

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, JULY 10, 2023 – 6:30 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 litigation - Megansett Land Court Registration
2. M.G.L. c. 30A s. 21(a)(3) – To discuss strategy with respect to collective bargaining – AFSCME Unit C

6:30 p.m. OPEN SESSION

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

6:35 p.m. COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members
 - a. Cape Cod Water Protection Collaborative – Peter McConarty
 - b. Upper Cape Regional Water Supply Cooperative – Peter McConarty and Michael Reghitto
 - c. Upper Cape Regional Transfer Station – Peter McConarty
 - d. Cultural Council – Patricia Kauffman
 - e. Waterways Committee - Wayne “Rocky” Geyer, Paul “Rick” Hill
 - f. Barnstable County Human Rights Advisory Committee – Sandra Faiman-Silva

6:45 p.m. PUBLIC HEARINGS

1. Application for an Entertainment License – The Black Dog Tavern Company, LLC d/b/a The Black Dog Heights Café, to be exercised at 465 Grand Avenue, Falmouth (15 minutes)

7:00 p.m. BUSINESS

1. Report – Affordable Housing Committee (15 minutes)
2. Human Resources Staffing Report/Update (15 minutes)
3. Vote to authorize year-end budget transfers under MA General Law c. 44 § 33B (5 minutes)
4. Vote to approve request from Lauren Weiss and Nicole Benardete, the managers of Cobalt Partners LLC, and owners of 23 Spencer Baird Road to apply to the Conservation Commission for permission to perform landscaping work within the road layout abutting 23 Spencer Baird Road (5 minutes)
5. Vote to approve request from New Silver Beach Improvement Association for a Grant of License to remove seaweed from town parcel 04A 41 000 098 at New Silver Beach in accordance with an Order of Conditions issued by the Conservation Commission (5 minutes)

6. Application for a Change of Manager and a Change of DBA of a Wine & Malt Beverages Package Store License – MPG Corporation d/b/a Garrett's Family Market, located at 435 Palmer Avenue, Falmouth (5 minutes)
7. Application for a Common Victualler License – The Tea Room, LLC d/b/a The Tea Room, to be exercised at 196 Crystal Springs Avenue, North Falmouth (5 minutes)
8. Approve a Letter of Support to the Massachusetts DOT for the design and construction of a pedestrian walkway along a segment of Woods Hole Road (5 minutes)
9. Capital Project Update: Youth Baseball Fields Safety and Accessibility Improvements (15 minutes)
10. Vote to authorize project eligibility letter for 40B comprehensive permit site approval application: 300-Unit rental housing proposal located at 375 Sandwich Road (5 minutes)

8:20 p.m. CONSENT AGENDA

1. Administrative Orders

- a. Approve the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install one (1) new Handhole to be labeled 92/H-A and approximately 33' (feet) of 1" – 4" conduit and cable under town road northeasterly starting at new handhole 92/H4-A. This work is necessary to provide underground electric service to 23 Spencer Baird Road, Falmouth.
- b. Vote to accept donation in the amount of \$500.00 from the Newcomers Club of Falmouth, Inc. to the Recreation Department donation account
- c. Vote to accept donation in the amount of \$600.00 from the Teaticket Civic Association to the Veterans' Services Department donation account

8:25 p.m. MINUTES

1. Review and Vote to Approve Minutes of Meetings

- a. Public Session – August 8, 2022; June 26, 2023
- b. Executive Session – May 22, 2023

8:30 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT

8:35 p.m. SELECT BOARD REPORTS

8:45 p.m. DISCUSSION OF FUTURE AGENDA ITEMS

8:55 p.m. ADJOURN

Nancy R. Taylor, Chair
Select Board

OPEN SESSION

TOWN MANAGER'S PRELIMINARY REPORT

July 10, 2023



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

TO: Select Board
FROM: Mike Renshaw, Town Manager
SUBJECT: Preliminary Report for July 10, 2023
DATE: July 6, 2023

Committee Interviews and Appointments:

1. Non-Regulatory Boards

- a. Cape Cod Water Protection Collaborative- Director of Department of Public Works Peter McConarty

Cape Cod Water Protection Collaborative (CCWPC)

<https://www.capecodcommission.org/our-work/cape-cod-water-protection-collaborative/>

Description: Governing Board members represent each of the Cape Cod communities (15). There is (1) appointee for each community (15). Governing Board members are appointed for two-year terms as well as (2) representatives-at-large who are appointed by the County Commissioners (17 total). The entity represents regional water quality related issues for Cape Cod and reports to the County Commissioners.

Term = 2 years. Will fill remainder of Mr. Ray Jack's term until 6/30/24.

- b. Upper Cape Regional Water Supply Cooperative- Peter McConarty and Interim Water Superintendent Michael Reghitto to serve jointly, with Mr. Reghitto attending most meetings.

Upper Cape Regional Water Supply Cooperative

(UCWSC) <https://www.capecodcommission.org/our-work/joint-base-cape-cod/>

Description: Board of Managers represent each of the Upper Cape communities (Falmouth, Bourne, Mashpee, Sandwich). There are (2) appointees for each community (one for 3-years and one for 2-years) as well as an ex-officio representative for Joint Base Cape Cod. The entity governs the regional water supply system that was constructed on Joint Base Cape Cod.

Term = 3 years. Will fill remainder of Mr. Ray Jack's term until 6/30/24.

- c. Upper Cape Regional Transfer Station- Peter McConarty

Upper Cape Regional Transfer Station

Description: Board of Managers represent each of the Upper Cape Communities (Falmouth, Bourne, Mashpee, Sandwich). There is (1) voting appointee for each community (one-year term)

as well as an ex-officio representative for Joint Base Cape Cod. The entity manages the affairs of the regional solid waste transfer station that was constructed on Joint Base Cape Cod.

Term = 1 year. Will fill remainder of Mr. Ray Jack's term until 6/30/24.

- d. Cultural Council- there are currently three vacancies with terms ending 6/30/24, 6/30/24, and 6/30/26; there is one applicant, Patricia Kauffman; this is a 12-member council and members serve 3-year terms.
- e. Waterways Committee- there is one vacancy with a term ending 6/30/24, and there are two applicants: Wayne "Rocky" Geyer and Paul "Rick" Hill; this is a 7-member committee whose members serve 3-year terms.
- f. Barnstable County Human Rights Advisory Committee- Dr. Sandra Faiman-Silva

According to the Barnstable County Human Rights Advisory Commission, Town Liaisons are appointed from all Barnstable County towns and Wampanoag tribes in the County. They must live in the town or be a member of the Tribe they represent and assist the Commission in collectively addressing human rights issues in the County that transcend town boundaries. Liaisons work to ensure that each County community has a voice for human rights at the County level.

Public Hearings:

1. Application for an Entertainment License- The Black Dog Tavern Company, LLC d/b/a The Black Dog Heights Café, to be exercised at 465 Grand Avenue, Falmouth

The applicant seeks approval for an Entertainment License for acoustic entertainment located on the premises outside and adjacent to a covered bar. The Building Commissioner has approved the floor plan for entertainment, and the application has been reviewed by Falmouth Police and Falmouth Fire Rescue representatives with no concerns raised.

Business:

1. Report- Affordable Housing Committee:

Committee Chair Kerry Walton will be presenting an update report on the activities of the Committee.

2. Human Resources Staffing Report/Update:

Director of Human Resources Susan Lumpkin will be delivering a report on the current challenges within the employment and recruiting landscape, as well as updating the Select Board on new strategies being

implemented focused on enhancing our recruitment and retention capabilities. Updated recruitment information concerning the positions of the Diversity, Equity, and Inclusion Officer and Sustainability Coordinator positions will also be provided.

3. Vote to authorize year-end budget transfers under MA General Law c. 44 subsection 33B:

Director of Finance Mr. Ed Senteio will be presenting his recommendation concerning a FY 23 year-end budget transfer which is required by law. These required year-end Appropriation transfers total \$240,415 versus a Total Budget of \$168,072,436.26 or 0.14%.

The Town Manager supports this recommendation and requests that the Select Board vote to authorize the Chair to sign to authorize the Year-End Appropriation Transfers.

4. Vote to approve request from Lauren Weiss and Nicole Bernadette, the managers of Cobalt Partners LLC, and owners of 23 Spencer Baird Road to apply to the Conservation Commission for permission to perform landscaping work within the road layout abutting 23 Spencer Baird Road.

Per the attached letter submitted by the law offices of Ament-Klauer on behalf of the applicants, in addition to the requested landscaping improvements, the applicants also desire to add a post and rail fence within the road layout. **The Town Engineer does not recommend adding any improvements in the right-of-way at this location.**

5. Vote to approve request from New Silver Beach Improvement Association for a Grant of License to remove seaweed from town parcel 04A 41 000 098 at New Silver Beach in accordance with an Order of Conditions issued by the Conservation Commission:

The Association is requesting an extension for their Order of Conditions for beach maintenance. The original permit was issued in July 2020. In making application for this extension, it was discovered that the Association had not been issued a Grant of License. By approving this License, the Association will be able to move forward with grooming their beach this year.

6. Application for a Change of Manager and a Change of DBA of a Wine & Malt Beverages Package Store License- MPG Corporation d/b/a Garrett's Family Market, located at 435 Palmer Avenue, Falmouth:

The proposed manager, Mr. Richard Cleary, completed the Town background investigation on May 18, 2023. The application was reviewed by both the Falmouth Police Department and the Falmouth Fire Rescue Department and no objections were raised.

7. Application for a Common Victualler License – The Tea Room, LLC d/b/a The Tea Room, to be exercised at 196 Crystal Springs Avenue, North Falmouth:

The Tea Room did not apply for the renewal of its seasonal common victualler license during the license renewal period. Therefore, they were required to submit a new application for a seasonal common victualler license.

8. Approve a Letter of Support to the Massachusetts DOT for the design and construction of a pedestrian walkway along a segment of Woods Hole Road:

Resident Kristin Alexander contacted the Select Board last month via email to request that the Board consider submitting a Letter of Support to the MassDOT District 5 Highway Director to begin investigating, planning, and ultimately constructing a shared use path or sidewalk along Woods Hole Road from Kettle Hole Road (where the current sidewalk terminates) to the existing sidewalk at Harbor Hill Road (where the existing sidewalk continues to Woods Hole). The proposed path, illustrated by an aerial photograph exhibit included in the Board packet, is approximately 2.6 miles long. Shared use paths are typically 10+ feet wide in order to accommodate bicycles and is consistent with planning efforts recommended by the State.

With over 10,000 vehicle trips per day along this road segment, constructing this shared use walkway as well as adding a crossing at the signalized intersection of Woods Hole Road and Oyster Pond and Quissett Harbor Roads would provide a significant safety improvement for our residents and visitors.

In May, Ms. Alexander secured 65 signed petitions in support of the project, and has also received emails in support of the project through the offices of Senator Moran and Representative Fernandes.

The Town Manager recommends that the Select Board approve the attached Letter of Support and authorize the Chair to sign the letter.

9. Capital Project Update: Youth Baseball Fields Safety and Accessibility Improvements:

Recreation Director Joe Olenick and Director of Public Works Peter McConarty will be providing a much-needed update on the status of the project and revised timelines for the field safety, lighting, and accessibility improvements at the John Neil Fields baseball complex. The project was initiated in April 2020 through Town Meeting approval of funds for the study and planning of the fields.

Importantly, staff and I are now in the process of creating a robust capital project tracking report that will allow the senior management team, through coordination of the Town Manager's office, to better monitor capital projects and more quickly and effectively address problems with the projects as they arise. This project tracking report will not only be a useful management tool, but it will also increase our public transparency using a quarterly dashboard report that will be presented for discussion to the Select Board at regular meetings.

Ultimately, the Town Manager is accountable to the Select Board for ensuring capital projects are delivered on-time and on-budget. Using this tool, which will include information such as the target completion date, name of the staff member responsible for management and coordination of the project as well as total project budget and funds expended, we will increase the level of accountability.

10. Vote to authorize project eligibility letter for 40B comprehensive permit site approval application: 300-Unit rental housing proposal located at 375 Sandwich Road:

The developer is proposing 300 units of rental housing of which 75 units will be affordable under a 40B comprehensive permit. The developer has ownership control of a parcel of approximately 30.5 acres and an adjacent parcel of 13.1 acres and has indicated they may pursue additional housing development after this project is completed.

The developer has applied to MassHousing for site approval. If MassHousing approves the developer's application, the developer can submit the 40B comprehensive permit application to the Zoning Board of Appeals. The Town has an opportunity to submit comments to MassHousing as part of this process.

The proposed letter included in your packet was prepared by staff after meeting with the developer, reviewing the application, and visiting the site. Clearly this is a large project on a large site and as such the potential community impacts are considerable. The letter identifies concerns related to the water quality of the Great Pond watershed, the Town's potable water supply and treatment system, wildlife habitat, and traffic. The letter requests the developer consider four specific actions to mitigate the impacts of the project:

1. Commit to construction of a best-in-class onsite wastewater treatment system, that discharges no more than 5 milligrams per liter of nitrogen.
2. Move the housing development to the west end of the 28.5 acre parcel to preserve the highest value wildlife habitat, and reduce the length of the shared driveway and resulting environmental impacts;
3. Donate a significant portion of the 28.5 acre parcel at 0 Sandwich Road and/or the 13.1 acre parcel at 45 Pitch Pine Lane to the Town for permanent open space protection.
4. Contribute to roadway improvements to create safe bicycle and pedestrian access on Sandwich Road, from the subject property to Main Street.

OPEN SESSION

COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members
 - a. Cape Cod Water Protection Collaborative – Peter McConarty
 - b. Upper Cape Regional Water Supply Cooperative – Peter McConarty and Michael Reghitto
 - c. Upper Cape Regional Transfer Station – Peter McConarty
 - d. Cultural Council – Patricia Kauffman
 - e. Waterways Committee - Wayne “Rocky” Geyer, Paul “Rick” Hill
 - f. Barnstable County Human Rights Advisory Committee – Sandra Faiman-Silva

Town Committee Vacancies

The Falmouth Select Board announces the following vacancies on Town committees:

Committee	Term Until
Affirmative Action Committee (3 positions)	6/30/26
Board of Survey (2 positions)	6/30/24
Building Code Board of Appeals (1 position)	6/30/25
Cable Advisory Committee (3 positions)	6/30/24, 6/30/25, 6/30/26
Cape Cod Regional Transit Authority (1 position)	6/30/26
Cape Cod Water Protection Collaborative (1 position)	6/30/24
Commission on Disabilities (3 positions)	6/30/25 (2), 6/30/26
Conservation Commission (3 alternate positions)	6/30/25 (2), 6/30/26
Constable (2 positions)	6/30/24 (2)
Cultural Council (3 positions)	6/30/24 (2), 6/30/26 (1)
Edward Marks Building Advisory Committee (1 position)	12/31/24
Energy Committee (1 position)	6/30/26
Human Services Committee (2 positions)	6/30/25, 6/30/26
Solid Waste Advisory Committee (1 position)	6/30/26
Transportation Committee (7 positions)	6/30/24, 6/30/25, 6/30/26
Upper Cape Regional Transfer Station (1 position)	6/30/24
Upper Cape Regional Water Supply Cooperative (1 position)	6/30/24
Waterways Committee (1 position)	6/30/26

Applications are available on the Town website <https://ma-falmouth.civicplus.com/647/Town-Committees>. Please submit applications to the Office of the Town Manager and Select Board, or email to townmanager@falmouthma.gov.

a. Cape Cod Water Protection Collaborative (CCWPC)

Description: Governing Board members represent each of the Cape Cod communities (15). There is (1) appointee for each community (15). Governing Board members are appointed for two-year terms as well as (2) representatives-at-large who are appointed by the County Commissioners (17 total). The entity represents regional water quality related issues for Cape Cod and reports to the County Commissioners.

One vacancy:

- To fill an unexpired term ending 6/30/24

One appointment:

- Peter McConarty

b. Upper Cape Regional Water Supply Cooperative (UCWSC)

Description: Board of Managers represent each of the Upper Cape communities (Falmouth, Bourne, Mashpee, Sandwich). There are (2) appointees for each community (one for 3-years and one for 2-years) as well as an ex-officio representative for Joint Base Cape Cod. The entity governs the regional water supply system that was constructed on Joint Base Cape Cod.

One vacancy:

- To fill an unexpired term ending 6/30/24

Two appointments:

- Peter McConarty and Michael Reghitto (to serve jointly)

(FYI: Carey Murphy is the other Falmouth Representative with a term until 6/30/24.)

c. Upper Cape Regional Transfer Station

Description: Board of Managers represent each of the Upper Cape Communities (Falmouth, Bourne, Mashpee, and Sandwich). There is (1) voting appointee for each community (one-year term) as well as an ex-officio representative for Joint Base Cape Cod. The entity manages the affairs of the regional solid waste transfer station that was constructed on Joint Base Cape Cod.

One vacancy:

- To fill an unexpired term ending 6/30/24

One appointment:

- Peter McConarty

7/10/23

d. Cultural Council (12 members) (3-year terms)

Three vacancies:

- Terms ending 6/30/24, 6/30/24 and 6/30/26

One applicant:

- Patricia Kauffman



TOWN OF FALMOUTH

**BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM**

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

Name: PATRICIA KAUFFMAN

Address: 51 CARLSON LAKE # 8 Village: FALMOUTH ZIP: 02540

Mailing Address: _____ Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 3 yrs (date: 4/2020) / Taxpayer 3 yrs (date: 4/2020)

Amount of time you are available to give: _____

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

1. Falmouth Cultural Council
2. _____
3. _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences _____

Currently write press releases and other marketing materials for Falmouth Jazz. Volunteer at Hand 'n Hand. Retired in 2020 from WPUR, corporate support.

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

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

As a former sales professional for WPOR, an
NPE affiliate, I have strong networking and
writing experience that can help move FCC's
agenda forward. I am ^a creative thinker.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	John Allen	Dir. Falmouth Jazz	[REDACTED]
2.	Don Cross	Co-owner Galley on Main	[REDACTED]
3.	Kelly Strout	Co-owner Shuckers	[REDACTED]

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

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

6.18.2023
DATE

[Signature]
APPLICANT'S SIGNATURE

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

7/10/23

e. Waterways Committee (7 members) (3-year terms)

One vacancy:

- Term ending 6/30/26

Two applicants:

- Wayne "Rocky" Geyer
- Paul "Rick" Hill



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

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Name: Wayne "Rocky" Geyer

Address: 353 Blacksmith Shop Rd Village: Falmouth ZIP: 02536

Mailing Address: same Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 33 yr (date: 1985) / Taxpayer 33 yr (date: 1985)

Amount of time you are available to give: 4 hours / week

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

1. Waterways Committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences retired from
Woods Hole Oceanographic Expert in
Tides & sediment transport. Boater.

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

Coastal Resources Committee ~ 2003-2005

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

Expertise in coastal processes and
interest in recreational boating.

You may attach a resume to this application.

List three (3) references:

<u>Name</u>	<u>Title</u>	<u>Phone</u>
1. <u>Joe Voci</u>	<u>Chair, Waterways Com.</u>	<u>[REDACTED]</u>
2. <u>Jim Tietje</u>	<u>owner, Patriot Party Boats</u>	<u>[REDACTED]</u>
3. <u>Dave Ralston</u>	<u>Sr Scientist, WHOI</u>	<u>[REDACTED]</u>

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

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

5/30/23
DATE

[Signature]
APPLICANT'S SIGNATURE

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



TOWN OF FALMOUTH
BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

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

Name: PAUL (RICK) HILL

Address: 72 Street Hill Rd. Village: North Fal ZIP: 02556

Mailing Address: ↑ Village: _____ ZIP: _____

Telephone: [REDACTED] : [REDACTED]

How long have you been a Resident 1949(date: _____) / Taxpayer 1984(date: _____)

Amount of time you are available to give: As needed.

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

- Waterways Committee
- _____
- _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences: See reverse.

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

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

As an experienced educator, sailor, navigator, and lifetime resident of Falmouth, I bring not only a keen interest in developing and improving our navigable waterways and resources for the public, but a desire to help regulate the waterways for reasonable and safe usage for all.

As a lifelong boater (sail and power), a sailing instructor, and longtime member of Falmouth Yacht Club, I bring my knowledge of Falmouth's waterways, and the important communication skills I have developed with my peers to impart reasonable understanding of the waterways and the necessary rules to follow and maintain safe and useful resources. Hopefully, these efforts will encourage intelligent, responsible and considerate behavior on the water. Additionally, I believe it is fair to say I have a proven ability to help bring a group to consensus.

You may attach a resume to this application.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Joe Vaci</u>	<u>FYC Colleague</u>	
2.	<u>Gary Reid</u>	<u>FYHL colleague</u>	
3.	<u>Dan Frawley</u>	<u>Boating colleague</u>	

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

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

June 5, 2023
DATE

Paul Richard Hill
APPLICANT'S SIGNATURE

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

7/10/23

f. Barnstable County Human Rights Advisory Committee (HRAC)

One position for Town of Falmouth Liaison

One applicant:

- Sandra Faiman-Silva

**Barnstable County Human Rights Advisory Commission (HRAC)
Town Liaison**

LIAISON RESPONSIBILITIES

The Barnstable County Human Rights Advisory Commission (HRAC) was re-structured under Ordinance 10-19, and then followed by Ordinance 22-01, with a focus on assuring *equal opportunity for all persons in Barnstable County regardless of race, color, religious creed, national origin, sex, age, ancestry, sexual or affectional preference, marital, family or military status, source of income, neighborhood or disability where unlawful discrimination exists in housing, employment, education, public accommodations, Town and County services, insurance, banking, credit, and health care.*

The HRAC is comprised of nine voting members and two alternates, nominated by the Board of Regional Commissioners, who represent the diversity of population, towns, and skills across Barnstable County.

The HRAC also includes representational liaison seats for all 15 towns and the Wampanoag Tribes in Barnstable County. Liaisons from each community will assist in collectively addressing human rights issues in the County that transcend town boundaries. Liaisons work to ensure that each Barnstable County community has a voice for human rights at the County Level.

Town and Tribal Liaisons to the HRAC must be residents of Barnstable County. Town and Tribal Liaisons are appointed by each town's Select Board, Town Council, or Tribal Council.

Liaisons are encouraged to:

1. Attend HRAC meetings. The HRAC shall meet no less than four times per year. All meetings must comply with Massachusetts Open Meeting Law.
2. Function as an informational conduit between the HRAC and the community served. Invite HRAC members to attend events in your community. Participate in HRAC events. Help to get the word out in your community about human rights events.
3. Serve as a relational conduit between the HRAC and community served. Assist in community-based relationship building with local organizations, elected and appointed officials, etc.
4. Assist in educating the community served about human rights and protected classes. Support the development and coordination of educational forums and events.
5. Assist one HRAC committee and the projects and initiatives undertaken

Diane Davidson

From: Sandy Faiman-Silva [REDACTED]
Sent: Tuesday, June 27, 2023 9:00 AM
To: Falmouth Selectboard; Nancy Taylor
Subject: RE: Barnstable County Human Rights Advisory Commission
Attachments: BCHRC_Liaison Responsibilities.pdf; SFS Resume Outline 2023.pdf

Dear Falmouth Select Board Members,

I have been invited to join the Barnstable County Human Rights Advisory Commission as a Town Liaison representing Falmouth. According to the BC HRAC Town Liaison responsibilities description (attached), Liaisons will be appointed from all Barnstable County towns and Wampanoag tribes in Barnstable County. They must live in the town or be a member of the Tribe they represent and "... will assist the Commission in collectively addressing human rights issues in the County that transcend town boundaries. Liaisons work to insure that each Barnstable County community has a voice for human rights at the County level." A description of Town Liaison duties and a copy of my Resume are included herewith.

May I be put on the Agenda for a forthcoming meeting to discuss my candidacy and ask to be appointed as Town Liaison? If appointed, an Appointment letter should be sent to: Regional County Commissioners via Leslie Dominguez-Santos, Human Rights Coordinator, Barnstable County Human Rights Advisory Commission, Superior Courthouse, PO Box 427, Barnstable MA 02630, email: Leslie.Dominguez-Santos@capecod.gov.

Thank you for your kind consideration of my request.

Sandy

Sandra Faiman-Silva, Ph.D.

Professor Emerita, Anthropology, Bridgewater State U
Program Administrators Coordinator, Common Start Campaign, CSJ
50 Davis Road, Falmouth, MA 02540

[REDACTED]
Learn about Coalition for Social Justice's (CSJ) work:
https://youtu.be/scwkt1lc6ZY?list=PLkDkZsSMuETz_2Whez0pX8R-Q0tz102
Learn about Common Start: commonstartma.org
Common Start video on YouTube:
<https://www.youtube.com/watch?v=4lip0XXqhyg>

Sandra Faiman-Silva, Ph.D.
50 Davis Road, Falmouth, MA 02540, [REDACTED]
Resume Outline, July 2023

BA, UMass-Amherst (1968); MA, American Studies, U Minnesota (1975); Ph.D. Anthropology, Boston University (1984)

- Falmouth and SE MA Community activist and organizer
- Recipient, **Tim McCarthy Human Rights Champion Award** by Barnstable County Human Rights Advisory Commission, 2021
- Recipient, **Falmouth Martin Luther King, Jr. Civic Leadership Award**, No Place for Hate-Falmouth, 2022

Bridgewater State U, Professor of Anthropology and Chair, 1995-2017 (retired 2014)

- Department Chair, 2009-2014
- All College Committee, Member, Secretary and Chair, 2000-2010
- Co-established African Studies, Latin American & Caribbean Studies, Women's and Gender Studies, US Ethnic Studies and other BSU Programs
- Organized international study tours to Cuba and Belize
- Organized Africa Awareness Week, 2007+
- Organized international student and scholarly exchange partnership with the University of Nairobi, ~2011
- Massachusetts State College Assn, Bridgewater Chapter, 1987+
 - Executive Committee, 1989+
 - Chapter Grievance Officer, ~2002-2014;
 - Statewide Grievance Chair, ~2008-2014

Miscellaneous Awards

- Massachusetts Higher Education Group Project in India, Fulbright Scholars program participant, 1990
- BSC Shea Scholar Mentor, Ellen M. Shea Memorial Scholars Program, 1992
- Finalist, *C. Wright Mills Award*, Society for the Study of Social Problems, for *Choctaws at the Crossroads: The Political Economy of Class and Culture in the Oklahoma Timber Region*, U Nebraska Press, Lincoln, NE, 1997
- *Jordan D. Fiore Research Prize in World Justice*, BSU, for research on gay/straight community-building in Provincetown, MA, 1999;
- Keynote Address, *Research and Teaching: A Dynamic Dialectic*. Center for the Advancement of Research and Teaching (CART) Annual Celebration, May 17, 2001
- BSU Class of 1950 Distinguished Faculty Research Award. 2004
- BSU Lifetime Research Award, 2009
- Innovation Service Award, "Hope, Help, Haiti" 2010
- Presidential Award for Diversity and Inclusion, 2012
- Independence House, Inc, Recipient, Community Champion Award, 2012
- Independence House, Inc, Recipient, Lighthouse of Empowerment Donor Award, 2019

Professional Memberships

- American Anthropological Association
- Association for Feminist Anthropology, Treasurer 2009+
- Northeast Anthropological Association, Board & Program Committee, various years
- Society of Lesbian and Gay Anthropologists, Co-Chair 1999-2001

Common Start Coalition, MA campaign for affordable, accessible high quality early education and childcare.

- Cape & Islands Chapter Convener, 2019-2022
- Program Administrators Chapter Organizer, 2023-Present.

Coalition for Social Justice activist, 2005+

- **CSJ** Board and Steering Committee member, ~2005+;
- **C.4 Activist Board President**, 2023-Present;

Independence House, Inc. Board of Directors, President and member, ~ 5 years

- **Independence House Falmouth Road Race charity team**, Organize an annual fund-raising Independence House, Inc. Team to run the Falmouth Road Race, 2009-present.
- Team has raised nearly \$200,000 for Independence House.

Falmouth Town Meeting Member, ~2018-Present,

- Article to create Diversity, Equity and Inclusion Officer position, Passed 2020
- Article to create Task Force on Workforce Sustainability, Passed 2021
- Article to create \$75,000 Early Education & Childcare Voucher Program for Falmouth workforce families; failed to Pass;
- Article to Protect the Civil Rights and Safety of All Falmouth Residents, Non-binding Resolution, Passed, 2021
- Article to change Columbus Day to Indigenous Peoples Day, 2021, Passed
- Article to implement Falmouth Native American Acknowledgement Statement, 2021, failed to Pass;
- Article to Endorse Changes to the MA State Flag and Seal, 2023, Passed

Other Local Organizations

- Falmouth Democratic Town Committee, Member
- No Place for Hate-Falmouth, Founding Member, 2001+
- Falmouth Diversity 2000+ Founding Member
- Upper Cape Women's Coalition, Founding Member, 2020+
- Falmouth Art Center, Board of Directors, 2015-2021
- Falmouth Jewish Congregation, Member, Vice President and Sisterhood President (1984+),

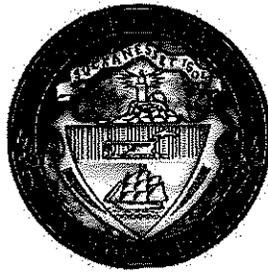
Author of numerous articles and books:

- *The Courage to Connect: Sexuality, Citizenship and Community in Provincetown*, (U Illinois 2004)
- *Choctaws at the Crossroads: The Political Economy of Class and Culture in the Oklahoma Timber Industry* (U Nebraska Bison Books 2000)

OPEN SESSION

PUBLIC HEARINGS

1. Application for an Entertainment License – The Black Dog Tavern Company, LLC d/b/a The Black Dog Heights Café, to be exercised at 465 Grand Avenue, Falmouth **(15 minutes)**



TOWN OF FALMOUTH
SELECT BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that The Black Dog Tavern Company, LLC d/b/a/The Black Dog Heights Cafe located at 465 Grand Avenue, Falmouth, MA has applied for an Entertainment License.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, July 10, 2023, at 6:45 p.m.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

LICENSING BOARD

Nancy Robbins Taylor

Edwin (Scott) P. Zylinski, II

Douglas C. Brown

Onjalé Scott Price

Robert P. Mascali

Publication date: Friday, June 30, 2023; Falmouth Enterprise

LICENSE APPLICATION REVIEW

Restaurant/Business: The Black Dog Heights Café

Address: 465 Grand Avenue, Falmouth

License Type: _____

New or Transfer of License New Entertainment License

or

Change of License _____

Police No objection

Fire No objections

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

Assessor _____

Tax Collector _____

Wastewater _____

NOTES: The Building Commissioner has approved the floor plan for Entertainment.

Attorney Brian Beaton will attend the 7/10/23 meeting on behalf of the restaurant.



Town of Falmouth

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

ENTERTAINMENT LICENSE APPLICATION

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

Required fields are outlined in red.

NAME OF BUSINESS: The Black Dog Tavern Company LLC D/B/A The Black Dog Heights Cafe

ADDRESS: 465 Grand Ave

TOWN: Falmouth STATE: MA ZIP CODE: 02540

NAME OF OWNER/MANAGER: Daniel J. Pucillo

TELEPHONE #: 508-540-4409 EMAIL: danpucillo@theblackdog.com

MAILING ADDRESS: 735 Falmouth Rd. Mashpee, MA. 02649

LOCATION OF ENTERTAINMENT ON PREMISES: Outside adjacent to covered bar

DAYS OF ENTERTAINMENT: Thursday-Saturday

HOURS OF ENTERTAINMENT: 4pm-7pm

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

Acoustic Entertainment

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

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

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

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

DATE June 22, 202

X
Signature - OWNER or MANAGER

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

Fees payable to Town of Falmouth



Complete prior to applying for:

New Liquor License

Transfer of Liquor License

Alteration of Premises

Annual Entertainment/Sunday Entertainment License

APPLICANT: Daniel Pucillo

ADDRESS: 405 Grand Avenue

LICENSE APPLIED FOR: Entertainment

The attached plan or plans described below have been approved by the Building Commissioner's Office as appropriate for this application:

- a. A Floor Plan completed and stamped by an *Engineer or Architect* to the Building Commissioner's office. The Plan must include all seating, parking, and the occupancy load calculation.
- b. For outdoor seating, submit a plot plan or site plan completed by a *Certified Land Surveyor*.

NOTES: _____

Building Commissioner: X 

DATE: 6-28-23

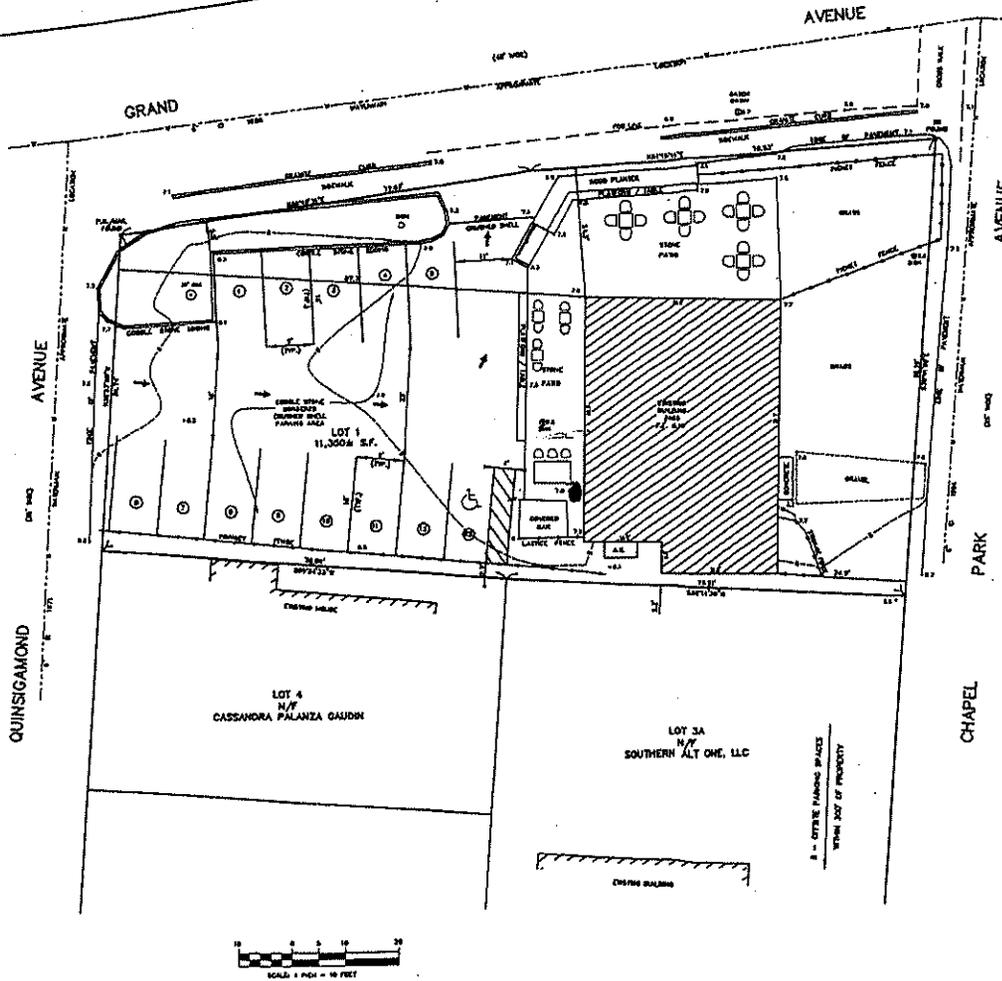
DRAWINGS REVIEWED BY
 FALMOUTH BUILDING DEPARTMENT
 CONSTRUCTION SUBJECT TO MA
 BUILDING CODE COMPLIANCE

ONE SET OF STAMPED PLANS SHALL
 BE KEPT AT THE BUILDING SITE

6-27-23
 DATE

[Signature]
 BUILDING OFFICIAL

• DENOTES
 ENTERTAINMENT
 LOCATION



LEGEND

- CHIRING 1' CONTOUR
- +--+ CHIRING SPOT ELEVATION
- /---/ PROPOSED SPOT ELEVATION
- CHIRING TREE
- CHIRING SENEH W/SHADE COVER
- STONE BOUND
- DRAINAGE FLOW

GENERAL NOTES:

1. ASSessor's INFORMATION: 488 DE 812 801
2. FLOOD ZONE: AE13 (FDMA MAP 350010278-2)
3. ZONING DISTRICT: B3
4. WIND EXPOSURE CATEGORY: C
5. LOT COVERAGE BY:
 - A. STRUCTURES: 1,888 S.F./11,300 S.F. - 16.7% < 30%
 - B. STRUCTURES/PARKING: 3,706 S.F./11,300 S.F. - 32.8% < 40%
6. YARD SETBACKS: SEE HEIGHTS HIGH
7. STREET ADDRESS: GRAND AVENUE
8. BUILDING NUMBER: 488
9. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
10. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.

11-28-23	ADD PARKING LOT ENT DIMENSION
DATE	REVISION
SITE PLAN FOR 4485 GRAND AVENUE PREPARED FOR BLACK DOG HEIGHTS CAFE FALMOUTH MA	
PLAN DATE: NOVEMBER 28, 2022	PLAN SCALE: 1" = 10'
DIAL SURVEYING ENGINEER REG. NO. STATE OF MASS. LICENSE NO. 10000	SEALING POSITION OFFICIAL DESIGNATION NAME AND NO. OF EXAMINERS, PROFESSIONAL
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.488.1215	
PROJECT NUMBER: 23033 CAD FILE NAME: 23033P DRAWN BY: LM/AJR SHEET 1 OF 1	



KEY:

-  NEW STUB WALL
-  EXISTING STUB WALL

NOTES:

ARCHITECT OF RECORD:



MARK MCCARTHY 1709 419 - 4199
 ARCHITECTURE & INTERIORS
 53 EDGAR, BRIMLEY, NEEDHAM, MA

**PROPOSED
 INTERIOR
 RENOVATION**
 AT
**485 GRAND AVENUE
 FALMOUTH, MASS.**

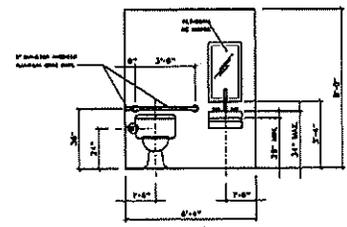
**PREPARED
 FOR
 THE BLACK DOG
 DAN PUCILLO**
 BY
**MARK S. MCCARTHY
 LONGFELLOW
 DESIGN BUILD
 774.225.1700 FALMOUTH, MA**

27 APRIL 2018

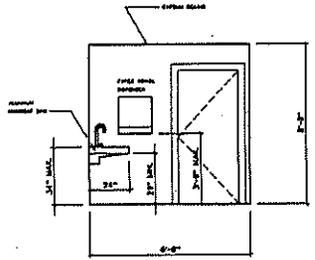
DRAWING:
 FLOOR PLAN
 and
 TOILET ROOM
 ELEVATIONS

SCALE: 1/8" = 1'-0"

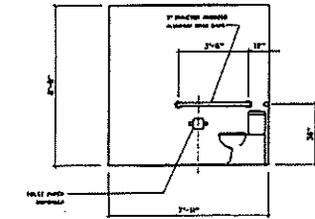
A - 1.0



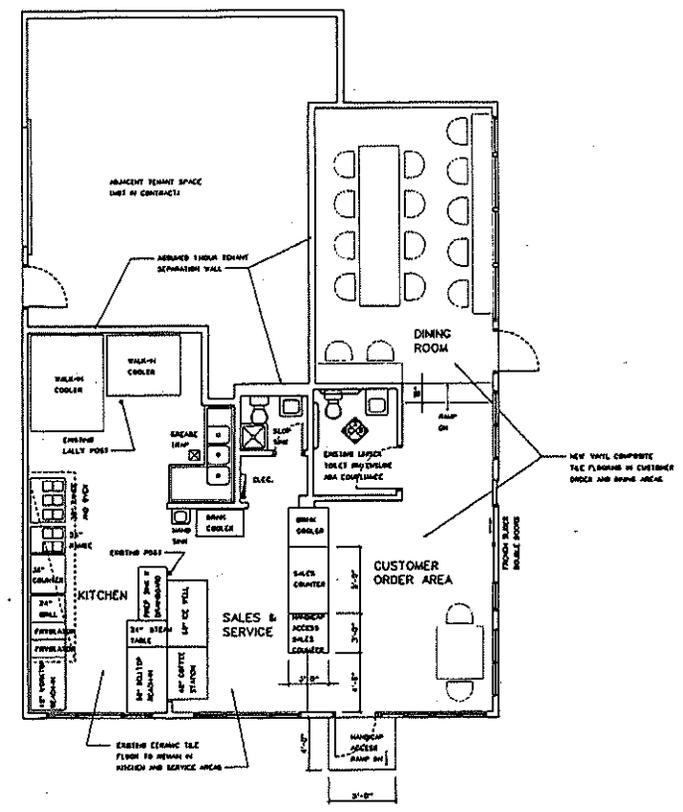
A TOILET ROOM WET WALL



B TOILET ROOM DOOR WALL



C TOILET ROOM GRAB BAR SIDE WALL



Diane Davidson

From: Kathleen Withers [REDACTED]
Sent: Monday, July 3, 2023 12:55 PM
To: Falmouth Selectboard
Subject: Black Dog Entertainment License

Select Board members,

I am writing in support of the Black Dog Cafe's application for an entertainment license. I live on Melrose Avenue in the Heights and believe this is a reasonable request and look forward to enjoying the entertainment.

Thank you,
Kathleen Withers

Diane Davidson

From: Kevin Smith [REDACTED]
Sent: Monday, July 3, 2023 2:26 PM
To: Falmouth Selectboard
Subject: Black Dog Cafe Entertainment

Members of the Select Board,

I am writing in response to the request of the Black Dog Cafe's application for an entertainment license. My family and I live at #5 and #7 Wachusett Ave which is within sight and sound of the cafe. We are asking you to deny this request. Entertainment would only increase the already problematic parking situation and since this "entertainment" is outside, noise would certainly spill over into the residential neighborhood.

Thank You,
Kevin Smith

Diane Davidson

From: Paula Lichter [REDACTED]
Sent: Friday, July 7, 2023 11:32 AM
To: Falmouth Selectboard
Subject: Black Dog Entertainment License Application

I am writing as a neighbor who lives across the street from the Black Dog and not in my position as a Director for the Falmouth Heights – Maravista Neighborhood Association.

On March 9, 2020 you heard the Black Dog's extensive entertainment request but postponed it with instructions to speak with the neighbors, per Doug Jones "until you've earned the community's support", and return with a more reasonable request. Then COVID shut us down and now they have come back with a more reasonable request. However, in 3 years, despite Brian Beaton telling me "we will sit down with you..." , they have never contacted me or any other neighbor that I know of.

I will be speaking on Monday night, but have some questions for you including:

1. the **process for complaints**: Some of you may remember that in past years we were told to call the police, but when I did, the owner of the Shanty gave out my name and allowed me to be bullied and threatened on his FaceBook page for weeks. But, without a number of written police reports, the Shanty's license was renewed.

I doubt this would happen with the Black Dog, but I anticipate that if they receive this license, we will see them back in a few years asking for an extension of hours and days and we will need some record of complaints if there are any.

2. small speakers on the outside Grand Ave patio area:



There are 2 of these speakers which, when I made a complaint about the volume pre-COVID, I was told that the manager couldn't speak to me because he was busy with his family and "besides, we have an entertainment license". They did not.

I've had no volume complaint last year or this year so far, but they obviously have an amplification system. **Do they plan to hook these up to the musician? Regardless, if they do not have a license for these, can you ask that they be removed?** Their radio has been loud in the past.

If you approve this license, I hope you will add language regarding volume, notably as on the recent Falmouth Yacht Club license, "...with volume limited to not go past the parking lot in front of the Club." and on the Shipwrecked license, "...OUTDOOR MUSIC WILL NOT EXTEND BEYOND THE PROPERTY LINE."

The Black Dog property is so small that this condition might be impossible to uphold.

A map of the area shows that there are many more neighbors surrounding the Black Dog property who could be disturbed if the volume exceeds property limits than either Shipwrecked or the Falmouth Yacht Club: 22 within 100' and 41 within 300'. [Click here for a link to the map.](#)

Thank you for your attention to this matter.

Paula Lichter

4 Deacons Ave #3
Falmouth, MA 02540



OPEN SESSION

BUSINESS

1. Report – Affordable Housing Committee **(15 minutes)**

**Falmouth Affordable Housing Committee
Annual Report
(July 2022 – June 2023)**

Our Mission Statement: The Falmouth Affordable Housing Committee assists the Select Board in its efforts to provide a full range of housing choices for households of all incomes, ages, and abilities. The Committee works to identify our workforce housing needs, to reduce the out-migration of our younger residents, and to minimize the displacement of our elderly on fixed incomes.

During this past fiscal year, the Affordable Housing Committee (AHC) met once every month as scheduled and had a quorum for all but the December meeting. We started the year with six members. One person left town making it 5. In March one person joined and in June the 7th member completed the committee.

Kim Fish admirably filled the role of Housing Coordinator and attended most of the meetings with helpful reports about the town's and the region's efforts to support housing.

We enjoy good lines of communication with the Town Manager's office, the Falmouth Affordable Housing Fund (FAHF) Working Group, the Community Preservation Committee (CPC), the Planning Board (PB), and the Zoning Board of Appeals (ZBA). At least one and often two Select Board (SB) members attended each AHC meeting during this past year, which was very helpful.

Falmouth's Housing Production Plan (HPP) will remain in effect until January 10, 2024. A consultant has recently been hired to draft a new plan. It is important that a new HPP be approved by the state and in place before this one expires. Affordable units can be added to the town's Subsidized Housing Inventory (SHI). But if a new HPP is not in place the town can't qualify for 'Safe Harbor' (wavier from Ch.40B)

once we reach 10% because that value is only in the HPP.

The Commonwealth has set a target of 10% of year-round residences to be affordable as determined by the town's SHI. In last year's AHC report the value for Falmouth was 7%, this year it is 7.92%. The HPP calls for 74 units of affordable housing to be produced within the calendar year. (We have 1,178 and need 309 more units to reach 10%.)

The great majority of affordable housing in Falmouth during the past ten years has been built by non-profit organizations. But recently for-profit developers have proposed projects in Falmouth. In December, Saxon Partners presented to the AHC their plans for a rental project. This would add 300 units to the SHI, although only 75 will be affordable.

The HPP lists the responsibilities of the AHC toward achieving the SHI goal (Table 1-1). Two of these are met through the FAHF: To "Provide additional support for the FAHF" and to "Promote partnerships with developers". A member of the AHC continues to serve on the FAHF Working Group, whose primary task is to review applications for town assistance with affordable housing related projects. In addition to CPC funds, the passage of three funding articles at the 2022 November Town Meeting, enabled the creation of a second fund category. These "non-CPC" funds are less restricted than CPC funds and enabled the support of additional projects and other needs.

One program that was introduced by Laura Moynihan last year applies here. The Housing Opportunity Purchase Program (HOPP) will use non-CPC FAHF funds to finance the gap between the affordable price and the selling price of an existing market-rate house up to a maximum of \$250,000 each; applicants may

earn no more than 80% of the AMI. This program is in the approval process and is a potential future FAHF project.

Following up on our efforts regarding the need for additional non-CPC sources of town funding a Real Estate Transfer Fee subcommittee was formed. A report titled "A Real Estate Transfer Fee for Falmouth" was sent to the SB. This project is now in a phase of outreach to the community and the AHC will discuss it further in the next fiscal year.

Another responsibility the HPP lists is to "Conduct ongoing community outreach and education". A newspaper article was published about the importance of housing, with emphasis on Accessory Dwelling Units. The committee submitted a successful grant application to the FAHF to obtain non-CPC funds for a video by Brian Switzer. *Time to Act: Falmouth Housing Crisis*. The video was finished in May and is available on the committee's town website, the EDIC website and has been distributed on social media such as Fabulous Falmouth.

The HPP also calls for the committee to "Explore regional partnerships". A representative of the committee worked with the Falmouth Chamber of Commerce on the video and with the Housing Assistance Corporation of Cape Cod (HAC) to plan a HAC-sponsored event "A call to action: Falmouth residents needed to speak up for housing" on June 7th in the Falmouth Library Hermann Room. The video was shown and is available with the program on FCTV.

Several presentations were given to inform those attending AHC meetings about current housing projects and issues relate to housing. 1) The HUD and FCC joint program to provide internet to those with federal housing assistance (David Isenberg). 2) Report on the Chamber of

Commerce series regarding the affordable housing crisis (Michael Kasparian). 3) About converting the old nursing home at 545 Main street into workforce housing (Michael Galasso). (The AHC sent a letter of support to the SB for this project.) 4) The Falmouth Home Services Dept (Suzie Hauptman) and the HAC (Tim Regan) about the increased need to provide shelter for the unhoused and for transitional housing. 5) Saxon Partners about their 300-unit project on Sandwich Road (Dave Calhoun). 6) Year-around rental tax rebates and homestead tax rebates (Mak Saito). 7) A non-traditional approach to wastewater management (Hinda Maingay and Earl Barnhardt.) 8) Update on the activity at the Falmouth Housing Trust (Karen Bissonnette). 9) The experience of building affordable housing in Falmouth and in other towns (Michel Galasso). 10) The importance of "aesthetic justice" in the design of affordable housing (Jill Neubauer).

The AHC followed affordable housing projects from the first application through all the steps to occupancy of the units. The committee is currently following 14 properties.

Our committee will continue to collaborate with town staff and boards and with town and regional organizations to meet the challenges of increasing affordable housing in Falmouth. We thank the Select Board for your ongoing support and for your important leadership of this critical effort.

Respectfully submitted,

Kerry Walton, AHC Chair
Jessica O'Brien, Vice Chair
David Garrison, Clerk
Pamela Harting-Barrat
Gina Torielli
Steven Craft (thru Nov. 2022)
Chinna Mapp (since March 2023)
Sam Peterson (since June 2023)

**Falmouth Affordable Housing Committee
Annual Attendance Record
(July 2022 – June 2023)**

Month	KW	JO'B	SC	PH-B	GT	DG	CM	SP	Total
July	√	√	√	---	---	√			4
August	---	√	√	---	√	√			4
Sept.	√	√	√	√	√	√			6
Oct.	√	√	---	√	√	√			5
Nov	---	√	√	---	√	√			4
Dec	√	---		---	√	√			3
Jan	√	√		---	√	√			4
Feb	√	√		√	√	√			5
March	√	√		√	√	√	√		6
April	√	√		√	---	---	√		4
May	√	√		---	---	√	√		4
June	√	√		√	√	√	√	√*	6

√ Present

√* Approved by the SB, but not sworn in before the meeting.

--- Absent

KW Kerry Walton

JO'B Jessica O'Brien

SC Steven Craft (thru Nov. 2022)

PH-B Pamela Harting-Barrat

GT Gina Torielli

DG David Garrison

CM Chinna Mapp (since March 2023)

SP Sam Peterson (since June 2023)

Chair, Kerry Walton

Vice-chair, Jessica O'Brien

Clerk, Steven Craft, July-Nov

David Garrison, Dec-June

OPEN SESSION

BUSINESS

2. Human Resources Staffing Report/Update **(15 minutes)**

Human Resources Staffing Report

Susan Lumping

Human Resources Director

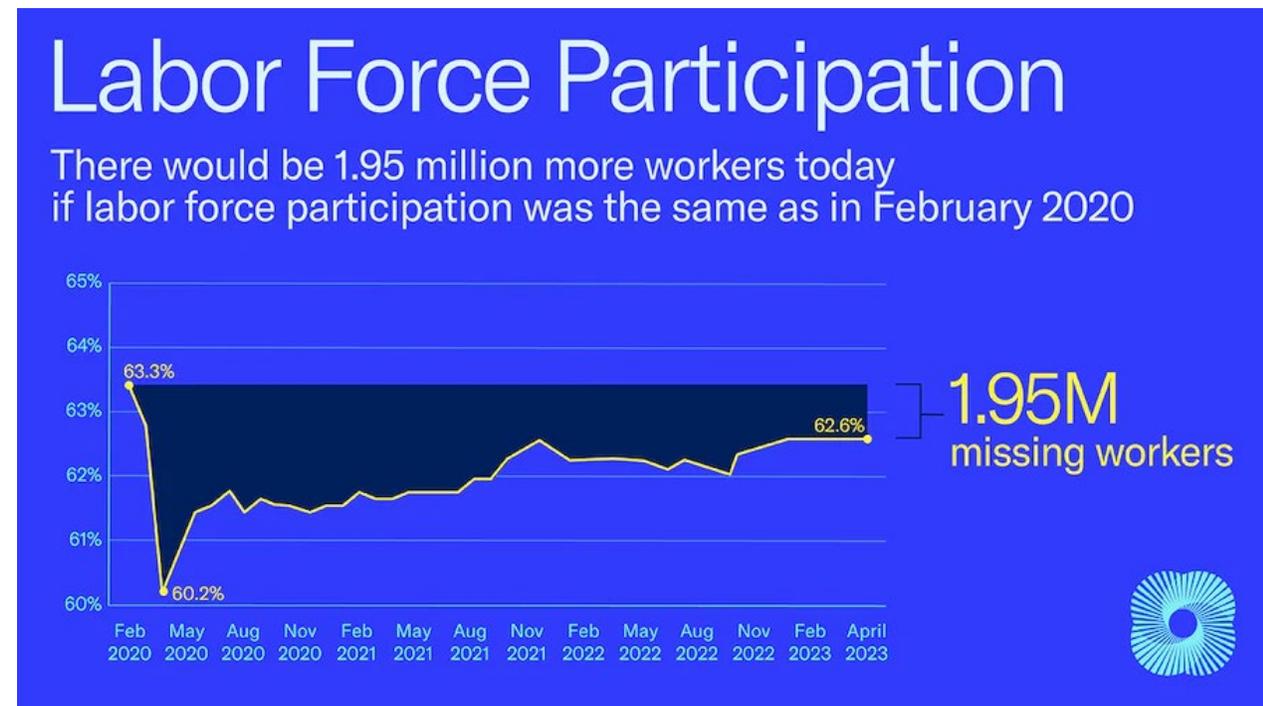
Monday, July 10, 2023



Current Labor Climate

- 9.9 million job openings but 5.8 million unemployed workers nationwide
- Massachusetts has 49 available workers for every 100 open jobs
- Studies show that candidates are seeking flexibility, benefits, desirable workplace culture, and compensation

(U.S. Chamber of Commerce)



<https://www.uschamber.com/workforce/understanding-americas-labor-shortage>

Recruitment Efforts & Approaches

Job Postings

- Advertisement v. Job Description
- Clear and concise details (# of hours, days/times, minimum qualifications, main essential functions, work environment, and starting wage range)
- Eliminating barriers to applying
- Emphasis on transferable skill sets, character, values, drive, adaptability, customer service, and collaboration
- Willing to train for entry-level and select positions



Advertising



- Town website, Indeed, specialized, and diverse sites
- Current applicant tracking platform challenges
- Cape Cod Community College Criminal Justice Program partnership
- Job Fair held this spring hosted by the Recreation Department
- Social media
- Employee referrals
- Future considerations: Police Academies, Mass Hire, alumni networks, expansion of social media efforts

Interviewing

- Emphasis on skill sets, accomplishments, and aptitude v. content knowledge
- Behavioral and situational questions
- Skills assessment/testing
- Clearly communicating the job requirements, main responsibilities, and work conditions/environment; two-way fit
- Flexibility (training/communication)



Onboarding & Systems Review

- Onboarding Process Review
- HR & Payroll Systems Review
 - Lack of an integrated system for onboarding, time & attendance, payroll, salary tables, and accruals
 - Lack of position control reporting



Positions Filled April-June 2023

- >150 Seasonal Hires (Beach, Recreation, DPW, MES, Police)
- Full-time Human Resources Assistant
- Full-time IT Technician for Public Safety
- 2 Full-time DPW Parks Laborers
- Full-time Mechanical Equipment Operator for DPW Highway Division
- 3 Full-time Communications Officers and 1 per diem
- Full-time Assistant Zoning Compliance Agent
- Full-time Animal Control Officer
- Full-time Systems Analyst

Active Recruitment Efforts

- DEI Officer
- Sustainability Coordinator
- Police Social Workers
- Water Superintendent
- Assistant Parks Superintendent
- Construction Inspector
- Communications Officers
- Firefighters
- Police Officers
- Children's Librarian
- Assistant to the Children's Librarian
- Library Aide (part-time)
- COA Receptionist (part-time)
- Utility Maintenance Worker
- Assistant Mechanic
- Mechanical Equipment Operator
- Highway Laborer

Acknowledgments

Mike Renshaw, Town Manager

Peter Johnson-Staub, Assistant Town Manager

Cathy Belair, Benefits Coordinator

Kristin Nickerson, Administrative Assistant to the Police Chief

Maggie Clayton, Beach Superintendent

Joe Olenick, Recreation Director

Brett Nangle, Mechanical Equipment Operator II

Questions?

OPEN SESSION

BUSINESS

3. Vote to authorize year-end budget transfers under MA General Law c. 44 § 33B **(5 minutes)**



Item Title: Year End Appropriation Transfers

Meeting Date: 7/10/2023

Meeting Type: Work Session Voting Session Public Hearing

Submitted by: Ed Senteio, Finance Director

Attachments: Municipal Law, Information Guideline Release and Individuals Transfers

Purpose:

As is normal/customary for Municipalities there are Year End Appropriation Transfers that are required for certain budget line items. Attached are the Fiscal Year 2023 transfers that are required by law.

Background / Summary:

The Town Warrant is finalized 16-18 months prior to the end of the fiscal year. It would be extremely rare for there to be 100% accuracy in the Town budgeting. Because of this statewide common occurrence, Massachusetts General Law provides mechanisms to correct these situations at fiscal year-end without the time and cost of having a Special Town Meeting. A Finance Committee Reserve Fund Transfer authorized by the Finance Committee or transfers authorized by both the Select Board and the Finance Committee are methods that can be used for the required budget transfers.

In recent history Falmouth has most often done year-end transfers to correct spending overages by relying on Finance Committee Reserve Fund transfers. Finance Committee transfers are for extraordinary or unforeseen situations. The Town has also done Year End Appropriation Transfers in recent years as well with examples that include 2020, 2018, 2017, 2012 and 2011. Prior to 2013 Year End Appropriation Transfers requiring the Select Board and Finance Committee approvals were the predominant method of making these year-end transfers.

Overall, the Town of Falmouth has millions of dollars of unexpended budgeted funds each year which contribute to Free Cash. The transfer requests are an extremely small percentage of the Town's operating budget and are managed within existing appropriations. Year-end Appropriation transfers total: \$240,415 vs. a Total Budget of 168,072,436.26 or 0.14%.

Many of the transfers are covered within the department's budget with underspending of other line items. Due to the granular nature of the Town Meeting Warrant transfers are still required in these cases.

Overall Falmouth expense budget savings:

- FY 2022 = \$4,346,113.94
- FY 2021 = \$6,150,368.96
- FY 2020 = \$4,815,992.25

Possible Motion: I move to have the Select Board Chairperson sign to authorize the individual Year-End Appropriation Transfers

YEAR-END APPROPRIATION TRANSFERS					
Department	Transfer From	Account Number	Amount	Transfer To	Account Number
Veterans	Veteran's Instate Travel	01-543-5710	300	Other Veteran's Supply*	01-543-5584
Conservation	Conservation Printing	01-171-5340	600	Conservation Professional & Technical*	01-171-5319
Clinics & Nurses	Health Professional & Technical	01-510-5319	1,515	Clinics & Nurses	01-522-5303
Solid Waste	Rubbish*	01-433-5292	75,000	Recycling*	01-433-5379
Information Technology	IT Salary & Wages	01-155-5110	5,000	IT Computer & Software*	01-155-5875
Medicare Tax	HR Wages	01-152-5111	18,000	Medicare Tax	01-916-5179
Communications	Police Salary & Wages	01-210-5110	30,000	Communications Overtime	01-230-5130
Legal	Wastewater Electric	01-440-5212	30,000	Special Counsel*	01-151-5300
Unemployment	Wastewater Electric	01-440-5212	80,000	Unemployment	01-913-5174
Total			240,415		

Part I ADMINISTRATION OF THE GOVERNMENT

Title VII CITIES, TOWNS AND DISTRICTS

Chapter 44 MUNICIPAL FINANCE

Section 33B TRANSFER OF APPROPRIATIONS; RESTRICTIONS

Section 33B. (a) On recommendation of the mayor, the city council may, by majority vote, transfer any amount appropriated for the use of any department to another appropriation for the same department. In addition, the city council may, by majority vote, on recommendation of the mayor, transfer within the last 2 months of any fiscal year, or during the first 15 days of the new fiscal year, to apply to the previous fiscal year, any amount appropriated, other than for the use of a municipal light department or a school department, to any other appropriation. Except as provided in the preceding sentence, no transfer shall be made of any amount appropriated for the use of any city department to the appropriation for any other department except by a 2/3 vote of the city council on recommendation of the mayor and with the written approval of the amount of the transfer by the department having control of the appropriation from which the transfer is proposed

to be made. No transfer involving a municipal light department or a school department shall be made under the previous sentence without the approval of the amount of the transfer by a vote of the municipal light department board or by a vote of the school committee, respectively.

(b) A town may, by majority vote at any meeting duly held, transfer any amount previously appropriated to any other use authorized by law. Alternatively, the selectmen, with the concurrence of the finance committee or other entity established under section 16 of chapter 39, may transfer within the last 2 months of any fiscal year, or during the first 15 days of the new fiscal year to apply to the previous fiscal year, any amount appropriated, other than for the use of a municipal light department or a school department, to any other appropriation.

(c) No approval other than that expressly provided in this section shall be required for any transfer under this section.



Informational Guideline Release

Bureau of Municipal Finance Law
Informational Guideline Release (IGR) No. 17-13
May 2017

Supersedes IGR 06-209 and Inconsistent Prior Written Statements

APPROPRIATION TRANSFERS

(G.L. c. 44, § 33B)

This Informational Guideline Release (IGR) informs local officials of changes made by the recent Municipal Modernization Act to the alternative end-of-year budget transfer procedure.

Topical Index Key:

Accounting Policies and Procedures
Appropriations
Budgets
Town Meetings

Distribution:

Accountants/Auditors
Mayors/Selectmen
Finance Directors
Finance Committees
Managers/Administrators/Exec. Secys.
City/Town Councils
City Solicitors/Town Counsels

Supersedes IGR 06-209 and Inconsistent Prior Written Statements

APPROPRIATION TRANSFERS

(G.L. c. 44, § 33B)

SUMMARY:

These guidelines explain amendments to the alternative end-of-year budget transfer procedure under [G.L. c. 44, § 33B](#). The changes give cities and towns greater flexibility to make year-end budget transfers for the last two months of the fiscal year, i.e., May and June, and the first 15 days of July of the new fiscal year, which is the statutory period for closing municipal financial records for the fiscal year. [G.L. c. 44, §§ 56 and 56A](#). These amendments were made by the Municipal Modernization Act, which took effect on November 7, 2016. [St. 2016, c. 218, §§ 75 and 76](#).

The amendments eliminate the limits on types and amounts of end-of-year appropriation transfers that can be made under the alternative procedure. End-of-fiscal-year transfers may now be made from health insurance, debt service or other unclassified or non-departmental line item appropriations. In addition, the amount that may be transferred from any department under this procedure is no longer limited to three percent of the department's budget. The school and light departments remain exempt from this procedure.

These guidelines are in effect and supersede Informational Guideline Release (IGR) No. 06-209, *Appropriation Transfers*, and any inconsistent prior written statements or documents.

GUIDELINES:

A. APPROPRIATION TRANSFERS IN GENERAL

1. Available Amount

The amount of any appropriation available to be used as a financing source for another appropriation is the unspent and unencumbered balance, i.e., the amount after all potential liabilities to be charged to the appropriation are considered. Accounting officers should determine this amount before any transfer from an appropriation is approved.

2. Available Use

Transfers from surplus bond proceeds after a project that was financed by borrowing has been completed or abandoned may only be made in the manner and for the purposes set forth in [G.L. c. 44, § 20](#). Transfers from appropriations financed by other restricted sources, e.g., stabilization, enterprise, water surplus or community preservation funds, are subject to the same statutory restrictions as the original appropriations.

3. **Governing Law**

The procedures explained in these guidelines govern appropriation transfers unless a charter or special act provides otherwise. Officials should consult with municipal counsel about any applicable charter or other provisions.

B. **APPROPRIATION TRANSFERS IN TOWNS**

1. **General Procedure**

At any time during the fiscal year, a town meeting may by majority vote transfer any amount from any appropriation to any other municipal use authorized by law.

2. **Alternative Year-end Procedure**

During May and June, and the first 15 days of July of the new fiscal year, the selectboard, with the agreement of the finance committee, may transfer any amount from a departmental or other appropriation to any other appropriation. This procedure may not be used, however, to transfer funds from a municipal light or school department budget.

An end-of-year transfer using this alternative procedure requires a majority vote of the selectboard and a majority vote of the finance committee.

Any end-of-year transfer from the municipal light or school department budget requires town meeting approval. See Section B-1 above.

C. **APPROPRIATION TRANSFERS IN CITIES**

1. **General Procedure**

a. **Intra-departmental Transfers**

At any time during the fiscal year, the city council, upon recommendation of the mayor, may transfer any amount from a departmental appropriation to another appropriation within the same department. Intra-departmental transfers require a majority vote of the council.

b. **Inter-departmental Transfers**

At any time during the fiscal year, the city council, upon recommendation of the mayor, may transfer any amount from a departmental or other appropriation to any other appropriation. Inter-departmental transfers require the prior written approval of the amount by the department from which the transfer is being made, if applicable, and a two-thirds vote of the city council. If the transfer is being made from a municipal light or school department appropriation, the light board or school committee must approve the amount by majority vote.

2. **Alternative Year-end Procedure**

During May and June, and the first 15 days of July in the new fiscal year, the city council, upon the recommendation of the mayor, may transfer any amount from a departmental or other appropriation to any another appropriation. This procedure may not be used, however, to transfer from a municipal light or school department budget.

An end-of-year transfer using this alternative procedure requires only a majority vote of the council. Approval of the department from which the transfer is being made is not required.

Any end-of-year transfer from the municipal light or school department budget requires approval under the applicable general transfer procedure. See Section C-1-a and C-1-b above.

TOWN OF FALMOUTH
Request for Appropriation Transfers
Between or Within Departments

Select Board Date: 7/10/2023
Finance Committee Date: 7/13/2023

SELECT BOARD & FINANCE COMMITTEE

Members:

Request is hereby made for the following transfers in accordance with Chapter 44, Section 33B, of the Massachusetts General Laws.

Amount requested: **\$ 300**

1. To be transferred from:
Account Number: **01-543-5710** Account Name: **Veteran's Instate Travel**

Present balance in above appropriation: **\$ 500**

2. To be transferred to:
Account Number: **01-543-5584** Account Name: **Other Supplies Veteran's Council**

Explanation for requested transfer:

New grave markers were purchased for veteran's this fiscal year in addition to flags. The cost of the sound system also increased \$25 over the previous fiscal year. The additional expense is covered within the Veteran's overall budget; however, a transfer is needed because this small dollar line item is listed specifically in the Town Meeting Warrant.

Request submitted by: Don Lincoln, Director of Veterans Services & Ed Senteio, Finance Director

APPROVALS

Select Board:

Date of Meeting: _____

Number Present and Voting: _____

Approved by Majority, list vote: _____

Transfer disapproved (checkmark): _____

Signature:

Chairperson, Select Board

Finance Committee:

Date of Meeting: _____

Number Present and Voting: _____

Approved by Majority, list vote: _____

Transfer disapproved (checkmark): _____

Signature:

Chairperson, Finance Committee

TOWN OF FALMOUTH

Request for Appropriation Transfers Between or Within Departments

Select Board Date: 7/10/2023
Finance Committee Date: 7/13/2023

SELECT BOARD & FINANCE COMMITTEE

Members:

Request is hereby made for the following transfers in accordance with Chapter 44, Section 33B, of the Massachusetts General Laws.

Amount requested: **\$ 600**

1. To be transferred from:
Account Number: **01-171-5340** Account Name: **Conservation Printing**

Present balance in above appropriation: **\$ 1,800**

2. To be transferred to:
Account Number: **01-171-5319** Account Name: **Conservation Professional & Technical**

Explanation for requested transfer:

This is a situation where the Conservation Budget overall is not being overspent. Since this line item is called out separately in the Town Meeting warrant the overage must be addressed before Fiscal Year End.

The funding is used to pay Mass Audubon to assist the Town with monitoring the beaches for the presence of endangered shorebirds (Piping plover and Least Terns). Mass Audubon increased their pricing after the Fiscal Year 2023 budget was set. Mass Audubon reviewed their hours from the previous year (2021) and the amount of staff time had doubled from 2020. The increased presence by Mass Audubon resulted in an increase of \$600.00.

Actions: The FY 2024 budget for this line item was increased by Town Meeting from \$5,000 to \$7,800. With the upcoming implementation of the Purchase Order process in the Financial Management system with these types of services / contracts / estimates captured early on these situations will be identified faster. This is particularly needed if the Town Meeting Warrant continues to separate small dollar amounts in separate line items. The Town budget will continue to have all of the Town's expense line items provided to the public.

Request submitted by: Jennifer Lincoln, Conservation Administrator & Ed Senteio, Finance Director

APPROVALS

Select Board:

Date of Meeting: _____
Number Present and Voting: _____
Approved by Majority, list vote: _____
Transfer disapproved (checkmark): _____

Signature:

Chairperson, Select Board

Finance Committee:

Date of Meeting: _____
Number Present and Voting: _____
Approved by Majority, list vote: _____
Transfer disapproved (checkmark): _____

Signature:

Chairperson, Finance Committee

TOWN OF FALMOUTH
Request for Appropriation Transfers
Between or Within Departments

Select Board Date: 7/10/2023
Finance Committee Date: 7/13/2023

SELECT BOARD & FINANCE COMMITTEE

Members:

Request is hereby made for the following transfers in accordance with Chapter 44, Section 33B, of the Massachusetts General Laws.

Amount requested:

\$ 1,515

1. To be transferred from:

Account Number: **01-510-5319**

Account Name: **Health Professional and Technical**

Present balance in above appropriation: **\$ 13,622.53**

2. To be transferred to:

Account Number: **01-522-5303**

Account Name: **Clinics and Nurses**

Explanation for requested transfer:

Inflation has affected the cost of services related to Clinics and Nurses activities. Underspending in other Health Department budget line items cover the cost of this overage.

Request submitted by: Scott McGann, Health Agent & Ed Senteio, Finance Director

APPROVALS

Select Board:

Date of Meeting: _____

Number Present and Voting: _____

Approved by Majority, list vote: _____

Transfer disapproved (checkmark): _____

Signature:

Chairperson, Select Board

Finance Committee:

Date of Meeting: _____

Number Present and Voting: _____

Approved by Majority, list vote: _____

Transfer disapproved (checkmark): _____

Signature:

Chairperson, Finance Committee

TOWN OF FALMOUTH
Request for Appropriation Transfers
Between or Within Departments

Select Board Date: 7/10/2023
Finance Committee Date: 7/13/2023

SELECT BOARD & FINANCE COMMITTEE

Members:

Request is hereby made for the following transfers in accordance with Chapter 44, Section 33B, of the Massachusetts General Laws.

Amount requested: **\$ 75,000**

1. To be transferred from:
Account Number: **01-433-5292** Account Name: **Rubbish**

Present balance in above appropriation: \$ 278,389.75

2. To be transferred to:
Account Number: **01-433-5379** Account Name: **Recycling**

Explanation for requested transfer:

Falmouth citizens did a better job recycling than expected. The rubbish line item within the Waste Management budget covers this transfer. If there were one expense line in the warrant the transfer would not be needed.

Request submitted by: Peter McConarty, Public Works Director & Ed Senteio, Finance Director

APPROVALS

Select Board:

Date of Meeting: _____

Number Present and Voting: _____

Approved by Majority, list vote: _____

Transfer disapproved (checkmark): _____

Signature:

Chairperson, Select Board

Finance Committee:

Date of Meeting: _____

Number Present and Voting: _____

Approved by Majority, list vote: _____

Transfer disapproved (checkmark): _____

Signature:

Chairperson, Finance Committee

TOWN OF FALMOUTH
Request for Appropriation Transfers
Between or Within Departments

Select Board Date: 7/10/2023
Finance Committee Date: 7/13/2023

SELECT BOARD & FINANCE COMMITTEE

Members:

Request is hereby made for the following transfers in accordance with Chapter 44, Section 33B, of the Massachusetts General Laws.

Amount requested:

\$ 5,000

1. To be transferred from:

Account Number: **01-155-5110** Account Name: **Information Technology Wages**

Present balance in above appropriations: **\$ 26,503.25**

2. To be transferred to:

Account Number: **01-155-5875** Account Name: **Computer Equipment and Software**

Explanation for requested transfer:

Falmouth Information Technology environment has required significant work to maintain operations and protect from cyber security attacks.

Future Actions: The Information Technology budget has been increased for Fiscal Year 2024 and will require additional investment in Fiscal Year 2025.

Request submitted by: Dawn Lewis, Information Technology Director, Ed Senteio, Finance Director

APPROVALS

Select Board:

Date of Meeting: _____

Number Present and Voting: _____

Approved by Majority, list vote: _____

Transfer disapproved (checkmark): _____

Signature:

Chairperson, Select Board

Finance Committee:

Date of Meeting: _____

Number Present and Voting: _____

Approved by Majority, list vote: _____

Transfer disapproved (checkmark): _____

Signature:

Chairperson, Finance Committee

TOWN OF FALMOUTH
Request for Appropriation Transfers
Between or Within Departments

Select Board Date: 7/10/2023
Finance Committee Date: 7/13/2023

SELECT BOARD & FINANCE COMMITTEE

Members:

Request is hereby made for the following transfers in accordance with Chapter 44, Section 33B, of the Massachusetts General Laws.

Amount requested: **\$ 18,000**

1. To be transferred from:
Account Number: **01-152-5111** Account Name: **HR Wages**

Present balance in above appropriation: **\$ 65,000**

2. To be transferred to:
Account Number: **01-916-5179** Account Name: **Medicare**

Explanation for requested transfer:

Medicare expenses have exceeded budgeted amounts. Issues include staff filling work requirements on time and ½ versus straight time. Other issues include legally required vacation payouts when individuals retire or resign, etc.

Future Actions: The Town is converting budgeting from spreadsheets to the Financial Management System's budget module which uses a database platform. That will allow for more easily reporting on all Town wages that include vacant positions. This should help with having better Medicare expense projections. This will be done for Fiscal Year 2025 budgeting. Another adjustment might be required for Fiscal Year 2024?

Request submitted by: Ed Senteio, Finance Director

APPROVALS

Select Board:

Date of Meeting: _____

Number Present and Voting: _____

Approved by Majority, list vote: _____

Transfer disapproved (checkmark): _____

Signature:

Chairperson, Select Board

Finance Committee:

Date of Meeting: _____

Number Present and Voting: _____

Approved by Majority, list vote: _____

Transfer disapproved (checkmark): _____

Signature:

Chairperson, Finance Committee

TOWN OF FALMOUTH
Request for Appropriation Transfers
Between or Within Departments

Select Board Date: 7/10/2023
Finance Committee Date: 7/13/2023

SELECT BOARD & FINANCE COMMITTEE

Members:

Request is hereby made for the following transfers in accordance with Chapter 44, Section 33B, of the Massachusetts General Laws.

Amount requested: **\$ 30,000**

1. To be transferred from:
Account Number: **01-210-5110** Account Name: **Police Wages**

Present balance in above appropriations: **\$ 687,669.55**

2. To be transferred to:
Account Number: **01-230-5130** Account Name: **Communications Overtime**

Explanation for requested transfer:

Communications has had significant challenges and lead time filling position. This critical operation must continue to serve the public which has required overtime to fill the require hours.

Request submitted by: Christopher Campbell, Communications Administrator, Ed Senteio, Finance Director

APPROVALS

Select Board:

Date of Meeting: _____

Number Present and Voting: _____

Approved by Majority, list vote: _____

Transfer disapproved (checkmark): _____

Signature:

Chairperson, Select Board

Finance Committee:

Date of Meeting: _____

Number Present and Voting: _____

Approved by Majority, list vote: _____

Transfer disapproved (checkmark): _____

Signature:

Chairperson, Finance Committee

TOWN OF FALMOUTH
Request for Appropriation Transfers
Between or Within Departments

Select Board Date: 7/10/2023
Finance Committee Date: 7/13/2023

SELECT BOARD & FINANCE COMMITTEE

Members:

Request is hereby made for the following transfers in accordance with Chapter 44, Section 33B, of the Massachusetts General Laws.

Amount requested: **\$ 30,000**

1. To be transferred from:
Account Number: **01-440-5212** Account Name: **Wastewater Electric**

Present balance in above appropriations: \$ 225,207.63

2. To be transferred to:
Account Number: **01-151-5300** Account Name: **Special Counsel**

Explanation for requested transfer:

Town Counsel's office exceeded its special counsel expenses this fiscal year due to unforeseen expenses related to a series of internal, departmental investigations. These investigations involved sensitive matters of employee relations and for this reason required the retention of specialized outside counsel to perform the labor-intensive work.

There are several bills that have yet to be provided. This is an estimate. Dollars not utilized will result in additional free cash.

The additional Wastewater Electric funds were the result of finding and correcting an error in the billing rate for the wastewater meter. At the April 2023 Town meeting it was uncertain that the correction would be in place by the end of the fiscal year. As a result, a transfer was made to the Wastewater Electric account. That transfer is essentially being repurposed.

Request submitted by: Maura O'Keefe, Town Counsel, Ed Senteio, Finance Director

APPROVALS

Select Board:

Date of Meeting: _____

Number Present and Voting: _____

Approved by Majority, list vote: _____

Transfer disapproved (checkmark): _____

Signature:

Chairperson, Select Board

Finance Committee:

Date of Meeting: _____

Number Present and Voting: _____

Approved by Majority, list vote: _____

Transfer disapproved (checkmark): _____

Signature:

Chairperson, Finance Committee

TOWN OF FALMOUTH
Request for Appropriation Transfers
Between or Within Departments

Select Board Date: 7/10/2023
Finance Committee Date: 7/13/2023

SELECT BOARD & FINANCE COMMITTEE

Members:

Request is hereby made for the following transfers in accordance with Chapter 44, Section 33B, of the Massachusetts General Laws.

Amount requested: **\$ 80,000**

1. To be transferred from:
Account Number: **01-440-5212** Account Name: **Wastewater Electric**

Present balance in above appropriations: \$ 225,207.63

2. To be transferred to:
Account Number: **01-913-5174** Account Name: **Unemployment**

Explanation for requested transfer:

There has been significant attempts to fraudulently claim unemployment benefits countrywide. These claims are being disputed; however, the Town must make payments to State Unemployment and receive compensation back. Fighting the issue has been successful but takes time. The Town is still waiting for the final bill unemployment bills for the Fiscal Year. Any dollars not used based on the estimate will be returned and result in Free Cash. Rather than estimate low and bring the unpaid bill to November Town Meeting this is the recommended request. This is a School and Town expense.

The additional Wastewater Electric funds were the result of finding and correcting an error in the billing rate for the wastewater meter. At the April 2023 Town meeting it was uncertain that the correction would be in place by the end of the fiscal year. As a result, a transfer was made to the Wastewater Electric account. That transfer is essentially being repurposed.

Request submitted by: Ed Senteio, Finance Director

APPROVALS

Select Board:

Date of Meeting: _____

Number Present and Voting: _____

Approved by Majority, list vote: _____

Transfer disapproved (checkmark): _____

Signature:

Chairperson, Select Board

Finance Committee:

Date of Meeting: _____

Number Present and Voting: _____

Approved by Majority, list vote: _____

Transfer disapproved (checkmark): _____

Signature:

Chairperson, Finance Committee

OPEN SESSION

BUSINESS

4. Vote to approve request from Lauren Weiss and Nicole Benardete, the managers of Cobalt Partners LLC, and owners of 23 Spencer Baird Road to apply to the Conservation Commission for permission to perform landscaping work within the road layout abutting 23 Spencer Baird Road **(5 minutes)**

Diane Davidson

From: Jim McLoughlin
Sent: Thursday, July 6, 2023 5:47 PM
To: Diane Davidson
Cc: Peter McConarty; Peter Johnson-Staub; Michael Renshaw
Subject: RE: Request to Perform Landscaping and Install Fence on Town Property

Hi Diane,
We would not recommend adding improvements in the right of way at this location.
Thanks,
Jim

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Thursday, July 6, 2023 11:00 AM
To: Jim McLoughlin <james.mcloughlin@falmouthma.gov>
Subject: FW: Request to Perform Landscaping and Install Fence on Town Property

Hi Jim,

Have you had a chance to review this request to perform landscaping work and add a fence within the road layout at 23 Spencer Baird Road?

This is scheduled for Monday's Select Board meeting.

Thank you,

Diane

From: Diane Davidson
Sent: Thursday, June 22, 2023 11:30 AM
To: Jim McLoughlin <james.mcloughlin@falmouthma.gov>
Cc: Jennifer Lincoln <jennifer.lincoln@falmouthma.gov>; Maura O'Keefe <maura.okeefe@falmouthma.gov>; Michael Renshaw <mike.renshaw@falmouthma.gov>
Subject: Request to Perform Landscaping and Install Fence on Town Property

Hi Jim,

We have received a letter from Kevin Klauer of Ament-Klauer on behalf of his client Cobalt Partners LLC seeking permission from the Select Board to apply to the Conservation Commission to do landscaping work within the road layout abutting 23 Spencer Baird Road (Assessor Parcel ID No. 49A 06 017 032). In the letter, attached, it states that in addition to landscape improvements, they are looking to add a post and rail fence within the road layout.

Could you please review the request and plan and provide your recommendations by Wednesday, July 5.

This request is penciled in on the July 10 Select Board agenda.

Please let me know if you have any questions, or if I can provide more information.

Thank you,

Diane

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

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.



June 15, 2023

Michael Renshaw, Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

RE: Request for permission to apply to Conservation Commission relative to landscaping work within road layout abutting 23 Spencer Baird Road (Assessor Parcel ID No. 49A 06 017 032)

Dear Mr. Renshaw:

Our office represents Lauren Weiss and Nicole Benardete, the managers of Cobalt Partners LLC, and the owners of 23 Spencer Baird Road (Assessor Parcel ID No. 49A 06 017 032). They are in the process of applying to the Conservation Commission in order to undertake landscaping improvements on their property and the area immediately abutting it that is within the road layout of Spencer Baird Road and Gosnold Road owned by the Town. As such, they are requesting the Selectboard's permission to seek approval from the Conservation Commission for that work within the road layout, which will include landscaping improvements and a post and rail fence. The work and area in question is depicted on the attached plan labeled as "Project: 23 Spencer Baird Road, Falmouth, Massachusetts; Drawing Title: Attachment Sketch" dated May 4, 2023, prepared by Cape & Islands Engineering.

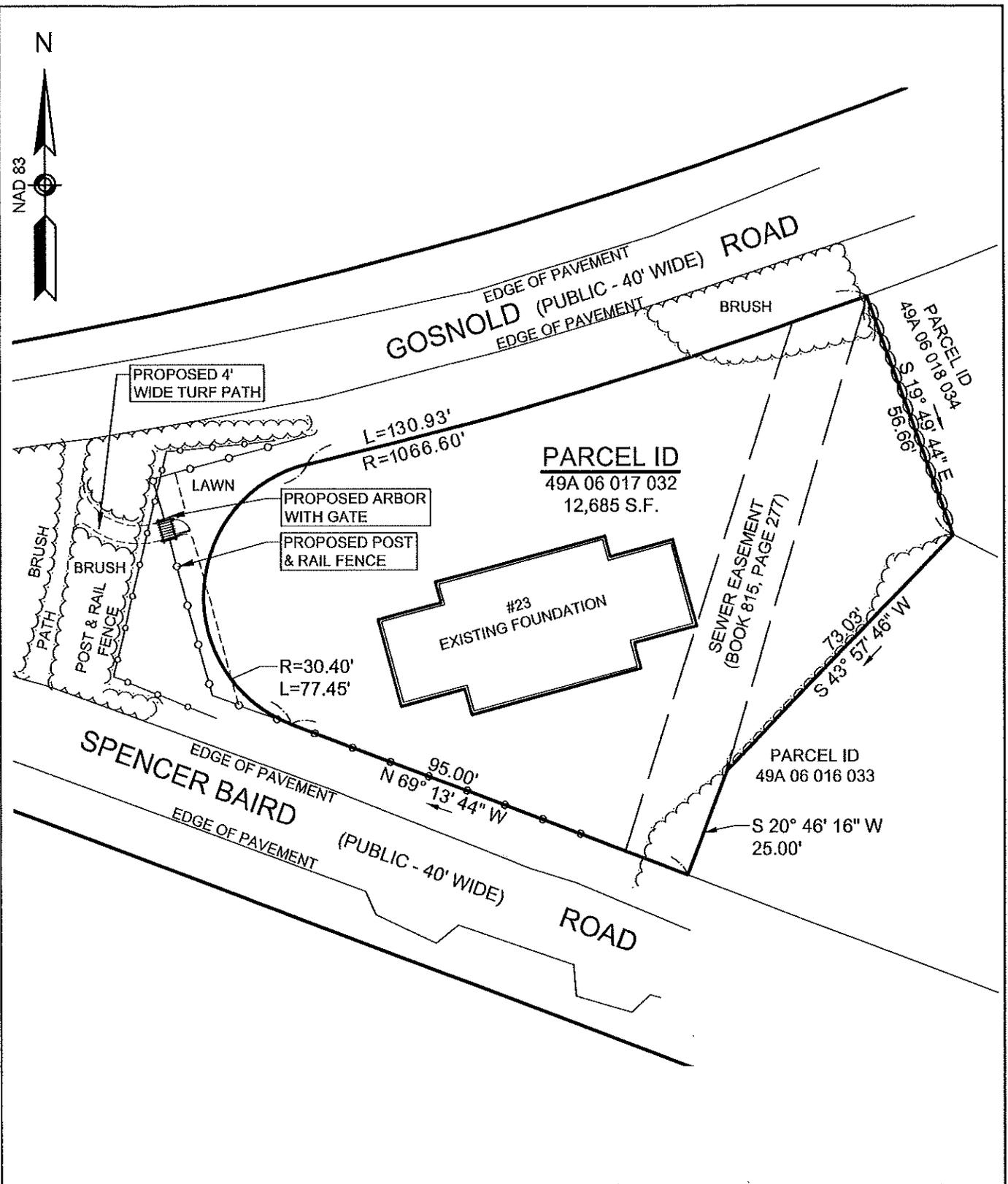
This request is simply for Ms. Weiss and Ms. Benardete to be able to seek permission from the Conservation Commission for work within the road layout. If the Conservation Commission allows the proposal, we would of course have to come back to the Selectboard for a license to undertake the work.

I would ask that the applicant's request for permission to apply to the Conservation Commission relative to work within the road layout of Gosnold Road and Spencer Baird Road be placed on the Selectboard's agenda at your earliest convenience and notify me accordingly of the schedule. Please do not hesitate to contact me with any questions or concerns. Thanks very much for your consideration of this request.

Very truly yours,

Kevin P. Klauer II

Enclosure



Project: 23 SPENCER BAIRD ROAD
FALMOUTH, MASSACHUSETTS

Drawing Title: ATTACHMENT SKETCH

CAPE & ISLANDS
ENGINEERING

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

Owner: COBALT PARTNERS LLC

Deed Ref: BOOK 35154 PAGE 300 Parcel ID No: MAP 49A-06-017-032

Date: MAY 4, 2023

Drawn By: JJF Check By: MCC

0 15 30
SCALE: 1" = 30'

OPEN SESSION

BUSINESS

5. Vote to approve request from New Silver Beach Improvement Association for a Grant of License to remove seaweed from town parcel 04A 41 000 098 at New Silver Beach in accordance with an Order of Conditions issued by the Conservation Commission **(10 minutes)**

TEMPORARY GRANT OF ACCESS LICENSE

The TOWN OF FALMOUTH, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts acting by and through its duly elected Select Board, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, hereby grants to the New Silver Beach Association, Inc. (the "Association") with a business mailing address of P.O. Box 1011, North Falmouth MA 02556, the following license to use certain portions of Town property located at 0 Moses Road, Falmouth MA 02536, more commonly known as New Silver Beach. The Property includes Assessor's Parcel ID 04A 41 000 098, and so much of those Town of Falmouth public ways that are included in the layouts of Ocean View Avenue and Silver Beach Avenue that constitute part of New Silver Beach. For reference see Deed dated January 23, 1956 and recorded with the Barnstable County Registry of Deeds as Book 933, Page 206. See also the Layout of New Silver Beach Avenues by the Falmouth Select Board dated January 27, 1905 and recorded with the Town Clerk as Town Clerk Book 2, Page 168 and the acceptance of the Layout of New Silver Beach Avenues by Town Meeting dated October 31, 1917 and recorded with the Town Clerk as Town Clerk Book 3, Page 13 (the "Property"). The Property is illustrated by the highlighted portions of Exhibit A, attached hereto.

The Access License is given for the nonexclusive use of the Property to conduct routine beach maintenance activities including screening, raking and clearing of the coastal beach. The purpose of this Access License is to allow members, employees and agents of the Association to enter onto and pass and repass over the Property with such equipment as may be necessary to conduct these activities in conformity with an Order of Conditions issued by the Falmouth Conservation Commission on July 22, 2020 and recorded with the Registry of Deeds at Book 33108, Page 247, and as more fully described below.

This Access License is granted upon the following expressed conditions:

- a. The Term of this license shall commence upon execution by the Select Board and shall continue until the expiration of the Order of Conditions on July 20, 2024. For authority, see the vote of the Falmouth Conservation Commission on May 17, 2023 to extend the above referenced Order of Conditions for one year to July 20, 2024.
- b. The License allows members of the Association, its employees and agents, to pass and repass over the Property to conduct routine beach maintenance at New Silver Beach.
- c. Placement of seaweed on any part or portion of the Property subject to this license by members of the Association, its employees or agents is expressly prohibited. Placement of seaweed or any trash, debris or detritus on the Property by the Association, its employees or agents in connection with this License will result in the revocation of the License.

- d. As a condition of this Temporary License, members of the Association, its employees and agents are required to adhere to all terms, conditions, and requirements of the Order of Conditions. Failure to adhere to the terms, conditions and requirements of the Order of Conditions will result in revocation of this License.
- e. Throughout the term of this License, the Association shall be obligated to perform any remediation as may be required by the Falmouth Conservation Commission. Any damage to the resource areas protected by the Wetlands Protection Act or the Falmouth Wetlands Regulations are subject to enforcement by the Conservation Commission.
- f. Said license is revocable by the Select Board at any time when they deem it appropriate to revoke the same in the best interests of the Town of Falmouth and/or public convenience, safety and needs; the Town may revoke this license by sending a notice to the grantee, its successors and assigns at the above-referenced property address and by thereafter within a reasonable time filing the revocation notice with the Town Clerk.
- g. Upon such revocation, the grantee, its successors and assigns shall, if and when directed by the Select Board, remove any equipment from the Town's property.
- h. If the Association, and their successors and assigns, fails to remove said equipment or perform any remediation required under this License, all the expenses of the Town to do same or have the same done or any expenses arising from the failure to comply with this license, including attorney's fees, costs and expenses and contractor fees shall be paid by the licensee, and their successors and assigns, to the Town upon demand, and if not so paid, shall, upon the recording of a Notice thereof in the Registry of Deeds or Registered Land Division, constitute a lien on said property, without limiting any other rights of the grantor.
- i. Until such revocation, this license shall continue permissively.
- j. The Association and their successors and assigns shall be forever obligated to indemnify, defend and hold harmless the Town of Falmouth, its agents, officers, officials and employees for any and all claims, actions, suits, or demands for personal injury or property damage arising out of the licensed encroachments and the grant of this License.
- k. Nothing contained in the License shall authorize the grantee, its successors and assigns to do any work or undertake any activity or to continue any activity not otherwise in full compliance with all applicable laws, rules and regulations; and

- l. The terms, conditions, agreements and covenants contained herein shall be binding on the grantee, its successors and assigns.
- m. This document shall be filed with the Town Clerk.

IN WITNESS WHEREOF, the seal of the Town of Falmouth is affixed hereto and these presents executed and delivered in its name and behalf by its Select Board, hereto duly authorized this _____ day of _____, 2023.

SELECT BOARD OF
THE TOWN OF FALMOUTH

Nancy Robbins Taylor, Chair

Edwin P. Zylinski II, Vice Chair

Douglas C. Brown

Onjalé Scott Price

Robert P. Mascali



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

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

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

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

Diane Davidson

From: Jennifer Lincoln
Sent: Friday, April 28, 2023 11:42 AM
To: Diane Davidson
Cc: Falmouth Conservation Commission; Robert Shaw; Andy Doherty; Alissa Bergeron
Subject: FW: New Sliver Beach License Agreement
Attachments: AGENDA - 2020-05-18.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Diane,

Just a heads up- The New Silver Beach Improvement Association is requesting an extension for there order of conditions for beach maintenance. They obtained the permit in 2020. Below is an email exchange between Falmouth Engineering and Frank Duffy regarding a license to work on Town property. I believed you checked and couldn't find that a license had been issued. Andy Doherty (copied above) will be reaching out to you on how to obtain a license so they can groom their beach this year. Bob Shaw will be conducting the work.

Thank you,

Jen

Jennifer L. Lincoln
Conservation Administrator

From: Mike Borselli <mike@falmouthengineering.com>
Sent: Tuesday, April 18, 2023 3:06 PM
To: Jennifer Lincoln <jennifer.lincoln@falmouthma.gov>
Subject: FW: New Sliver Beach

Hi Jen,

See the email correspondence from Frank Duffy below dated May 19, 2020.

I also presented the proposed plans to Board of Selectmen on May 18, 2020.

Attached is a copy of the Selectmen's agenda from May 18, 2020 as well.

I hope all this helps!

Michael J. Borselli, P.E.
President
Falmouth Engineering, Inc.
17 Academy Lane, Suite 200
Falmouth, MA 02540
508.495.1225

www.falmouthengineering.com

From: Frank Duffy <frank.duffy@falmouthma.gov>
Sent: Tuesday, May 19, 2020 11:52 AM
To: Mike Borselli <mike@falmouthengineering.com>
Cc: Kim Fish <kimberly.fish@falmouthma.gov>
Subject: RE: New Sliver Beach

I need owners name, address and property identification plus a sketch (not a plan). Can you get me this information?

Frank K. Duffy, Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

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From: Mike Borselli [<mailto:mike@falmouthengineering.com>]
Sent: Tuesday, May 19, 2020 11:13 AM
To: Frank Duffy
Cc: Kim Fish
Subject: RE: New Sliver Beach

Hi Frank,

My experience is that they would approve with a condition that work cannot start without the license. It would be better to have the license in hand if possible before the hearing.

We have not yet prepared or filed the Notice of Intent (The Con. Comm. Application).

I will send you a copy when I have it prepared.

Thank you.

Michael J. Borselli, P.E.
President
Falmouth Engineering, Inc.
17 Academy Lane, Suite 200
Falmouth, MA 02540

508.495.1225

mike@falmouthengineering.com
www.falmouthengineering.com

From: Frank Duffy <frank.duffy@falmouthma.gov>
Sent: Tuesday, May 19, 2020 8:03 AM
To: Mike Borselli <mike@falmouthengineering.com>
Cc: Kim Fish <kimberly.fish@falmouthma.gov>
Subject: New Sliver Beach

Michael: The BOS granted permission for the New Sliver Beach Assoc. to rake and screen the beach. I will prepare a license. Please send me a copy of the application to the Cons. Com. for an OC. I understand the OC will not be issued until the license has been prepared and signed. Is that correct?

Frank K. Duffy, Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

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Falmouth Conservation Commission

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

July 22, 2020

New Silver Beach Association
PO Box 1011
N Falmouth, MA 02556

RE: 0 Moses Rd, N Falmouth, MA
DEP# 25-4555

Dear New Silver Beach Association:

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

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

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

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

Sincerely,

Jennifer L. Lincoln, Conservation Administrator
Falmouth Conservation Commission

CC: Falmouth Engineering, Inc.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4555

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

A. General Information

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

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



1. From: Falmouth
Conservation Commission

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

3. To: Applicant:

a. First Name New Silver Beach Assoc b. Last Name _____
c. Organization _____
d. Mailing Address PO Box 1011
e. City/Town North Falmouth f. State MA g. Zip Code 02556

4. Property Owner (if different from applicant):

a. First Name _____ b. Last Name _____
c. Organization _____
d. Mailing Address _____
e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

a. Street Address 0 Moses Rd b. City/Town North Falmouth
c. Assessors Map/Plat Number 04A 41 d. Parcel/Lot Number 000, 93A-93E, 95, 96, 97, 98

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

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A. General Information (cont.)

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

Barnstable

a. County

24490,25366,25366,05275,00933,24490,09559,17118

b. Certificate Number (if registered land)

275,316,319,0049,0206,271,0060,127

d. Page

7. Dates: 06/03/2020 07/01/2020 7/22/2020
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 & Beach Profiles prepared for New Silver Beach Assoc, Inc, Falmouth, MA

a. Plan Title

Falmouth Engineering, Inc

Michael J Borselli, P.E.

b. Prepared By

c. Signed and Stamped by

06/26/2020

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

- a. 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
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B. Findings (cont.)

Denied because:

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. <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
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B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	<u>15,000+/-</u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	<u>15,000+/-</u> a. square feet	<u> </u> b. square feet		
22. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



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B. Findings (cont.)

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

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



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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 25-4555"
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

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

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

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

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

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4555

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

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

- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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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 hereby finds (check one that applies):
Conservation Commission

- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

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

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Falmouth Wetlands Bylaw

10.00

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):
see attached



Falmouth Conservation Commission

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

Name: New Silver Beach Association, Inc.
Address: Moses Road, Silver Beach Avenue & Ocean Avenue, Falmouth, MA
DEP #: 25-4555

FINDINGS:

1. The applicant requests to conduct routine beach maintenance activities including screening, raking and cleaning of the coastal beach on an "as needed" basis but not more than once a week.
2. The Commission finds the placement of the Association lifeguard chairs within the Town road layout of Silver Beach Avenue and Ocean Avenue blocks public access to town owned property.
3. The Commission is concerned with the use of any machinery that sorts the cobble and rocks from the beach sediment. The activities proposed should not remove cobble or rocks from the sediment which will alter the volume and form of the beach increasing the risk of erosion.
4. Resource areas on site or within 100 feet of the proposed project include Coastal Beach, Coastal Dune, Coastal Bank (manmade), Land Subject to Coastal Storm Flowage (LSCSF), Land Subject to Tidal Action, Land Under Ocean and Land Containing Shellfish.

INTERESTS

1. Storm Damage Prevention
2. Flood control
3. Protection of land containing shellfish
4. Protection of fisheries
5. Protection of wildlife habitat

STANDARD CONDITIONS

1. Permission is granted to New Silver Beach Association, Inc. at the beach parcels Moses Road, Silver Beach Avenue & Ocean Avenue, Falmouth, MA, to conduct routine beach maintenance activities including screening, raking and cleaning of the coastal beach according to the plan prepared by Falmouth Engineering, Inc. dated June 3, 2020 and revised June 26, 2020, entitled "Site Plan and Beach Profiles" (sheets 1 and 2) and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to

impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.

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

9. 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.
10. Any other proposed activities (alteration, fill, excavation or removal of vegetation) within any Resource Area or within 100 feet of any Resource Area will require that the applicant obtain all necessary permits from the Conservation Commission.
11. Before work can begin (i.e. clearing or construction) the Town of Falmouth Conservation Commission Form(s) 1 and 2 are to be submitted to the Conservation Department, identifying the General Contractor (GC) and other responsible parties and signed by the GC and all other responsible parties confirming that the signatories thereto have read and understand the Order of Conditions and that they jointly and severally take responsibility for compliance with the OOC on site during the life of the project. These documents shall be submitted with the ten (10) day start work notification required by Standard Condition #8(b).
12. Any changes to the plan of record noted in Standard Condition 1 above, no matter how minor in scope, including, but not restricted to, changes in the building footprint and appendages such as decks, addition and/or modification of accessory structures, changes in landscape features such as patios, retaining walls, plantings, removal of vegetation, the modification of finished grades, etc. require that the applicant obtain the permission of the Conservation Commission *before* undertaking the modified work. Depending on the scope of the change, said permission may be obtained by filing for an Administrative Approval, an amended Order of Conditions, or entirely new Notice of Intent. Failure to comply with this condition may subject the applicant to an enforcement order and/or fines.
13. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. If this Order is based on a professionally rendered drawing then a letter must be submitted from an engineer or architect certifying full compliance and any deviation from the approved plans, as well as, an "Existing Conditions" plan. This plan shall include ALL structure and landscape features including patios, retaining walls, ornamental plantings, native plantings, AC units, steps, outdoor showers, walkways, etc. Any mitigation trees for the project shall be located and identified to species. Any mitigation shrubs for the project shall be delineated on the plan, labeled as "native buffer shrubs" and the final square footage noted. A request for a Certificate of Compliance shall be made in writing immediately following completion of all work including permanently stabilizing the site with vegetation.

SPECIAL CONDITIONS:

1. The applicant shall contact the Conservation Commission at least 24 hours prior to **any and all** maintenance activities. An email to concom@falmouthma.gov is a sufficient form a notification.
2. Prior to conducting the work the Conservation Commission shall meet with and approve in writing the contractor hired to perform the beach maintenance activities.
3. The lifeguard stands/chairs shall not be located within the Ocean Avenue and Silver Beach Avenue layouts.

4. Maintenance activities shall not be performed more than once a week unless approved in writing by the Conservation Department. Activities can occur only during the time frame between May 1st and August 31st of each year.
5. Prior to any maintenance activities the applicant shall clearly mark the Mean High Water line so that it is visible throughout the summer.
6. All screening shall be done by hand or with a beach rake, the tines of the rake shall stay at the surface of the beach so that stones and cobble are not sorted from the coastal beach. All work shall be done above Mean High Water (or Spring High Tide) and shall be carried out parallel to the waters edge. No work shall be done below Mean High Water except as approved by the Conservation Commission and then only to remove glass or hazardous debris.
7. Ten percent (10%) of the wrack line shall remain to provide a food source for nesting and migratory shorebirds.
8. There shall be no work within five (5) feet of any existing dune.
9. The edge of the dune shall be marked with wooden posts and string/rope to delineate the toe of the dune at all times maintenance activities occur.
10. There shall be no disturbance of existing vegetation on the beach and/or dune.
11. No sand or other sediment shall be removed from the beach to another location.
12. All manmade debris is to be removed from the Coastal Beach, Coastal Dunes. Trash picked up during screening operations shall be immediately removed and disposed of legally off site.
13. The snow fence may be installed in November of each year, in a saw tooth pattern or staggered rows, to allow for natural accretion of the beach. If installed the fencing shall be properly maintained, removal of the fence shall occur in May of the following year.

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

**VOTE AUTHORIZING SIGNATURES OF
COMMISSIONERS**

On March 18, 2020, the Falmouth Conservation Commission met in open session through publicly accessible video-conference software, pursuant to the Order Suspending Certain Provisions of the Open Meeting Law, issued by Governor Charles D. Baker on March 12, 2020. At this duly held meeting, the following action was taken by the Falmouth Conservation Commission.

Motion: To authorize Jennifer Lincoln, Falmouth Conservation Administrator, to physically sign Falmouth Conservation Commission documents on behalf of individual Falmouth Conservation Commission members.

Vote: Unanimous

Vice Chairman Russell Robbins—Aye
Commissioner Elizabeth Gladfelter—Aye
Commissioner Maureen Harlow-Hawkes—Aye
Commissioner Courtney Bird—Aye
Alternate Commissioner Kevin O'Brien—Aye
Alternate Commissioner Peter Walsh—Aye
Commissioner Mark Gurnee—Aye
Chairman James Mathews—Aye

The above is a true and accurate account of the proceedings of the Falmouth Conservation Commission.

James C Mathews
3-27-20

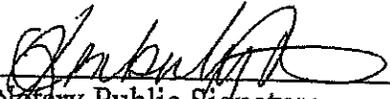
James Mathews, Chairman

Date

The Commonwealth of Massachusetts
County of Barnstable

On this 27 of March 2020, before me, Kimberly Fish
(name of notary public), James Mathews personally appeared
and proved to me through satisfactory evidence of identification,
which were personally known to me, to be the
person whose name is signed on the preceding document, and
acknowledged to me that he signed it voluntarily for its stated

purpose.



Notary Public Signature

KIMBERLY FISH
NOTARY PUBLIC, COMM OF MASSACHUSETTS
MY COMMISSION EXPIRES MARCH 5, 2021



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:
 25-4555
 MassDEP File # _____
 eDEP Transaction # _____
 Falmouth
 City/Town

E. Signatures

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

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

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

7/22/2020

1. Date of Issuance

4

2. Number of Signers

Signatures:

Jamie Mathews, chair *by Jennifer L. Lynch*
 Courtney Bird *by Jennifer L. Lynch*
 Elizabeth Gladfelter *by Jennifer L. Lynch*
 Kevin O'Brien *by Jennifer L. Lynch*
 Conservation Administrator

by hand delivery on

by certified mail, return receipt requested, on

Date _____

7/22/20
 Date # 7012 0470 0001 3617 8764

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.

OPEN SESSION

BUSINESS

6. Application for a Change of Manager and a Change of DBA of a Wine & Malt Beverages Package Store License – MPG Corporation d/b/a Garrett's Family Market, located at 435 Palmer Avenue, Falmouth **(10 minutes)**

LICENSE APPLICATION REVIEW

Restaurant/Business: MPG Corp. d/b/a Garrett's Family Market

Address: 435 Palmer Avenue

License Type: _____

New or Transfer of License _____

or

Change of License Change of Manager – Change of DBA

Police No Objection

Fire No Objection

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

Assessor _____

Tax Collector _____

Wastewater _____

NOTES:

Proposed Manager, Richard Cleary completed the town background 5/18/23.



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

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

APPLICATION FOR MULTIPLE AMENDMENTS

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

ECRT CODE: RETA

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

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

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

00220-PK-0390

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN

STATE

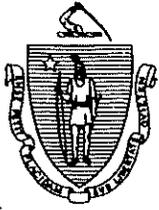
ZIP CODE

For the following transactions (Check all that apply):

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

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

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



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

APPLICATION FOR MULTIPLE AMENDMENTS

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
MPG Corporation	Falmouth	00220-PK-0390

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

This is an application to have a change of Manager and change our DBA name to Garrett's Family Market

APPLICATION CONTACT

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

Name	Title	Email	Phone
Melina Behnke	Marketing & Project Specialist	mbehnke@voltaoil.com	774-404-7067

2. AMENDMENT-Change of License Classification

<input type="checkbox"/> Change of License Category All Alcohol, Wine and Malt, Wine Malt and Cordials	Last-Approved License Category	<input type="text"/>
	Requested New License Category	<input type="text"/>
<input type="checkbox"/> Change of License Class Seasonal or Annual	Last-Approved License Class	<input type="text"/>
	Requested New License Class	<input type="text"/>
<input type="checkbox"/> Change of License Type* i.e. Restaurant to Club *Certain License Types CANNOT change once issued*	Last-Approved License Type	<input type="text"/>
	Requested New License Type	<input type="text"/>

3. AMENDMENT-Change of Business Entity Information

<input type="checkbox"/> Change of Corporate Name	Last-Approved Corporate Name:	<input type="text"/>
	Requested New Corporate Name:	<input type="text"/>
<input checked="" type="checkbox"/> Change of DBA	Last-Approved DBA:	Rapid Refill
	Requested New DBA:	Garrett's Family Market
<input type="checkbox"/> Change of Corporate Structure LLC, Corporation, Sole Proprietor, etc	Last-Approved Corporate Structure	<input type="text"/>
	Requested New Corporate Structure	<input type="text"/>

4. AMENDMENT-Pledge Information

<input type="checkbox"/> Pledge of License	To whom is the pledge being made:	<input type="text"/>
<input type="checkbox"/> Pledge of Inventory		
<input type="checkbox"/> Pledge of Stock		

5. AMENDMENT-Change of Manager

Change of License Manager

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 Last-Approved License Manager

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
09/1994	09/2004	Store Manager	Payless Shoesource	John Hirinda
09/2004	09/2014	Store Manager	Verc Enterprises	Anna Bettencourt
09/2011	06/2017	Limo Driver	Boston's Best Transportation	Bill Higgins
01/2014	Current	Store Manager	MPG Corporation	Meaghan Jacobs

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

APPLICANT'S STATEMENT

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

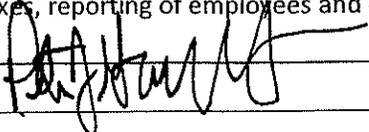
of MPG Corporation
Name of the Entity/Corporation

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

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

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

Signature:



Date:

May 15, 2023

Title:

President



The Commonwealth of Massachusetts
 William Francis Galvin

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

A TRUE COPY ATTEST

William Francis Galvin
 WILLIAM FRANCIS GALVIN
 SECRETARY OF THE COMMONWEALTH
 DATE 6/9/23 CLERK PULH

Annual Report

(General Laws, Chapter 156D, Section 16.22; 950 CMR 113.57)

Identification Number: 042927066

1. Exact name of the corporation: M.P.G. CORPORATION

2. Jurisdiction of Incorporation: State: MA Country:

3,4. Street address of the corporation registered office in the commonwealth and the name of the registered agent at that office:

Name: PETER GARRETT
 No. and Street: ONE ROBERTS ROAD
 City or Town: PLYMOUTH State: MA Zip: 02360 Country: USA

5. Street address of the corporation's principal office:

No. and Street: ONE ROBERTS ROAD
 City or Town: PLYMOUTH State: MA Zip: 02360 Country: USA

6. Provide the name and addresses of the corporation's board of directors and its president, treasurer, secretary, and if different, its chief executive officer and chief financial officer.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	PETER J. GARRETT	91 SURPLUS ST. DUXBURY, MA 02332 USA
TREASURER	STEPHEN GARRETT	73 EAGLE'S NEST RD DUXBURY, MA 02332 USA
SECRETARY	STEPHEN GARRETT	73 EAGLE'S NEST RD DUXBURY, MA 02332 USA
CHAIRMAN	JAMES S GARRETT	237 KING CEASAR RD DUXBURY, MA 02332 USA
DIRECTOR	PETER J. GARRETT	91 SURPLUS ST. DUXBURY, MA 02332 USA
DIRECTOR	CYNTHIA GARRETT	10 DRIFTWOOD DRIVE DUXBURY, MA 02332 USA
DIRECTOR	STEPHEN GARRETT	73 EAGLE'S NEST RD DUXBURY, MA 02332 USA
DIRECTOR	BRUCE G. GARRETT	34 CAHOON ROAD BUZZARDS BAY, MA 02532 USA
DIRECTOR	JAMES S GARRETT	237 KING CEASAR RD DUXBURY, MA 02332 USA

7. Briefly describe the business of the corporation:

RETAIL GAS AND CONVENIENCE STORE CHAIN

8. Capital stock of each class and series:

Class of Stock	Par Value Per Share Enter 0 if no Par	Total Authorized by Articles of Organization or Amendments		Total Issued and Outstanding Num of Shares
		<i>Num of Shares</i>	<i>Total Par Value</i>	
CNP	\$0.00000	275,000	\$0.00	10,000

9. Check here if the stock of the corporation is publicly traded:

10. Report is filed for fiscal year ending: 09/30/ 2022

Signed by PETER J. GARRETT, its PRESIDENT
on this 23 Day of August, 2022

OPEN SESSION

BUSINESS

7. Application for a Common Victualler License – The Tea Room, LLC d/b/a The Tea Room, to be exercised at 196 Crystal Springs Avenue, North Falmouth **(5 minutes)**

Phyllis Downey

From: Morgan Cardoso
Sent: Thursday, June 29, 2023 11:36 AM
To: Phyllis Downey; Brian Reid; Sean Doyle; Craig O'Malley; Boyd Demello; Gary Street; Scott McGann
Cc: Linda Kinchla
Subject: RE: Application common Victualler License-The Tea Room

Hi Phyllis,

We have received a complete application and currently have their pre-operational inspection scheduled for July 6th at 10am.

Thank you,



Morgan Cardoso
Health Inspector
(508) 495-7486 | morgan.cardoso@falmouthma.gov
Town of Falmouth Health Department
59 Town Hall Square, Falmouth, MA 02540

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Tuesday, June 27, 2023 8:08 AM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Gary Street <gary.street@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>
Cc: Morgan Cardoso <morgan.cardoso@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>
Subject: Application common Victualler License-The Tea Room

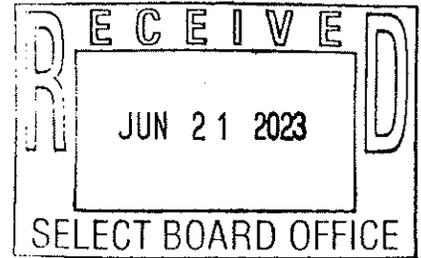
Good morning,

The Tea Room forgot to apply to renew its Common Victualler License for 2023 and has submitted the attached application for the Select Board's approval on July 10th pending completion of their 2023 Food Service Establishment Permit.

If your office has any recommendations for the Select Board please forward them by Thursday July 6th.

Thank you,
Phyllis

Phyllis Downey
Town of Falmouth
59 Town Hall Square
Falmouth MA 02540
508-495-7325



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: Holly Pacella TITLE: Manager

HOME ADDRESS: 196 Crystal Spring Ave.
Town: N. Falmouth State: MA Zip code: 02556

BUSINESS NAME: The Tea Room, LLC

D/B/A if any: The Tea Room

BUSINESS ADDRESS: 196 Crystal Spring Ave
Town: N. Falmouth State: MA Zip code: 02556

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

FEDERAL ID #: MANAGER OF RECORD: Holly Pacella

EMAIL - required:

TELEPHONE - BUSINESS: (508) 641-8948 ALTERNATE:

DAYS OF OPERATION: 7 days

HOURS OF OPERATION: 8 AM - 11 PM

SEATING CAPACITY : 24

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

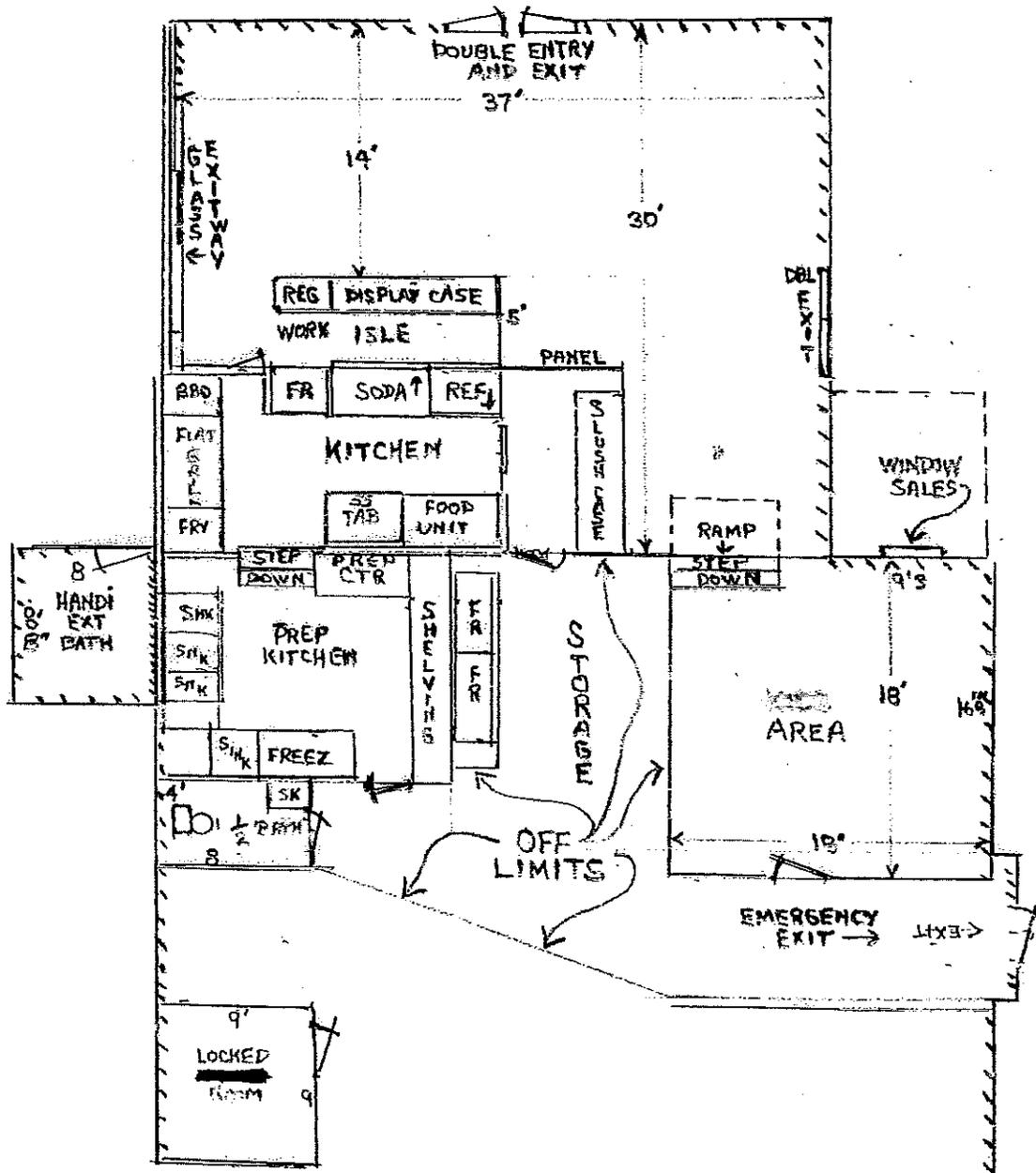
**DATE:

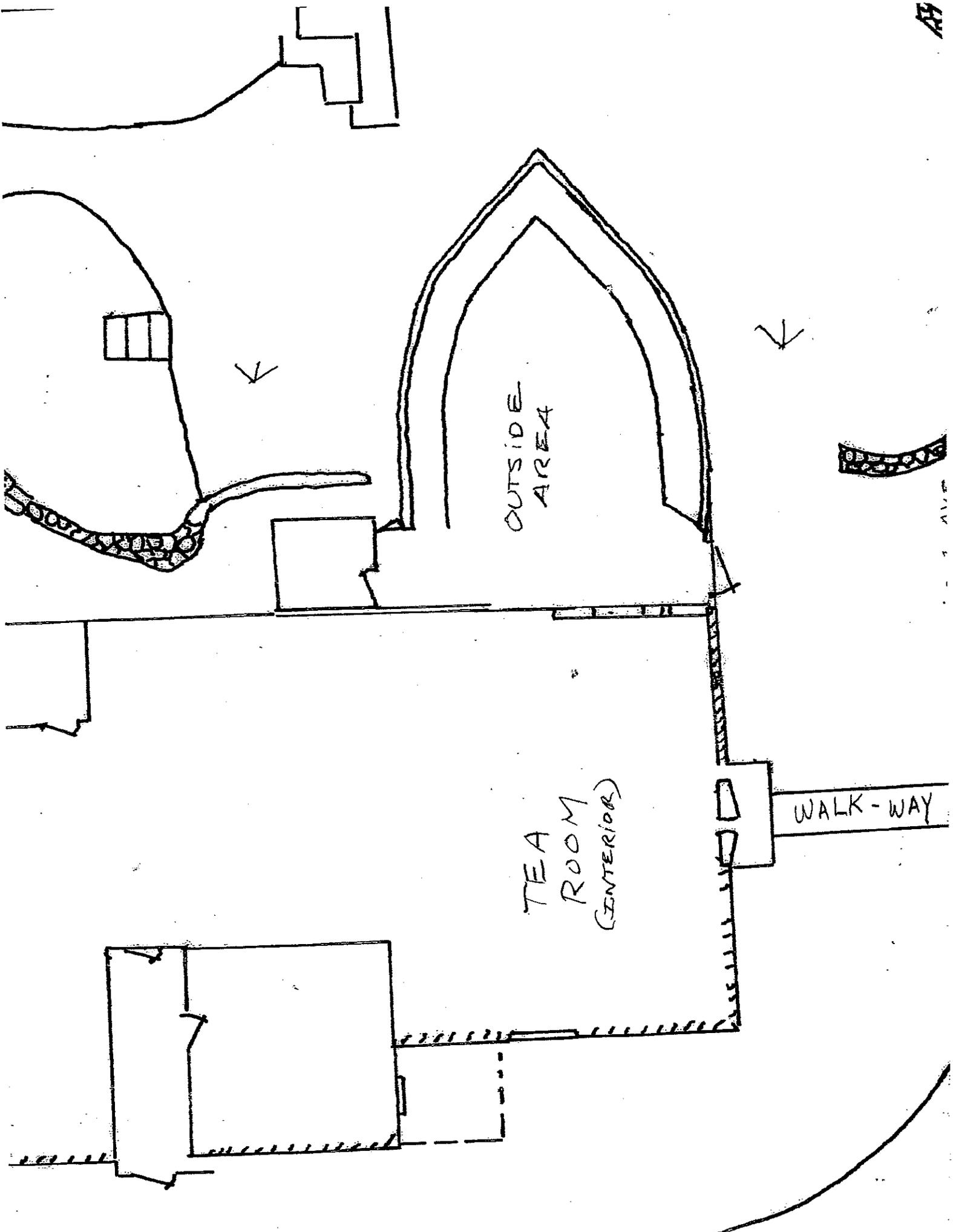


Signature: OWNER or MANAGER of RECORD

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





OUTSIDE
AREA

TEA
ROOM
(INTERIOR)

WALK-WAY

CRYSTAL SPRING AVE



Breakfast

Boat Load

Giant egg sandwich with bacon, sausage, or ham with hash brown

OMG Omelettes

You name it, we can build it

Vancakes

Two blueberry pancakes

The Good Mooring

Two buttermilk pancakes

The Bikini Bucket

Fresh fruit sliced daily

The Mooring After

Cinnamon French Toast

Homemade Blueberry Bread

Donuts & Muffins

Lunch

Italian Grilled Cheese

Fresh mozzarella, garden tomato, pesto, balsamic glaze on grilled scall bread

High Tide Wings

Buffalo wings, boneless or bone in

Low tide wings

Plain wings, boneless or bone-in

Van-Go

Grilled chicken, honey mustard, lettuce tomato on a wrap

Life Boat

Call the coastguard! Shaved steak, and American cheese, peppers, onions on a grilled bun

Schooner

Tuna Melt on wheat bread

Tan Rancher

Crispy fried chicken with lettuce, tomato, ranch dressing and shredded cheese on a wrap

W.H.Y.C

Wheat, ham and yummy cheese

Wild Harbor Burger

Bacon cheeseburger with lettuce, garden tomatoes on a grilled sesame bun

Beetle Cat

Grilled cheese, double the cheese, double the yum!

Cleveland Ledge

Jumbo hot dog

Dinghy Dog

Hot dog in a bun

Tender Dog

Two chicken tenders on a grilled hot dog roll.

Golden Nuggets

Chicken nuggets – 6, 12, or 20 pieces

Sophie's Surprise

Chicken breast with peppers, onions and american cheese on a grilled sub roll

Life Guard

Large fresh garden salad

Life Guard with Muscles

Garden salad with chicken or tuna

Cubby

Delicious medium rare cheeseburger on a grilled sesame seed bun with freedom fries

The Cape Cod Trifecta

Fried clams, scallops and fish

Fried clams – roll/dinner

Fried Scallops – roll/dinner

Homemade Stuffed Quahogs – when available

OPEN SESSION

BUSINESS

8. Approve a Letter of Support to the Massachusetts DOT for the design and construction of a pedestrian walkway along a segment of Woods Hole Road **(5 minutes)**



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

July 11, 2023

Ms. Mary-Joe Perry, District Highway Director
MassDOT District 5
1000 County Street
Taunton, MA 02780

Re: Proposed Shared Use Path/Sidewalk on Woods Hole Road

Dear Ms. Perry,

We request your office investigate and ultimately construct a Shared use Path or Sidewalk along Woods Hole Road from Kettle Hole Road (where the current sidewalk terminates) to the existing sidewalk at Harbor Hill Road (where the current sidewalk continues to Woods Hole), a distance of approximately 2.6 miles.

As you know, this road experiences in excess of 10,000 trips per day.

Eliminating the pedestrian and bicycle gap in connectivity between Main Street in Falmouth and the Village of Woods Hole and the Ferry to Martha's Vineyard and Nantucket would provide a significant improvement to the health and safety of the Falmouth community and our visitors.

As part of this project we also requesting a crossing be provided at the signalized intersection of Woods Hole Road and Oyster Pond and Quissett Harbor Roads. The current signal does not allow for a crossing signal to be implemented.

Please contact our office if we can provide additional information.

Sincerely,

Nancy Robbins Taylor, Chair
Falmouth Select Board

WOODS HOLE ROAD



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

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

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

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

Diane Davidson

From: Kristin Alexander [REDACTED]
Sent: Tuesday, June 13, 2023 1:46 PM
To: Falmouth Selectboard
Subject: Pedestrian access Woods Hole Road
Attachments: May 24th 2023.pdf

Hello

I would like to speak with the select board about planning for pedestrian access on State Road Woods Hole Road. This road is changing with the increased traffic, and I feel planning is necessary for future. In this future plan I propose a pedestrian walkway.

There is support for a pedestrian walkway along Woods Hole Rd where the sidewalk ends at Kettle Hole Road in Falmouth and begins again in Woods Hole at Glendon Rd.

This road has no berm or area to step off the side, and there are many neighborhoods where people would like access to Falmouth, Woods Hole or bike path without using a car.

I have a petition with 65 residents signatures (attached) from various areas in Falmouth as well as an online petition that began June 7 here: <https://www.change.org/WalkwayWoodsHoleRd>

I have spoken with MassDOT about funding (as it is State Rd) and they are looking at where money will go in next 4 years. I have discussed with Cape Cod Commission regarding connecting streets. There is a post-doc at MIT working on imagery to show where this could work. Representative Dylan Fernandes is in support.

Please let me know if you would support this, and if I can meet to discuss.

Kind regards,

Kristin Alexander
[REDACTED]

May 24th 2023

We the undersigned request a pedestrian walkway and or sidewalk along Woods Hole State Road between Falmouth and Woods Hole.

In some sections there is no ability to step off the roadway. This is extremely dangerous due to the increased traffic over the years, including large freight trucks for the Steamship Authority, buses and seasonal population increase from 30-40,000- 100-150,000 people. (Census)

A walking path or sidewalk will allow pedestrians to access Falmouth without driving, will decrease the dangerous blind curves in roadway by enhancing visibility and allow safer traffic flow from residential side streets. There is no access to bike path, and a sidewalk will allow this as well.

With no shoulder or buffer in many areas on this 2-lane state highway (which is the main artery for all traffic to the islands) a safer solution is necessary. The road has changed over time and a pedestrian walkway is long overdue.

Signature

Address

OPEN SESSION

BUSINESS

9. Capital Project Update: Youth Baseball Fields Safety and Accessibility Improvements **(15 minutes)**



TOWN OF FALMOUTH

DEPARTMENT OF PUBLIC WORKS



Peter M. McConarty, P.E., P.L.S.
Director

416 Gifford Street
Falmouth, MA 02540
Cape Cod

Tel: 508-457-2543
Fax: 508-457-1537
Email: peter.mcconarty@falmouthma.gov

Date: July 6, 2023

To: Michael Renshaw, Town Manager

From: Peter M. McConarty, Director of Public Works

Re: John Neil Baseball Complex - Status Report

PURPOSE:

Below is an outline of Public Works involvement with the proposed site work project located at the John Neil Baseball Complex on Gifford Street.

BACKGROUND / SUMMARY:

- Article 35 of the April 2022 Town Meeting warrant was passed and recommended safety and accessibility improvements to two of the three complex fields. Recreation Director Joe Olenick was the responsible department head in charge of this project.
- Engineering / design consultant CDM Smith was awarded the project.
- On February 23, 2023, a full set of plans and specifications were emailed to the Public Works Engineering Division at the end of the day. The bid document contained 566 pages with an additional 22 full size plans to be reviewed by Public works.
- The email indicated that a bid opening date of March 8, 2023 was to be set.
- The documents also indicated that all field level work was to be completed by April 15, 2023.
- Per the required compliance with bidding and municipal procurement laws, these target dates were not realistic.
- The Engineering Division has previous experience working with this particular consultant on the Governor Fuller Field project. Due to the problems encountered under that project, the Engineering Division needed to proceed cautiously.
- Public Works has started performing a full review of the bid documents and plans and will continue reviewing during the July / August timeframe. We will identify any issues that the consultant will need to address.
- Barring no major issues, we anticipate that the project can be advertised in early September with a construction start date in October / November.
- This type of site work improvements cannot take place while the fields are open for play. The work needs to be completed during the off-season or the fields need to be shut-down until the work is completed.
- We have been informed that the fields will need to be closed and the fall 2023 baseball season cannot take place due to the unreliability of the field lights. We have offered to the Recreation Committee that we can have our Town Electrician troubleshoot the field lighting system to see if we can get the

lights up and running in order to have the fall baseball season take place. There is no guarantee that the lights will be functioning, but we will look into the matter.

DEPARTMENT RECOMMENDATION:

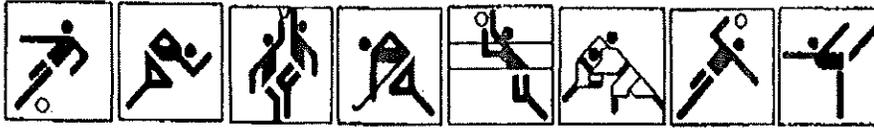
- Public Works requests that all future projects involving this department be reviewed and signed off by Public works management.
- In addition, we will indicate a date when the department can take on the additional project workload.
- Public Works will also be requesting an additional employee in 2024 to help with the workload that is continuously being increased due to the expansion of the Divisions responsibilities.

Respectfully submitted,

Peter M. McConarty
Director of Public Works

Cc: Peter Johnson Staub, Assistant Town Manager
Joe Olenick, Recreation Director
James McLoughlin, Town Engineer

Falmouth Recreation Department



GUS CANTY COMMUNITY CENTER

Joe Olenick

Recreation Director

John Neil Fields CPC Project

- 4-13-2020 – Town Meeting Approved \$45,000 for a Study and Planning of the John Neil Fields
- 12-3-2021 – Received the Agreement from CDM Smith for the Study and Planning of conditions and needs of the complex
- 2-1-2021 – Agreement for the study signed by the Town Manager.
- 6-18-2021- Received the first site plan for the project
- 8-6-2021 – Received estimated list of probable costs
- 8-9-2021 – Added lights to the list of probable costs
- 12-9-2021 – 1.4 Million approved by CPC for the Design and Construction, we presented multiple design scenarios hoping for the best result
- 4-4-2022 – 1.4 Million approved by Town Meeting for Design and Construction
- 5-12-2022 – Received final rendered site plan /cost estimate
- 7-18-2022 – Agreement signed for final design and construction
- 11-21-22 – Informed about underground conduit not sufficient for new Musco Lights
- 11-30-2022 – Received 60% Rendered plans
- 12-6-2022 – Informed the cost of Lighting for both fields was estimated at 1.4 million, due to the insufficient conduit
- 2-23-2023 – Received 100% Plan Set
- 2-23-2023 – Received Final Bid-I forwarded it to Engineering

Any Site plans and cost estimates were forwarded to the Engineering Department and CPC. After being informed of the new cost estimate of the lighting we began adjust what we could do for the project.

OPEN SESSION

BUSINESS

10. Vote to authorize project eligibility letter for 40B comprehensive permit site approval application: 300-Unit rental housing proposal located at 375 Sandwich Road **(5 minutes)**



ITEM NUMBER: Business Agenda Item 10.

ITEM TITLE: Project Eligibility Letter for 300-unit rental housing proposal located at 375 Sandwich Road

MEETING DATE: July 10, 2023

WORK SESSION **VOTING SESSION** **PUBLIC HEARING**

SUBMITTED BY: Peter Johnson-Staub, Assistant Town Manager

ATTACHMENTS: Conservation Land Manager Memo June 30, 2023
Wastewater Superintendent Memo June 30, 2023

PURPOSE:

We seek Select Board approval of a letter to submit to MassHousing in connection with the developer's application for project eligibility and site approval pursuant to the MA G.L. c. 40B comprehensive permit process. The purpose of the letter is to encourage the developer to take certain actions to mitigate the impacts of the proposed 300-unit rental housing proposal.

BACKGROUND/SUMMARY:

- Procedural Overview:
 - The developer, "The Easterly, LLC", is applying for a comprehensive permit under MA G.L. c. 40B.
 - MassHousing will determine whether or not to grant project eligibility and site approval. If approved by MassHousing at this stage, the developer will then submit a comprehensive permit application to the Falmouth Zoning Board of Appeals.
 - The Town's ability to influence MassHousing's decision to grant project eligibility and site approval is limited given that Falmouth has not reached the statutory affordable housing threshold of 10%.

- The 'project eligibility letter' is an opportunity for the Select Board to go on the record with its position on the project which may influence future decisions of the developer or the Zoning Board of Appeals.
 - The developer presented an overview of the project at a Select Board meeting on April 24, 2023.
 - Town staff met with the developer and MassHousing at the project site and at an earlier meeting at Town Hall. Town staff reviewed the application submitted to MassHousing.
 - The Select Board has 30 days from submission of the application to submit a letter to MassHousing. The Town received an extension of this timeline in order to submit comments by July 14, 2023.
- Project Description:
- Project located on two parcels totaling 43 acres on Sandwich Road in East Falmouth.
 - 300 units of rental housing of which 75 units will be affordable – the minimum 25% required under 40B proposed now.
 - Five 4-story residential buildings and a 1-story clubhouse proposed
 - A large portion of these two parcels remains undeveloped under this proposal. The developer had stated that they may pursue additional units of housing at a future date.
- Project Benefits:
- There is an unquestioned need for the 75 units of affordable rental housing that this proposal would create.
 - One- and two-bedroom units are identified as a priority in the Falmouth Housing Production Plan of 2018.
- Project Impacts:
- The size of the project and the location raise concerns regarding environmental and traffic impacts.
 - The property is not located within the Town sewer service area and the Town does not have authority to expand the sewer service area under MA Department of Environmental Protection permits to accommodate this location.
 - The Town wastewater treatment and discharge facilities do not have capacity to accommodate the wastewater flow from this development unless the Town reduces the scale of planned Teaticket-Acapesket sewer project or limits redevelopment within the existing sewer service area.
 - The amount of nitrogen that this project would generate, even with a state of the art onsite treatment system (the Town's preferred option) will compromise the Town's current plans to achieve nitrogen reduction goals to improve the Great Pond watershed. Approval of this project will require the Town to sewer additional properties in the Great Pond watershed to make up for the nitrogen this project would add to this watershed.
 - The Town is approaching capacity limits to supply treated potable water to the Town. A project of this scale, outside of the areas planned for dense development, in combination with other development proposals may lead to the need for water conservation measures and/or development of additional potable water treatment and supply capacity.



- The project site is not walkable to services and is not located on any fixed route transportation service at present. The size of the project raises traffic concerns which will require study.
- Much of the project site contains pitch pine/oak woodlands with a thick understory of native plants. This valuable habitat, which is conducive to Eastern Box Turtle populations, will be lost unless the project site is move further west within the subject parcel.

DEPARTMENT RECOMMENDATION:

We recommend the Board approve the enclosed draft letter with, or without amendments, to formally request the developer take certain actions to mitigate the impacts of this project.

OPTIONS:

- 1) Approve proposed letter as submitted;
- 2) Authorize Chair to revise and submit letter;
- 3) Take no action, do not approve letter;

BUDGET INFORMATION: Applicable: Not Applicable: X Budgeted: Yes No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board approve the enclosed letter with, or without amendments, to formally request the developer take certain actions to mitigate the impacts of this project.

Town Manager

Date



TOWN of FALMOUTH

DEPARTMENT OF PUBLIC WORKS, WASTEWATER DIVISION

416 GIFFORD STREET, FALMOUTH, MASSACHUSETTS 02540
TELEPHONE (508) 457-2543 x 3018

AMY LOWELL
WASTEWATER SUPERINTENDENT

MEMORANDUM

To: Town Manager

Cc: Town Planner, Zoning Administrator

Date: June 30, 2023

Re: Wastewater Division Comments on Saxon Partners' Comprehensive Permit Application for Proposed Development at 375 Sandwich Road

Saxon Partners has submitted a Comprehensive Permit application for a plan to construct a 300 unit residential development at 375 Sandwich Road. The way the proposed development is concentrated on one third of the available lot area (with no conservation or other restriction proposed on the rest of the area) indicates that additional development of up to 600 additional units may be envisioned for the property. Saxon Partners has estimated that the average wastewater flow would be 30,550 gallons per day for the development at 300 units (91,670 gallons per day at 900 units). However, at a standard design flow of 110 gallons per day per bedroom and the planned 470 bedrooms, the wastewater flow from the 300 unit development would be 51,700 gallons per day.

The utilities plan in the developer's permit application shows a "proposed connection to existing sewer main" on Sandwich Road. However, there is no existing sewer main in the vicinity. The closest municipal sewer collection main is about 1.4 miles away on Route 28 at Sandwich Road. More importantly, the Town's wastewater treatment and discharge facilities do not have capacity to accommodate the wastewater flow from this development, unless the Town either reduces the scale of the Town's planned Teaticket-Acepesket sewer project or reduces the flow allocation for redevelopment within the existing sewer area (including Main Street and Davis Straits). There are additional constraints as well, as explained below.

The parcel at 375 Sandwich Road is currently undeveloped and is within the watershed to Great Pond. The water quality and habitat of Great Pond is significantly impaired by nitrogen, primarily from septic systems (Massachusetts Estuaries Project report, 2005). The state issued a Total Maximum Daily Load (TMDL) for nitrogen for Great Pond in 2006 in order to restore its water quality.

On June 21, 2023, the state issued new regulations, including changes to septic system regulations (310 CMR 15.000) and new watershed permit regulations (314 CMR 21.00). These new regulations designate all water bodies on Cape Cod with TMDLs as Nitrogen Sensitive Areas (NSAs). The regulations then require that towns obtain watershed permits for all NSAs and implement plans to meet their TMDLs within 20 years, *or* that all property owners within each NSA replace their septic system with a denitrifying septic system.

According to the Massachusetts Estuaries Project, meeting the TMDL for Great Pond will require reducing the nitrogen load to Great Pond by 12,154 kilograms per year (kg/yr). Any additional nitrogen discharged to the Great Pond watershed will then *also* need to be removed in order to meet the TMDL. Saxon Partners has indicated that they could construct a wastewater treatment facility onsite that would discharge 6 milligrams per liter (mg/L), (or even 3 mg/L) of total nitrogen. However, we must assume unless/until that limit is made a requirement for the project, the state that the Department of Environmental Protection would issue a standard groundwater discharge permit for this private treatment plant of 10 mg/L. At 10 mg/L and 30,550 gallons per day, Saxon Partners' proposed 300 unit development would add 422 kilograms of nitrogen per year to the Great Pond watershed, if the wastewater treatment facility consistently achieves a permit limit of 10 mg/L. At 10 mg/L and 51,700 gallons per day, the 300 unit development would add 714 kg of nitrogen per year to the Great Pond watershed.

In 2017, the Town completed the Little Pond sewer project which, for a cost of more than \$20 million dollars, removed 1000 kg/yr of nitrogen from the Great Pond watershed (as well as more than 4,000 kg/yr of nitrogen from the Little Pond watershed).

After years of data collection and evaluation, the Town sent a final plan for reducing nitrogen load to Great Pond to the state in late 2022, the Great Pond Targeted Watershed Management Plan (TWMP). The state approved the TWMP for Great Pond in January 2023. The TWMP involves:

- Expansion of the Town's existing wastewater collection and transmission system to include approximately 2,000 properties in the lower watershed to Great Pond (the Teaticket and Acapesket sewer areas or TASA, both south of route 28), in two phases over approximately 8-10 years,
- Constructing significant improvements at the town's wastewater treatment facility,
- Expanding the town's existing recharge beds north of the treatment plant to accommodate additional wastewater flow, and
- Several alternative nitrogen removal technologies including aquaculture, a permeable reactive barrier, fertilizer reduction and stormwater management.

That plan will remove sufficient nitrogen load from the watershed to meet the TMDL for Great Pond. Saxon Partners' proposed development at 375 Sandwich Road was not envisioned in the TWMP; the plan does not account for the additional 422 kg/yr (or 714 kg/yr) nitrogen load from this development. Any additional load from this development will need to be removed from the watershed (or offset by removing a nitrogen load from a different source), in order to meet the TMDL.

Saxon partners has proposed that the wastewater from their proposed development be conveyed to the Town's WWTF for treatment. The property at 375 Sandwich Road is not located within a planned sewer service area in the approved TWMP. The Massachusetts Environmental Policy

Act requires that if the Town did wish or need to modify its TWMP to change the sewer service area, (or to increase the treatment plant capacity or increase its wastewater discharge or change wastewater discharge location), the Town would need to prepare a Notice of Project Change to the TWMP, go through the Massachusetts Environmental Policy Act review process again and receive state approval for the change.

The Town has just gone out to bid for construction of the estimated \$34.5 million dollar WWTF TASA Improvements Project planned in the approved TWMP. The total capacity of the WWTF will be 1.21 million gallons per day. That capacity is allocated for: existing sewer areas, the Teaticket and Acapesket sewer areas, and for redevelopment within the existing sewer areas. The Town's WWTF does not have treatment capacity for the >30,000 gallons per day of flow from the proposed Saxon partners development (or the > 50,000 gallons per day assuming standard design flow per bedroom).

Saxon Partners has suggested that flow from their development (and/or potentially from adjacent properties) be discharged at the Town's existing discharge sites. The Town's wastewater discharge capacity at existing discharge areas is severely limited. It would not be possible to increase treated wastewater discharge to the Town's existing discharge beds 1-15 beyond what is planned in the Town's approved TWMP. Discharge to beds 1-13 is strictly limited to 450,000 gallons per day by the TMDL for West Falmouth Harbor (and by the treatment plant's groundwater discharge permit). Discharge to the remaining beds, 14 and 15, is limited by the available area and by the downgradient receptors; the town's approved TWMP maximizes the discharge potential at beds 14 and 15. The Town's WWTF does not have discharge capacity for the additional flow from the proposed Saxon partners development.

Saxon partners has also suggested that treated wastewater flow could be discharged to new discharge beds on the abandoned sand pit north of 375 Sandwich Road. This site is within the watershed to Great Pond, so any nitrogen load returned to this site would add nitrogen to Great Pond. However, if the property is developed, this is the appropriate location for its treated wastewater discharge.

Saxon Partners has suggested that perhaps an arrangement could be made whereby the Town could own and operate the discharge site at the sand pits north of 375 Sandwich Road, and could therefore use the site for discharge of treated wastewater from other properties (beyond that from their development). It is true that the Town has very limited discharge capacity. However, the issue is not so much the availability of land (the nearby town-owned Augusta site is still being considered a "back-up" future discharge site). The issue is that 375 Sandwich Road (like the Augusta site) is located within the watershed to already nitrogen-impaired Great Pond, so any additional nitrogen discharged there will impact Great Pond water quality and must be offset, in order to meet the TMDL for Great Pond.

Under these circumstances, the only viable option for wastewater management from this site is onsite treatment and discharge. If this site is to be developed as proposed, the developer must: (a) construct and maintain a high quality wastewater treatment system onsite (developer has indicated that they could consistently produce an effluent containing 6 mg/L or even 3 mg/L of total nitrogen; this should be made a project and permit requirement), (b) discharge the treated wastewater onsite and, (c) to the degree possible, offset the additional nitrogen load that this discharge would contribute to the watershed.

July 5, 2023

Katherine Miller
Planning and Programs Specialist
MassHousing
One Beacon Street
Boston MA 02108

RE: Project Eligibility/Site Approval – 375 Sandwich Rd, East Falmouth, “The Easterly”

Dear Ms. Miller:

The Town of Falmouth has reviewed the application for Project Eligibility/Site Approval for “The Easterly”, located at 375 Sandwich Road, East Falmouth, submitted by Saxon Partners/Falmouth Southerly, LLC, and offers the following for your consideration.

The applicant initially approached the Town’s Land Use staff and the Affordable Housing Committee in late 2022/early 2023, with a 900-unit project, divided in 3 phases with 300 units per phase. Per applicant representations, the current proposal consists of 300 year-round rental apartments on 15.85 acres of a 30.5 +/- acre heavily wooded parcel, adjacent to a previously disturbed 13-acre parcel, with both parcels, totaling 43 acres, under ownership of the applicant. The rental apartments will be in five separate 4-story residential buildings, each containing a mix of one-, two-, and three-bedroom units. In total, 75 of the 300 units (25%) will be affordable at 80% AMI, leaving the remainder as market rate units. There will be 12 handicapped accessible units, of which 2 will be affordable and 10 will be market rate units. Additionally, the project will include a 1-story, 9,000 square foot clubhouse and fitness center, a pool area, walking paths, common areas, a dog park, several garages, and a total of 529 parking spaces. Altogether, this project represents a total building development of 412,900 square feet, not including the 17 proposed garage structures.

Access and egress for the developed portion of the property will be provided by a 1,500 +/- foot private driveway, intersecting Sandwich Road, just south of Pitch Pine Lane. A sidewalk and dedicated shoulder space will be provided along the driveway, to provide for pedestrian and bicycle travel; however, there are no connecting sidewalks or bicycle lanes on Sandwich Road presently. Meanwhile, the closest public transportation, the Sealine fixed route bus service, operated by Cape Cod Regional Transit Authority (CCRTA), is approximately 1.3 miles away from the site. Nearby destinations (approximately 2 to 4 miles away) include an elementary school, middle school, junior high and high school, major grocery/retail stores, and a drug store.

The proposed project was reviewed and discussed by various Town officials at multiple meetings, and most recently, at a site visit on June 22, 2023. The following items and enclosures are provided to articulate the Town’s position, as it relates to this proposed project.

First, the mix of housing types proposed aligns with the Town's housing needs, as identified in the 2018 Housing Production Plan (HPP). It notes that rental housing is the most significant need, and priority should be placed on the creation of units with fewer than three bedrooms, to provide more opportunities for seniors, singles, and individuals just beginning a family. Moreover, units that are barrier-free and handicapped accessible were also identified as a need and therefore, the Town requests that all units be visitable and that at least 5% of the total units be fully accessible.

Second, this proposed development presents a number of challenges for the Town including, among other things, public health and safety concerns. These concerns fall into the following categories: wastewater management, water quality, traffic and transportation, accessibility, environmental impact, and energy. An increase of 300 units, which is potentially the largest housing project in Falmouth's history, poses unique challenges, and has the potential to overburden the Town's wastewater and potable water capacities. The same can be said for any traffic and transportation concerns. Additionally, the Town always wants to be mindful of handicapped accessibility, environmental impacts, and the use of renewable energies.

Wastewater & Water Quality

A proposal of 300 units in itself will constitute a massive increase in gallons per day of wastewater that the Town presently cannot manage, and poses additional challenges to water quality impacting the Great Pond watershed. Please see attached memorandum from the Town's Wastewater Superintendent, dated June 30, 2023. The Town estimates that 300 units, with the proposed bedroom count, will result in an increase of 51,700 gallons per day. The Town lacks wastewater treatment and discharge facility capacity to accommodate this increase at present, and even if it had this capacity, the closest municipal sewer main location is approximately 1.4 miles away.

Over the course of several years, the Town has been working to expand the current wastewater collection, transmission, and treatment system to improve public health, and the proposed development will have a negative effect on that work. The proposed project is located within the Great Pond watershed, which is one of the Town's most nitrogen impaired water bodies. Just recently, the State approved the Town's Great Pond Targeted Watershed Management Plan (TWMP), which includes expansion of the sewer collection system, improvements to the Town's wastewater treatment facility, additional recharge beds, and more nitrogen removal options. THE TWMP does not envision or account for any additional nitrogen load from this proposal. The current proposal, even with a best-in-class onsite wastewater treatment system, will introduce a large amount of additional nitrogen load into the Great Pond watershed. As a result, the Town will need to spend more money on capital improvements, to remove this additional nitrogen from the watershed in order to meet nitrogen reduction goals, and achieve the water quality and public health objectives of the comprehensive wastewater management plan.

The above concerns regarding the Town's sewer capacity and water quality are amplified by the potential that additional housing units might be proposed in a future phase of development for the large areas of the two parcels that will remain undeveloped under the current proposal.

Traffic & Transportation

The Town of Falmouth already has serious traffic management issues in the proposal's immediate vicinity that will be further exacerbated by other pending projects, in addition to this one. The Town is presently working with MassDOT, to manage its current traffic problems on Main Street/Route 28, which connects to Sandwich Road, upon which this proposal is located. Other pending projects that will impact Route 28 in this vicinity could easily add in excess of 400 units, not including the units in this proposal. Future residents of the proposed development are likely to need their own vehicle, which will have a negative impact on traffic conditions. This site is not located in close proximity (1/4 to 1/2 mile) to typical trip generators (retail establishments, restaurants, recreation areas, etc.) and off-site alternative transportation options (sidewalks, bicycle lanes, fixed route bus service) are absent. Residents will have no other safe option, other than using a car, to get to work, patronize local businesses, or to enjoy the many recreation options in Town. Sandwich Road is one of the Town's busiest roadways as it's one of a few facilities that provides a north-south connection through Town. Adding more traffic, especially turning movements, to Sandwich Road raises safety concerns for the Town. To date, the Town has not seen a traffic study that includes an analysis of full buildout of the site and appropriate traffic mitigation measures that will satisfy traffic and safety concerns. These concerns are amplified by the prospect of additional housing being proposed at the site in a future phase.

Environment & Energy

Building a large residential development on a heavily wooded and largely undeveloped parcel creates negative environmental impacts. Although the application shows the conceptual development layout, the extent of tree clearing that would be necessary for this proposed project is not known. Maintaining mature vegetation is important in managing the heat in the summer, aiding in stormwater mitigation, sustaining existing wildlife populations and habitats, and improving the quality of life for future residents and abutting properties. Additionally, the application does not include provisions for alternative energy sources, such as solar panels. A development of this size will dramatically change the existing landscape, likely impact existing wildlife, and consume a large amount of energy. These concerns are compounded by the prospect of future expansion at the site.

Future Development at the Proposal Site

Finally, the Town is concerned that this application only includes the first phase of the total development on the property. With the development program only showing 300 units at the rear of the 30.5 +/- acre site, it leaves substantial area open for future development on the front portion of the parcel, and on the adjacent 13-acre former gravel pit site. As the applicant stated at the site visit for this site approval application, future development in those areas is still a possibility. The Town is responsible for protecting public safety, public health, and the condition of our natural resources, especially the health of our fresh water and coastal ponds. As such, more detail should be provided about the other portions of the site(s) and any future development plans, to provide a full representation of buildout, and to provide the Town with an opportunity to review, plan, and comment.

To mitigate the impacts this project will have on the water quality of the Great Pond watershed, potable water supply and treatment system, wildlife habitat, and traffic, the Town requests the applicant consider the following:

1. Commit to construction of a best-in-class onsite wastewater treatment system that discharges no more than 3 milligrams per liter of total nitrogen on average.
2. Move the housing development to the west end of the 28.5 acre parcel to preserve the highest value wildlife habitat, and reduce the length of the shared driveway and resulting environmental impacts;
3. Donate a significant portion of the 28.5-acre parcel at 0 Sandwich Road and/or the 13.1-acre parcel at 45 Pitch Pine Lane to the Town for permanent open space protection.
4. Contribute to roadway improvements to create safe bicycle and pedestrian access on Sandwich Road, from the subject property to Main Street.

The remainder of comments from other Town departments (Fire Department, Conservation Department, and Wastewater Division) related to emergency response, potential wetlands and wildlife habitats, and wastewater flow are attached to this comment letter as enclosures.

Sincerely,

Nancy Taylor, Chair
Falmouth Select Board

Enclosures

CC: Zoning Board of Appeals



FALMOUTH CONSERVATION COMMISSION

59 Town Hall Square, Falmouth, Massachusetts 02540

(508) 495-7445

MEMO

DATE: June 30, 2023

TO: Jed Cornack, Town Planner

FROM: Mark Kasprzyk, Conservation Land Manager/MES Technician

CC: Jennifer McKay, Conservation Administrator

RE: 375 Sandwich Road, East Falmouth, MA – 40B proposal

Comments are based on site visit with Mr. David Calhoun's permission to review the proposed 40B site. The area covered is just based on the 375 Sandwich Road parcel, not the gravel pit area.

The Conservation Department's comments are as follows:

1. Depression Areas along the power lines.

Town GIS show two depression areas along the existing power lines at the west end of the property that were reviewed as potential wetlands.

West side of power lines: definite depression was found but the entire depression has been a dumping ground for trees, shrubs, root balls and dirt, with lots of recent green cut material. Did not see any wetland vegetation but I could not get to the low point due to crisscrossing trunks and vegetation.

Southwest side of power lines: another large depression but another burial ground of large tree trunks, fallen trees and large cut up pieces of trees. Could not access the low point of the depression area. No wetland species observed except poison ivy, which also occurs throughout this location.

2. Wildlife Habitat value.

The parcel is has numerous foot paths and ATV/dirt bike paths throughout and is very flat. In general, the more pristine habitat is along the northern strip of the property and more of the eastern half. These areas contain pitch pine/oak

woodlands with a thick understory with species like huckleberry, dangleberry, inkberry (dominant in areas), wintergreen, sheep laurel, lowbush blueberry, and some witherod and highbush blueberry. These areas are typical habitat we see Eastern Box Turtles and the nearby abandoned sandy gravel operation could be used as potential nesting sites. The area to the east and south side of the property, mostly along the developments, consist more of white pine/oak woodland mix with less understory and some invasive species coming in, though could be used by box turtles to travel to the better habitat areas. Staff would recommend appropriate surveys to evaluate for Eastern Box Turtles.

OPEN SESSION

CONSENT AGENDA

1. Administrative Orders

- a. Approve the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install one (1) new Handhole to be labeled 92/H-A and approximately 33' (feet) of 1" – 4" conduit and cable under town road northeasterly starting at new handhole 92/H4-A. This work is necessary to provide underground electric service to 23 Spencer Baird Road, Falmouth.



Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

nicholas.croft@falmouthma.gov

Date: July 6, 2023

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to install 33' of underground conduit and one hand hole on Spencer Baird Road

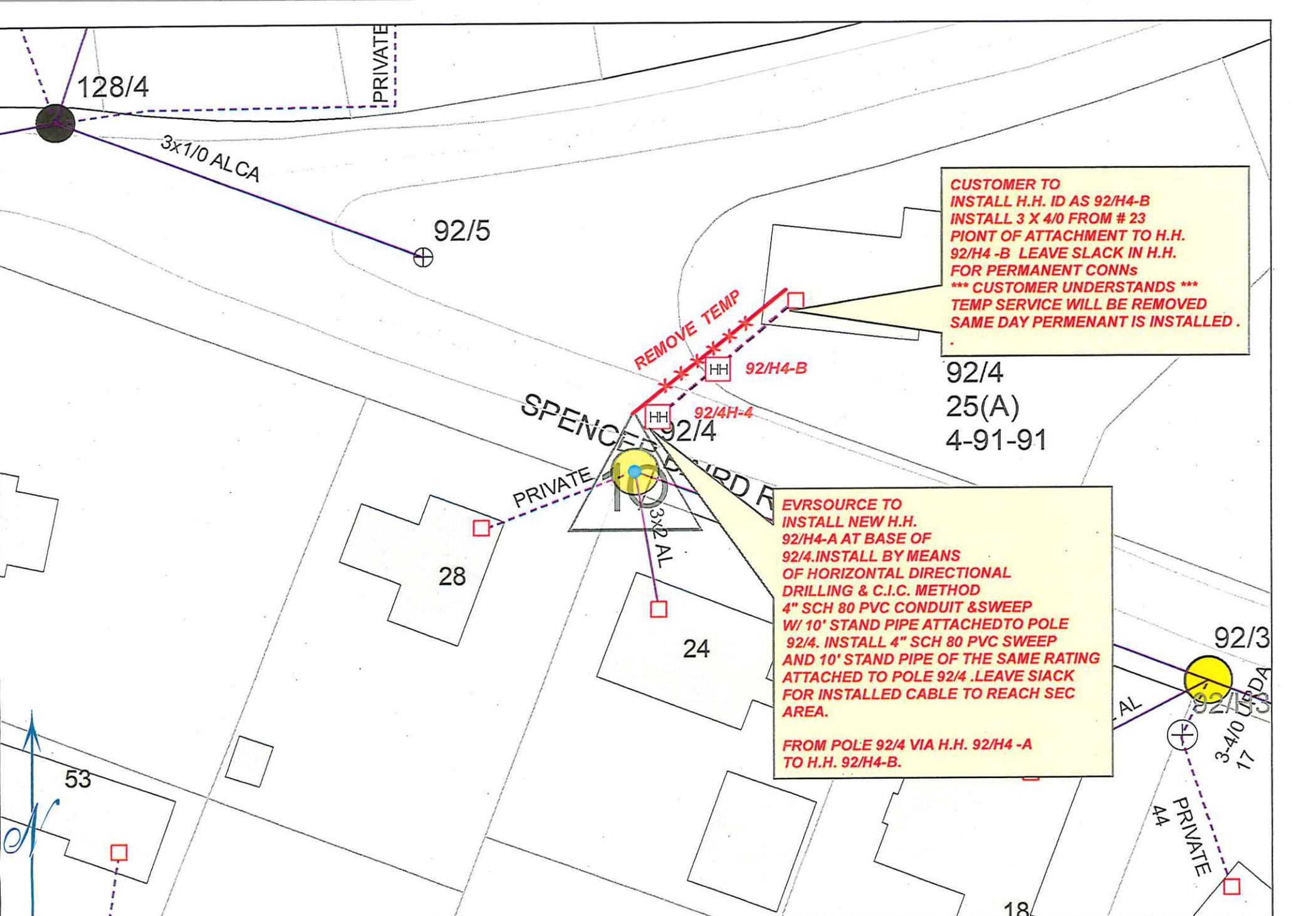
A petition was submitted by Eversource to install 33' of 4" conduit and one hand hole on Spencer Baird Road to provide service to #23 Spencer Baird Road.

The Engineering recommendation is to approve the request as submitted on Plan No. 11474666, W/O No. 11474666, dated June 5, 2023.

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

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division



**CUSTOMER TO
INSTALL H.H. ID AS 92/H4-B
INSTALL 3 X 4/0 FROM # 23
POINT OF ATTACHMENT TO H.H.
92/H4 -B LEAVE SLACK IN H.H.
FOR PERMANENT CONNS
*** CUSTOMER UNDERSTANDS ***
TEMP SERVICE WILL BE REMOVED
SAME DAY PERMANENT IS INSTALLED .**

92/4
25(A)
4-91-91

**EVERSOURCE TO
INSTALL NEW H.H.
92/H4-A AT BASE OF
92/4. INSTALL BY MEANS
OF HORIZONTAL DIRECTIONAL
DRILLING & C.I.C. METHOD
4" SCH 80 PVC CONDUIT & SWEEP
W/ 10' STAND PIPE ATTACHED TO POLE
92/4. INSTALL 4" SCH 80 PVC SWEEP
AND 10' STAND PIPE OF THE SAME RATING
ATTACHED TO POLE 92/4 .LEAVE SIACK
FOR INSTALLED CABLE TO REACH SEC
AREA.**

**FROM POLE 92/4 VIA H.H. 92/H4 -A
TO H.H. 92/H4-B.**

**ELECTRICIAN
BRENDAN DRISCOLL
781-393-9299**

W.O.11747666
23 SPENCER-BAIRD
FALMOUTH

4-91-434

DATE 02/27/23
PG 1 OF 1

**EVERSOURCE
GEORGE WILSON**

**FORM OF ORDER FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS
WO#11747666**

SELECT BOARD FOR THE TOWN OF FALMOUTH, MASSACHUSETTS.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED: that the **NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY**
be and it is hereby granted a location for and permission to install and maintain underground cables,
conduits and manholes, together with such sustaining and protecting fixtures as said Company may
deem necessary, in, under, along and across the public way or ways hereinafter referred to, as
requested in petition of said Company dated the 5th day of June 2023.

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

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the
plan marked Plan No. 11747666 Dated June 5, 2023 filed with said petition. The following are the
public ways or parts of ways under, along and across which the cables above referred to may be
installed under this order.

Spencer Baird Road, Falmouth

Install approximately 33' (feet) of conduit and cable
under town road northeasterly starting at new
handhole 92/H4-A.

**One (1) 1-4" conduit
One (1) Handhole 92/H4-A**

This work is necessary to provide electric service to #23 Spencer Baird Road.

I hereby certify that the foregoing order was adopted at a meeting of the Select Board of the
Town of Falmouth, Massachusetts held on the 10th day of July
2023.


Clerk of Select Board

_____, Massachusetts _____ 2023.

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

Attest:

Town Clerk

We hereby certify that on June 29 2023, at 3:00 o'clock,
P. M. at Falmouth Town Hall a public hearing was held on the
petition of the

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

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

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

CERTIFICATE

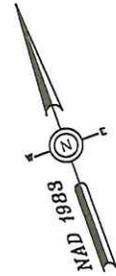
I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Select Board of the Town of Falmouth, Massachusetts, on the _____ day of _____ 2023, and recorded with the records of location orders of said Town, Book _____, Page _____.

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

Attest:

Town Clerk.

Plan to accompany petition of EVERSOURCE ENERGY to install Handhole 92/H4-A and 33'± of 4" conduit from proposed handhole across the Right Of Way to customer at #23 Spencer Baird Rd.



GOSNOLD RD

92/5

APPROX. PT. OF PICKUP

49A 06 017 032
23 SPENCER BAIRD RD.
N/F
COBALT PARTNERS LLC

SPENCER BAIRD RD

APPROX. RIGHT OF WAY(R.O.W.)
APPROX. EDGE OF PAVEMENT(EOP)

PROPOSED 4" CONDUIT
TL=33'±

PROPOSED HANDHOLE
92/H4-A

92/4

49A 06 006 019
17 GOSNOLD RD.
N/F
1517 LLC

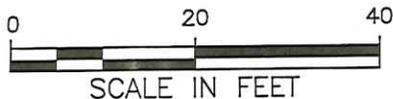
49A 06 000C 045
18 SPENCER BAIRD RD.
N/F
HASTINGS TRUSTEE DAVID WINDSOR
HASTINGS TRUSTEE JENNIFER LYNNE

49A 06 005 020
28 SPENCER BAIRD RD.
N/F
CROCKER TRUSTEE BETH G
28 SPENCER BAIRD RD NOMINEE TR

49A 06 000D 044
24 SPENCER BAIRD RD.
N/F
GELLIS TRUSTEE STEPHEN E
24 SPENCER BAIRD RD NOMINEE TR

LEGEND

- ⊕ Proposed Handhole
- ⊕ Existing Handhole
- Proposed Conduit
- Existing Pole
- Pole with Riser



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW. YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

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MASS. LAW

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

Plan # 11474666

Ward #

Work Order # 11474666

Surveyed by: N/A

Research by: JC

Plotted by: SJ

Proposed Structures: SJ

Approved: T THIBAUT

P#

NSTAR EVERSOURCE
ELECTRIC
d/b/a

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of SPENCER BAIRD ROAD
FALMOUTH

Showing PROPOSED HANDHOLE AND CONDUIT LOCATIONS

Scale 1"=20' Date JUNE 5, 2023

SHEET 1 of 1

OPEN SESSION

CONSENT AGENDA

1. Administrative Orders

- b. Vote to accept donation in the amount of \$500.00 from the Newcomers Club of Falmouth, Inc. to the Recreation Department donation account

Falmouth Recreation Department



GUS CANTY COMMUNITY CENTER

Joe Olenick

Recreation Director

Hello,

We ask that you please accept this donation of \$500, from the Newcomers Club of Falmouth, Inc.

We would like to apply this to our Donation Account here at the Recreation Department.

Thank you,

Lindsey Demers

TOWN OF FALMOUTH - RECREATION
DEPARTMENT

790 MAIN STREET
FALMOUTH, MA 02540-3674
508.457.2567
GUS CANTY COMMUNITY CENTER

Registration Form

Date	Form#
6/26/2023	1530

Parent/Participant Name
Newcomers Club - Encore Mildred Norton, Treasurer 51 Carlson Lane #3 Falmouth, Ma 02540

Program Name	Description of Program	Check No.	Payment Method	Account #
		1418		
Program Name	Description of Program	Rate	Qty	Amount
Donation Account	Donation given to the Recreation Dept.	500.00	1	500.00
Total Payment Amount				\$500.00

OPEN SESSION

CONSENT AGENDA

1. Administrative Orders

- c. Vote to accept donation in the amount of \$600.00 from the Teaticket Civic Association to the Veterans' Services Department donation account

7/10

TOWN OF FALMOUTH SCHEDULE OF DEPARTMENTAL PAYMENTS TO THE TREASURER

Dept:

Veterans' Services

7/2/2023

FROM	SOURCE#	AMOUNT	TOTAL
------	---------	--------	-------

28-543-5560-4830

Teaticket Civic Association
PO Box 2154
Teaticket, MA 02536

\$600.00

TEATICKET CIVIC ASSOCIATION
6 NARRAGANSETT ST
E FALMOUTH, MA 02536-7337

PAUL AFFISA
6/25/23

106
53-447/113
931

Pay to the Order of Veterans Council \$ 600.00
Six Hundred + 00 Dollars

ROCKLAND TRUST

For Donation 2023

Paul Affisa

0106

CHECK ARMOR
FRAUD PROTECTION

Photo Safe Deposit®
Details on back

TOTAL

\$600.00

To the Accounting Officer:

The above is a detailed list of the monies collected by me amounting in the aggregate to Six Hundred and 00/100 Dollars, 00/100 Dollars, for the period ending 7/2/23, which I have paid to the Treasurer, whose receipt I hold thereof.

Julie Cadogan
Julie Cadogan, Administrative Assistant

To the Department Officer making the payment:

Received from the Veterans' Services Dept. department, the sum of Six Hundred and 00/100 Dollars, for collection as per schedule of this date, 7/2/23 filed in my office.



OPEN SESSION

MINUTES

1. Review and Vote to Approve Minutes of Meetings:
 - a. Public Session – August 8, 2022; June 26, 2023

July 10, 2023

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, AUGUST 8, 2022 – 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.

Select Board (Board) Present: Dr. Nancy Taylor, Chair; Onjalé Scott Price, Vice Chair; Sam Patterson; Doug Brown; Scott Zylinski.

Staff Present: Peter Johnson-Staub, Acting Town Manager.

1. Chair Taylor called the Open Session to order at 6pm. Ms. Scott Price motioned to enter into executive session M.G.L. c.30As.21(a)(2)-to discuss strategy with respect to collective bargaining: Firefighters Union Minimum Shift Staffing because to not go into executive session could prejudice ongoing negotiations. Mr. Brown seconded the motion. It was followed by a roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll Call Vote: Mr. Brown, aye; Mr. Patterson, aye; Ms. Scott Price, aye; Mr. Zylinski, aye; Chair Taylor, aye.
2. Chair Taylor reconvened the open session at 7pm and announced that the Select Board has authorized the Acting Town Manager to open collective bargaining negotiations regarding the Firefighters Union Minimum Shift Staffing
3. Pledge of Allegiance
4. Proclamation – Farmers Market Week 2022

Mr. Patterson read the proclamation in the packet as a motion. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

5. Recognition
Ms. Scott Price recognized Falmouth Fire Department (FFD) Chief Smith's 35 years with the Fire Department, and the Department of Public Works (DPW) for the successful rollout of the large trash containers and clean-up of the beaches after the Fourth of July.

Mr. Brown noted the Falmouth Farmer's Market is doing well and recognized Tony Andrews Farm and the work being done managing the crops given the current drought conditions.

6. Announcements – Citizens Police Academy
Ms. Scott Price announced the Police Department Coffee with a Cop event on 7/17/22, for more information go to www.coffeewithacop.com. The Citizens Police Academy will take place this year, those interested may get an application on the Falmouth Police Department (FPD) website or at the FPD headquarters.

Chair Taylor noted Dan Gessen, Falmouth Representative to the Barnstable County Assembly of Delegates, provided an update, including a small and medium grant program by the Barnstable County Grant. \$5 million of ARPA money will be distributed in small grants and final rules to be published--go to www.ARPA.barnstablecounty.gov for more information. Chair Taylor thanked Mr. Gessen for the updates.

Mr. Brown announced a reminder of the internet essentials partnership program, if you are on some sort of public assistance, you may qualify for this low cost internet access program.

7. Public Comment-none.

TOWN MANAGER'S PRELIMINARY REPORT

Mr. Johnson-Staub reviewed his preliminary report.

Further water use restrictions are recommended to ban all but hand watering, current circumstances warrant it, there is a motion in the packet.

The Bicycle and Pedestrian Committee recommend a series of actions, Mr. Johnson-Staub recommends deferring actions tonight.

Energy Committee will not be present tonight.

Mr. Peter Jeffrey, Steamship Authority (SSA) Board of Governors, asked to discuss concerns, Mr. Johnson-Staub noted that the Select Board has received correspondence from Woods Hole residents regarding concerns about traffic, noise, and the health effects of diesel exhaust.

The Conservation Commission update by Dr. Gladfelter is on the next phase of the Coonamesset River project. Mr. Johnson-Staub's only concern is if the DPW has the staff capacity to assist with this project. Mr. Johnson-Staub recommends approval of the grant applications associated with this work and will do all possible to have the grant and capital funding provide project management oversight by the consultants.

Art Gaylord will provide the status of efforts to bring broadband through the Municipal Light Plant. Town Meeting approved and the Select Board filed special legislation to authorize a November special election to elect the first Board of Commissioners for the Municipal Light Plant, that has not yet been approved by the legislature.

Public Hearings:

Marine and Environmental Services (MES) Director Gregg Fraser's regulations for docks.

New Wine and Malt beverage application and reviewed by staff.

PUBLIC HEARINGS

1. **Vote to Establish and Adopt Rules and Regulations for Use of Municipal Dinghy Floats and Docks**
Ms. Scott Price read the hearing notice.

Mr. Fraser said many policies and procedures are being converted to regulations. The Conservation Commission review was positive and approved. The Waterways Committee also approved them. There were few public comments and these have been in place as a policy for some time.

Public Comment:

Chuck Eastman, Waterways Committee, Town Meeting Member Precinct 6 commented that there are large dinghy's used for boats that are kept there and he feels these regulations will stop that.

Joe Netto, Precinct 9, supports the Harbor Master because the last couple years it's amazing what people think their dinghies should be and there is overcrowding. Green Pond needs at least two more floats to accommodate the boating public.

Ms. Scott Price motion approval to close the hearing. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

Mr. Brown motion approval of the regulations with the amendment of minimum of ten foot pennant. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

2. **Application for a New Wine and Malt Beverages Common Victualler License – Dilly's Grill, LLC d/b/a Dilly's Taqueria, 281 Main Street, Falmouth**

Ms. Scott Price read the hearing notice.

James Morse, attorney representing the applicant, stated that the applicant is present, and described the premises and location. The Building Inspector noted reduction of load from 25 to 22 seats, total occupancy

is 25 people. Hours of operation are 11am to 8pm. The first location is on Circuit Ave., Oak Bluff's, and the Falmouth location has been open for 14 months.

Public comment: none.

Mr. Brown motion to close the hearing, Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

Mr. Brown motion approval. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

BUSINESS

1. Amend state of water supply conservation including, but not limited to, ban on all irrigation except hand watering

Cathal O'Brien asked for an amendment to the existing water use restriction, all irrigation outdoor areas prohibited except for watering by hand temporarily until the demand for water subsides. Memorandum in the packet. All Cape water districts are in the same position, pumping out on maximum demand and struggling to meet peak demand. There are turbidity issues and the Town is currently relying on mechanical systems rather than gravity to meet the demand.

Mr. O'Brien said they are not currently concerned with the aquifer for this request, and this only addresses the municipal supply, it does not include private wells.

Irrigation is what is the problem, the nature of sprinklers when they all operate at the same time causes a massive issue for supply. When appropriate by public notice, they will go out daily to enforce the bylaw to the full extent.

Ms. Scott Price motion to approve a ban on all irrigation of outdoor areas except for watering by hand, as amended. Mr. Patterson seconded the motion. Yes-5. No-0.

Mr. Johnson-Staub read the entire motion into the record.

2. Report – Bicycle and Pedestrian Committee

Scott Lindell, Bicycle and Pedestrian Committee Chair, made a PowerPoint presentation. There is an area of the bikeway with root bumps, warning paint was recently added. The long term solution would be to remove the evasive Black Locust trees responsible and can be done selectively while maintaining the tree cover. Less than half a mile of pavement needs to be addressed and would take care of about 70% of the root bumps.

Mr. Lindell talked about having a signaled crosswalk at Katharine Lee Bates Rd. and a multi-use path would open up the downtown area safely to bike path traffic. Wayfinding is needed and is in the master plan for Main Street. A Wayfinding Committee was already authorized by the Select Board, and he would like to see it in place this fall by having the Town Manager advertise for members.

Mr. Lindell reviewed Complete Street Progress.

Mr. Brown asked if any root barriers have been installed? Mr. Lindell said they were installed behind Wood Lumber at one time but were not effective.

3. Report – Energy Committee this item will be rescheduled.
4. Steamship Authority – Falmouth's Priorities and Concerns – Peter Jeffrey, Falmouth Member Board of Governors

Peter Jeffrey, Falmouth member to the SSA Board, briefed the Select Board on the issues affecting the Town and requested their guidance on how to vote on upcoming issues.

Mr. Jeffrey said the SSA has positive and negative effects on the Town, employs 184 residents. The Enabling Act does not apportion voting evenly among the members, Nantucket and Martha's Vineyard representatives have 35% of the vote, being veto proof; it takes act or actions of at least 1 island member in conjunction with the port members to pass anything. There is a very pro island view. The SSA is 100% fair

box driven. Operations and capital expenses, have to be replaced by the revenue the SSA generates. The bond limit is \$1 million. There is an aging fleet, which puts pressure on the other ports and ships when a ship is out of service. Electric vessels would have the least carbon impact, various hybrid options were considered, absent all electric vessel, the carbon savings are almost negligible with a hybrid vessel and only in cases when energy to charge batteries come from a green source. It is cost prohibitive and the technology would not allow longer trips, such as from Hyannis to Nantucket, and the batteries would weigh the vessels down so they cannot enter some areas. He is seeking Select Board input regarding the 5:30 a.m. ferry proposed for summer 2023 schedule from Woods Hole to Martha's Vineyard. Martha's Vineyard wants it, and he asked, how does the Select Board want him to vote on the 5:30 a.m. ferry? There is a petition for a public hearing from Edgartown businesses to have the SSA expand late night service to have a post-11:00 p.m. ferry; it will likely go to hearing. The businesses would like the SSA to expand service so that they may bring hospitality workers off island back to the Cape due to housing issues.

Mr. Brown attended the public hearing. The Select Board sends a letter each year opposing the 5:30 a.m. ferry; however the Select Board did not send a letter this year. There is only a one-acre lot in New Bedford that may be available; however there has been no commitment from New Bedford to supplement the one-acre lot that may be an option. We need to petition legislatures to help us with this and have New Bedford share their dock space.

Ms. Scott Price asked about going to Nantucket from Hyannis; there is a 5:30 a.m. ferry from Woods Hole to Martha's Vineyard and Hyannis to Nantucket during the summer. Hyannis is restricted due to the harbor water depth; Woods Hole is a deep water, sheltered port, and the shortest trip to and from Martha's Vineyard. Mr. Brown noted the SSA has a memorandum of understanding that there would be a limited number of trips per day out of the port.

The SSA has to put all schedules out in advance and open to public hearing. The 5:30 a.m. ferry would be for freight, which is what Martha's Vineyard (MV) has requested for its businesses. He believes it will pass. Mr. Malcom, MV Board Member, has empathy for Woods Hole and has spoken against extending hours and having the 11:30 p.m. ferry to Woods Hole and is pushing for a third party passenger carrier to be an option, such as the Island Queen. We are beginning landside construction in the fall in Woods Hole, traffic will be impacted, and a local company won the site grading contract. The Town should consider greater enforcement because many problems stem from lack of enforcement of current traffic laws. The SSA has asked State Police Commercial Vehicle Enforcement Unit to conduct random checks, which has been done.

Mr. Lindell has concerns about the area, enforcement is important, but wayfinding, lines on the pavement; anything would be better than what is there now. There is traffic coming off the third berth and attention is needed. A study should be done to make this area safer.

Mr. Brown asked if construction costs are fully funded yet? Yes, majority of the bond now is committed to the Woods Hole terminal reconstruction. Mr. Brown feels the Enabling Act needs to be looked at soon due to the general way it is affecting the Town, and there could be some improvements. He supports petitioning the State legislature for more oversight or revisiting the Enabling Act for improvements.

Chair Taylor likes the idea of the traffic study and would like to bring it to the SSA to fund the study.

5. Coonamessett River Restoration Update and National Oceanic and Atmospheric Administration (NOAA) grant application for approximately \$1.75 million – Betsy Gladfelter

Dr. Betsy Gladfelter, Project Coordinator for the Coonamessett River Restoration and Conservation Commission member, described the Coonamessett River Restoration Project. They partnered with Division of Ecological Restoration and worked all along the way with technical and limited monetary support for the lower river project. The upper river is being addressed in tonight's presentation. Dr. Gladfelter reviewed the lower river project and made a PowerPoint presentation.

The Select Board is glad to hear the trout have made a comeback and appreciates Dr. Gladfelter's work. Dr. Gladfelter said that with additional projects, the Town may need more help in the DPW, more resources are needed for these projects.

The Wayfinding Committee was authorized in 2021, Mr. Lindell will send the date it was authorized to the Select Board. Mr. Johnson-Staub asked whether the Select Board will appoint the committee which takes

more time or prefer to have the Acting Town Manager appoint the committee, which could be done more quickly. The Select Board prefers the Acting Town Manager to appoint the committee.

Mr. Johnson-Staub updated: grant application was on the consent agenda for Select Board consideration, however was not on the consent agenda because it is a large project and he wanted to make sure it was looked at individually. Mr. Johnson-Staub recommends it, he feels his concerns of staff capacity are being addressed.

Mr. Patterson motion approval to support the grant application to the National Oceanic and Atmospheric Administration. Vote: Yes-5. No-0.

6. Broadband – Municipal Light Plant update – FalmouthNet, Art Gaylord

Mr. Gaylord provided an update. They have done community outreach, had a Tilson Engineering Study with public meeting in May 2022 which was lightly attended, talked to neighborhood groups, maintained social media presence, and learned from existing Municipal Light Plants throughout the State. They are pursuing funding opportunities. Senator Moran proposed an amendment for \$125 million for broadband improvements on the Cape, but it did not make it out of Committee. Representative Fernandes put forward amendments in the MA Economic Development Bill, both made it into the final bill, but at this point it is in limbo. Representative Fernandes is confident that something will pass. They are also evaluating County ARPA Broadband grant possibilities. They are hoping the Municipal Light Plant will make it to ballot this year.

Mr. Brown reported the county just allocated \$5 million for nonprofits, Mr. Gaylord is looking into that funding. Mr. Gaylord noted Dan Gessen, who is also a member of their board, has been helpful in keeping them informed.

CONSENT AGENDA

I. Administrative Orders

- a. Approve Eversource petition to install on Nobska Road one (1) new handhole labeled 115/H1-A at the base of existing pole 115/1 and to install approximately 33' (feet) of conduit and cable under town road southwesterly from new handhole #115/H1-A. This work is necessary to provide new electric service to 5 Nobska Road.
- b. Approve Eversource petition to install on Bridge Street approximately 59' (feet) of conduit and cable under town road easterly starting at existing handhole 235/H14 at base of existing pole 235/14. The work is to be done to provide new electric service to 12 Bridge Street.
- c. Sign variance request – off-premise promotional signage for special event – Buzzards Bay Watershed Ride
- d. Assign right of first refusal for 5 Esker Place to Falmouth Housing Trust (FHT)
Held.
- e. Authorize expenditure from Air Force Center for Environmental Excellence (AFCEE) funds for continued monitoring/analytical costs relating to the Shorewood Drive Permeable Reactive Barrier (PRB), not to exceed \$5,000
Held.
- f. Vote to approve expenditure from the Library Department Donation Account in the amount of \$2,500 for the replacement of the refrigerator.
- g. Authorize special counsel – interim Town Manager contract
- h. Approve application to Mass Wildlife Habitat Management Grant Program – Sandplain Grassland Expansion and Invasive Plant Management on the Coonamessett fields
- i. Approve application to Mass Wildlife Habitat Management Grant Program – Invasive Plant Control on the Upper Coonamessett River Wetland Complex
- j. Approve application to Community Preservation Fund – Ecological Restoration of the Upper Coonamessett River Complex

- k. Approve application to Community Preservation Fund – Little Pond Landing: Parking & Path Infrastructure and Native Plant Landscaping
- l. Vote to approve the submittal of an application to the Community Preservation Committee (CPC) from the Edward Marks Building Advisory Committee for funds for Phase 2 of the restoration

Mr. Zylinski motion approval of the consent agenda items, excluding d and e. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

Item d was discussed, Mr. Johnson-Staub updated the Select Board, information was posted, Town Counsel and the Housing Coordinator working on this item; the Town does not have right of first refusal, so he recommends this not be approved. That does not mean the Town is giving up on preserving the affordability of that unit, they are still working on that.

Ms. Scott Price motion to support the Acting Town Manager’s recommendation. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

Item e was held because Chair Taylor recused herself from the vote.

Mr. Brown motion approval. Mr. Patterson seconded the motion. Vote: Yes-4. No-0. Abstention: 1. (Chair Taylor)

2. Review and Vote to Approve Minutes of Meetings

- a. Public Session
June 21, 2022

Mr. Patterson motion to approve with edits and release for public access. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

July 11, 2022

Mr. Patterson motion to approve with edits and release for public access. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

July 25, 2022-not in packet.

TOWN MANAGER’S SUPPLEMENTAL REPORT

The MES received a grant award for the seaport grant for \$61,000 for design of Simpson’s Landing.

Mark Kasprzyk was recognized as service partner of the year by AmeriCorps Cape Cod.

Curbside trash/recycling complaints are down this week, not perfect, but Nauset has caught up and hope they continue the improvement.

Roll out of the 96-gallon carts was successful--21,000 were delivered. 50 households do not want to use the larger cart-- smaller recycling vessels will be provided for those with disabilities or unable to physically manage the larger carts by request.

Sandwich Road paving: The first segment has been resurfaced, another segment is under way this week. It is being done this time of year because in the fall there is an issue with number of busses and the contractor has greater availability this time of year.

The Select Board received complaints concerning the Auto Camp. Mr. Johnson-Staub said the Board of Health (BOH) has taken significant enforcement action, there is no untreated septic going into water ways from Auto Camp, limited effluent is being discharged, and is going into the one leaching field intact and operating. Further monitoring and daily testing is being done by the BOH. Interests of the Town are being protected. Health Agent has found no evidence that the effluent from the Auto Camp is related to the condition of the beaches.

SELECT BOARD REPORTS

Mr. Patterson:

Attended the One Cape Summit, he did not observe any Town staff present. Regional awareness and proposals are taken more seriously than those just from municipalities. Highlights on affordable housing, wastewater issues, preserving environments and what attracts people to this special place. The Association for Protection of Cape Cod and the Housing Assistance Corporation got together and did a study of where it makes most sense to have most density of affordable housing, it is online and can be accessed by going to www.Growsmartcapecod.org.

Mr. Johnson-Staub said that the opportunities to learn from peers and Cape Cod Commission is extremely valuable. This was the first year he missed it and it was due to a covid-19 exposure. The Housing Coordinator was unable to attend due to a personal emergency, Town Planner had immediate priorities and was unable to take the time out to attend the One Cape Summit.

Ms. Scott Price:

Attended the first day of the One Cape Summit and passed along info to Mr. Johnson-Staub.

Attended Falmouth Heights Maravista Neighborhood Association. There were lots of questions, and brought information back from the people who are most impacted by the Mayflower project. She invited all to symposiums PEP researchers presentations of projects. Her students are presenting their research at 9:00 a.m. on Friday. Three may be of interest to Town staff, Coonamesset River, Little Pond sewerage impacts, and Buzzards Bay Coalition is doing Citizens Science. She hopes the Select Board is able to attend, virtual attendance is an option. The presentations will also be recorded and available on the website.

Mr. Brown :

Attended the Joint Base Cape Cod (JBCC) tour, saw firing ranges, water filtration plants, and the proposed machine gun range (it is being widened). The future extension of the range would require taking down the majority of the trees, and that part may not ever actually happen. It is more like about 60 acres of trees taken down, questionable if the second phase may even happen.

Attended North Falmouth Village Association Porchfest, six venues with different bands and something for everyone.

Chair Taylor:

The Select Board made a tentative meeting date of 8/15/22, which may include public session and an executive session.

Mr. Zylinski:

Yesterday was the 11th anniversary of a local Cape Cod Navy Seal's death in Afghanistan. Senior Chief Kevin Hudson and other Navy Seals lost their lives on the Extortion Exercise.

DISCUSSION OF FUTURE AGENDA ITEMS

Mr. Brown would like sewerage of East Falmouth, would like the Select Board to consider filing an application with the county for ARPA funds for design of that sewer main. This will be discussed in strategic planning meetings.

Ms. Scott Price motion to adjourn at approximately 9 p.m. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

TOWN OF FALMOUTH
SELECT BOARD
Open Meeting Minutes - DRAFT
MONDAY, JUNE 26, 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.

Select Board:

Present: Nancy Taylor, Chair; Edwin (Scott) Zylinski II, Vice-Chair; Douglas Brown; Onjalé Scott Price; Richard Mascali

Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager

OPEN SESSION

Call to Order: By Chair Nancy Taylor at 6:00 p.m.

EXECUTIVE SESSION

Chair Taylor called for a motion to go into Executive Session to discuss strategy with respect to negotiation with non-union personnel – Technical Administrative Management employees; and to discuss strategy with respect to potential litigation – former Emergency Communications Officer; and to discuss strategy with respect to litigation - Lawrence School Pickleball courts.

Motion by Ms. Scott Price: So moved. Second: Mr. Zylinski

Roll call vote:

Mascali: Aye

Brown: Aye

Scott Price: Aye

Zylinski: Aye

Taylor: Aye

Chair Taylor said the Board would return to Public Session.

OPEN SESSION

Call to Order: Following Executive Session, Chair Taylor called to order the Open Session of the meeting at 6:43.

Pledge of Allegiance: Led by Select Board

Recognition:

Chair Taylor recognized Ray Jack, who passed away on June 17. She acknowledged Mr. Jack's 25 years of service to the Town of Falmouth, saying he had devoted his time and talent to the betterment of the community. She called him a great public servant and great friend, and extended condolences to his family. Mr. Brown also acknowledged Mr. Jack's service to the Town. Chair Taylor then called for a moment of silence in tribute to Mr. Jack.

Announcements:

Chair Taylor announced that the Town had met all deadlines for the publication of the Select Board meeting agenda in the Enterprise, but that the editor of the paper notified the Town that due to a mechanical mistake, the agenda had not been published. Mr. Brown thanked the editor for the notification.

Ms. Scott Price announced the annual Ambrose Gerald, Jr. lecture to take place on June 28 in Woods Hole. She provided details of when and where the lecture would occur, as well as a brief background of its origin.

Public Comment:

Kristin Alexander – said she seeks Select Board support for a walkway from Falmouth to Woods Hole – said access is needed between communities to be able to get to conservation areas, which is now impeded by Woods Hole Road

– said that funding is available from MassDot and that the Cape Cod Commission is on board with the idea– said we need to think what Woods Hole Road will be like in the future.

COMMITTEE INTERVIEWS AND APPOINTMENTS

Regulatory Boards:

Conservation Commission – Kevin O'Brien

Mr. O'Brien said he has an engineering degree from Northeastern, worked in a consulting firm as a civil and environmental engineer, and worked for the MWRA – said he has owned a home in Falmouth for the past 20 years and lived in Town for the past 12 – said he has served on the conservation commission for the past 6 years.

Mr. Brown asked if Mr. O'Brien would be interested in taking the course offered to the CONCOM; Mr. O'Brien said he would.

**Motion by Mr. Brown: To appoint Mr. O'Brien to a term ending 6/30/2026 Second: Ms. Scott Price
Vote: Yes – 5 No – 0**

Historical Commission – Christian Valle

Mr. Valle said he has served on the historical commission since 2016 – said it has been a great experience – said the commission is collegial and has a good balance of talent.

**Motion by Mr. Zylinski: To appoint Mr. Valle to a full member position ending 6/30/2026 Second: Ms. Scott Price
Vote: Yes – 5 No – 0**

EDIC – Samuel Patterson

Mr. Patterson said that after serving as the Select Board liaison to the EDIC for 9 years, he is seeking a regular seat on the board – said he's been in Town for 33 years – said the EDIC has done some good projects in Town and still has good projects in the future, especially in the area of affordable housing.

**Motion by Chair Taylor: To appoint Sam Patterson as the representative for low-income/affordable housing, one position for the term 7/1/2023 to 6/30/2026 Second: Ms. Scott Price
Vote: Yes – 5 No – 0**

EDIC - Robert Mascali

Mr. Mascali said he would like to be the Select Board's municipal representative on the EDIC – said he attended EDIC meetings during his years on the Cape Cod Commission.

**Motion by Mr. Brown: To appoint Mr. Mascali as the municipal representative to the EDIC for a term ending 6/30/2026 Second: Ms. Scott Price
Vote: Yes – 4 No – 0 Abstain – 1 (Mr. Mascali)**

Non-Regulatory Boards

Cultural Council – Sadie Inman

Miss Inman said she is a student at Falmouth High School – said she wants to support the arts by contributing her time and perspective to benefit the community for the next generation – said she has danced for many years and plays the piano – said she loves the arts.

Chair Taylor said she is very excited to have a young high school student apply for this board. Mr. Mascali agreed.

**Motion by Chair Taylor: To appoint Sadie Inman to one term to end on 6/30/2025 Second: Mr. Zylinski
Vote: Yes – 5 No – 0**

Cultural Council - Caroline Inman

Ms. Inman said she has fund-raised for non-profits in Town and has experience with grant writing – said she wants to raise awareness in the community to attract new individuals and non-profits to the benefits the cultural council offers.

Mr. Mascali said he has worked with Ms. Inman and felt she would be a wonderful addition to the council.

Motion by Mr. Mascali: To appoint Caroline Inman to a term ending 6/30/2026 Second: Mr. Zylinski

Vote: Yes – 5 No - 0

Committee Re-appointments (uncontested seats)

Mr. Renshaw explained that there are 3 individuals who were unable to be at the 6/5/2023 Select Board meeting who are seeking re-appointment to 3 uncontested seats. He said they are all certified weighmasters.

Chair Taylor asked to move certified weighmasters Joseph Robelo to a term ending 6/30/2024, Carlos Robelo to a term ending 6/30/2024, and James Lewis to a term ending 6/30/2024 Ms. Scott Price: So moved.

Second: Mr. Zylinski Vote: Yes – 5 No - 0

PUBLIC HEARINGS

Application for four (4) one-day Sunday Entertainment Licenses – Falmouth Yacht Club located at 290 Clinton Avenue, Falmouth, MA, to be executed on 7/2/2023, 7/16/2023, 8/6/2023, and 9/3/2023

Mr. Zylinski read aloud the hearing notice.

Mr. Renshaw orally summarized the item for the Board, referring to a memo in the Select Board packet entitled *Preliminary Report for June 26, 2023*, and dated June 23, 2023. He said no concerns had been raised by staff.

Ariane Deamon, food and beverage manager, and John Callahan from the Board of Governors of the Falmouth Yacht Club were present. Mr. Callahan reviewed the details of the application, also saying that there would be amplified music and electrical instruments. He said the 6:00 p.m. end time was a “hard stop” and that it was for members only. Ms. Deamon said that the volume would not go beyond the parking lot and that they were very conscious of their neighbors.

Ms. Scott Price asked if there were any complaints from the event last year. Mr. Johnson-Staub said he was unaware of any. Mr. Mascali ascertained that the stop time was 6:00, not 6:30.

Public comment: None

Motion by Ms. Scott Price: To close the hearing Second: Mr. Zylinski Vote: Yes – 5 No – 0

Motion by Ms. Scott Price: To approve Second: Mr. Zylinski Vote: Yes – 5 No – 0

Water Rate Hearing

Mr. Renshaw introduced the item for the Board, referring to a memo in the Select Board packet entitled *Preliminary Report for June 26, 2023*, and dated June 23, 2023. He said Peter McConarty, DPW Director, would begin the presentation.

Mr. McConarty began with a review of the previous 3 presentations regarding water rate studies and said tonight they would be going through the recommended financing option encompassing a 3-year period. He also said that there would be an informational meeting open to the public the next day at the Hermann Room in the library where residents could inquire what their new bill would be. He then introduced Steve Cadorette, Deputy Director of Public Works, to present the information to the Board.

Mr. Cadorette then orally reviewed the information contained on approximately 15 screens detailing the proposed 3-year water fee and rate structure plan. Initial screens included charts and graphs outlining the revenues and expenses that are part of the plan. Mr. Cadorette explained the recommended plan, which would be based upon a flat fee according to meter size, where customers do not pay for water they don't use. Additional screens focused on water usage and billing practices, and resultant impacts on customers, both residential and business. The presentation concluded with screens related to water conservation practices.

Board comment included these points:

- This presentation is exactly what the Board asked for.
- This change in water fees and rate structure is long overdue and the presentation was excellent and understandable.
- People have known this was coming for several years now.

Mr. Cadorette thanked all those at the DPW who had assisted in the presentation, as well as the consultant, Tighe & Bond. Mr. McConarty clarified that the focus has been on water rates, not wastewater or sewer rates. He said the rate structure proposal was to fund the water main replacement and water system implementation. Wastewater and sewer rate review would come later. He also said that he would like a decision on the water fees and rate structure in July so that the new rates could be included in the November billing.

In answer to a question from Mr. Brown, Mr. McConarty said that information for residents regarding water usage has been included in past bills. In answer to a question from Mr. Mascali about an additional info session beyond the one already planned, Mr. McConarty suggested waiting to see how the one planned for Tuesday went, and if necessary, they would schedule an additional one. He said there had been many positive comments about the plan received thus far. The session on Tuesday would be available on FCTV, he said.

Public comment:

Marc Finneran, Grand Ave. – said the National Fire Protection Assn. says that hydrants should be flushed yearly, and that if Falmouth had done that, we wouldn't be here tonight – said we need to reconsider exclusion meters for those who irrigate because otherwise those people would be unjustly charged a sewer fee for water put on lawns or gardens and that is not equal treatment – said this is quite a substantial increase – said that there have been overrides for fire stations yet they remain dark – said that before a rate increase, the Town needs to come clean on how much money is hidden in mattresses, and if it is a substantial amount, it should be used first before coming to the taxpayer well.

Chair Taylor said that the hearing would remain open for the next meeting.

BUSINESS

Chair Taylor said that during the upcoming reports, there would be no public comment.

Report – Historical Commission

Ed Haddad, co-chair of the commission, presented the report, which was detailed on approximately 13 screens. Information covered topics such as function of the commission, regulatory roles, and advisory roles. He provided details about regulatory activity, the demolition delay by-law, preservation restrictions the commission holds, and advisory activity. Mr. Haddad also detailed the work the FHC had done on the Crown Circle historic district effort.

Mr. Brown asked a question about possibly incentivizing the effort to make the area a historic district, saying his understanding was that it was the first planned residential development in the country. There was brief comment about the use of CPA funding as possible assistance for historic homeowners, although Mr. Haddad said that CPA funding can be used only for non-profit or municipal government projects, not private properties.

Mr. Haddad then concluded the report, detailing ongoing projects under the purview of the FHC.

Presentation/Update, Report – Water Quality Management Committee

Eric Turkington, Chair of the WQMC, narrated approximately 25 screens detailing the work of the committee and the progress of the Town in mitigating the effect of nitrogen load in estuaries and ponds. Mr. Turkington provided explanation on the following topics in telling where the committee started and what it's done: the history of the problem of nitrogen load in Falmouth's 14 estuaries; the \$600M sewer proposal and Falmouth's response to it; demonstration projects for shellfish, PRBs, eco-toilets, inlet widening and I/A septic systems; nitrogen control fertilizers; Waquoit Bay; the Little Pond Sewer Service Area; other completed/planned/projected sewer areas; treated effluent and site alternatives; Herring Brook SMAST study conclusions; outfall in Vineyard Sound or Buzzard's Bay; Select Board policy of June 6, 2021; and good news regarding nitrogen reduction. Mr. Turkington sincerely thanked all the members of the WQMC, present and past.

Steve Rafferty, Vice-chair of the WQMC continued with the report describing where the committee currently is and what it needs to do, beginning with November Town Meeting. Mr. Rafferty included the following topics in his portion of the report: recommendations for the next phase; the Great Pond Targeted Watershed Management Plan and the immediate next step for funding; ocean outfall evaluations; Buzzards Bay and Vineyard Sound locations, including Kite Park in Falmouth Heights; an introduction to report findings; water velocity and direction; an updated effluent discharge plan voted by WQMC on 4/3/2023, and a request that the Select Board consider taking a similar vote; a urine-diverting pilot project; and an anticipated 3 requests at November Town Meeting.

Board discussion included the following topics:

- A letter received today making the point that the proposed urine diverting pilot project was more difficult than it needed to be (Mr. Rafferty said that a 7/10/23 meeting of the WQMC would be covering this issue.)
- A question about what the Town would need to do to use the approximately 200 acres that appear suitable for shellfish aquaculture (Mr. Turkington said that first the state would need to provide a more detailed analysis to get approvals, then it would go to the Select Board. He said approval had already been granted for one and a half acres in Eel River, but a much larger area would require more information. Mr. Rafferty also said they would need to circle back to MES and involve them in next steps.)
- The time frame for the Vineyard Sound outfall (Mr. Rafferty estimated 5 to 10 years depending upon the variable of the permitting process. He also brought up the funding plan and if state and/or federal funds could be part of the plan. Mr. Turkington said the outfall has the support of the Buzzards Bay Coalition.)
- Regarding the 200 acres for aquaculture, what entity would initiate that proposal (Mr. Rafferty said that Marine Environmental Services/Chuck Martinsen would be the entity to come before the Select Board with a proposal.)
- If treated wastewater would ever get to the point where it could be re-used (Mr. Rafferty said that in this country, it is not common to use effluent directly as drinking water, although in some countries it is.)

The Board thanked Mr. Turkington and Mr. Rafferty, and the WQMC, for an excellent presentation.

Acting as Trustees of the Falmouth Affordable Housing Fund, vote to grant \$177,293.96 to Megansett Crossing, LLC to supplement funding for 10 affordable deed restricted rental units at Megansett Crossing

Mr. Renshaw orally summarized the item for the Board, referring to a memo in the Select Board packet entitled *Preliminary Report for June 26, 2023*, and dated June 23, 2023. He recommended moving forward contingent upon the four conditions listed in a memo from Peter Johnson-Staub dated May 16, 2023, with the subject line *Michael Galasso – Megansett Crossing, Supplemental Request to Falmouth Affordable Housing Fund*

Michael Galasso, the developer of the project, described the completed project, using photos and other budget information in a presentation. He said there was an opening last January and called it a good 40B project that fits in with the community. He said most of the work is completed and all the units are occupied. He said the project was 3.6% over the original budget despite being built during the pandemic. He said he was requesting additional funding to complete the project and its amenities, such as the play area and community garden. He asked that he be able to access a portion of the requested funds to complete the play area and community garden and fencing, which are requirements for the audit. He suggested slightly modifying one of the conditions to allow for this access. After the audit, the remaining requested funds could be released.

Mr. Zylinski ascertained from Mr. Galasso that Megansett Crossing LLC is a for-profit business. He then asked if Mr. Galasso had expended his profit margin expressed in his pro-forma when he proposed the project - if the money was gone. Mr. Galasso said no; he said what he earned was a developer's fee, which in this case was \$100,000 paid out monthly. He said the fee was originally \$360,000 but was cut down to \$100,000. Mr. Zylinski then asked if the contingency funds had been expended. Mr. Galasso said that those funds were spent on framing, finish cabinetry, and counter tops where there were overages. Regarding Mr. Zylinski's question about landscaping, Mr. Galasso said that he has paid a landscaper to do some of the work, but that more needs to be done.

Mr. Brown said that he has visited the project and it is well done. Mr. Mascali noted the total project subsidy at \$82,729 per unit.

**Motion by Ms. Scott Price: That the Board, acting as Trustees of the Falmouth Affordable Housing Fund, grant \$177,293.96 to Megansett Crossing, LLC to supplement funding for 10 affordable deed restricted rental units at Megansett Crossing and authorize the Town Manager to execute a commitment letter and grant agreement setting forth the terms of the financial award to Megansett Crossing, LLC. Second: Mr. Brown
Vote: Yes – 4 No – 1 (Mr. Zylinski)**

Mr. Mascali then asked if the Board needed to address the question about conditions that Mr. Galasso had referred to. Mr. Johnson-Staub said that the vote authorized the town manager to detail the conditions of the award in the documentation, and that they would work that out.

Authorize update to the non-union wage plan for Technical Administrative and Management employees

Using several informative screens during this presentation, Mr. Johnson-Staub provided an overview of the wage plan, which involves 53 non-union positions. He said this group of employees have received COLA adjustments but

no other market adjustments for over 20 years. He detailed the composition of the group of employees. He said a consultant had conducted a compensation survey of comparable communities, and results showed Falmouth's wage rates were 12.7% below the 60th percentile target, average of all positions. He cited positions particularly difficult to fill. He then detailed the proposal to increase wage rates by 15% effective 7/1/2023, and the plan for implementation. He also included some future considerations regarding compensation and benefits for this group of employees. The proposed pay plan was included in the Select Board packet.

Mr. Brown said, for the benefit of the public, that this issue has been discussed previously in executive session several times.

Motion by Ms. Scott Price: To authorize the FY2024 Wage Rates for Technical Administrative and Management Employees as submitted Second: Mr. Zylinski Vote: Yes – 5 No - 0

Transportation Management Committee Recommendations

Mr. Renshaw orally summarized the item for the Board, referring to a memo in the Select Board packet entitled *Preliminary Report for June 26, 2023*, and dated June 23, 2023.

Town Planner Jed Cornock, using approximately 12 screens, presented information about the committee and its recommendations supported by the Select Board for improvements to the downtown area, which included parking management, connectivity, and information and signage. Individual screens showed examples of each. He also explained the Falmouth Wayfinding Plan to the Board. The presentation concluded with next steps and the status of the recommendations the Board has supported.

The Board thanked Mr. Cornock for the informative presentation.

Embarkation Fund policy

Mr. Renshaw introduced the item for the Board, saying that Mr. Johnson-Staub would be presenting the information.

Mr. Johnson-Staub explained the background of the item, saying the Board had requested this policy, which was also suggested by some community members, and that the draft had been provided to them in their packets. He explained the creation of the fund itself and its purpose, which is to mitigate the impacts of ferry service, and then provided an overview of the draft. His overview included data of the number of passengers per year, examples of impacts to the Town and the costs of those impacts, and how much revenue comes to the Town from passenger fees. Details of this data are included in a memo in the Select Board packet entitled *Embarkation Fund Policy*, dated June 23, 2023, along with the draft policy. Mr. Johnson-Staub said his recommendation is that the Board leave options open to apply funds in a way that meets priorities as they evolve. He said that the policy has been reviewed by Town Counsel.

Mr. Brown asked if an individual citizen could make a specific request. Mr. Johnson-Staub said yes, in the same way that a citizen can come forward and make a request for, say, a repair to a sidewalk.

Mr. Mascali said that he did not think the draft set forth how the money was being used to mitigate the impacts of the ferry service, which he said was the issue for some of the residents. He said he would like clarity on the use of the lump sum of the \$350,000. Mr. Johnson-Staub said a thorough analysis of affected departments' operating budgets showed regular impacts from ferry service. He said the policy meets the law, and to stop using the funds to offset the operating costs of those departments would create a \$350,000 hole in the Town's budget. He said that was an option that the Board could entertain if it chose to.

Chair Taylor said that policies need to remain broad and not tie the Town Manager's hands.

**Motion by Chair Taylor: To move the draft as written. Second: Ms. Scott Price
Vote: Yes – 4 No – 1 (Mr. Mascali)**

Vote to approve a request from Seacoast Shores Association, Inc. for a grant of license to allow the transport of beach sand over the Bayside Drive right-of-way

Mr. Renshaw summarized the situation behind the request, which involved a question that came to him on June 22 regarding beach nourishment being done by a contractor who, it was discovered, did not have the proper license for

the work. The conservation commission had approved the nourishment project, but the Seacoast Shores Assn. had not followed through with instructions for obtaining the appropriate license. Mr. Renshaw said he ordered that the work stop until the license could be obtained. The association then completed a grant of access license application, and Mr. Renshaw asked Town Counsel to draft a temporary grant of access license. He said he recommended approval including the listed conditions.

Mr. Brown said it appeared to be an oversight on the part of the association.

Motion by Mr. Zylinski: To approve the request from Seacoast Shores Association, Inc. for a grant of access license to allow the transport of beach sand over the Bayside Drive right-of-way
Second: Ms. Scott Price Vote: Yes – 5 No - 0

CONSENT AGENDA

1. Licenses

- a. Approve the application for an Automatic Amusement Device License – Shipwrecked, LLC d/b/a Shipwrecked located at 263 Grand Avenue, Falmouth
- b. Approve application for a Common Victualler License – Vine Food and Restaurant, Inc. d/b/a/ The Vine located at 824 Main Street, Falmouth
- c. Application for a Special One-Day Wine & Malt Beverages License – Silver Beach Improvement Association to be located at 6 West Avenue, North Falmouth – Saturday, 8/26/23

Mr. Renshaw commented on Item “a.” He orally summarized the item for the Board, referring to a memo in the Select Board packet entitled *Preliminary Report for June 26, 2023*, and dated June 23, 2023. He asked that if the Board were inclined to propose any conditions on the license, that the item could be deferred until such conditions could be considered. No Board member spoke in favor of conditions or held the item. Chair Taylor said the item would be moved as written.

2. Administrative Orders

- a. Vote to accept donation in the amount of \$892.80 from the Old Stone Dock Association to the Beach Donations Account, 28-632-5655-4830, to fund the 16 window boxes for the Ellen T. Mitchell Bathhouse at 56 Surf Drive installed on Wednesday, 5/24
- b. Vote to expend those funds from the Beach Donations Account to pay the Soares Flower Garden Nursery invoice dated 5/15 for 48 New Guinea impatiens, 32 Scavola, and planting services
- c. Vote to accept donation in the amount of \$500.00 from David’s Old Silver Swim, Inc. c/o Robert Catalano to the Beach Donations Account, 28-632-5655-4830, to fund the Dr. David Garber “Dare to be Great” Award given to a lifeguard during our annual banquet

Mr. Brown thanked those who had made donations under Items “a” and “c.”

Motion by Ms. Scott Price: To approve the consent agenda Second: Mr. Zylinski
Vote: Yes – 5 No – 0

MINUTES

Review and Vote to Approve Minutes of Meetings

Public Session –

April 1, 2023: **Motion by Mr. Brown: To approve Second: Ms. Scott Price**
Vote: Yes – 4 No – 0 Abstain – 1 (Mr. Mascali)

May 1, 2023: **Motion by Mr. Zylinski: To approve Second: Ms. Scott Price**
Vote: Yes – 4 No – 0 Abstain – 1 (Mr. Mascali)

Executive Session – April 3, 2023: **Motion by Ms. Scott Price: To approve and not release to the public**
Second: Mr. Zylinski Vote: Yes – 4 No – 0 Abstain – 1 (Mr. Mascali)

TOWN MANAGER’S SUPPLEMENTAL REPORT

Mr. Renshaw orally presented the content of his report, referring to a memo in the Select Board packet entitled *Supplemental Report*, and dated June 26, 2023. The items detailed in the report were 1) the creation of a working group to explore beach department facility replacement options; 2) confirmed start date for the new police chief Jeff Lourie; 3) newly revised Title V and watershed permit regulations effective July 7, 2023; and 4) a list of the upcoming dates for Select Board meetings in July and August, and September 11. (Ms. Scott Price said she would be unable to attend the Sept. 11 meeting.)

SELECT BOARD REPORTS

Chair Taylor reported on the following:

- Met on June 6 with representatives from the Executive Office of Public Safety and Security Municipal Police Training Committee regarding the municipal training center being proposed at Technology Park regarding a variance from the Board of Health for a septic system
- On June 12 attended the Lawrence School Town Meeting, which was a lot of fun
- On June 15 attended the League of Women Voters Observers' Corps, along with Mr. Mascali and Mr. Renshaw
- On June 22 attended the opioid forum at St. Barnabas Church along with Mr. Renshaw and Mr. Mascali

Mr. Mascali reported on the following:

- Attended a "housing huddle" along with Mr. Brown at the Hermann Room at the library, organized by Mr. Kasparian, which highlighted the issue of housing need

Mr. Brown reported on the following:

- Commented on the issues raised at the housing huddle
- Spoke with Kelsey Perry from South Coast Wind on June 12 and covered the issues connected with that and other projects, as well as clarifying how best to talk about or describe reaching out to Town employees or officials during project activity
- Attended annual meeting with Mr. Mascali of Cape and Islands Municipal Leaders on the Viking tour boat out of Onset. Board members met with Lt. Gov. Kim Driscoll at the Mass Maritime Academy on June 15 to talk about DEP regulations and impacts
- Attended Beach Committee meeting and highlighted their activities, and their interest in having a joint meeting with the Select Board and other entities both in the near term and longer term

At this point, Chair Taylor wondered if it wouldn't be prudent to ask South Coast Wind to send a monthly update/report in writing to the Board. She said she thought it was important to have the information in writing so that nothing is left to interpretation. Mr. Brown said that would be fine if that's the direction she wished to go in.

Ms. Scott Price reported on the following:

- Attended the housing huddle hosted by HAC
- Spoke with Chief Lourie and attested to his energy level and good vision for Falmouth

DISCUSSION OF FUTURE AGENDA ITEMS

- Chair Taylor would like to have an update on capital projects regarding the shape of fields, with the Recreation Committee in attendance, and get a detailed explanation of where we are on the projects, what has held them up, and how to move forward.
- Sidewalk on Woods Hole Road

(Chair Taylor advised members to amend their meeting calendars.)

- Mr. Zylinski asked for a more accurate housing number - what are the percentages, when and how do we count them, and what is the number
- Mr. Mascali would like a report from Chuck Martinsen regarding shellfish aquafarming
- Chair Taylor - Update on staffing
- Mr. Brown would like a discussion on what action the Board might take to discuss the lack of long term, effective planning by the Steamship Authority

ADJOURN

Motion by Ms. Scott Price: To adjourn Second: Mr. Zylinski Vote: Yes – 5 No - 0

Respectfully submitted,
Carole Sutherland, Recording Secretary

OPEN SESSION

TOWN MANAGER'S SUPPLEMENTAL REPORT

July 10, 2023



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

TO: Select Board
FROM: Mike Renshaw, Town Manager
SUBJECT: Supplemental Report
DATE: July 7, 2023

Brief Progress Report on Hatchville Fire Station Construction Project:

Construction is progressing well and at this early stage remains on budget and slightly ahead of schedule. Barring any unexpected issues, substantial completion is presently estimated to be summer of 2024 which means that the station could be operational by the end of calendar year 2024.

Based upon the most recent Construction Meeting held on June 29, slab preparation for the Administration side of the building is ongoing. Due to the weather, the slab pour was delayed until July 6. Apparatus slab preparations are underway. In two weeks, we anticipate the radiant tubing installation will be completed and the pouring of the Apparatus slab will occur. This will be followed shortly by delivery of steel, and wood framing for the Administration side of the building.

10-Year Comprehensive Capital Improvement Planning is Underway:

Department Heads were recently directed to begin preparing their capital project submissions for the 2024-2033 CIP. Department requests are due to the Town Manager's Office by July 21, and the Capital Plan will be submitted to the Select Board in late August or on September 11, with the review of the Finance Committee to follow.

Instructions to the departments were revised this year. The new instructions are designed to enhance project accountability and the ability to more effectively manage projects, and include new requirements to 1) identify the staff members who will be responsible for preparing procurement specifications and overseeing the work of consultants and contractors hired to complete the project 2) confirm with applicable staff members that they can initiate the project within one year of receiving funds, and 3) describe how this project relates to one or more Select Board's Strategic Plan Priorities.

Upcoming Meetings:

- July 24
- August 5 (Select Board Strategic Planning Session)

- August 7
- August 21
- August 28
- September 11
- October 2