

TOWN OF FALMOUTH
SELECT BOARD
Revised AGENDA
MONDAY, MAY 22, 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 - Public Works
2. M.G.L. c.30A s.21(a)(3) – To discuss strategy with respect to collective bargaining - Emergency Communications AFSCME Unit C

6:30 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Reorganization of the Select Board
4. Proclamations
 - a. Falmouth Chamber of Commerce 2023 Outstanding Citizen of the Year – Rev. Nell Fields
 - b. Wear Orange Day – June 2, 2023 and Wear Orange Weekend – June 3 & 4, 2023
5. Recognition
6. Announcements
7. Public Comment

6:35 p.m. TOWN MANAGER'S PRELIMINARY REPORT

6:45 p.m. PUBLIC HEARINGS

1. Wetlands/Dock Hearing – Logan Huffman 29 Juniper Point Realty Trust – Application to rebuild the existing licensed dock in the same location and orientation as it currently exists in Great Harbor, located at 29 Juniper Point Road, Woods Hole (10 minutes)
2. Wetlands/Dock Hearing – Falmouth Holding Corp. – 278 Scranton Ave. – Application to modify term (Condition 3) of Special Permit issued November 10, 2022 (10 minutes)
3. Application by Taco Blanco, Inc. d/b/a/ Taco Blanco for an All Alcoholic Beverages Restaurant License and a Common Victualer License to be exercised at 870 Main Street, Unit E, Falmouth (10 minutes)
4. Senior Center naming (10 minutes)

7:25 p.m. BUSINESS

1. Update – Cape and Islands District Attorney – Robert Galibois (5 minutes)
2. Water rate presentation discussion (15 minutes)
3. Presentation and discussion of delinquent real estate tax collection options (15 minutes)
4. Update – Emerald Properties Affordable Housing and Community Play Space Plan (5 minutes)
5. Update – Nobska Light land disposition (15 minutes)
6. Annual report – Commission on Disabilities (15 minutes)

7. Presentation and vote to support application to Mass Development for redevelopment of 545 Main Street for workforce housing (10 minutes)
8. Vote to approve request from Wendy Y. Hill, Trustee of the 75 Nashawena Street Nominee Trust, owner of 75 Nashawena Street to apply for a Grant of License for invasive species management within the layout of Nashawena Street and on the abutting property to the North owned by the Town of Falmouth (5 minutes)
9. Vote to approve request from Wilkinson Ecological Designs on behalf of Brian Halligan, owner of 110 Oyster Pond Lane, to apply to the Conservation Commission for invasive species management on the adjacent property owned by the Town of Falmouth at 0 Oyster Pond Lane (5 minutes)
10. Request for variance to Sign Code – §184-30(C) Special Events: Falmouth Fireworks Committee, banner at south end of Falmouth Heights ball field (5 minutes)
11. License Renewals – 2023 Seasonal Common Victualler License:
Jim’s Clam Shack, 227 Clinton Avenue

9:00 p.m. CONSENT AGENDA

1. Licenses

- a. Application for a Change of Manager for a Second-Hand Dealer License – Cash Point, located at 348 East Falmouth Highway
- b. Application for a Change of Manager for a Lodging House License – Inn on the Square, located at 40 North Main Street
- c. Application for Special One-Day Wine & Malt Liquor License – Ashley Waddington – Civil War Plot Dedication Ceremony – Oak Grove Cemetery, 46 Jones Road – Saturday, 6/10/23. Rain date Sunday, 6/11/23.
- d. Application for Special One-Day Wine & Malt Liquor License – Shipwrecked – Shipwrecked Corn Hole Tournament – 263 Grand Ave., Shipwrecked and Heights Hotel parking lot – Saturday, 6/10/23. Rain date Sunday, 6/11/23.
- e. Application for Special One-Day Wine & Malt Liquor License – Shipwrecked – Road Race After Party – 263 Grand Ave., Shipwrecked and Heights Hotel parking lot – Sunday, 8/20/23
- f. Application for Special One-Day Wine & Malt Liquor License – Gray Matter Marketing – Cape Cod Brew Fest – Cape Cod Fairgrounds – Saturday, 9/23/23

2. Administrative Orders

- a. Appoint member to the Board of Registrars: Virginia Apel
- b. Appoint Inspectors of Animals – Jessica Gow, Christopher Anglin, Molly Masson
- c. Approve updated Public Comment Policy
- d. Authorize the Chair of the Select Board to execute the Regulatory Agreement for Lighthouse Station, 533 Woods Hole Road
- e. Authorize the Chair of the Select Board to execute the Regulatory Agreement for 462 Teaticket Highway
- f. Approve Town Manager Contract

9:05 p.m. MINUTES

1. Review and vote to approve minutes of meetings
 - a. Public Session – April 24, 2023

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

9:15 p.m. SELECT BOARD REPORTS

9:20 p.m. DISCUSSION OF FUTURE AGENDA ITEMS

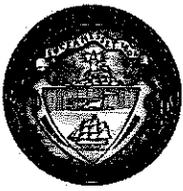
9:25 p.m. ADJOURN

Nancy R. Taylor, Chair
Select Board

OPEN SESSION

TOWN MANAGER'S PRELIMINARY REPORT

May 22, 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 May 22, 2023
DATE: May 19, 2023

Executive Session:

The Board will meet at 6:00pm to discuss two collective bargaining matters.

Reorganization of Select Board:

The Board will vote to appoint a Chair and Vice Chair of the Select Board at the beginning of the open session.

Hearings:

1. Wetlands/Dock Hearing – Application to rebuild existing dock, 29 Juniper Point Rd

The applicant is seeking approval to rebuild an existing dock in Great Harbor. The application has been approved by the Conservation Commission and the Shellfish Constable has raised no concerns with respect to shellfish resources. I recommend approval.

2. Wetlands/Dock Hearing – Application to modify term of Special Permit, 278 Scranton Ave

Falmouth Holding Corp received a Special Permit from the Select Board which required that construction be completed within one year. The applicant seeks a two-year extension to complete the project in light of regulatory restrictions that limit the seasons during which the work can be performed. Town Counsel has confirmed this time frame aligns with the applicable zoning statute as revised in 2016 - MA General Law section 40A § 9. I recommend approval and suggest the Board consider amending its practice to allow 3-years to complete wetland/dock special permits going forward.

3. All Alcohol and Common Victualer License – Taco Blanco, 870 Main Street, Unit E

This is a new liquor license sought for a location that had previously been occupied by an Italian food store and a hair salon in an adjacent storefront. The application has been reviewed by staff. The certificate of inspection and food service permit are pending as of this date. We have not received any concerns from abutters to date but given the change of use for this commercial location I am not going to make a recommendation prior to the hearing. If, following the hearing, the Board is inclined to approve these licenses, the approval should be conditioned on approval of the certificate of inspection by the Building Department and approval of the food service permit by the Health Department.

Business:

1. Cape & Islands District Attorney Update:

District Attorney Galibois will provide a brief update on the activities of his office.

2. Water Rate Presentation and Discussion:

This is a follow-up to the water rate presentation at your last meeting. Finance Director Ed Senteio has been working with Public Works staff to prepare a pragmatic water rate approach that addresses critical infrastructure needs. The recommendation is outlined in a slide presentation included in your packet. We are proposing a series of water rate increases over the next three years that will pay for an annual water main replacement program with a cost of \$3 million per year. This proposal represents a compromise in that it will not raise sufficient revenue for the Water Department to cover all operating and capital costs. The costs of the Water Department have been paid from a combination of water fees and other general government funds for many years and this will continue to be the case under this proposal. We seek the Board's input on this proposal before advertising the proposed rates for a hearing tentatively planned for June 26th.

3. Delinquent Real Estate Collection:

Finance Director Ed Senteio will give a presentation describing a new approach to collection of delinquent property taxes. This approach will result in accelerated collection of taxes and reduce the staff time required to track amounts owed that date back multiple years. Most importantly, the process will be carefully managed to ensure that no one is evicted from their primary residence due to a bona fide inability to pay taxes. A Select Board vote is not required but we want you to be aware of what the Finance Department is doing and why. There is a slide presentation in your packet.

4. Update – Emerald Properties Update:

When we last updated the Board on this initiative to pursue affordable housing and an accessible play space on these two Town-owned parcels on Davisville Road, we were working with a consulting engineer's plan that contained a significant error. The plan showed the riverfront setback near the middle of the property which would have meant that nearly half of the property could not be developed. The corrected plan shows the riverfront setback will have little impact on the area that can be developed. Jed Cornock and Kim Fish will present the update and recap plans for public engagement.

5. Commission on Disabilities Annual Report:

Kathleen Haynes will present the annual report for the Commission on Disabilities.

6. Nobska Light Land Disposition:

The federal government recently issued a 'Notice of Availability' for Nobska Light which is the first step in a lengthy process by which ownership of the property will be transferred from the Coast Guard to a municipal or private entity. The property is currently leased by the Coast Guard to the Town, and the Town in turn has a license agreement with the Friends of Nobska Light, a private non-profit, to manage the property. In anticipation of this announcement, Associate Town Counsel Brian Tobin and I have been working with Friends of Nobska Light President Kathy Walrath to evaluate options for the future ownership and management of this iconic Falmouth property. Both the Town and the Friends are eligible to apply for ownership of the Nobska property. The next step is for the Select Board to determine whether to submit a letter of interest to acquire the property to the U.S. General Services Administration. The Friends of Nobska Light has already submitted a letter of interest. Attorney Tobin, Kathy Walrath and I are in agreement that the best course of action is for the Town to also submit a letter of interest. This will keep

our options open and allow us to attain additional information from the federal government about each entities likelihood of being awarded ownership of the property by the federal government. Kathy Walrath will present an overview of the *Friends* impressive stewardship of the property and Attorney Tobin will outline next steps.

7. Presentation and Vote on 545 Main Street Workforce Housing Proposal:

Michael Galasso will present an overview of his proposal to redevelop the former Royal Nursing property for workforce housing. Mr. Galasso is seeking a letter of support for a grant application he plans to submit to Mass Development for this project. A project description and fact sheet are included in your packet. I also sent Board members a link to the plan set for this project on May 4th and Diane will include the link in the email with the agenda packet. The applicant is seeking site plan approval from the Planning Board. This is being permitted as a commercial accommodation and there is no special permit required. The Select Board can approve a letter of support for this grant while the site plan approval is pending.

8. Vote to Approve Grant of License – Wendy Y. Hill Trustee, 75 Nashawena:

The Board previously authorized the applicant to apply for a Notice of Intent to remove invasive vegetation from a Town parcel. The Conservation Commission subsequently authorized the proposed work and the applicant now seeks approval of a grant of license to conduct the invasive species removal on Town property abutting the applicant’s property. Conservation staff have not raised any concerns. I recommend approval.

9. Vote to Authorize Application to Conservation Commission – Wilkinson Ecological Design, 0 Oyster Pond Lane:

Brian Halligan of 110 Oyster Pond Lane is seeking approval to remove invasive vegetation from a Town parcel abutting his property. The first step is for the Board to authorize an application to the Conservation Commission. Once approved by the Conservation Commission, the applicant would need the Select Board to approve a grant of license to conduct the work.

Consent Agenda:

The licenses and administrative orders on the consent agenda are routine in nature and have been reviewed by staff for completeness. I would note that the Select Board has previously voted to approve the Local Initiative Program to create 4 affordable housing units at 533 Woods Hole Road (Administrative Order item d.) as well as the Local Action Unit under which a single unit of affordable housing was permitted at 462 Teaticket Highway (Administrative Order item e.). I recommend approval of all items.

//SB Report 05-22-2023

OPEN SESSION

4. Proclamations

- a. Falmouth Chamber of Commerce 2023 Outstanding Citizen of the Year – Rev. Nell Fields



**FALMOUTH CHAMBER OF COMMERCE
2023 OUTSTANDING CITIZEN OF THE YEAR**

PROCLAMATION

Whereas: **The Falmouth Chamber of Commerce** annually acknowledges and pays tribute to a citizen of the Town of Falmouth who has made a lasting positive impact on the community through participation in a broad scope of activities and whose commitment to the town has been demonstrated by many years of service beyond his or her profession; and

Whereas: **Reverend Nell Fields** is an exceptional citizen of the Town of Falmouth, Massachusetts and New England, well known to all for her professional accomplishments and widespread contributions to the betterment of society; and

Whereas: **Reverend Nell Fields** is a model citizen, admired and esteemed for successfully balancing her devotion to family with years of integrity, tireless civic participation and commitment to community progress; and

Whereas: **Reverend Nell Fields** quietly works to build a better town, to build the physical and moral fiber of our youngsters, to man the action boards and committees so vital to all our interests, to preserve Falmouth open space, to advocate for those without a voice, to work for attainable housing and to protect the values and rich character of Falmouth Cape Cod; and

Whereas: **Reverend Nell Field's** many accomplishments and contributions, singularly and collectively, are memorialized in the minds of those she has touched and chronicled on the pages of organizations across this town and as she continues to make a difference in the Town of Falmouth, we do herein declare that this citizen is worthy of high praise and great recognition; and

NOW, THEREFORE, WE, Nancy R. Taylor, Onjalé Scott Price, Douglas C. Brown, Edwin (Scott) P. Zylinski II and Robert P. Mascali, as members of the Select Board of the Town of Falmouth, by the authority vested in us do **PROCLAIM**

**Reverend Nell Fields
FALMOUTH'S 2023 OUTSTANDING CITIZEN OF THE YEAR**

IN WITNESS THEREOF, We have hereunto set our hand and caused the great seal of the Town of Falmouth to be affixed.

Nancy R. Taylor

Edwin (Scott) P. Zylinski II

Onjalé Scott Price

Robert P. Mascali

Douglas C. Brown

OPEN SESSION

4. Proclamations

- b. Wear Orange Day – June 2, 2023 and Wear Orange Weekend – June 3 & 4, 2023



PROCLAMATION

Whereas, gun violence has become the leading cause of death of children, and

Whereas, the color orange honors the more than 100 people killed and the hundreds more wounded by gun violence every day in our country, and

Whereas, Hadiya Pendleton was a 15 year old and an honor student, and

Whereas, Hadiya was shot and killed in Chicago in a case of mistaken identity a week after she performed at President Obama's second inauguration, and

Whereas, Hadiya's birthday is June 2, and

Whereas, Wear Orange originated on June 2, 2015 on what would have been Hadiya's 18th birthday, and

Whereas, her parents, Cleopatra Cowley-Pendleton and Nathaniel Pendleton, picked the color orange to honor her and remind us that the color orange is what hunters wear to protect themselves, and

Whereas, Whereas National Gun Violence Awareness Day is observed nationally on the first Friday in June and the following weekend each year.

NOW, THEREFORE, WE, Nancy R. Taylor, Onjalé Scott Price, Douglas C. Brown, Edwin (Scott) P. Zylinski II, and Robert P. Mascali as the Select Board of the Town of Falmouth, do hereby **PROCLAIM, June 2, 2023**, to be **Wear Orange Day** and **June 3 and 4 weekend** to be **Wear Orange Weekend** in Falmouth, Massachusetts.

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, May 22, 2023.

Nancy R. Taylor

Edwin (Scott) P. Zylinski II

Onjalé Scott Price

Robert P. Mascali

Douglas C. Brown

SELECT BOARD

OPEN SESSION

PUBLIC HEARINGS

1. Wetlands/Dock Hearing – Logan Huffman 29 Juniper Point Realty Trust – Application to rebuild the existing licensed dock in the same location and orientation as it currently exists in Great Harbor, located at 29 Juniper Point Road, Woods Hole (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

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 22, 2023 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Logan Huffman for permission to rebuild the existing licensed dock in the same location and orientation as it currently exists, located at 29 Juniper Point Road, Woods Hole, MA. Area affected is Great Harbor. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the
Select Board

Publication dates: Friday, May 5, 2023 and Friday, May 12, 2023; Falmouth Enterprise.

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

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

PROPOSED PIER RECONSTRUCTION

29 JUNIPER POINT ROAD

FALMOUTH, MASSACHUSETTS

Prepared for:

Logan Huffman

Prepared by:



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

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APPLICATION TO FILL, DREDGE, FILL, OR ALTER WETLANDS

TOWN OF FALMOUTH
BOARD OF SELECTMEN

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

To the Board of Selectmen
Falmouth, MA



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

OWNER: Logan Huffman 29 Juniper Point Realty Trust 997 Millbury St. Worcester, MA 01607
(full name) (address)

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

APPLICANT: Same as owner
(full name) (address)

1. Location of Property: Map 51A Section 01 Parcel 040 Lot 000B

Street Name and House Number 29 Juniper Point Rd.

2. Body of water, marsh or stream affected: Great Harbor

3. Description of property and project site: Approximately 26,600 aquare feet of land in a developed residential area. A new single family dwelling is currently under construction.

a. Dimensions, Acreage of total parcel: 26, 600 square feet

b. Length of water marsh frontage: 155'

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

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

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

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

Disposition of Spoil: N/A

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

g. Other (docks, piers and etc.) Rebuild existing pier in same location and orientation as it currently exists.

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

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

5. Zoning which governs area: RB

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

7. Has a permit ever been approved or refused for this location by State, Federal or Local Authority? Order of Conditions 25-4819

8. Remarks _____

9. Project Summary for legal notice: The applicant proposes to rebuild the existing licensed dock in the same location and orientation as it currently exists.

Owner: Logan Huffman 29 Juniper Point Realty Trust
997 Millbury St. Worcester, MA 01607

Agent: Falmouth Engineering, Inc.

17 Academy Ln. Ste. 200

Falmouth, MA 02540

(Name & Address)

TEL #:

(Name & Address)

TEL #: 508.495.1225

Applicant: Same as owner

(Name & Address)

TEL #:

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

ATTACHMENT A

PROJECT NARRATIVE

ATTACHMENT A - PROJECT NARRATIVE

1.0 Introduction and Project Overview

Falmouth Engineering Inc. has filed this Notice of Intent (NOI) application on behalf of Logan Huffman, the applicant for 29 Juniper Point Road. The Applicant proposes to rebuild the existing permitted pier in the same location and orientation as currently exists. The existing pier was properly licensed and has been in existence for many years.

Included in this reconstruction project is the installation of 6 new timber piles to replace the existing timber piles and reconstruction of the timber pier and connecting ramp as shown on the attached plans.

The application is being jointly filed pursuant to the Section 240-77 (Wetland Regulations) of the Falmouth Zoning By-Law.

2.0 Existing Conditions

The lot consists of approximately 26,600± square feet of land in a developed residential area of Falmouth (refer to Figure 1-Site Location Map). A single family residence occupies the central portion of the site. Great Harbor is located directly west of the site.

2.1 Regulated Wetland Resource Areas

All coastal resource areas within 100 feet of the proposed project facilities have been identified and appropriately located in the field. Adjacent resource areas include land under the ocean, land containing shellfish, coastal bank, and land subject to coastal storm flowage. The attached plan shows each of the resource areas that have been identified in the project area.



FIGURE 1-SITE LOCATION MAP

29 JUNIPER POINT ROAD

FALMOUTH, MA

2.2 Estimated Habitat and Protected Species

Information published by the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program indicates that the proposed dock construction is not located within Estimated Habitat of Rare Wetlands Habitat and Priority Habitat.

3.0 Proposed Project

The project involves the reconstruction of a permitted fixed pier. Included in this is the re-installation of 6 timber piles and reconstruction of the timber pier and connecting ramp.

Piles will be driven, not jetted by a barge supported pile driver. The remaining pier reconstruction will be performed from a floating work platform or from the upland.

The demolished debris from the existing pier will be disposed of at an approved landfill.

4.0 Anticipated Impacts to Resource Areas

Anticipated Impacts

The proposed activities are limited to what is described above. As such, the only temporary disturbance is the re-installation of 6 existing timber piles. The piles will be driven using a barge-mounted pile driver equipped with a vibratory hammer.

The barge will float at all times and not make contact with the bottom.

Impacts to wetland resources will be temporary during installation.

5.0 Summary

The existing wetland resources, potential project impacts, and proposed mitigation measures associated with the pier modifications have been fully documented in the Notice of Intent. The pier reconstruction will occur in the same location as the existing licensed pier. The applicant is confident that a favorable decision can be issued by the Select Board.

ATTACHMENT B

ORDER OF CONDITIONS 25-4819



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

Provided by MassDEP:
25-4819
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

A. General Information (cont.)

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

Barnstable

a. County

28737

c. Book

b. Certificate Number (if registered land)

255

d. Page

7. Dates: 1/11/2023 2/1/2023 3/21/2023
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

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

Site Plan - Dock Repairs

a. Plan Title

Falmouth Engineering, Inc.

b. Prepared By

1/4/2023

d. Final Revision Date

Michael J. Borselli, P.E., Gary S. Labrie,
P.L.S.

1" = 20'

e. Scale

f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

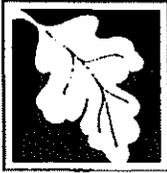
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act).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

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

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

Approved subject to:

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4819
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

B. Findings (cont.)

Denied because:

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

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

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



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

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4819
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	<u>215 ±</u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
19. <input checked="" type="checkbox"/> Land Containing Shellfish	<u>215 ±</u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	<u>215 ±</u> a. square feet	<u> </u> b. square feet		
22. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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Provided by MassDEP:

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B. Findings (cont.)

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

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

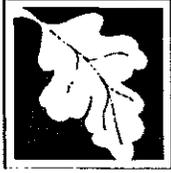
a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



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C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 25-4819 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:
- Falmouth Wetlands Bylaw / Regulations CH 235 /
1. Municipal Ordinance or Bylaw FWR 10.00
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
- The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See Attached



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E. Signatures

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

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

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

3/21/2023

1. Date of Issuance

4

2. Number of Signers

Signature _____
 Signature _____
 Signature _____
 Signature _____
 Signature _____

Jennifer L. Lincoln, Conservation Administrator

Jamie Mathews, Chair

Printed Name

Courtney Bird, Vice Chair

Printed Name

Elizabeth Gladfelter

Printed Name

Kevin O'Brien

Printed Name

Signature _____

Printed Name _____

Signature _____

Printed Name _____

Signature _____

Printed Name _____

by hand delivery on

by certified mail, return receipt requested, on

MJ RQD 3-21-23
Date

Date

FALMOUTH ENGINEERING INC

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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

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F. Appeals

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

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

To:

Falmouth
Conservation Commission

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

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Barnstable
County

Book

Page

for: Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

Signature of Applicant



FALMOUTH CONSERVATION COMMISSION

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

Logan Huffman
29 Juniper Point Realty Trust
29 Juniper Point Rd
DEP: 25-4819

FINDINGS:

1. The applicant proposes to reconstruct the existing, licensed dock in the same footprint, and replace six (6) piles.
2. Resource areas onsite and within 100 feet include Land Subject to Coastal Storm Flowage (LSCSF), Coastal Bank, Land Under Ocean, Land Containing Shellfish, and Resource Area Buffer.

STANDARD CONDITIONS

1. Permission is granted to Logan Huffman, 29 Juniper Point Realty Trust, 29 Juniper Point Rd, Woods Hole, MA to reconstruct an existing licensed dock and replace 6 piles according to the plans by Falmouth Engineering, Inc., dated January 4, 2023 and entitled "Site Plan - Dock Repairs" and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes will require that the applicant first obtain all necessary permits and approvals from the Conservation Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of \$25,000.00 per day.
4. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any

proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).

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

10. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.
11. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation on ground draining into the wetlands or other Resource Areas.
12. All cuttings and debris from permitted clearing of the lot prior to construction shall be removed offsite immediately. No debris can be stored, even temporarily, in a resource area or within 100 feet of any resource area. .
13. All fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location more than 100 feet from any resource area.
14. No creosote-treated wood or CCA treated wood may be used. The use of non-toxic materials is mandatory and shall be certified in writing by a professional engineer.
15. Equipment, vehicles or other objects are not allowed to be placed or stored on any wetland or resource area at any time.
16. Any additional work, not identified at the time this permit was granted, within the Limit of Work , in a resource area or within 100 feet of any resource area will require that the applicant first obtain all necessary permits from the Conservation Commission before proceeding with such work.
17. All work shall be done by hand or from a barge-supported crane during high tide.
18. Any barge used for this project must float at all times.
19. Piles shall be driven, not jetted.
20. All decking surfaces crossing Salt Marsh shall be constructed per design criteria per application.
21. All seasonal floats shall be stored in a predetermined upland location per application and the plan of reference.
22. All construction debris shall be removed off-site to an approved upland disposal site.
23. All disturbed areas are to be re-vegetated using either native plant species (or drought-tolerant fescues on 8-10 inches of loam). Re-vegetation is to be done immediately following completion of construction.
24. The street number and address and the DEP number of the dock approved by this Order shall

be affixed to the seaward face (end) of the dock using three inch (3") digits of bright contrasting color. This number shall be maintained in clear visible condition throughout the lifetime of the dock.

25. Water lines and attached hoses shall have nozzles attached.
26. Boats shall only be tied up in those areas designated as the mooring field on the plan of reference.
27. Boats at the dock shall not be allowed to leak oil or other pollutants into the water, nor shall oil or fuel be stored on the dock or pier.
28. Motorboats shall not be run in gear while tied to the dock, since prop wash disturbs shellfish beds, stirs up sediment and causes bank erosion.
29. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.
30. Photographic evidence of winter storage location of floats or seasonal dock parts on uplands shall be presented to the Conservation Commission within one year of completion of structure.
31. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. A request for a Certificate of Compliance must be accompanied by and "Existing Conditions" plan and Engineers written certification of compliance certifying the dock or pier has been constructed and completed in accordance with the conditions contained herein and notes any deviation from the approved plans.
32. If this dock and pier is operated in such a fashion as to cause actual damage to resource areas, including prop dredging, you may be ordered, at your expense, to remove a portion or the entire dock and pier. You have a right to hearing prior to any such order being issued.
33. The dock must be properly maintained in a safe and functioning manner. Docks and piers are coastal structures requiring continual maintenance or else lend themselves to causing significant damage to property at the time of storms. If not properly maintained docks and piers pose a significant danger to public safety. Docks and piers not properly maintained, which in the opinion the Commission have a potential of being destroyed in a storm, may be ordered removed at the owner's expense. You have a right to hearing prior to any such order being issued.

SPECIAL CONDITIONS:

1. The construction barge should not anchor within eelgrass habitat and should be staged outside eelgrass habitat when not directly involved in construction activities.
2. Any activities requiring a barge will be restricted to 2 hours before and after high tide to prevent barge grounding in mapped eelgrass habitat.
3. The Conservation Department and the Marine and Environmental Services Department shall be notified of the date and time of construction activities utilizing a barge.

VOTE AUTHORIZING SIGNATURES OF COMMISSIONERS

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

ATTACHMENT C

DRIVING DIRECTIONS TO SITE

Driving Directions to Site

From Town Hall, turn left onto Main Street and follow to Woods Hole Rd. Turn left and follow for 3.5 miles. Turn left onto Crane St. and follow to Juniper Point Rd. Number 29 is straight ahead.



ATTACHMENT D

CHAPTER 91 LICENSE 243 AND PLAN

The Commonwealth of Massachusetts

No. 243,



See Plan Book 218, pg. 31.

Whereas, Edward G. Boettiger, at ux -----

of Falmouth -----, in the County of Barnstable ----- and Commonwealth
aforesaid, has applied to the Department of Public Works for license to Environmental
Quality Engineering for license to construct and maintain a wooden pier and
to maintain an existing stone breakwater, at their property at Woods Hole
Great Harbor, in the town of Falmouth, -----

and has submitted plans of the same; and whereas due notice of said application, and of
the time and place fixed for a hearing thereon, has been given, as required by law, to the
Selectmen ----- of the Town ----- of Falmouth -----;

Now said Department, having heard all parties desiring to be heard, and having fully
considered said application, hereby, subject to the approval of the Governor, authorizes
and licenses the said Edward G. Boettiger, at ux, -----

-----, subject to the provisions of the ninety-
first chapter of the General Laws, and of all laws which are or may be in force applicable
thereto, to construct and maintain a wooden pier and to maintain a stone break-
water at their property in Woods Hole Great Harbor in the town of Falmouth, in
conformity with the accompanying plan no. 243.

License No. 243/Edward G. Boettiger, et ux/pg. 2

An existing stone breakwater, authorized by the Department of Public Works License No. 4825, but not constructed in conformity thereto, may be maintained as constructed, in said Harbor, having a top length of approximately 62 feet, with a width of 5 feet.

A pile and timber pier may be constructed and maintained, extending further into said harbor a distance of approximately 35 feet, from the top of said breakwater, having a width of 10 feet and a top deck elevation of 5.3 feet above mean low water datum.

All work authorized hereby shall be in the location shown and in accordance with the details given on license plan no. 243.

The plan of said work, numbered ----- 2 4 3 ----- is on file in the office of said Department, and duplicate of said plan accompanies this license, and is to be referred to as a part hereof.

The amount of tide-water displaced by the work hereby authorized shall be ascertained by said Department, and compensation therefor shall be made by the said heirs, successors

License No. 243/Edward G. Boettiger, et ux/pg. 3

Nothing in this license shall be construed as authorizing encroachment on or over property not owned or controlled by the licensee, except with the consent of the owner or owners thereof.

Acceptance of this license shall constitute an agreement by the licensee, to conform to all terms and conditions herein stated.

This license is granted subject to all applicable Federal, State, County and Municipal laws, ordinances and regulations.

This license is granted upon the express condition that use by boats or otherwise of the structures hereby licensed shall involve no discharge of sewage or other polluting matter into the adjacent tidewaters, except in strict conformity with the requirements of the local and State health departments and the Division of Water Pollution Control.

This license is granted upon the further express condition that any other authorizations necessitated due to the provisions hereof shall be secured prior to the commencement of any work under this license.

This license is granted upon the further express condition that the authorization contained herein may be modified or may be revoked in whole or in part in the event of the licensee, its successors and assigns, failing to comply with said authorization or any provisions of the license or failing to maintain all authorized structures and installations in good condition, to the satisfaction of the Department of Environmental Quality Engineering or its successors. This condition permitting modification or revocation of the license shall also apply in the event of the failure of the licensee, its successors and assigns, to secure approval under all other applicable laws, ordinances or regulations or failure to adhere to the conditions of such approvals upon receipt of such failure provided by an agency having jurisdiction. Revocation or modification of this license as provided herein shall be without liability to the Commonwealth or claim for compensation by the licensee, its successors and assigns.

This license is granted upon the further express condition that the licensee, its successors and assigns, shall upon request in writing by the Department of Environmental Quality Engineering or its successors, change the location of said ~~lower it to such depth, or raise it to such height, as said~~ Department may prescribe or remove it entirely from said waters, and said licensee, by accepting this license shall be deemed to consent and agree to the condition herein set forth, and in case of any refusal or neglect on the part of the licensee, its successors and assigns, to comply with this condition, then this license shall be wholly void and the Commonwealth, by its proper officers, may proceed to remove or to cause the removal of said at the expense of said licensee, its successors and assigns, as an unauthorized and unlawful structure in said waters.

35

and assigns, by paying into the treasury of the Commonwealth
cents for each cubic yard so displaced, being the amount hereby assessed by
said Department.

Nothing in this License shall be so construed as to impair the legal rights of any person.
This License shall be void unless the same and the accompanying plan are recorded
within one year from the date hereof, in the Registry ----- of Deeds for the -----
District of the County of Barnstable.

In Witness Whereof, said Department of ~~Public Works~~ Environmental Quality Engineering
this twenty-second ----- day of June ----- in the
year nineteen hundred and seventy-seven.

John Stannay

Department of
-Public Works
Environmental Quality
Engineering

THE COMMONWEALTH OF MASSACHUSETTS

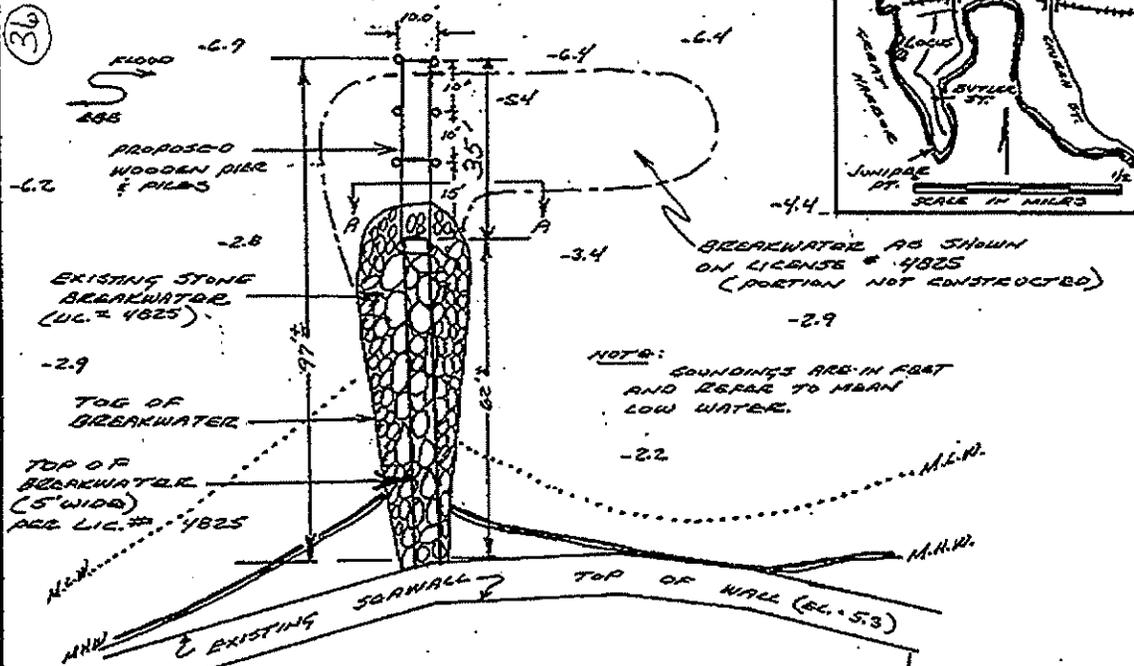
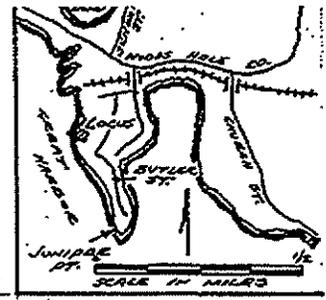
This license is approved in consideration of the payment into the treasury of the Com-
monwealth by the said Edward G. Boettiger, et ux -----
of the further sum of seven hundred seventy- dollars (\$770.00) -----
the amount determined by the Governor as a just and equitable charge for rights and
privileges hereby granted in land of the Commonwealth.

Approved by the Governor.

BOSTON, June 22, 1977
Richard S. Phillips
Governor

RECORDED NOV 29 1977

WOODS HOLE GREAT HARBOR

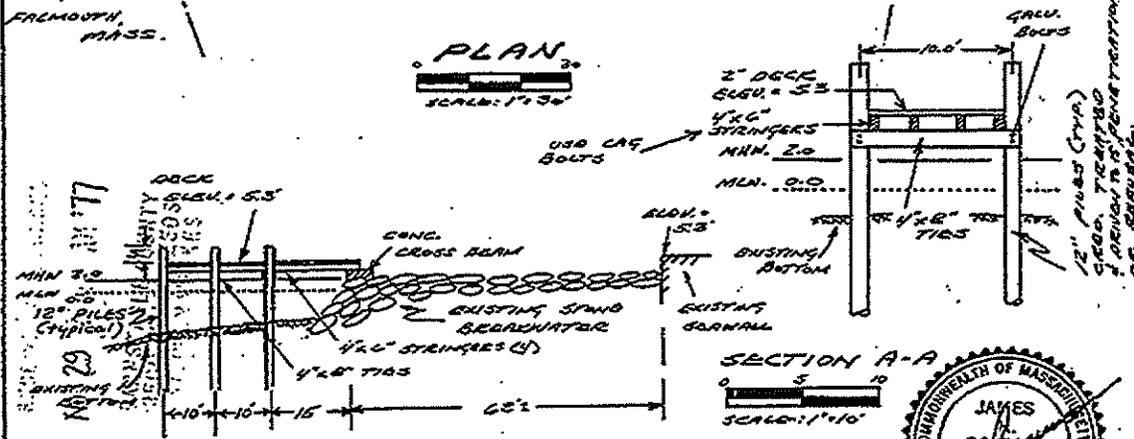


EDWARD G. BOETTIGER ET UX
5 DUNHAM POND ROAD EAST
STORRS, CONN.

ALVIN C. VINE
ET UX
JUNIPER POINT
FALMOUTH, MASS.

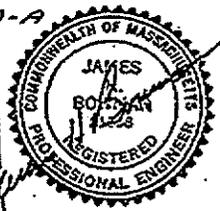
JOHN O. CROW
JUNIPER POINT
FALMOUTH, MASS.

PLAN
SCALE: 1" = 30'



SECTION A-A
SCALE: 1" = 10'

PROFILE
SCALE: 1" = 30'



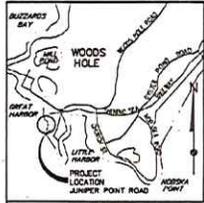
WOODS HOLE PAGE 31

PLAN ACCOMPANYING PETITION OF
EDWARD G. BOETTIGER ET UX
TO CONSTRUCT & MAINTAIN A WOODEN
PIER AND MAINTAIN STONE BREAKWATER
IN
WOODS HOLE GREAT HARBOR

LICENSE PLAN NO. 243
APPROVED BY DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING
OF MASSACHUSETTS June 22, 1977
[Signature]
COMMISSIONER
CHIEF ENGINEER

ATTACHMENT E

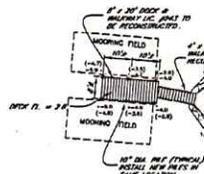
PLAN OF PROPOSED PIER MODIFICATIONS



LOCUS
NOT TO SCALE

GREAT HARBOR

LAND UNDER THE OCEAN
LAND CONTAINING SHELLFISH
TIDAL



EXISTING SIGNAL
BOX ON U.C. PILE

EXISTING WOOD
DOCK PIER
WATER UNDER PILE

16\"/>

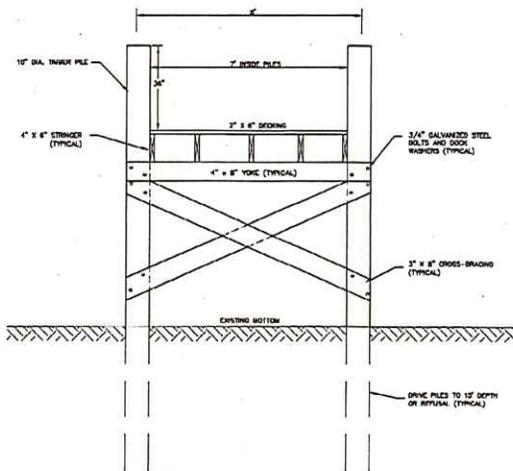
LOT A
N/F
DAVID H. & NORMAN
H. VINE, TR.

LOT B
26,600± S.F.

PARCEL 37
N/F
CHARLES M. &
THOMAS S. CRANE

PARCEL 37
N/F
CHARLES M. &
THOMAS S. CRANE

TO JUNIPER POINT ROAD



TYPICAL PIER CROSS-SECTION

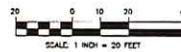
SCALE: 1/2" = 1' - 0"

GENERAL NOTES:

- ASSESSOR'S INFORMATION: 51A 01 040 0008
- FLOOD ZONES: X, Q, ZK, AE13 & VE15 (FEMA MAP 25001C071A)
- ZONING DISTRICT: RM
- WIND EXPOSURE CATEGORY: C
- OVERLAY DISTRICT: NONE
- LOT COVERAGE BY:
 - EXISTING STRUCTURES: 2,805 S.F./26,600 S.F. = 10.6% < 20%
 - EXISTING STRUCTURES/PARKING/PAVING: 4,861 S.F./26,600 S.F. = 17.6% < 40%
- WIND BORNE DEBRIS REGION: HIGH
- STREET ADDRESS: JUNIPER POINT ROAD
- HOUSE NUMBER: 29
- TOPOGRAPHIC INFORMATION COMPILED FROM A PLAN BY OTHERS.
- ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.
- SOUNDINGS SHOWN IN PARENTHESES ARE REFERENCED TO MLW AND REPRESENT DEPTH AT MLW.

LEGEND

- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- +21.5 EXISTING SPOT ELEVATION
- 10' OSM (S) EXISTING TREE
- MAN EXISTING CEMETERY MANHOLE
- TMH EXISTING TELEPHONE MANHOLE
- EXISTING STONE WALL
- CONCRETE BOUND



SITE PLAN - DOCK REPAIRS FOR #29 JUNIPER POINT ROAD PREPARED FOR LOGAN HUFFMAN IN FALMOUTH, MA	
PLAN DATE: JANUARY 4, 2023	PLAN SCALE: 1"=20'
CIVIL ENGINEERING	WETLANDS PERMITTING
WASTEWATER DESIGN	COASTAL ENGINEERING
TRAIL & PLAT PLANS	PIERS AND DOCKS
LAND USE PLANNING	COMMERCIAL/RESIDENTIAL
<i>Quality Done Right and Satisfaction Guaranteed</i> 17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225	
PROJECT NUMBER: 14085	CAD FILE NAME: 14085DP
DRAWN BY: LM	SHEET 1 OF 1

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 22, 2023 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Logan Huffman for permission to rebuild the existing licensed dock in the same location and orientation as it currently exists, located at 29 Juniper Point Road, Woods Hole, MA. Area affected is Great Harbor. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the
Select Board

May 5, 12, 2023



RECEIVED

APR 19 2023

Board of Assessors, Town of Falmouth

Town of Falmouth Assessing Department

59 Town Hall Square, Falmouth MA 02540

Telephone: 508-495-7380

Fax: 508-495-7384

REQUEST OF CERTIFIED ABUTTERS LIST

Name of person requesting abutters list: Diane Davidson

Address of person requesting abutters list: Town Manager/Select Board Office

Phone: x7321

Abutters to (subject property):

Map	<u>51A</u>	Section	<u>01</u>	Parcel	<u>040</u>	Lot	<u>000B</u>	✓
Map	_____	Section	_____	Parcel	_____	Lot	_____	
Map	_____	Section	_____	Parcel	_____	Lot	_____	

Lot size of subject property: _____

Location of subject property: 29 Juniper Point Road, Woods Hole ✓

- Check one:
- Direct abutters (includes properties across street)
 - Direct abutters in local Historic District (includes properties across the street) within 100'
 - Immediate abutters (includes only properties with a common property line)
 - Immediate abutters plus churches and schools within 500'
 - Properties within 300' ✓
 - Properties within 300' or abutters abutter to abutter whichever is closest
 - Properties within 100'
 - Other (specify) _____

Fee. \$25.00 Total N/A

4/20/23

29 JUNIPER POINT RD

CERTIFIED



Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
April 26, 2023

0 BUTLER ST 51A 01 030 001
BERNER TRUSTEE JEFFREY R LUC: 106
ZERO BUTLER ST RLTY TR
121 MOUNT ST
C/O J M FORBES & CO LLP
BOSTON. MA 02108

25 JUNIPER POINT RD 51A 01 041 000A
VINE TRUSTEE DAVID H LUC: 101
VINE TRUSTEE NORMAN H
25 JUNIPER POINT RD
WOODS HOLE. MA 02543

16 BUTLER ST 51A 01 032 000
BROWN ANNE L MEIGS LUC: 101
PO BOX 33
WOODS HOLE. MA 02543

39 JUNIPER POINT RD 51A 01 037 001A
WEIDHAAS ANDREW J LUC: 104
WEIDHAAS JOANNE B
681 BROOKTREE RD
SANTA MONICA. CA 90402

26 JUNIPER POINT RD 51A 01 037 003A
CRANE TRUSTEE CHARLES M LUC: 101
BREUER TRUSTEE WENDY
1009 OXFORD ST
BERKELEY. CA 94707-2621

0 JUNIPER POINT RD 51A 01 030A 002
CRANE TRUSTEE THOMAS S LUC: 132
CRANE TRUSTEE GERALDINE G
35 JUNIPER POINT RD
WOODS HOLE. MA 02543

35 JUNIPER POINT RD 51A 01 037 002A
CRANE TRUSTEE THOMAS S LUC: 101
CRANE TRUSTEE GERALDINE G
35 JUNIPER POINT RD
WOODS HOLE. MA 02543

11 JUNIPER POINT RD 51A 01 031 002
DE GIVE JOSEPHINE F LUC: 101
GROVE BELLE
1402 WINCHESTER RD
DELAFLANE. VA 20144-1728

15 JUNIPER POINT RD 51A 01 000 001
FISHER III TRUSTEE FREDERICK S LUC: 101
F S FISHER III LIV TRUST
6801 WESTOVER RD
CHARLES CITY. VA 23030-3327

29 JUNIPER POINT RD 51A 01 040 000B
HUFFMAN TRUSTEE LOGAN R LUC: 101
HUFFMAN TRUSTEE LISA
997 MILLBURY ST
WORCESTER. MA 01607

15 HINCKLEY RD 51A 01 035 000A
NAUSHON TRUST INC LUC: 101
C/O J M FORBES & CO
121 MOUNT VERNON ST
BOSTON. MA 02108

21 JUNIPER POINT RD 51A 01 042 002C
TULLY ELLEN FISHER LUC: 101
1442 WESTWOOD RD
CHARLOTTESVILLE. VA 22903

OPEN SESSION

PUBLIC HEARINGS

2. Wetlands/Dock Hearing – Falmouth Holding Corp. – 278 Scranton Ave. – Application to modify term (Condition 3) of Special Permit issued November 10, 2022 (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

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 22, 2023 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Falmouth Holdings Corp. to modify term (Condition 3) of Special Permit issued November 10, 2022, to read, "This Special Permit for construction shall lapse three (3) years from the date of issuance, November 10, 2022, if construction has not begun by that date, except for good cause." Once so commenced, the work may be completed in phases over two or more years, at 278 Scranton Ave. (Falmouth Marine and Yachting), Falmouth, MA. Area affected is Falmouth Inner Harbor. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the
Select Board

Publication dates: Friday, May 5, 2023 and Friday, May 12, 2023; Falmouth Enterprise.

AMENT KLAUER LLP

Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

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

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

April 19, 2023

Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
Attn: Peter Johnson-Staub, Acting Town Manager

Re: Application to modify Special Permit issued November 10, 2022
Town Code Section 240-14.8 (formerly Section 240-77)
Falmouth Holdings Corp. (Falmouth Marine), 278 Scranton Avenue

Dear Peter:

On November 10, 2022, the Select Board filed a decision granting to Falmouth Holdings Corp. (Falmouth Marine and Yachting hereinafter "Falmouth Marine") a special permit under the Zoning Bylaw Wetlands Regulation, to allow the existing bulkheads and piers to be replaced. The allowed work will be a complex, substantial and expensive project, an ambitious improvement to Falmouth Inner Harbor. The applicant appreciates the Select Board's support.

However, Falmouth Marine is concerned with Condition 3 of the decision, which provides "This construction permit will expire one (1) year from the date that final approval has been received from all governmental agencies from whom permits are required." This condition, which I believe is standard in the Select Board's Wetlands Regulations decisions, is intended to be helpful to the applicant, but in this case and probably others, it is problematic. This is because due to the Conservation Commission prohibition¹ of "in-water, silt producing work" between January 15 and May 31, and the need to maintain operation of the boatyard from June 1 through September, the work period will be restricted and the project will necessarily be completed over two or three years. It is not clear that Condition 3 of the Special Permit will allow this. Also, since the timing as to when construction can commence is uncertain, and the availability and schedule of marine contractors who can undertake the work in the time period allowed cannot be determined until at least after issuance of the Chapter 91 license, there may be some delay between issuance of the license and commencement of construction.

The rationale for the Select Board's standard "one year from final approval" condition was that the usually lengthy Chapter 91 permitting process could not commence until after issuance of the special permit.² Under the Zoning Act, until amended in 2016, a special permit

¹ Condition 2 of the Order of Conditions issued September 30, 2022.

² After the Select Board issued the subject Special Permit, Falmouth Marine filed its Chapter 91 License Application for the proposed project on December 15, 2022.

for construction would lapse unless construction commenced within two years. However, in 2016, Chapter 40A, §9 was amended to allow towns to increase that period to three years, and Falmouth Town Meeting amended the Zoning Bylaw accordingly. Now, under Section 240-12.1.J, a construction project special permit issued by the Zoning Board of Appeals will not lapse if construction begins within three years. The Select Board's standard lapse provision (Condition 3 in the subject decision) says the special permit will expire one year from the date of final governmental approval; the Board's language does not make it clear whether construction needs only to have commenced during that period.

Section 240-14.8 and the Board's standard condition may run afoul of the Chapter 40A §9 provision that a zoning bylaw provide that a special permit "shall lapse within a specified period of time not more than 3 years . . ." There may also be a question as to whether the condition's reference to "final approval . . . from all governmental agencies from whom permits are required" means to include a building permit, which might be applied for well after the Chapter 91 license has been issued.

In summary, the Select Board's standard condition leaves open a few questions:

1. Does commencement of construction within one year after issuance of the final required approval avoid lapse, allowing a project to be completed over a period of time thereafter?
2. Is a Building Permit a "final government approval" under the standard condition?
3. Where state law, Chapter 40A, §9 paragraph 15 provides for lapse after a Bylaw specified period, not to exceed three years, does the Select Board's standard condition comply?

Falmouth Marine respectfully suggests that the Select Board review its use of the standard condition that a wetlands special permit will expire one year after the final required approval is issued, and specifically requests that the special permit issued November 10, 2022, be amended to delete Special Condition No. 3 and substitute therefor language consistent with General Laws Chapter 40A, §9, as follows: "This Special Permit for construction shall lapse three (3) years from the date of issuance, which will be November 10, 2025, if construction has not begun by that date, except for good cause. Once so commenced, the work may be completed in phases over two or more years." An application for such a modification is submitted herewith, along with a check for \$75.00 for the filing fee and publication expense. Please schedule a hearing date, and issue and publish the requisite notices.

I believe having the certainty of commencement of construction being required by November 10, 2025, and knowing that mere commencement of construction will avoid lapse, will be helpful and will be consistent with the Zoning Act. It is understood that if circumstances

Select Board
April 19, 2023
Page 3

arise whereby construction cannot commence by that date, Falmouth Marine would need to apply to the Select Board to extend the special permit.

Thank you for your consideration.

Very truly yours,

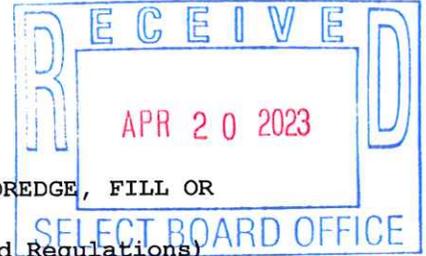
A handwritten signature in cursive script that reads "Bob Ament".

Robert H. Ament, Esquire

RHA/gmb
Enclosure

cc: Jay Kehoe, General Manager, Falmouth Marine and Yachting

TOWN OF FALMOUTH
BOARD OF SELECTMEN



APPLICATION TO MODIFY SPECIAL PERMIT ISSUED NOV. 10, 2022 TO DREDGE, FILL OR
OTHERWISE ALTER WETLANDS
(As required under Section 240-14.8 (formerly 240-77) (Wetland Regulations)
of the Zoning Bylaw)

To the Board of Selectmen
Falmouth, MA

Date: April 19, 2023

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

OWNER: Falmouth Holding Corp. 278 Scranton Ave.,
Falmouth, MA 02540
(full name) (address)

AGENT: Robert H. Ament, Esquire 39 Town Hall Square,
Falmouth, Ma 02540
(full name) (address)

APPLICANT: Falmouth Holding Corp. 278 Scranton Ave.,
Falmouth, MA 02540
(full name) (address)

1. Location of Property: Map 47C Section 06 Parcel 012 Lot 002

Street Name and House Number 278 Scranton Ave., Falmouth, MA 02540

2. Body of water, marsh or stream affected: Falmouth Inner Harbor

3. Description of property and project site: Existing developed marina known as Falmouth Marine and Yachting

a. Dimensions, Acreage of total parcel: 1.947 acres

b. Length of water marsh frontage: 480'±

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

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

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

RECEIVED
APR 20, 2023 AM 8:42
TOWN CLERK

Disposition of Spoil: N/A

f. Describe proposed riprap or bulkheading, if any: see attached
Special Permit

g. Other (docks, piers and etc.) _____

h. Method (equipment to be used) for proposed work: _____

4. Purpose of proposed work: Replace failing and outdated piers and bulkhead, improve marina facilities, capture storm runoff, as per Special Permit issued November 10, 2022

5. Zoning which governs area: Marine

6. Date of application for permit to dredge or fill from the Commonwealth of Mass. December 15, 2022 Army Engineers: N/A

7. Has a permit ever been approved or refused for this location by State, Federal or Local Authority? Approved; see attached list of existing Wetlands Permits; current Chapter 91 license application is pending

8. Remarks: Modification request

9. Project Summary for legal notice: Modify term (Condition 3) of Special Permit issued November 10, 2022, to read, "This Special Permit for construction shall lapse three (3) years from the date of issuance, November 10, 2022, if construction has not begun by that date, except for good cause." Once so commenced, the work may be completed in phases over two or more years.

Owner: Falmouth Holding Corp.

278 Scranton Ave., Falmouth, MA 02540
(Name & Address)

TEL #: 508-548-4600

Robert H. Ament
Agent: Robert H. Ament, Esq.

Ament Klauer LLP
39 Town Hall Square, Falmouth, MA 02540
(Name & Address)

TEL #: 508-540-6555

Applicant: Jay Kehoe, General Manager
Falmouth Marine and Yachting
278 Scranton Avenue, Falmouth, MA 02540

(Name & Address)

TEL #: 508-548-4600

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



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320
townmanager@falmouthma.gov

RECEIVED

NOV 10 2022

FALMOUTH TOWN CLERK

November 1, 2022

Falmouth Holdings Corp.
Attention: Brian Davin, General Manager
Falmouth Marine and Yachting
278 Scranton Avenue
Falmouth, MA 02540

Dear Mr. Davin:

A public hearing was duly advertised and held on October 24, 2022 at 7:15 p.m., in accordance with Section 240-14.8 (Wetland Regulations) of the Zoning By-Laws of the Town of Falmouth in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Falmouth Holdings Corp. for permission to reconstruct the existing bulkhead (seawall), commercial piers and ticket office building, remove and reset utilities, construct boat wash pad with subsurface holding tank, and construct stormwater management leaching trenches, all within previously, legally altered area at 278 Scranton Avenue (Falmouth Marine and Yachting) in the waters of Falmouth Inner Harbor located at 278 Scranton Avenue, Falmouth, MA. The Falmouth Select Board has voted approval subject to the following:

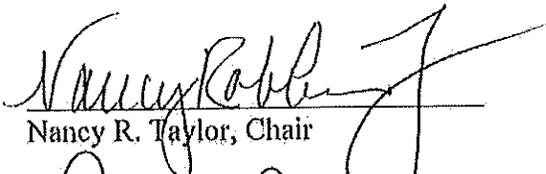
Conditions:

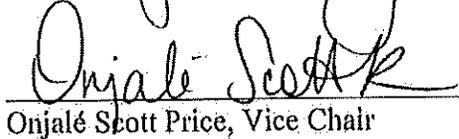
1. That all work is done in accordance with a plan dated June 21, 2022, with a final revision date of September 6, 2022, submitted and drawn by Cape & Islands Engineering.
2. That you first obtain all other permits and licenses necessary before commencing work. If deemed necessary by the Building Commissioner, the applicant shall apply and obtain a building permit prior to construction.
3. This construction permit will expire one (1) year from the date that final approval has been received from all governmental agencies from whom permits are required.
4. Your name, address, DEP number, and S-465 should be placed on the pier. This is the number assigned to you at the hearing.
5. The pier is authorized for the customary and usual commercial use of the business. Any change of use requires an amended application and appropriate hearing. This decision does not authorize the holder of this permit to violate any appropriate deed restrictions or property rights of other.

6. Property owner must provide the Harbor Master with a list of all vessels which seasonally occupy this structure by August 15th annually. The list shall include: Vessel Owner's Name and Address, Official Documentation or State Registration #, Boat Manufacturer, Age and Length.
7. The Orders of Conditions issued by the Conservation Commission on September 30, 2022 must be followed.

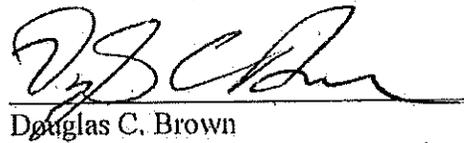
Notice is hereby given that any appeal of this decision shall be made pursuant to Section 17 of Mass. General Laws, Chapter 40A, and shall be filed within twenty (20) days after the filing of this decision in the office of the Town Clerk.

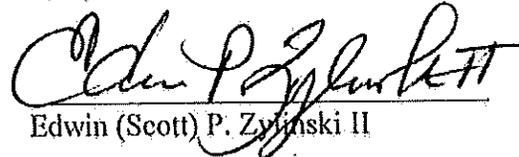
Sincerely,


Nancy R. Taylor, Chair

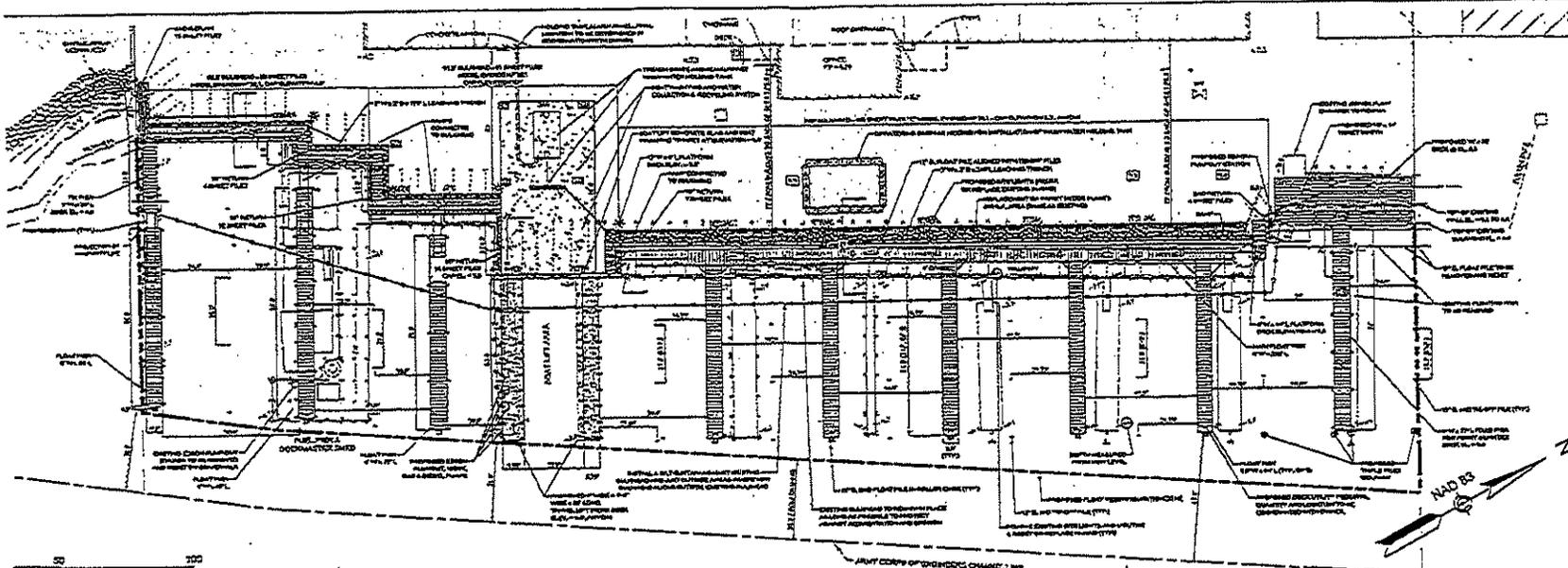

Onjalé Scott Price, Vice Chair


Samuel H. Patterson


Douglas C. Brown

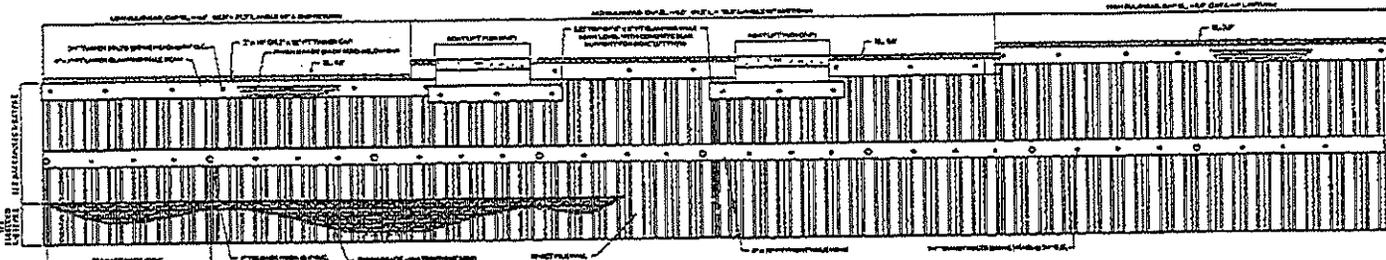

Edwin (Scott) P. Zydzinski II

cc: Conservation Commission
Marine and Environmental Services
Planning Board
Building Department
Health Department
Robert H. Ament, Esquire, Ament Klauer LLP
Cape & Islands Engineering
Abutters

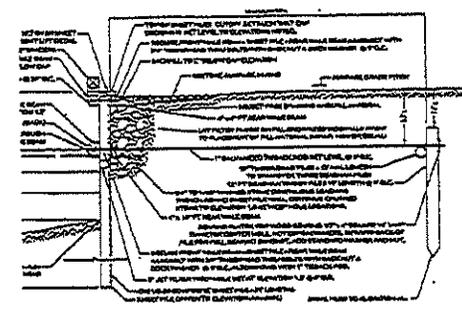


SCALE: 1" = 20'

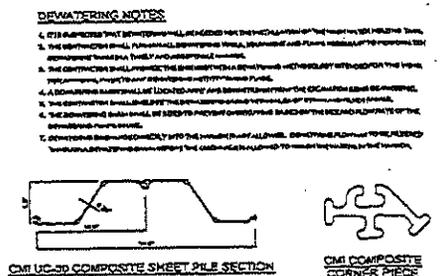
- NOTES**
1. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS SHALL BE TO THE CENTERLINE OF THE MEMBER UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS SHALL BE TO THE CENTERLINE OF THE MEMBER UNLESS OTHERWISE NOTED.
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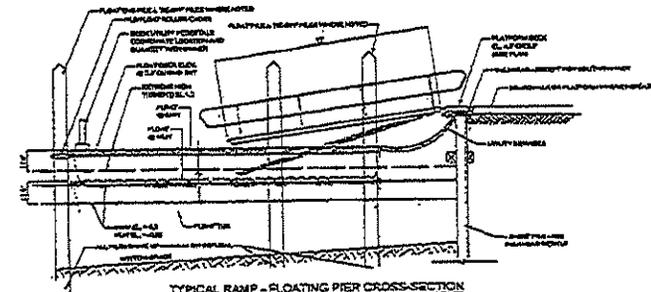
TYPICAL SHEET PILE ELEVATION VIEW



TYPICAL BULKHEAD CROSS-SECTION



CMI UC-30 COMPOSITE SHEET PILE SECTION



TYPICAL RAMP - FLOATING PIER CROSS-SECTION

SCABER ISLAND
 218 SOUTH AVENUE
 TAMPA, FLORIDA 33601
 (813) 288-1111

ENGINEERING
 1111 SOUTH AVENUE
 TAMPA, FLORIDA 33601
 (813) 288-1111

DESIGNED BY J.M. B. 1/11/11
CHECKED BY R.M. 1/11/11

REV	DATE	DESCRIPTION
1	1/11/11	ISSUE FOR PERMIT
2	1/11/11	ISSUE FOR PERMIT
3	1/11/11	ISSUE FOR PERMIT
4	1/11/11	ISSUE FOR PERMIT
5	1/11/11	ISSUE FOR PERMIT
6	1/11/11	ISSUE FOR PERMIT
7	1/11/11	ISSUE FOR PERMIT
8	1/11/11	ISSUE FOR PERMIT
9	1/11/11	ISSUE FOR PERMIT
10	1/11/11	ISSUE FOR PERMIT

PROJECT
 WRIGHT & BOYFROT, PRESIDENT
 218 SOUTH AVENUE
 TAMPA, FLORIDA 33601
 (813) 288-1111

SHEET 2 OF 3

ATTACHMENT TO APPLICATION TO FALMOUTH SELECT BOARD FOR SPECIAL PERMIT TO ALTER WETLANDS

APPLICANT: FALMOUTH HOLDINGS CORP.

PROPERTY: 278 SCRANTON AVENUE

Existing Wetlands Permits		
1.	Chapter 91 Licenses No. 403, 623, 2123, 2490, 2686, 2996, 3110, 3848, 3967, 3968, 4030 and 6057	Bulkheads, floats, pliers, piles, ramps, boat landing ramp and dredge
2.	Chapter 91 License No 12293	Pier, ramp & pile replacements
3.	Order of Conditions, DEP 25-1836	Bulkhead reconstruction (Permit expired, no work performed)
4.	Order of Conditions, DEP 25-1972	Restroom addition and boat sewer pump-out facility Certificate of Compliance Issued 5-13-2014
5.	Order of Conditions, DEP 25-3443	Piers, floats and piles reconfiguration (Permit expired, no work performed)
6.	Board of Selectmen Approval	Issued April 29, 2008

Z. Proposed Activities and Construction Methodology

The project will begin with the initial demolition phase. In this phase the site will be fitted with all necessary erosion and sedimentation controls as noted in the application drawings. All existing utilities affected within this work will be temporarily terminated or turned off for the work to proceed. The existing ticket office will be razed along with all existing pliers and all debris will be removed and properly disposed. The existing bulkhead will remain in-place until further in construction when the new bulkhead is located within the alignment of the existing bulkhead.

The next phase is the installation of the new composite sheet pile bulkhead. A silt boom shall be placed along the waterside of the existing bulkhead. The new bulkhead work will begin along the north end of the existing bulkhead. The initial 240 feet of bulkhead will be installed by opening a trench behind the existing bulkhead, maintaining the existing bulkhead in-place to act as a barrier and protect against sedimentation. Once installation reaches the point of the first 90-degree turn to meet the bulkhead at the travel lift area, the contractor shall excavate the area between the existing bulkhead and the newly installed 240-foot sheet pile bulkhead to a depth of elevation -5.0' NAVD88. From this point on the entirety of the existing bulkhead can be removed as new bulkhead is installed following the new alignment.

The new bulkhead will be installed in a systematic process starting at the north side of the property and working along the shoreline. A crane will be used to drive the sheet piles in-place. The crane may be on a barge on land for this installation. In its most basic terms, the new bulkhead location will be established by erecting a false frame for driving sheet piling in the proposed location. The bulkhead installation is typical for this marine construction activity.

Once the new bulkhead is in place, the contractor can install the proposed fix and floating pliers as well as the proposed travel lift with all the associated pile installation. Pile installation will be performed by driving the piles in place with a barge mounted crane. The fix pier and travel lift superstructure construction are built once the piles are set. The floating pliers will be manufactured offsite and transported to the site. The floating pliers are positioned in the harbor once the float piles are set.

The last phase is for the contractor to transition to all the upland improvements such as the new ticket office building, boardwalks, stormwater leaching trenches, concrete wash pad and subsurface holding tank installation. Ultimately the contractor shall re-establish all the necessary utilities and restore the crushed shell/stone area to complete the work.

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 22, 2023 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Falmouth Holdings Corp. to modify term (Condition 3) of Special Permit issued November 10, 2022, to read, "This Special Permit for construction shall lapse three (3) years from the date of issuance, November 10, 2022, if construction has not begun by that date, except for good cause." Once so commenced, the work may be completed in phases over two or more years, at 278 Scranton Ave. (Falmouth Marine and Yachting), Falmouth, MA. Area affected is Falmouth Inner Harbor. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the
Select Board

May 5, 12, 2023



Town of Falmouth Assessing Department

59 Town Hall Square, Falmouth MA 02540
Telephone: 508-495-7380
Fax: 508-495-7384

RECEIVED

MAY 01 2023

REQUEST OF CERTIFIED ABUTTERS LIST

Board of Assessors, Town of Falmouth

Name of person requesting abutters list: Diane Davidson

Address of person requesting abutters list: Town Manager/Select Board Office

Phone: x7321

Abutters to (subject property):
Map 47C Section 06 Parcel 012 Lot 002 ✓
Map _____ Section _____ Parcel _____ Lot _____
Map _____ Section _____ Parcel _____ Lot _____

Lot size of subject property: _____

Location of subject property: 278 Scranton Ave., Falmouth ✓

Check one:

- Direct abutters (includes properties across street)
- Direct abutters in local Historic District (includes properties across the street) within 100'
- Immediate abutters (includes only properties with a common property line)
- Immediate abutters plus churches and schools within 500'
- Properties within 300' ✓
- Properties within 300' or abutters abutter to abutter whichever is closest
- Properties within 100'
- Other (specify) _____

Fee. \$25.00 Total N/A

278 SCRANTON AVE

CERTIFIED



Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
May 3, 2023

65 SWING LN BARONAS TRUSTEE JANE E GOGUEN TRUSTEE JUDY A 80 SHERWOOD ST ROSLINDALE, MA 02131	47C 05 006 006 LUC: 101	57 SWING LN HARBORWAY CORPORATION 60 SWING LN FALMOUTH, MA 02540	47C 05 005 005 LUC: 106	250 SCRANTON AVE ROBERT TRUSTEE WILLIAM C FALCO NOMINEE TRUST 12 WASHINGTON ST WELLESLEY, MA 02481-1772	47C 06 015 005 LUC: 384
14 LOWRY RD BEARCE TRUSTEE DAVID W BEARCE TRUSTEE ELLEN M 13093 CASTLE HARBOR DR UNIT L 12 NAPLES, FL 34110	47C 05 009 065 LUC: 101	0 SCRANTON AVE HARBORWAY CORPORATION 60 SWING LN FALMOUTH, MA 02540	47C 05 045 000 LUC: 130	67 SWING LN SCARLATA STEVEN J SCARLATA ANNMARIE T 67 SWING LN FALMOUTH, MA 02540	47C 05 007 007 LUC: 101
305 SCRANTON AVE BOYAJIAN JOHN BOYAJIAN STACIA 121 GLAZEN LN WAYLAND, MA 01778	47C 05 043 001 LUC: 101	287 SCRANTON AVE KENT TRUSTEE BARRY M KENT TRUSTEE VICTORIA J 287 SCRANTON AVE FALMOUTH, MA 02540	47C 05 039 000A LUC: 101	0 FRANCES AVE SIMMLER CHRISTOPHER R OMALLEY SIMMLER NORINE 152 BELLEVIEW ST WEST ROXBURY, MA 02132	47C 05 021 002 LUC: 130
253 SCRANTON AVE CONNOLLY MARK 253 SCRANTON AVE FALMOUTH, MA 02540	47C 05 035 003A LUC: 101	306 SCRANTON AVE MCKIM TRUSTEE MELISSA MCKIM TRUSTEE WILLIAM A 40 TURNERS WAY NORWELL, MA 02061	47C 06 008 003 LUC: 101	15 FRANCES AVE SIMMLER CHRISTOPHER R OMALLEY SIMMLER NORINE 15 FRANCES AVE FALMOUTH, MA 02540	47C 05 022 003 LUC: 101
0 SCRANTON AVE FALMOUTH HOLDINGS CORP 278 SCRANTON AVE C/O FALMOUTH MARINE FALMOUTH, MA 02540-3401	47C 05 036 002A LUC: 132	15 LOWRY RD MCNALLY DONALD MCNALLY PAULA E 15 LOWRY RD FALMOUTH, MA 02540	47C 05 010 010 LUC: 101	8 LOWRY RD SLOBODKIN ANDREA J 8 LOWRY RD FALMOUTH, MA 02540	47C 05 038 000B LUC: 101
0 SCRANTON AVE FALMOUTH HOLDINGS CORP 278 SCRANTON AVE C/O FALMOUTH MARINE FALMOUTH, MA 02540-3401	47C 05 037 000 LUC: 132	69 SWING LN MURPHY JAMES L GORHAM CHRISTINE 69 SWING LN FALMOUTH, MA 02540	47C 05 008 064 LUC: 101	251 SCRANTON AVE STEEL TRUSTEE JEAN E HARKNESS TRUSTEE GAIL A 251 SCRANTON AVE FALMOUTH, MA 02540	47C 05 033 002A LUC: 101
278 SCRANTON AVE FALMOUTH HOLDINGS CORP 278 SCRANTON AVE FALMOUTH, MA 02540-3401	47C 06 012 002 LUC: 384	301 SCRANTON AVE NARASIMHAN RANGANARAYAN PATEL NEHAL 9 SHAWDOW LN ANDOVER, MA 01810	47C 05 042 000 LUC: 101	14 FRANCES AVE WYMAN PETER J WYMAN JULIE A 14 FRANCES AVE FALMOUTH, MA 02540	47C 05 030 003A LUC: 101
291 SCRANTON AVE FERNALD TRUSTEE BEVERLY F X MESSINA SR FAMILY IRREV TR 61 OAK LEDGE DR BRAINTREE, MA 02184	47C 05 040 000 LUC: 101	241 SCRANTON AVE OCONNELL TRUSTEE N HARBOR SIDE REALTY TRUST 760 E 8TH ST SOUTH BOSTON, MA 02127-3403	47C 05 019 001 LUC: 101		
220 SCRANTON AVE FLYING BRIDGE RESTAURANT CORP 12 WASHINGTON ST WELLESLEY HILLS, MA 02481-1772	47C 06 015 004 LUC: 326	295 SCRANTON AVE PEKENIA JOHN A PEKENIA BARBARA F 295 SCRANTON AVE FALMOUTH, MA 02540-3472	47C 05 041 000 LUC: 101		
45 SWING LN HARBORWAY CORPORATION 60 SWING LN FALMOUTH, MA 02540	47C 05 004 004 LUC: 101	0 FRANCES AVE REYNOLDS POWERS TRUSTEE ELIZABETH POWERS TRUSTEE ELIZABETH JEAN 127 FRONT ST UNIT 3 MARBLEHEAD, MA 01945	47C 05 027 004 LUC: 130		

OPEN SESSION

PUBLIC HEARINGS

3. Application by Taco Blanco, Inc. d/b/a/ Taco Blanco for an All Alcoholic Beverages Restaurant License and a Common Victualler License to be exercised at 870 Main Street, Unit E, Falmouth (10 minutes)

If the Board makes the motion to approve, the motion should be to approve “contingent upon the issuance of the Certificate of Inspection and the Food Service Establishment Permit”.



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Taco Blanco, Inc. d/b/a/ Taco Blanco has applied for an All Alcoholic Beverages Restaurant License to be exercised at 870 Main Street, Unit E, Falmouth, MA. An application for a Common Victualler License has also been submitted.

A hearing will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, May 22, 2023, at 6:45 p.m. on the above application.

Comments may be sent to selectboard@falmouthma.gov.

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, May 12, 2023; Falmouth Enterprise

LICENSE APPLICATION REVIEW

Restaurant/Business: Taco Blanco, Inc. dba Taco Blanco

Address: 870 Main Street, Unit E

License Type: All Alcohol Restaurant License

New or Transfer of License New

Police: No objections

Manager Background check

Fire: No objections

Building: No objections

Floor Plan approved by Commissioner
 Certificate of Inspection issued - *pending*

Health: Permitting is in process

Food Service Establishment Permit - *pending*

Zoning: No comment

Planning: No physical alterations to building-no comment

Parking Plan review for new use - complete

DPW: n/a

Assessor: n/a

Tax: n/a

Wastewater: n/a

NOTES:



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320 • licensing@falmouthma.gov

COMMON VICTUALLER & INNHOLDER LICENSE APPLICATION

CHECK THE APPROPRIATE LICENSE

- Common Victualler Annual License
 Innholder Seasonal License

Required fields are outlined in red:

NAME OF APPLICANT: TITLE:

HOME ADDRESS:
Town: State: Zip code:

BUSINESS NAME

D/B/A if any:

BUSINESS ADDRESS:
Town: State: Zip code:

MAILING ADDRESS *(if different):*
Town: State: Zip code:

FEDERAL ID #: MANAGER OF RECORD:

EMAIL – *required:*

TELEPHONE – BUSINESS: ALTERNATE:

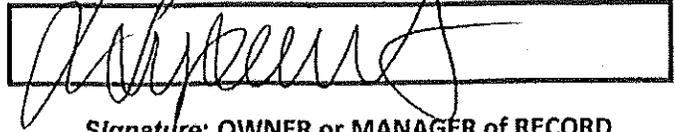
DAYS OF OPERATION:

HOURS OF OPERATION:

SEATING CAPACITY :

APPLICATION MUST BE SIGNED BY OWNER, MANAGER of RECORD, OR AUTHORIZED REPRESENTATIVE

**DATE:



Signature: OWNER or MANAGER of RECORD

APPLICATION REQUIREMENTS :

- Food Service Establishment Permit – Health Department
- Filing Fee \$10.00 due with application
- License Fee \$60.00 due upon issue
- Business Structure Documents:
 - a. Copy of Articles of Organization (*if corporation*)
 - b. Copy of LLC Agreement (*if limited liability company*)
 - c. Copy of Partnership Agreement (*if partnership*)
 - d. Copy of Certificate of Doing Business (*if sole proprietorship*)
- Copy of lease or deed
- Copy of special zoning permits, *if any*
- Copy of Floor Plan
- Copy of Menu
- Attend a hearing before the Board of Selectmen at a time and date designated



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

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="On-Premises-12"/>	<input type="text" value="§12 Restaurant"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Annual"/>

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

Owner is applying for a new annual, all alcoholic beverages restaurant license for on-premises consumption. Owner intends to operate a fast casual Mexican bistro building on the brand of its sister Anejo restaurant currently owned and operated by the principals of the Owner. This location will offer indoor and outdoor seating and counter service.

Is this license application pursuant to special legislation? Yes No Chapter Acts of

2. BUSINESS ENTITY INFORMATION

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

Entity Name FEIN

DBA Manager of Record

Street Address

Phone Email

Alternative Phone Website

3. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

The licensed premises is a leased portion of a larger building located at 870 Main Street, Unit E in Falmouth. The applicant occupies two floors. The second floor space is one room of approximately 584 square feet to be used exclusively for office purposes. The first floor comprises approx. 3,070 square feet throughout 8 rooms, 3 of which will be accessible by the public (as shown on the submitted site plan). Applicant intends to have 4 outdoor tables located directly in front.

Total Square Footage:	<input type="text" value="3,654"/>	Number of Entrances:	<input type="text" value="2"/>	Seating Capacity:	<input type="text" value="54"/>
Number of Floors	<input type="text" value="2"/>	Number of Exits:	<input type="text" value="4"/>	Occupancy Number:	<input type="text" value="146"/>

4. APPLICATION CONTACT

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

Name: Phone:

Title: Email:

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	Corporation	Date of Incorporation	Jan 17, 2023
State of Incorporation	Massachusetts	Is the Corporation publicly traded?	<input type="radio"/> Yes <input checked="" type="radio"/> No

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

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

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises(Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.

• If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
James P. Surprenant	178 Evans Street, Osterville, MA 02655	[REDACTED]	[REDACTED]
Title and or Position	Percentage of Ownership	Director/ LLC Manager	
President and Treasurer	50.00	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Jesse M. Kersey	7 Kemini Road, Mashpee, MA 02649	[REDACTED]	[REDACTED]
Title and or Position	Percentage of Ownership	Director/ LLC Manager	
Secretary	50.00	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached? Yes No

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

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

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

Name	License Type	License Name	Municipality
James Surprenant and Jesse Kersey	Annual all alcohol	Anejo Inc. - 0484-RS-0070	Barnstable
James Surprenant and Jesse Kersey	Annual all alcohol	Dos Ninos, Inc. - 00195-RS-0390	Falmouth
James Surprenant	Annual all alcohol	J&T Food Service Inc. 00257-RS-0070	Barnstable

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

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

Name	License Type	License Name	Municipality

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

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

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation
07/12/2017	03000195 - Anejo	Falmouth	Suspension for overcrowding rescinded

7. OCCUPANCY OF PREMISES

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

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

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

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

Yes No

New License Application – ABCC

Taco Blanco, Inc.

Continuation Sheet

Section 6A. Interest in Alcoholic Beverages License:

- Jamie Surprenant, Annual all alcohol, Crisp Flatbread Inc., 00330-RS-0070, Barnstable

10. MANAGER APPLICATION

A. MANAGER INFORMATION

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

Proposed Manager Name Date of Birth

Residential Address

Email Phone

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

B. CITIZENSHIP/BACKGROUND INFORMATION

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

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? Yes No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

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

Start Date	End Date	Position	Employer	Supervisor Name
2019	Present	Manager	Anejo	James Surprenant
2015	2019	Manager	Black Cat Tavern	Dave Columbo
2011	2015	Manager	Viola Pools	John Viola
2000	2011	Manager	Sam Diego's	Bob Kershaw

D. PRIOR DISCIPLINARY ACTION

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

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

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

Manager's Signature Date

Phyllis Downey

Subject: FW: New Liquor License-Taco Blanco

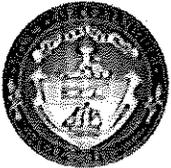
From: Jed Cornock <jed.cornock@falmouthma.gov>
Sent: Friday, May 19, 2023 10:07 AM
To: Phyllis Downey <phyllis.downey@falmouthma.gov>
Cc: Gary Street <gary.street@falmouthma.gov>
Subject: Re: New Liquor License-Taco Blanco

Hi Phyllis,

After consulting and reviewing this plan with Gary, we both agree that the parking area is capable of handling the demand from the uses on the property. Although the parking count on the plan shows a deficit of 2 required parking spaces, I believe their count and math to be incorrect. My count and math indicate 103 parking spaces, which matches the required number of spaces with the 25% by-right reduction per s. 240-14.1F(2) of the Zoning Bylaw.

Planning has no other comments on this application.

Thanks
Jed



Jed Cornock, AICP

Town Planner

59 Town Hall Square

Falmouth, MA 02540

O: 508.495.7481 | C: 774.392.1811

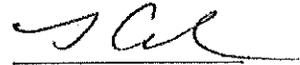
From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Thursday, May 18, 2023 12:17 PM
To: Jed Cornock <jed.cornock@falmouthma.gov>
Subject: FW: New Liquor License-Taco Blanco

Hi Jed,

Attached please find the stamped parking plan from the architect.

870 MAIN ST - UNITS A, C, D & E

CERTIFIED

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

Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
May 1, 2023

850 MAIN ST 101-104 39 21 003 000

850 MAIN LLC LUC: 031
367 MAIN ST
FALMOUTH. MA 02540

870 MAIN ST A C D E 39 21 003A 000

BOGOSIAN DEVELOPMENT LLC LUC: 325
367 MAIN ST
FALMOUTH. MA 02540

20 DAVIS STRAITS 39 21 004 001

ROCKLAND TRUST COMPANY LUC: 341
288 UNION ST
C/O FACILITIES DEPT
ROCKLAND. MA 02370

824 MAIN ST 39 21 002 003

YOGESHWAR HOSPITALITY LLC LUC: 301
824 MAIN ST
C/O ROSHAN PATEL
FALMOUTH MA. MA 02540

OPEN SESSION

PUBLIC HEARINGS

4. Senior Center naming (10 minutes)

NOTICE OF PUBLIC HEARING

The Select Board of the Town of Falmouth will hold a public hearing as required by the Select Board Naming Policy for Public Facilities and Places to solicit comments from the public on the request to name the new senior center the "John V. Magnani Senior Center", and that the old senior center building named after John DeMello retain his name. Comments may be sent via email to selectboard@falmouthma.gov.

The public hearing will be held on Monday, May 22, 2023 at 6:45 p.m. in the Select Board meeting room, Town Hall, Falmouth, MA 02540.

Nancy R. Taylor, Chair
Select Board

Publication date: Friday, May 5, 2023; Falmouth Enterprise.

Account #: 2056

BUSINESS

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

SUMMARY OF ACTIONS

2. Administrative Orders

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

Diane Davidson

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

Diane,
FYI.
Julian

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

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

Thank You, Doug

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

Cell 508 560 4149

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

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

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

David T. Vieira
State Representative
Third Barnstable District

Town of Falmouth
Select Board
NAMING POLICY FOR PUBLIC FACILITIES AND PLACES
Adopted February 13, 2023

Policy:

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

Guidelines:

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

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

The Board shall consider naming based upon:

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

Procedure:

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

After the waiting period has elapsed, a member of the Select Board shall be designated to seek input and advice of whichever department, board, committee, or commission oversees the public facility or place to be named or renamed and report back to the full Board. The Select Board will then advertise and hold a public hearing to seek input from the community.

Following the hearing, the Board may vote to name the public facility or place as requested. A vote of four (4) members of the Select Board shall be required to approve a naming request.

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

Eligibility:

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

Exceptions:

Exceptions to this policy shall be made for:

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

OPEN SESSION

BUSINESS

1. Update – Cape and Islands District Attorney – Robert Galibois
(5 minutes)

OPEN SESSION

BUSINESS

2. Water rate presentation discussion (15 minutes)

FUNDING WATERMAIN REPLACEMENTS



WHY ARE WE DISCUSSING REPLACING WATERMAINS?

Emergency / Unplanned Watermain Replacements – Costly / Disruptive:



WHY ARE WE DISCUSSING REPLACING WATERMAINS?

Old Unlined Pipe (Left) Causing Restricted Water Flow:

Unlined Iron/Steel Pipe
Corroded Pipe Interior



Lined Water Pipe
Prevents Corrosion

WHY ARE WE DISCUSSING REPLACING WATERMAINS?

Falmouth Water System Highlights – from Water Capital Efficiency Plan:

- System has approximately 384 miles of watermains
- 9 miles are pre-1900 (1897-1899)
- 70 miles are pre-1950
- 239 miles not made of preferred material - cement lined ductile iron
- 29% / 112 miles less than the preferred 8 inches or greater:
 - 8 inches or greater – allows for sufficient fire flow and water volume
 - System has mains less than 2 inches (6% or 23 miles)
 - Averaging 9 breaks per year over last eight years

WHY ARE WE DISCUSSING REPLACING WATERMAINS?

Water Capital Efficiency Plan / Engineer / Staff Recommendations:

- Consistently spend \$3 million into foreseeable future in 2023 dollars (recurring expense)
- Phase I & II for highest priority fixes - \$49 million in 2023 dollars to address 9.1 miles of mains
- Cannot do all at once – reduced contractor availability – large sewer and other infrastructure projects Cape Wide -- traffic issues

WATER REVENUES NOT FULLY COVERING OPERATIONS / CAPITAL

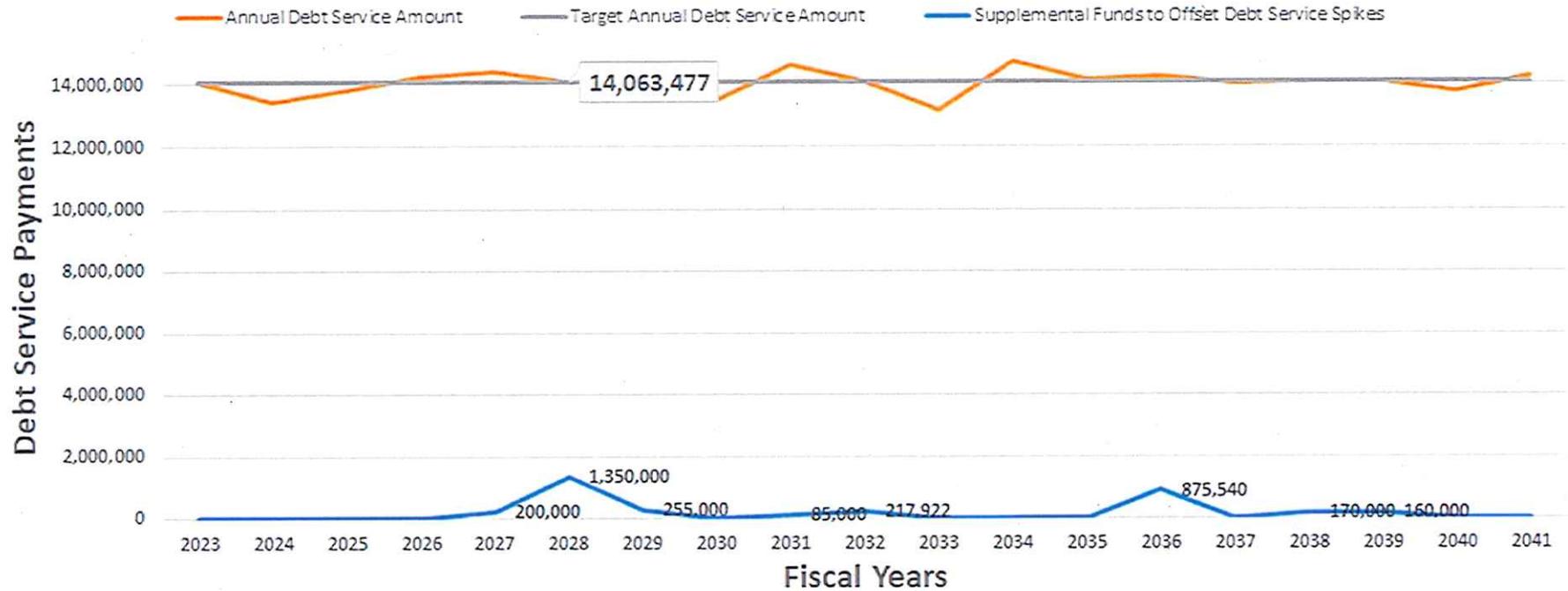
- Is This New Information? We Heard Water Funds Itself & Other Operations?
 - Auditor's 2010 Management Letter – Water **Not** Covering Costs at Least from 2007 to 2010 – probably much earlier. 2022 Auditor's Management Letter Repeats Growing Issue of Water requiring subsidies.
 - 2016 & 2023 Water Rate Study & Presentation – Water **Not** Covering Costs – Need Recurring Funding for Capital Improvements.
 - **No** Excess Water Revenues for Watermain Replacement Program.

APPROVED & PROPOSED PROJECTS-CURRENT FUNDING PRIORITIES CAN BE FUNDED WITHOUT TAX INCREASE

Project	Date Town Meeting Approved / Seeking Approval	Amount
Hatchville Fire Station	2022	\$10,000,000
Wastewater Treatment Facility	2022 & 2023	\$32,600,000
Bridge Construction – Menauhant Rd	2014	\$10,000,000
Sewer Extension – Teaticket Acapesket Phase I Design	Fall 2023	\$4,500,000
School Roofs	2024	\$10,000,000
Sewer Extension – Teaticket Acapesket Phase I Construction	2025	\$55,000,000

DEBT CHART – EXISTING + ALL PROJECTS IN CONCEPT PLAN

Debt Drop Off



WHY NOT USE FREE CASH EACH YEAR FOR WATERMAINS

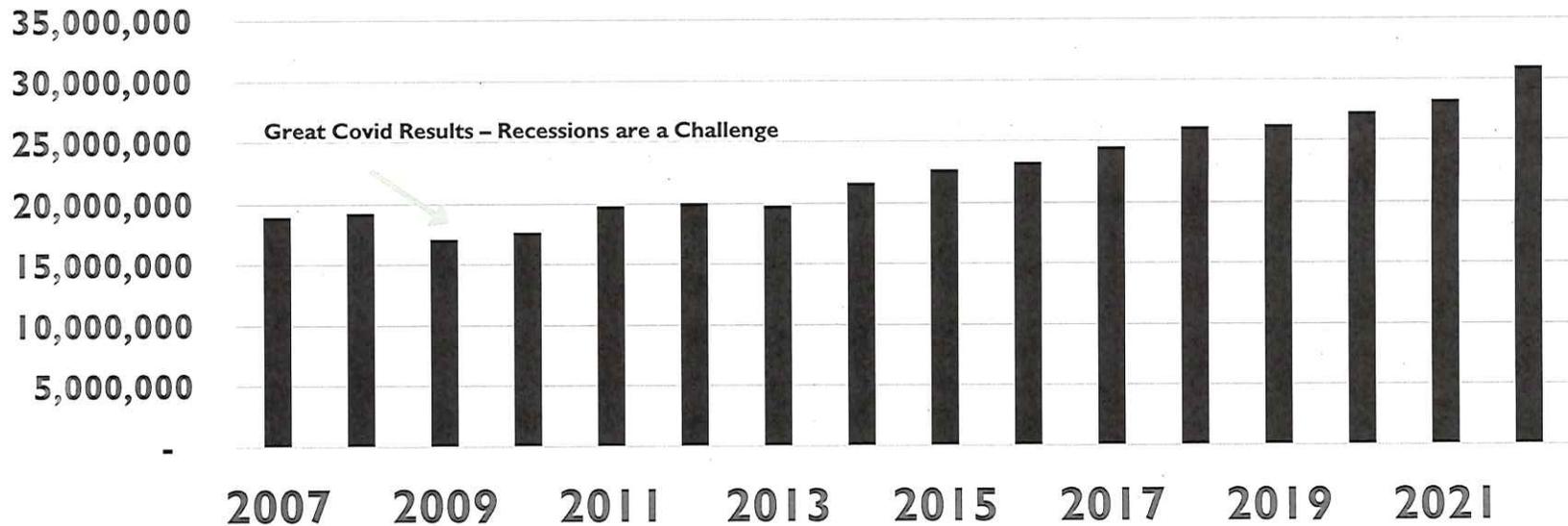
- Typically, Free Cash (FC) use for projects less than \$2 million
- FC is for nonrecurring items—watermain replacement program is a recurring expense requiring a long-term commitment / funding source
- Using FC would decrease the capital for other departments by \$3 million (\$8-\$9 million decreases to \$5-\$6 million)
- Falmouth FC is low as a % operating budget versus peers
- Free Cash levels help to maintain AAA Bond Rating / Lower Interest Rates

Municipality	Free Cash as of 7/1/2023	Operating Budget Prior Year 2022	Free Cash as a % of the Budget
Truro	4,435,890	23,977,696	18.50%
Mashpee	13,097,521	73,372,582	17.85%
Provincetown	5,368,069	34,930,515	15.37%
Barnstable	26,769,227	189,730,442	14.11%
Chatham	7,541,864	53,475,839	14.10%
Yarmouth	13,012,836	99,621,696	13.06%
Bourne	9,493,947	78,827,786	12.04%
Dennis	7,604,054	68,810,743	11.05%
Eastham	3,851,464	36,852,530	10.45%
Orleans	4,233,322	43,392,514	9.76%
Harwich	7,154,683	77,241,303	9.26%
Falmouth	15,158,189	174,217,684	8.70%
Brewster	4,641,154	54,224,855	8.56%
Sandwich	6,145,085	91,946,254	6.68%

Municipality	Total Free Cash, Stabilization & Retained Earnings	Key Reserves as a % of Operating Budget
Provincetown	15,366,040	43.99%
Bourne	29,416,975	37.32%
Barnstable	65,939,052	34.75%
Mashpee	24,978,815	34.04%
Orleans	12,806,525	29.51%
Yarmouth	27,623,062	27.73%
Truro	6,346,572	26.47%
Dennis	14,573,433	21.18%
Falmouth -no Retained Earnings	34,699,771	19.92%
Harwich	14,969,796	19.38%
Chatham	10,092,307	18.87%
Brewster	9,979,634	18.40%
Eastham	6,515,525	17.68%
Sandwich	11,359,526	12.35%

REVENUE OUTLOOK – LOCAL RECEIPTS

Local Receipts - ACTUAL



Free cash dropped to **\$719,516** in 2009 during recession .69% of operating budget.

FUNDING OPTIONS

Expand Subsidy for Water Operations & Capital:

- Free Cash—Reduce Other Department's Access to Capital Funding - one time Funding for Recurring Expense
- Tax Increase—Some Water users do not pay Taxes
- Reprioritize—Debt Funded Capital Spending Priorities
- Drain Reserves / One Time Account Cleanup – Not Recurring Funding

Water Rates – move closer to covering all costs:

- Cover all Operating & Capital Cost?
- Partially Cover Operating/Capital Costs-fully Cover Watermain Replacements?

13

Continue Emergency Funding Only – No Consistent Funding – No Preventive Maint.

WATER RATE INCREASE OPTIONS

Water Rate Increase Options:

- **Cover all Operating & all Capital Costs:**
 - Increase revenues from FY 2022 levels=\$6,691,501 to \$11,879,607 or 77.5%
 - Increase to the appropriate level over how many years (?) to eliminate General Fund subsidy w/ rate increase-how many years: 3-10, longer, never?
- **Partially Cover Operating & Capital, Fully Cover Watermain Replacements:**
 - Increase revenues from FY 2022 levels=\$6,691,501 to \$10,176,167 (52.08%)
 - Increase to the appropriate level over how many years to eliminate General Fund subsidy w/ rate increases in how many years, if ever? 14

WATER RATE INCREASE OPTIONS

Water Rate Increase Options – 2016 Presentation – Issue **Not** New:

Option 1: Three varying percentage increases of 18%, 12%, and 8% in FY2017, FY2018 and FY2019 accordingly.

- FY2017 surplus of \$387,592
- FY2018 surplus \$95,031
- FY2019 surplus of \$241,987
- FY2020 surplus of \$101,746
- FY2021 surplus of \$171,964

Option 2: Three varying percentage increases of 20%, 10%, and 5% in FY2017, FY2018 and FY2020 accordingly.

- FY2017 surplus of \$489,277
- FY2018 deficit of \$163,104
- FY2019 deficit of \$403,697
- FY2020 deficit of \$206,885
- By FY2021 deficit of \$234,827

WATER RATE INCREASE OPTIONS – 2016 PRESENTATION – ISSUE NOT NEW – FY 2016 INCREASE NOT APPROVED; COSTS HAVE RISEN:

Problem not getting better with age!

Cumulative effect for each \$100 of water bills over 3 years - FY 2016 Study would have been (used \$100 for illustration only)

	FY 2017	FY 2018	FY 2019	Effective Increase
Option 1	18%	12%	8%	
\$100.00	\$118.00	\$132.16	\$142.73	42.73%
Option 2	20%	10%	5%	
\$100.00	\$120.00	\$132.00	\$138.60	38.60%

OVERALL RECOMMENDATION

Initially Cover Watermain Replacements Only – Not Entire Cost of Operating Water Department:

- Increase revenues from FY 2022 levels=\$6,691,501 to \$10,176,167 or 52.08%
- Increase revenues over 3 years
- For initial years use one-time funding – Water stabilization, account clean up / reauthorization, ARPA Funds, small amounts of Free Cash, etc.
- Change to a more understandable rate structure:
 - Flat fee based on meter size (water draw potential)
 - All water use charged – no situations where water paid for is not used
 - 3 Tier structure – lower water users pay less
 - Potential for low-income elderly relief

SPECIFIC RECOMMENDATION-SUSTAINABLE LONG TERM WATERMAIN PROGRAM

	FY 2024	FY 2025	FY 2026
Rate Increase	14%	15%	16%
Total Revenues	\$7,628,311	\$8,772,558	\$10,176,167
Approximate <u>Additional</u> Funding Needed	\$2,547,856	\$1,403,609	0
Funding Sources	FY 2024 - All Water Stabilization \$662,340.31 (FY 2020 was \$4,688,917), Capital Stabilization, Account Cleanup, Free Cash, etc. – <u>adapt each year based on actual revenues generated.</u>		

RATE RELIEF OPTIONS – SENIOR CIRCUIT BREAKER

Senior Circuit Breaker Eligibility:

- You must be a Massachusetts resident or part-year resident.
- You must be 65 or older by December 31 of the tax year.
- You must file a Schedule CB with your Massachusetts personal income tax return.
- You must own or rent residential property in Massachusetts and occupy it as your primary residence.
- For tax year 2022, your total Massachusetts income doesn't exceed:
 - \$64,000 for a single individual who is not the head of a household.
 - \$80,000 for a head of household.

RATE RELIEF OPTIONS – SENIOR CIRCUIT BREAKER

Senior Circuit Breaker Eligibility Continued:

- If you are a homeowner, your Massachusetts **property tax payments**, together with **half of your water and sewer expense**, must exceed 10% of your total Massachusetts income for the tax year.
- If you are a renter, 25% of your annual Massachusetts rent must exceed 10% of your total Massachusetts income for the tax year.
- The assessed valuation of the homeowner's personal residence as of January 1, 2022, before residential exemptions but after abatements, cannot exceed \$912,000.
- The Schedule CB must be completed within 3 years from the last day for filing the return, without regard to any extension of time to file.

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You do not have to owe State Taxes to file & receive

RATE RELIEF OPTIONS – SENIOR CIRCUIT BREAKER

Senior Circuit Breaker Eligibility Continued:

The maximum credit amount for tax year 2022 is \$1,200. If the credit you're owed exceeds the amount of the total tax payable for the year, you'll be refunded the additional amount of the credit without interest.

That's right, if you do not owe taxes or the taxes owed are less than the amount of the credit you will receive a check from the State if you are eligible!

Provincetown - targeted relief:

- Elderly Low-Income Water & Sewer Exemption
- Effective April 15, 2009, the Provincetown Water and Sewer Board adopted an exemption equal to one-half of the charges for water service per billing cycle for those elderly low-income ratepayers who meet the requirements for a Clause 41C real estate tax exemption, as administered by the Board of Assessors.

POSSIBLE NEXT STEPS IF WANT TO ADDRESS WATERMAINS WITH WATER RATE INCREASE

- Schedule Two Rate Hearings (continue first if needed)
- Rate Structure: Minimize effect on lower water users
- Advertise Rate Hearing with Proposed Rate Design
- Have 1-2 rate hearings

QUESTIONS?

SELECT BOARD GUIDANCE FOR RATE HEARING

OPEN SESSION

BUSINESS

3. Presentation and discussion of delinquent real estate tax collection options (minutes)

SEVERELY DELINQUENT REAL ESTATE TAXES



Agenda:

- Review the Problem – Definition & Statistics
- Statistics – Deeper Dive
- Outreach to Town Departments – Vacant Land for Potential Affordable Housing, Well Protection, Drainage Easements, Financial Aid, etc.
- Options for Sensitively Collecting Funds / Strategy to Avoid Homelessness / Help those in Need
- How Finance Department Plans to Proceed Based on Tax Collection Legal Requirements
- Questions

What are Tax Titles – Severely Delinquent Taxes:

- Tax titles record a lien at the Registry of Deeds
- The lien helps ensure no property is sold without paying taxes
- If not converted by the 3rd year cannot lien at the Registry & must go to court to try to collect taxes – much more difficult – not a Falmouth issue!
- Tax titles convert interest (State mandated rate) from 14% to 16% for delinquent taxes

Tax Titles if not Collected:

- Causes a hole in the budget (uncollected taxes)
- Fairness issue for those paying taxes on time
 - Example not paying for Water & Sewer Rate subsidy
- Increases Falmouth staff workload to manage
- Reduces Free Cash (FC) for reserves & one-time projects (Falmouth FC low when Benchmark)

Tax Titles if not Collected:

- Issue getting off Top Gun Financial Management System-10-year effort (\$\$\$ to keep running for Tax Lien history not able to convert)
- Tax Lien - Biggest Receivable – need to protect bond rating
- In many circumstances the Taxes & Interest may not be collectable (Land of Low Value) – don't count on collecting money
- Message to those not paying has been clear – no need to pay – no enforcement

Tax Lien Receivables Trend—Department of Revenue Statistics- Current \$2.5 Million

Fiscal Year	Outstanding Tax Liens Receivables	Tax Levy	Tax Lien Receivable as % of Tax Levy
2022	2,314,452	115,710,256	2.00%
2021	2,323,902	111,443,733	2.09%
2020	2,243,732	106,710,554	2.10%
2019	1,946,136	103,152,301	1.89%
2018	1,872,977	99,918,168	1.87%
2017	1,670,653	96,560,351	1.73%
2016	1,540,411	93,697,538	1.64%
2015	1,207,553	90,462,626	1.33%
2014	1,065,214	87,700,351	1.21%
2013	620,989	85,344,128	0.73%
2010	426,154	75,436,331	0.56%
2007	365,661	64,608,550	0.57%
2004	309,125	56,910,242	0.54%

Tax Lien Receivables Benchmark – Department of Revenue Statistics

Municipality	Fiscal Year	Outstanding Tax Liens Receivables	Tax Levy	Tax Lien Receivables as % of Tax Levy
Harwich	2022	2,470,929	54,633,102	4.52%
Barnstable	2022	5,861,423	136,243,968	4.30%
Truro	2022	542,324	18,231,305	2.97%
Dennis	2022	1,089,595	48,081,848	2.27%
Falmouth	2022	2,314,452	115,710,256	2.00%
Wellfleet	2022	288,883	20,782,263	1.39%
Sandwich	2022	918,538	69,563,422	1.32%
Mashpee	2022	670,845	53,012,263	1.27%
Bourne	2022	670,221	56,464,100	1.19%
Brewster	2022	407,454	37,992,076	1.07%
Provincetown	2022	232,862	24,410,222	0.95%
Chatham	2022	280,388	38,045,718	0.74%
Eastham	2022	200,930	29,174,589	0.69%
Yarmouth	2022	441,983	69,286,452	0.64%
Orleans	2022	145,377	33,712,596	0.43%

Statistics on Tax Titles (Delinquent Real Estate Receivables)

Category	Count	Current Amount
Non-Resident Homeowner	29	759,598.16
Homeowner	25	811,493.91
Homeowner w/PO Box	7	184,953.99
Commercial	1	11,800.38
Land of Low Value - Land Only / Unbuildable & under \$24,804 in Value	75	80,937.73
Land Only Value > \$24,808, perhaps buildable / collectable?	64	664,764.23
Total Tax Titles	182	2,523,548.40

Municipality	Free Cash as of 7/1/2023	Operating Budget Prior Year 2022	Free Cash as a % of the Budget
Truro	4,435,890	23,977,696	18.50%
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Brewster	9,979,634	18.40%
Eastham	6,515,525	17.68%
Sandwich	11,359,526	12.35%

Reached Out to Falmouth Departments:

- GIS put Vacant Land on GIS Map – paper & electronic files now available
- GIS Map showing Town Owned non-Conservation Vacant Land, Land of Low Value and other Tax Delinquent Land to uncover opportunities for:
 - Affordable Housing
 - Drainage
 - Well, Water Protection Options
 - Wastewater Infrastructure
 - Etc.

Assessing & Treasurer / Collector Department:

- Reviewed properties for those underwater / wetlands
- Mailing address not in Falmouth but Owners Living in Home (family helping relatives)
- Properties that may have Year-Round Rentals (2 of 182)
- Properties with payment plans (7 of 182)
- Etc.

Targeted Approach:

- Land of Low Value Vacant Properties (no homes / unbuildable) – value \$24,804 or less
- Other Vacant Landowners (no homes) – values greater than \$24,805 – some possibly buildable
- Commercial Properties (no homes)
- Non-Resident Homeowners (small number renting to year-round Falmouth Residents)
- Homeowners
- Distressed Properties / Blighted Neighborhood Issues

Targeted Approach - Land of Low Value Vacant Properties
(no homes) – value less than \$24,804 – 75 Properties –
Delinquent Taxes: \$80,973.73:

- Send Additional Letters Indicating Next Steps & Request Payments
- Use Department of Revenue Expedited Foreclosure – no Attorney Fees
- Offer for mandatory auction – with conditions if can combine with other properties for Affordable Housing or other Town Uses
- Possibly Auction with other Town Foreclosed Properties for Significant Town Revenue Needs
- **0 Homelessness Issues!**

Targeted Approach – Other Vacant Land – values greater than \$24,804 – 46 Properties, Delinquent Taxes \$664,774.23:

- Send Additional Letters Indicating Next Steps & Request Payment
- Foreclose on Properties if can be used for Affordable Housing or other Town Needs – if Buildable, most of properties will pay taxes before concluding Foreclosure – Requires Attorney Fees
- If not valuable for a Town need, do a Tax Lien Auction to be detailed later in the presentation
- **0 Homelessness Issues!**

Targeted Approach – Commercial Warehouse – 1 Property, Delinquent Taxes \$11,800:

- Send Additional Letters Indicating Next Steps & Request Payment
- Tax Lien Auction to be detailed later in the presentation
- **0 Homelessness Issues!**

Targeted Approach – Non-Resident Homeowners – 27 Properties, Delinquent Taxes \$759,598.16:

- Letter to request if have 1 year or longer rental lease. Negotiate payment plan for 1 year or longer lease agreements to continue to allow Falmouth residents to occupy these properties.
- If non-resident 2nd home not under long-term lease, then include in a Tax Lien Auction to be detailed later in the presentation.
- **0 Homelessness Issue Unless Have Long Term Rental Lease & Will Execute Payment Agreement!**

Targeted Approach – Resident Homeowners – 33 Properties, Delinquent Taxes \$996,447.30:

- **Concierge / Careful Treatment** – provide list of Falmouth, Cape Cod and State options to reduce a variety of expenses.
- With reduced non-tax expenses try to work out a payment plan if possible.
- **0 Homelessness Issue – will not offer these properties as part of a tax lien auction. Identify as many resources as possible to allow individuals to stay in their homes!**

Tax Lien Auctions:

Statistics – Typical Tax Lien Auction Process Results

- Up to 40% Pay Tax Liens Paid Before Auction (after notifications)
- Up to 99% Pay Tax Liens Before Foreclosure
- <1% Get Foreclosed:
 - Will **not** Lose Property for small amount of Taxes Only!
 - If Underwater with Mortgage, Taxes and other expenses Property Owner may allow foreclosure - otherwise with current Falmouth property values will not happen!
 - Environmental / Blighted Property Issues – Can Solve Town Issues using Tax Lien Auction!
 - **Land Court has Multiple Safeguards – Foreclosure Takes Years with Multiple Notifications!**

Tax Lien Auctions:

- 100 % of Principal, Interest & Attorney Fees Paid to the Town
- Auction may Result in More Revenue (Tax Lien Premiums)
- Investor's Goals are to Have Payment Plans to Give Purchasers / Investors Interest Income (16% interest)
- New Lien Holder Pays Town if Taxpayers Do Not Pay Taxes Each Subsequent Year
- Estimated 40% of Property Owners will Pay Before Tax Lien Auction (actual experience is higher)
- Can be done Yearly for New Tax Titles –improve Free Cash!
- Have code of conduct for those purchasing Tax Liens
- Town **now** has Automated Process to Easily Sell Tax Titles Each Year

Tax Collection Process Summary – Frequent Notifications!:

- Real Estate Tax - 1st Bill
- Letters to Delinquent Taxpayers After Due Date
- 2nd Billing
- Demand Notices 30 Days After Due Date
- Letters Before Outsource to Deputy Tax Collector
- Deputy Tax Collector 30 Days After Demands Due
- Letters Before Tax Lien
- Tax Lien – Attorney’s Letters
- Letters/Calls to Follow-up after Tax Title
- Collect from those that want to Pay or when Property Sold
- Tax Title Auction Letters and Newspaper Notification

Finance Department Next Steps:

- Targeted Letter & Action for each category of delinquent tax type:
 - **Land of Low Value** – indicate will submit for expedited foreclosure if taxes not paid (will facilitate options for Town use of properties)
 - **Vacant Land** – will foreclose on or will submit for Tax Lien Auction if not paid (will facilitate options for Town use of properties)
 - **Commercial** – will submit for Tax Lien Auction
 - **Non-Resident Property Owner** will request long term rental lease agreement if applicable. In this case will negotiate a payment agreement. If no long-term lease agreement in place, will submit for Tax Lien Auction

Finance Department Next Steps continued:

- Resident Homeowners will provide resource list of financial help:
 - Resource help to reduce expenses to help with tax payments if possible.
 - Will not auction tax lien receivables for those that have one property and live in a Falmouth residences– **will not** take any risk of making Falmouth residents homeless!



Questions