to approve the permit. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.**

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

Mr. Johnson-Staub explained there was a discrepancy in the notice, so the notice needed to be reissued.

Ms. Scott Price read the hearing notice.

Originally, the notice was given that it was an all alcohol license but should have read wine and malt.

Public comment: none.

**Mr. Patterson moved to close the hearing. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0. Mr. Brown moved to approve the license. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.**

## **BUSINESS**

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

Mr. Johnson-Staub noted the application is complete, and Joe Andrews was present for any questions.

Mr. Brown noted that the approval is contingent on the plans submitted and to work out any safety issues with the Falmouth Fire Department and the Falmouth Police Department.

**Mr. Zylinski made a motion to approve contingent on the plans being submitted and working out any safety issues with the Falmouth Fire Department and the Falmouth Police Department. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.**

2. Request Support for Bike path Overpass Mural – David Vieira

The mural is a memorial to Kianna Paige Barrows. David Vieira and Barrows family members were present. They are working on getting a MA Department of Transportation permit. They hope to stop

domestic violence, and provide access 24/7 to the Independence house hotline. The hope is to unveil the mural in October 2022. The letter of support will complete the application packet to the State, and an electronic transfer of the letter was requested.

The Select Board thanked the Barrows family and Representative Vieira.

**Mr. Zylinski moved to approve the Select Board letter of support. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.**

3. Report – Board of Library Trustees

Judy Fenwick, Chair, will submit the annual report later this month. Ms. Fenwick introduced other members who were not present tonight. This is their first report post Covid. Ms. Fenwick reviewed the responsibilities of the Board of Trustees--finances are most important. The Board helps the Library Director develop the budget and manages a trustee fund overseen by their Treasurer. The Trustee fund just topped over \$1 million. There is an annual budget of \$40,000 a year to support the library. They will be funding the East Falmouth Branch, under the MA Public Library Construction Program, which has been simplified at the State level the last few years. The East Falmouth Library serves an underserved community, and they are looking at making sure that library can serve more people. The community was surveyed by the library, and the community wants the library to be open more hours. The Board found a way to use funds towards a pilot program to increase the hours from 26 hours to 30 hours per week. They will perform a building assessment and apply for the construction program. The library had to assess how they conducted their business while people could not be in the building March 2020-2021, they did more outreach, expansion of digital access, increase in the programs--one third of those programs were virtual. Last year they had 38 programs on the Library Lawn versus three the year before. The Friends of Falmouth Public Library and Falmouth Public Library Support Program support the Library. They have an outreach program to bring non-English speakers into the Library for conversational programs with other non-English speakers.

4. Report – Council on Aging

Jill Irving Bishop, Director, and Brenda Swain, Council of Aging Chair, presented the report via PowerPoint.

The report included review of board members, updates of the café, an additional pool/table tennis table, sidewalk bump out installed by the DPW, two additional handicap parking spaces were approved and painted, and a basement leak was repaired. Fiscal year 2022 Program Services statistics were reviewed including outreach, professional services, support services, health/wellness, other services, and non-elder services. The Senior Center has 2,720 newly-enrolled members and 2,362 re-enrolled members who were enrolled at the former Senior Center. The Senior Municipal Support Team has been re-established, and implemented the Volgistics Volunteer Database System, on-line signups for exercise programs, and an increase of programs was offered. The building served as a warming center during the October 2021 storm for residents with power outages. People can get involved volunteering by calling the Senior Center. There are about 15-20 volunteers helping daily, and they are vital to be able to offer the programming. A video was presented. They do senior exercise activities and support groups at the Gus Carty Recreational Center. The community is invited to the September Open House, for people of all ages, on 9/26/22 from 4:00 p.m-6:00 p.m.

5. Town Manager Hiring Process

Chair Taylor said the Select Board needs to discuss what this process will look like and asked the Select Board if they want to use a search committee?

Ms. Scott Price would like a search committee--a professional firm, which has many resources.

Mr. Patterson asked if MA Municipal Association will supply an attorney. Mr. Johnson-Staub said they do not. There is a State agency, the Collins Center, the Town may contract with them without a competitive procurement process. Mr. Patterson would like to know what a professional firm would offer and educate the Select Board on the process.

Mr. Zylinski supports Ms. Scott Price's suggestion, and he would like public involvement as well.

Mr. Brown suggested advertising the position in some publications, Chair Taylor noted that it is part of the mandated process.

Mr. Johnson-Staub explained cost range would be in the \$10-50,000 range for a firm depending on the scope of work. If the cost is greater than \$10,000 the Town must solicit at least three quotes. A staff member can reach out to some firms for more information and provide sample scopes of what the firms are offering.

Search Committee: Mr. Brown would like to consider a search committee because he believes it is the Select Board's job to figure this out. If there is a committee, Mr. Kasparian has expressed interest, Mr. Brown does not want it to be too big of a process. This should be a small committee. Chair Taylor agreed that it is a major responsibility of the Select Board to do their due diligence.

Ms. Scott Price asked if the consultant may have suggestions.

Mr. Patterson stated that while he was on the School Committee, they used a screening committee.

Mr. Zylinski asked if it may be useful to have a representative from each precinct to offer input or be on the search committee. Mr. Brown is not sure they would know what the Select Board needs from a Town Manager.

Ms. Taylor suggested doing a little more research and bring information back to the Board.

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

Mr. Johnson-Staub said that a copy of the schedule for the November Annual Town Meeting is in the packet and the Select Board needs to vote tonight so that the warrant can be sent to the newspaper for printing. Select Board and Finance Committee vote their recommendations by 10/3/22, and then the warrant with recommendations is published by 10/28/22 for 11/14/23 town meeting. The summary of articles is in the packet and article numbers are suggested for the Select Board's consideration.

Mr. Johnson-Staub reviewed the list of Articles 1-14 in the packet.

Article 3 is the town bylaw recodification.

The concerns provided by the Attorney General's Office (AGO) pertaining to Article 3 were reviewed by Chair Taylor.

Mr. Brown would like to see a line added that says the purpose is to reorganize but not change the zoning bylaws and code of Falmouth. The intent is to make the zoning bylaw more user friendly.

Mr. Johnson-Staub said the language was crafted by Planning staff and Town Counsel, he will consult with them to see if that amendment is consistent with what the Planning Board is seeking to achieve and the AGO approve. There may be some small changes to address obsolete issues that do not need to be included in the zoning bylaw. The substantive changes will need to be explained to Town Meeting. Mr. Johnson-Staub noted the Select Board is asked to put it on the warrant, but not take a position. The article is on behalf of the Planning Board.

Article 6 is regarding the removal of the Falmouth Fire Department from civil service. Unions have consented to the exit from civil service.

The intent of Articles 11 and 12 is the same, Mr. Johnson-Staub will work with Town Counsel to put in recommendation for the petitioners' desired outcome.

The Select Board had no concerns with the order of articles.

**Ms. Scott Price moved to approve the articles and execute warrant for the November Town Meeting. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.**

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

Chair Taylor recused herself and left the meeting room, turning the meeting over to Ms. Scott Price.

**Mr. Zylinski moved to approve this item. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.**

## CONSENT AGENDA

Mr. Johnson-Staub reported that staff have reviewed all the Consent Agenda items and recommended approval by the Select Board.

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

**Mr. Patterson moved to approve all the consent agenda items including licenses, administrative orders, and committee appointments. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.**

## TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Johnson-Staub reported that the Wind turbine power has been disconnected, a date has not been scheduled for the towers to come down, but it is in process.

There were bids received for the Falmouth Police Department station renovations but are over budget and Mr. Johnson-Staub will meet with staff and communicate with the architect on what might be their next steps. Construction prices have been escalating; the lowest bid was \$100,000 over the appropriation amount and that means no contingency, so several hundred thousand away from the budgeted amount for the project.

### Staffing Updates:

- Jennifer Mullen is leaving on 9/30/22; the position has been posted.
- One Communication Officer submitted a resignation and there was already one vacancy. A Communication Officer position was offered to an applicant, so there remains one vacancy.
- The Conservation Principal Office Assistant position vacancy has been filled.
- Planning Department hired principal office assistant, this was an internal candidate promoted from their position with the Building Department. There is one administrative vacancy in the Building Department.

The Select Board's next regular meeting will be on 9/26/23, a strategic planning process meeting will be held on 10/1/23 and will discuss the fiscal year 2024 budget priorities. 10/3/23 is a regular meeting.

## SELECT BOARD REPORTS

### Mr. Brown:

- Attended Peecycling event at the library. Put on by Hilde Maingay and Earl Barnhard. Rather than sewerage Earl Barnhart suggested the Town consider a plan to use urine diverting toilets to collect the urine. There is a toilet that diverts urine and has solid flush option.
- Attended the Cape and Island Municipal Leaders Association (CIMLA) meeting last week with Mr. Patterson, both of whom are now CIMLA Board members.
- Attended the country dance at the Weary Travelers Club in Bourne to benefit Joe Q Coffee Break group.

### Mr. Patterson:

- Recommended looking at the Charter Review Committee's final report, it contains a number of strategic items they recommended the Select Board take seriously.
- Attended the Affordable Housing Committee and Community Preservation Committee meetings.

### Ms. Scott Price:

- She spent day with the Falmouth Fire Department, and highly recommends other Select Board members participate as well.
- Attended an event in Hyannis, the main speaker from Caron, an association similar to Gosnold, is helping people with substance use disorder and addiction. Ms. Scott Price would like to connect them to the Town Human Services Department to help our community.

### Chair Taylor:

- Attended the 9/11 remembrance with Ms. Scott Price and Mr. Zylinski. The event was well done and a good time to remember, reflect, and honor people and families impacted by the events of 9/11/01.

### Ms. Zylinski:

- Attended a MA Maritime event; Ken Turner President of MA Life Sciences made a presentation.

**DISCUSSION OF FUTURE AGENDA ITEMS**

None.

**ADJOURN**

Mr. Brown moved to adjourn at approximately 9 p.m. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

Respectfully Submitted,  
Jennifer Chaves  
Recording Secretary

DRAFT