

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, OCTOBER 16, 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.

6:30 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. Human Services Committee – Linda Sattel, Michael Bihari, MD
 - b. Waterways Committee – Paul (Rick) Hill

6:45 p.m. BUSINESS

1. Update – Annual Town Meeting Article 6, Sewer Design and Permitting for Northeast Maravista and Teaticket Path Peninsula Service Area (5 minutes)
2. Report – Beach Committee (15 minutes)
3. Report – Edward Marks Building Committee (15 minutes)
4. Report – Joint Base Cape Cod (JBCC) Joint Oversight Group (JOG) (15 minutes)
5. Discuss recommended pickleball noise complaint mitigation best practices (15 minutes)
6. Request from Mark and Cynthia Albers to submit a Notice of Intent to the Conservation Commission to perform sediment nourishment and maintenance on Town-owned land at Lot B, 0 Great Bay Street (5 minutes)
7. Vote to adopt the FY23-FY27 Select Board Strategic Plan as revised based upon discussion during the August 5, 2023 strategic planning workshop (10 minutes)
8. Vote to reclassify the part-time Conservation Agent position to a full-time position (15 minutes)

8:20 p.m. CONSENT AGENDA

1. Licenses
 - a. Application for a Special One-Day Wine & Malt Beverages License – WM Cycling, Inc. – Really RAD Festival of Cyclo Cross – Cape Cod Fairgrounds – 1220 Nathan Ellis Highway, East Falmouth – Saturday & Sunday, October 28 and 29, 2023 from 8:00 a.m. to 4:00 p.m.
2. Administrative Orders
 - a. Authorize the Town Manager to file and sign State Revolving Fund (SRF) grant and/or loan agreement documents for the construction cost of the Falmouth Wastewater Treatment Facility Improvements Project
 - b. Accept award under the FY2023 Bulletproof Vest Partnership Program in the amount of \$10,440

8:25 p.m. MINUTES

1. Review and Vote to Approve Minutes of Meetings
 - a. Public Session – January 30, 2023; September 11, 2023
 - b. Executive Session – September 11, 2023

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

8:35 p.m. SELECT BOARD REPORTS

8:45 p.m. ADJOURN

Nancy Robbins Taylor, Chair
Select Board

OPEN SESSION

COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members

a. Human Services Committee:

- Linda Sattel**
- Michael Bihari, MD**

Town Committee Vacancies

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

Committee	Term Until
Affirmative Action Committee (1 position)	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 Commission (1 position)	4/24/24
Cape Cod Regional Transit Authority (1 position)	6/30/26
Commission on Disabilities (5 positions)	6/30/24 (2), 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)	6/30/24
Waterways Committee (1 position)	6/30/25

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.

Human Services Committee (7 members) (3-year terms)

Two vacancies:

- One term ending 6/30/26
- One term ending 6/30/25

Two applicants:

- Linda Sattel
- Michael Bihari, MD



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

(HUMAN SERVICES committee)

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.gov.

Name: LINDA SATEL

Address: 23 sheeps crossing lane Village: Woodstock ZIP: 02543

Mailing Address: _____ Village: _____ ZIP: _____

Telephone: _____ Email: _____

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

Amount of time you are available to give: _____

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

- VICE CHAIRMAN - HIGHFIELD HALL & GARDENS
- _____
- _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences: I was a psychology major in college (Rutgers College) I am an attorney barred in NJ, NY, MA. I taught political science and Business Law at a local community college in NJ. (ROWAN)

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

I MOVED permanently to Falmouth in 2021.

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

As an attorney I am analytical and solution oriented. I am familiar with social issues, including addiction and mental health. My mother was a social worker and father was a psychiatrist. I currently serve on the board as vice chairman of Highfield Hall & Gardens.

You may attach a resume to this application.

List three (3) references:

Name	Title	Phone
1. Kathie Miller	Chairman Highfield	[REDACTED]
2. Lisa Walker	Director, Highfield	[REDACTED]
3. Rosella Campion	Friend, Senior Executive Broker Mortgage Master	[REDACTED]

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

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

7/27/23
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 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.

Michael Bihari, MD

Name: _____
Address: 7 Pondview Circle Village: E. Falmouth ZIP: 02536

Mailing Same
Address: _____ Village: _____ ZIP: _____

Telephone: _____ Email: _____
22 yrs 22 yrs

How long have you been a Resident _____ (date: _____) / Taxpayer _____ (date: _____)
As Needed

Amount of time you are available to give: _____

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

- 1. Human Services Committee
- 2. _____
- 3. _____

Seeking: Permanent Position Alternate Position No

Have you attended any meetings of the committee for which you are applying? _____
Board of Directors 4 yrs

Relevant affiliation and work and personal experiences _____
Board of Directors Community Health Center 10 years - 4 as President

Chair Steering Committee Falmouth Prevention Partnership 6 yrs

Board of Directors Neighborhood Falmouth 6 yrs current President

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: _____
Board Certified Pediatrician with 20+ years involved in human services related activities in Falmouth

Have given numerous talks around town on health-related issues

Written more than 125 articles published in Enterprise

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
	Donna Buckley	Barnstable County Sheriff.	_____
1.	Ellen Barol	Past President FEF	_____
2.	Susan Loucks.	Former Executive Director Neighborhood Falmouth	_____
3.			

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.

10/04/2023

DATE

Michael Bihari, MD

APPLICANT'S SIGNATURE

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

OPEN SESSION

COMMITTEE INTERVIEWS

2. Interview, vote and appoint committee members

b. Waterways Committee:

– Paul Hill

Town Committee Vacancies

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Board of Survey (2 positions)	6/30/24
Building Code Board of Appeals (1 position)	6/30/25
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Cape Cod Commission (1 position)	4/24/24
Cape Cod Regional Transit Authority (1 position)	6/30/26
Commission on Disabilities (5 positions)	6/30/24 (2), 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)	6/30/24
Waterways Committee (1 position)	6/30/25

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.

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

One vacancy:

- One term ending 6/30/25

One applicant:

- Paul (Rick) Hill

Not appointed on 7/10/23
date had corrected, there is a vacancy.



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

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Name: PAUL (RICK) HILL

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

Mailing Address: ↑ Village: _____ ZIP: _____

Telephone: [REDACTED] Mail: [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:

1. Waterways Committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences: 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.

OPEN SESSION

BUSINESS

1. Update – Annual Town Meeting Article 6, Sewer Design and Permitting for Northeast Maravista and Teaticket Path Peninsula Service Area **(5 minutes)**



ITEM NUMBER: Business 1.

ITEM TITLE: Annual Town Meeting Article 6, Sewer Design and Permitting for Maravista and Teaticket Path Peninsula Service Area

MEETING DATE: 10/16/2023

WORK SESSION **REGULAR MEETING** **PUBLIC HEARING**

SUBMITTED BY: Peter Johnson-Staub, Assistant Town Manager

ATTACHMENTS: Buzzards Bay Coalition letter 09/08/2023, Association to Preserve Cape Cod letter 10/05/2023, Wastewater Superintendent/Water Quality Management Committee memo 10/05/2023

PURPOSE:

Wastewater Superintendent Amy Lowell will comment briefly on the letters received by the Select Board advocating for an amendment to Article 6 relative to the site selection for discharge of treated wastewater.

BACKGROUND/SUMMARY:

- The Water Quality Management Committee and Town staff have been thorough and methodical in evaluating potential locations for discharge of treated wastewater.
- Article 6 seeks funding required to design and permit Phase 1 of the wastewater project outlined in the Town's Targeted Watershed Management Plan for Great Pond, approved by the state in January of 2023.
- Phase 1 includes the wastewater collection system for the northeastern part of Maravista and the Teaticket Path peninsula, the booster pump station and force main to convey the wastewater to the Town's Main Wastewater Treatment Facility, and the expansion of the Town's existing northernmost open sand beds for discharge of treated wastewater.

- The Buzzards Bay Coalition sent a letter to the Select Board dated 09/08/2023 outlining concerns with the Town's plan to discharge the treated wastewater from this next phase of the sewer system buildout at the existing sand beds located at the Wastewater Treatment Facility. The Coalition is suggesting the Town move forward with the other elements of the project and defer the design and permitting of the discharge site. The Select Board received a number of email messages from residents advocating for this change to prevent additional treated wastewater from being discharged in the West Falmouth watershed.
- The Water Quality Management Committee and the Wastewater Superintendent have advised the Town cannot proceed with bidding and construction without a permitted discharge site.
- The expansion of existing sand beds at the Wastewater Treatment Facility was studied by the same UMass Dartmouth research team that prepared all of the estuary reports on which the state based its nitrogen limits for all estuaries in Falmouth. This study concluded Herring Brook salt marsh would be able to assimilate the nitrogen from the planned increase in flow from this project.
- Permitting an expansion of the existing discharge site is estimated to take place in about one year as compared to an estimated 4-7 years to permit an outfall pipe. The estimated permitting timelines for both of these discharge options could increase by several years if appealed.
- The Town is moving forward with preliminary studies to permit an outfall pipe. In the interim, using the existing sand beds is the quickest and most cost effective means to improve water quality for Green Pond and Great Pond without compromising water quality in West Falmouth Harbor.
- Given the amount of correspondence received on the matter, we wanted to take a few minutes to describe the professional evaluations and the logic behind the proposal to expand the use of the discharge beds at the Wastewater Treatment Facility.

DEPARTMENT RECOMMENDATION:

The Board is not asked to take any action on this matter. The Finance Committee has voted to recommend this Town Meeting article as submitted.

OPTIONS:

- Not Applicable

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

For informational purposes only; no action is being requested.

Michael Renshaw

Town Manager

10/13/2023

Date



September 8, 2023

Falmouth Select Board
59 Town Hall Square
Falmouth, MA 02540

Re: Reject TASA Sewer Article as drafted

Dear Members of the Falmouth Select Board:

The Buzzards Bay Coalition ("Coalition") writes to you today to **urge you to reject the placement of the Maravista/Teaticket sewer Article, as currently drafted, and submitted by the Falmouth Department of Public Works** on the for the November 13, 2023 Town Meeting Warrant.

The Coalition is a membership-supported nonprofit organization dedicated to the restoration, protection, and sustainable use and enjoyment of our irreplaceable Bay and its watershed. We are supported by more than 11,000 members including more than 1,400 in Falmouth.

Falmouth can, and should, move forward to complete the final design for the Maravista/Teaticket sewer expansion. However, Falmouth must not pursue the permitting of a discharge that will further degrade one of the town's sensitive saltmarshes and most popular beaches, Old Silver Beach. The Article, as written, would allow the town to permit a discharge of 760,000 gallons perday of wastewater discharge into sites 14 and 15 which discharge to Herring Brook adjacent to Old Silver Beach.

Protect Herring Brook

Herring Brook was listed by the Massachusetts Department of Environmental Protection as impaired (polluted with too much nitrogen) pursuant to section 303(d) of the federal Clean Water Act, in 2012. In 2023, a Buzzards Bay-wide assessment of salt marsh vulnerability found that the Herring Brook is saltmarsh lost 18% of the marsh between 2009 and 2019 and is one of the most rapidly degrading salt marshes on all of Buzzards Bay. Most recently, Dr. Craig Tobias at the University of Connecticut Avery Point found that the Herring Brook saltmarsh is not healthy and concluded that any additional nitrogen discharge will further degrade the marsh. These findings are in stark contrast to the study completed by the Coastal Systems Group at the School for Marine Science and Technology at the University of Massachusetts Dartmouth (SMAST). **The SMAST report is based on false assumptions which ultimately invalidates the conclusion that it is acceptable to discharge more wastewater to Herring Brook.**

Alternative Language for TASA Sewer Article

A small change in language would allow the town to move forward with sewer design in Maravista and Teatiket without spending limited resources on permitting a discharge to sites 14 and 15. The Coalition suggests the following language:

“To see if the Town will vote to appropriate a sum of money to fund the engineering, design and permitting of the wastewater collection system for the northeastern part of the Maravista peninsula and the Teatiket Path peninsula, the booster pump station and force main to convey the wastewater to the Town’s Main Wastewater Treatment Facility, and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.”

By eliminating the phrases, “and the expansion of the Town’s existing northernmost open sand beds for discharge of treated wastewater, including costs incidental and related thereto”, Falmouth can move forward with engineering for the expanded collection system in Maravista and Teatiket neighborhoods and avoid degrading Herring Brook.

Support Ocean Outfall

Prioritizing the construction of an ocean outfall is the long term solution for the town. The Coalition applauds the town’s efforts to complete the science needed to pursue the permitting of an ocean outfall into the Sound. An ocean outfall will protect and improve the quality of all Falmouth’s coastal waters. We continue to support the town in these efforts.

Conclusion

The Coalition requests that the Select Board not support the placement of the Maravista/Teatiket Article on the Town Meeting Warrant unless the language is amended to prevent a Herring Brook discharge.

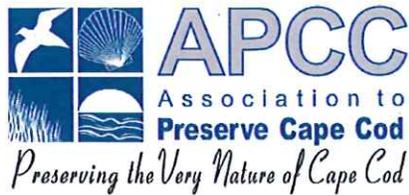
We look forward to working with the town towards solutions that improve and protect water quality town-wide.

Sincerely,



Korrin N. Petersen, Esq.
Vice President Clean Water Advocacy
petersen@savebuzzardsbay.org

Cc: Falmouth Water Quality Management Committee
Falmouth Department of Public Works
Falmouth Town Counsel



Andrew Gottlieb
Executive Director

October 5, 2023

BOARD OF DIRECTORS

Steven Koppel
President

Elyse Magnotto-Cleary
Vice President

Taryn Wilson
Treasurer

Jack Looney
Clerk

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

Mr. Steve Rafferty, Chair
Water Quality Management Committee
59 Town Hall Square
Falmouth MA 02450

Bob Ciolek

Dear Chairs Taylor, Rafferty, Honorable Select Board Members and Committee Members:

Tom Cohn

John Cumbler

Jamie Demas

Joshua Goldberg

Meredith Harris

DeeDee Holt

Pat Hughes

Molly Karlson

Eliza McClennen

Stephen Mealy

Wendy Northcross

Kris Ramsay

Dottie Smith

Charles Sumner

The Association to Preserve Cape Cod supports the passage of Article 6 on the November 13, 2023 Town Meeting warrant, authorizing the design and associated permitting for sewer extensions serving Maravista and Teaticket. There is no disagreement that the Town of Falmouth has numerous challenges it must confront to restore its degraded estuaries. Approval of this article as proposed is a necessary step forward if the Town has any hope of advancing clean water initiatives in a reasonable time frame. Suggestions that the article can be amended to eliminate permitting for increased discharge capacity without setting the Town back are ill conceived, misleading, and just plain wrong.

The net effect of rejecting Article 6, or even amending it as proposed, is preventing any progress on cleaning up the degraded estuaries in Falmouth until and unless an ocean outfall is permitted and constructed, perhaps by the end of the decade, perhaps longer. Proponents of amending Article 6 have stated that the timeline for permitting expanded wastewater discharge capacity at the site of the existing treatment plant will take as long, or longer, than permitting of the ocean outfall. This assertion is misleading in that it extends the timeline for the groundwater permitting, expected to be approved by DEP just next year, by five years because the proponents of the amendment already plan to appeal the permit to slow it down. Their optimistic timeline for

permitting of the ocean outfall assumes no appeal. The timelines are only comparable because of a presumptive promise to appeal a permit not yet written that may include sufficient measures to prevent or mitigate harm. Town meeting members should neither reward nor give in to such an obstructionist stance.

Proponents of amending Article 6 are relying on the questionable presumption that an as yet to be permitted sewage outfall to Nantucket Sound is both the preferred option and a certainty. Neither are known to be true today. Maybe an ocean outfall will be determined to be appropriate, maybe it won't; that is what the permitting process is designed to determine. To date, there has been no objective public evaluation of the impacts of a proposed outfall into Nantucket Sound and the variety of interested stakeholders who have a vested interest in assuring the protection of the Sound have not had an opportunity to weigh in. The fact that flushing rates in Nantucket Sound are greater than Buzzards Bay may be true and is often cited as the basis for not increasing groundwater discharge in Falmouth, but flushing is just one part of the equation in determining if impacts to the Sound are acceptable. By itself, flushing rates are not determinative that the impacts are acceptable and yet that notion has been used as part of the rationale for opposing Article 6 as submitted. The notion that a permitting process for an ocean outfall will be fast, unchallenged, and successful is a false predicate and is, at best, wishful thinking.

Town meeting members should also know that amending Article 6 places the town at financial risk. The construction of sewers and related infrastructure for Teaticket and Maravista, while technically eligible, will likely not receive state no interest financing and the associated principal forgiveness from the Cape and Islands Water Protection Fund until and unless the state knows that there is someplace for the treated effluent from these locations to be discharged. Amending Article 6 places the town in the position of spending money now on a design and then waiting seven to ten years for an ocean outfall to be permitted to realistically compete for lower cost state financing against projects that show immediate environmental benefit. In the alternative, the Town could choose to forgo favorable state financing and make the local property tax base bear the higher costs. However, forcing local taxpayers to pay more than necessary is bad public policy. Putting off all new efforts to improve water quality until after 2030 is similarly unacceptable, but those are the real-world hidden implications of amending Article 6 as suggested.

Much has been said about the decline of the quality of the marshes on the western shores of Falmouth. It has been implicitly asserted that nitrogen from the treatment plant effluent is the cause of the decline. APCC has seen decline in marsh health driven by stormwater runoff, encroachment from development, alterations in flow due to restrictions in tidal exchange from



road crossings and other structures, inundation from sea level rise and, yes, nutrient loading from wastewater effluent. A lot more needs to be evaluated to determine if increased effluent discharge will further degrade the marsh or if other factors are driving the decline. That can be done in the groundwater permitting process once an application has been filed. To presumptively prohibit increased disposal without assessing its impact and means to mitigate impacts supports the narrative to amend Article 6 but lacks intellectual and scientific rigor.

APCC is an environmental organization dedicated to cleaner waters for all of Cape Cod. In that light, APCC supports wastewater treatment and disposal options that are realistic and have the least impact on the aquatic environment. Not only what a town does with its wastewater, but when it does it is critical. Acting in a timely manner, after so many years of delay, is important. With that in mind, it is APCC's belief that the best way forward for Falmouth is an all of the above strategy. APCC encourages Falmouth to proceed with Article 6, pursue permitting of increased discharge at the treatment plant while seeking permitting of the ocean outfall. If it is determined that an ocean outfall is the better environmental outcome, then APCC would expect Falmouth to move away from the groundwater discharge. If an ocean outfall is found to be a problem, as it may well be, then the groundwater discharge option has also advanced and the Town will have that option available to it. These courses of action must be pursued simultaneously, as a sequential approach extends timelines and boxes the town into going down one road at a time, possibly to a dead end. Meanwhile, the estuaries throughout town will continue to degrade and neighborhoods long neglected will continue to see their surrounding waters degrade further.

In summation, APCC encourages the passage of Article 6 as submitted by the Town and looks forward to supporting the Town of Falmouth as it tackles this complex challenge in the years to come.

Sincerely,



Andrew Gottlieb

CC: Amy Lowell, Falmouth Wastewater Superintendent



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

October 5, 2023

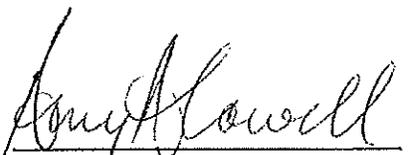
Dear Select Board and Finance Committee,

The Buzzards Bay Coalition (BBC) has sent letters to each of you proposing that design and permitting of increased discharge to expanded sand beds 14 and 15 be removed from Article 6 of the fall Town Meeting warrant. The BBC claims that the sewer work in Article 6 could move forward without this discharge plan because an outfall could be permitted faster than the land-based discharge.

We recommend that Town Meeting Article 6 be approved at Town Meeting as written because:

- The Town spent two years and \$350,000 evaluating discharge sites and preparing the Targeted Watershed Management Plan (TWMP) to improve water quality in severely degraded Great Pond.
- The Recommended Plan in the Great Pond TWMP involved: sewerage the lower portion of the Great Pond watershed in 2 phases, conveying that wastewater to the Town's Main Treatment Facility, and discharging the treated wastewater to expanded sand beds 14 and 15.
- The Great Pond TWMP went through a public review process and was approved by the state in January 2023.
- Article 6 would design and permit Phase 1 of the Town's Great Pond TWMP.
- Without a discharge location for the new sewer area, Article 6 would not be a viable project; the Town would not be able to move forward with bidding and construction. The Town would not be able to get a zero percent State Revolving Fund loan for project construction.
- The state issued the Town a permit to discharge an average of 260,000 gallons per day to beds 14 and 15 in 2015, and renewed that permit in 2021.
- The Town has observation wells to monitor groundwater quality downgradient of the infiltration beds, monitors them quarterly for nitrogen and phosphorous and reports that data to the state.
- The Town does not have a permitted outfall.
- Funds are also requested in the November Town Meeting warrant to collect additional data required to permit an outfall. We estimate that the data collection will take 18 to 24 months to complete, after which outfall permit applications would be prepared. The Town is optimistic that an outfall can be permitted in 4-7 years but this is not guaranteed.

- It is expected that a groundwater discharge permit for increased flow to beds 14 and 15 would be issued in less than 1 year. The reason that the Buzzards Bay Coalition claims that it would be faster to permit an outfall than to permit additional discharge to beds 14 and 15 is that they also say they plan to appeal the Town's groundwater discharge permit as far as possible in state courts.
- The Buzzards Bay Coalition previously appealed the Town's permit to discharge to Beds 14 and 15 and yet the permit was issued.
- The Town contracted with the School of Marine Science and Technology at UMass Dartmouth (SMAST) to evaluate Herring Brook and the potential impact on Herring Brook of increasing wastewater discharge to Beds 14 and 15.
- SMAST concluded that Herring Brook is a healthy salt marsh, and would be able to assimilate the nitrogen from the planned increase in flow to Beds 14 and 15 and remain healthy. This report was presented and discussed in a public Water Quality Management Committee meeting and is on the Town website at:
<https://www.falmouthma.gov/DocumentCenter/View/14826/Herring-Brook-Report-June-2023>.
- The SMAST team that prepared this Herring Brook report is the Massachusetts Estuaries Project team, the team that prepared all of the estuary reports upon which the state based its Total Maximum Daily Load (TMDL) nitrogen limits for Massachusetts estuaries.
- When the Town applies for a revised groundwater discharge permit for Phase 1 of sewerage (proposed in Article 6), the requested increase will be only be 200,000 gallons per day, only 40% of the flow evaluated in the SMAST study (the study evaluated total flow from Phases 1 and 2 of Great Pond sewerage).
- Additional flow to Beds 14 and 15 would only be needed for an interim period until either the outfall is permitted and constructed or, if the outfall is determined not to be feasible, until infiltration beds at the Augusta or Allen parcel are permitted and constructed.
- Approving Article 6 as written will allow the Town to make significant progress toward meeting the nitrogen reduction target for Great Pond while pursuing the Town's long-term plan for treated wastewater discharge, an outfall.


 Amy Lowell
 Wastewater Superintendent
 Management Committee


 Stephen Rafferty
 Chair of the Water Quality

OPEN SESSION

BUSINESS

2. Report – Beach Committee (15 minutes)



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 2.

ITEM TITLE: Report- Beach Committee

MEETING DATE: 10/16/2023

WORK SESSION **REGULAR MEETING** **PUBLIC HEARING**

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Beach Committee Report

PURPOSE:

The Select Board will hear an annual report from the Chair of the Beach Committee, Dr. Barbara Schneider.

BACKGROUND/SUMMARY:

- The Beach Committee is comprised of seven (7) members.

DEPARTMENT RECOMMENDATION:

This item is for informational purposes only; no action is being requested.

OPTIONS:

N/A

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

This item is for informational purposes only; no action is being requested.

Michael Renshaw

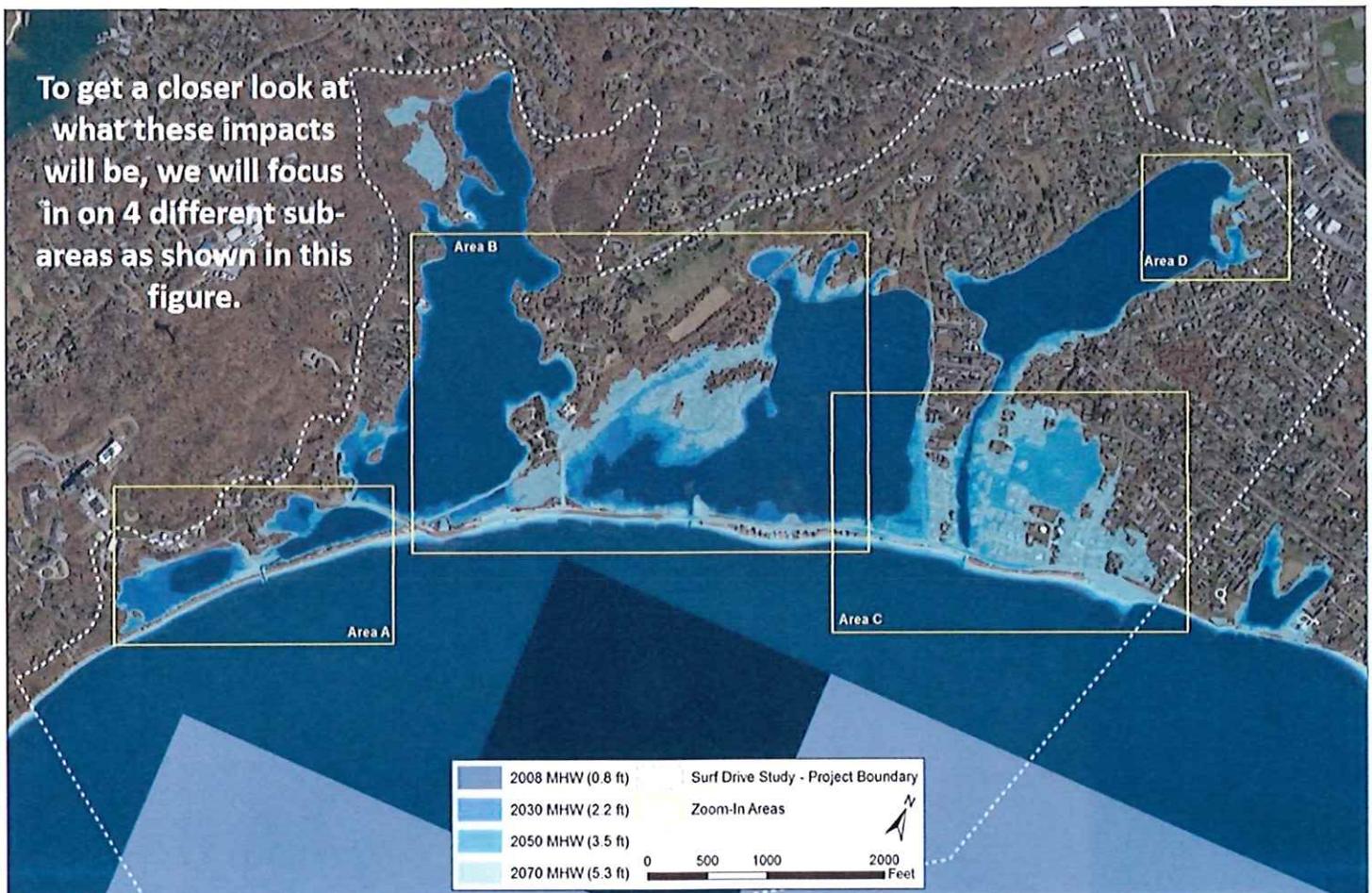
Town Manager

10/13/2023

Date

Surf Drive Beach and Dune Nourishment Feasibility Assessment

- Woods Hole Group was asked to work with the Beach Committee on a potential Coastal Zone Management (CZM) Coastal Resiliency (CR) grant application for a feasibility assessment of beach and dune nourishment along Surf Drive.
- Beach and dune nourishment along Surf Drive was a recommendation in the 2020 Coastal Resiliency Planning for the Surf Drive Area study conducted by Woods Hole Group as an alternative to build resiliency to the impacts of climate change over the short- and medium-time frame. This study considered three different sections of Surf Drive:
 - Public and WHOI owned beach section fronting Trunk River and bike path (Area A below)
 - Mixed ownership from west of Mill Rd. to Surf Dr. bike path crossing (Area B below)
 - Public beach section from end of Shore St. to west of Mill Rd. (Area C below)



- Goals of a beach & dune nourishment project in Area C alone would be to create a more resilient beach for the benefit of storm damage protection and recreation. Ancillary resiliency benefits to Surf Drive, utility infrastructure, and private properties would also be provided, though flooding would still be an issue as the flood pathway from Salt Pond would not be addressed.
- Goals of a beach & dune nourishment project in Areas A, B, and C would be to add resiliency to Surf Drive, utility infrastructure, private properties, natural resources, and recreational beach.
- CZM staff feels that a Feasibility Study for Beach & Dune Nourishment along all three stretches of Surf Drive would be a competitive grant application. The study would evaluate conceptual alternatives for beach & dune nourishment at all sites, and would include cost estimates for final design, permitting, and construction. Public outreach and pre-application meetings with the regulatory agencies would also be included (see attached scope of work for feasibility study). Results of the Feasibility Study would be used by the Town to make an informed decision on whether to proceed with nourishment in Areas A, B, C, or all three areas.
- Grant application would be due in June 2024 and if awarded, the project would be completed by June 2025. Estimated cost for the Feasibility Study would be \$80,000 to \$150,000 and the town would be responsible for providing a 25% match from cash and/or in-kind services. Woods Hole Group can work with Town staff to prepare the grant application.
- A second grant could be used for final engineering design and permitting, and a third grant could be pursued for construction funding.
- Success of this effort will hinge on getting full support from stakeholders in Town Hall (i.e. DPW, Conservation Commission, Select Board, Town Manager and Assistant Town Manager). What is the best way to gather this support? Meetings, workshops, etc. to provide education on the vulnerability of Surf Drive. Public education materials on vulnerability of Surf Drive are available by accessing the two Story Maps at the following link:

<https://www.falmouthma.gov/1052/Coastal-Resilience-Planning-Surf-Drive-A>

**Draft Scope of Work for CZM Grant Application for
Surf Drive Beach & Dune Nourishment Feasibility Assessment
(prepared September 2023)**

Task 1 – Project Kick-off, Management, and Reporting

Task 1.1: Kick-off Meeting with EEA

Task 1.2: Monthly Progress Reports

Task 1.3: Project Case Study

Task 2 – Surf Dr Community Engagement

Task 2.1: Project Landing Page

Task 2.2: Project Team Working Meetings

Task 2.3: Community Meeting #1

Task 2.4: Community Meeting #2

Task 3 – Establish Existing Conditions

Task 3.1: Wetland Resource Area Delineation

Task 3.2: Eelgrass Survey

Task 3.3: Topographic and Site Survey

Task 4 – Alternatives Analysis

Task 4.1: Develop Conceptual Alternatives

Task 4.2: Cross-Shore Performance Modeling

Task 4.3: Longshore Sediment Transport Analysis

Task 4.4: Alternatives Comparison Matrix

Task 5 – Regulatory Agency Pre-Application Meetings

Task 5.1: Meeting #1

Task 5.2: Meeting #2

Task 6 – Surf Drive Beach and Dune Nourishment Feasibility Report

Task 6.1: Draft Report

Task 6.2: Final Report

Task 6.3: Updated Story Map

OPEN SESSION

BUSINESS

3. Report – Edward Marks Building Advisory Committee **(15 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 3.

ITEM TITLE: Report- Edward Marks Building Advisory Committee

MEETING DATE: 10/16/2023

WORK SESSION **REGULAR MEETING** **PUBLIC HEARING**

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Committee Report

PURPOSE:

The Select Board will hear an annual report from the Chair of the Edward Marks Building Advisory Committee.

BACKGROUND/SUMMARY:

- The Edward Marks Building Advisory Committee is comprised of 7 members, including one member from the Historical Commission.
- The mission of the Committee is to recommend a preservation plan for the Edward Marks Building, historically known as the Poor House, to restore and preserve the building as an historic resource. In drafting the preservation plan, the Committee will consider:
 - Historic preservation of the building exteriors;
 - An interior renovation plan that satisfies office needs based on usage/occupancy requirements provided by the Town Manager, complies with the Mass Historic Preservation Restriction, and preserves important historical architectural details.
 - Cost of proposed restoration and preservation work;

- The visibility and accessibility of proposed improvements to community members and visitors;
- Use of the first floor as offices for the Falmouth Human Services Department;
- Potential uses of the second floor and attic spaces;
- Community input;
- Potential funding sources in addition to Community Preservation and Falmouth general funds; and,
- Other criteria that the Committee may recommend.

DEPARTMENT RECOMMENDATION:

This item is for informational purposes only; no action is being requested.

OPTIONS:

N/A

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

This item is for informational purposes only; no action is being requested.

Michael Renshaw

Town Manager

10/12/2023

Date

OPEN SESSION

BUSINESS

4. Report – Joint Base Cape Cod (JBCC) Joint Oversight Group (JOG) (15 minutes)



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 4.

ITEM TITLE: Report- Joint Base Cape Cod (JBCC) Joint Oversight Group

MEETING DATE: 10/16/2023

WORK SESSION **REGULAR MEETING** **PUBLIC HEARING**

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: JBCC Report and PowerPoint Presentation

PURPOSE:

The Select Board will hear an annual update from the Joint Base Cape Cod Joint Oversight Group.

BACKGROUND/SUMMARY:

- The mission statement of the Joint Base Cape Cod Executive Director is to maintain a transparent relationship with the community while capitalizing on the synergies of military and first responder training, improving readiness and balancing the needs of the resident commands.

DEPARTMENT RECOMMENDATION:

This report is being provided for informational purposes only; no formal action is requested.

OPTIONS:

➤ N/A

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

This report is being provided for informational purposes only; no formal action is requested.

Michael Renshaw

Town Manager

10/13/2023

Date

Joint Base Cape Cod Commanders' Briefing

Town of Falmouth
16 October 2023



UNITED STATES
SPACE FORCE



Joint Base Cape Cod

Military Organizations and Commanders



Massachusetts National Guard – JBCC Executive Director
Brig Gen (ret) Christopher Faux



Army National Guard – Camp Edwards
COL John Bagaglio



Air National Guard – 102^d Intelligence Wing
Col Sean Riley



UNITED STATES
SPACE FORCE

U.S. Space Force – 6th Space Warning Squadron
Lt Col Stewart Smith



U.S. Coast Guard

- Base Cape Cod: CAPT Bowen Spievack
- Air Station Cape Cod: CAPT Rob Potter

JBCC Executive Director

Vision

For JBCC to be recognized as the premier multi-agency training and military operational facility in the Northeast

Mission

To maintain a transparent relationship with the community while capitalizing on the synergies of military and first responder training, improving readiness and balancing the needs of the resident commands.

JBCC Executive Director

Joint Oversight Group (JOG)

Military-Civilian Community Council (MC3)



102d Intelligence Wing



Mission: To organize, administer, recruit, instruct & train ready personnel/equipment to meet federal or domestic tasking requirements for employed-in-place missions, expeditionary combat support or in response to state request for forces

Vision: To be recognized as the Air National Guard's premier Intelligence Wing, universally renowned and respected for performance and reputation.

102 ISRG



Reach-back
Exploitation &
Analysis

202 ISRG



Cyberspace Signals
Development

102 MDG



General Med Support
Field Medical For HRF

102 MSG



Civil Engineers
Communication
Personnel
Security
Logistics

253 CEIG



Cyber Engineering
and Installation



Wing Priorities

1 Transform into a sustainable "walking campus"

3 Establish the 102d IW as a Unit of Choice

2 Embrace an "Accelerate Change, or Lose" Mindset

4 Train & exercise for our home and away game

Nation's First



Resources, People & Mission



1

Resources

Facilities

- DFAC & Med Gp
- Rehab Existing Facilities



Land Divestment

- ANG Acreage: 3,618
- Goal: 650 Acres
- Connery Ave & Airfield
- Hangar 158 (NDAA)



Utilities

- Water and Wastewater
- Electric Grid
- Microgrid



2

People & Mission

By the Numbers:

- 1,260 Airmen in 5 Groups
- 420 Fulltime; 840 drill status guardsmen
- 227 Cape Codders
- 176 Surrounding Towns

Town	Number of Cape Codders
Bourne	46
Falmouth	30
Mashpee	34
Sandwich	66

Home & Away

- Employed-in-place ISR
- Base Operating Support
- Boston Marathon and Hospital Support
- Expeditionary Combat Support



Cape Cod Space Force Station

Home of the 6th Space Warning Squadron

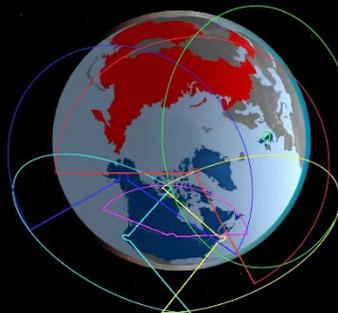


North America's sole East Coast early warning radar

- Three missions: Missile Warning, Missile Defense, and Space Domain Awareness
- Track ~20 launches & provide 10M satellite observations per year
- 135 Military, Civilian, and Contractor members
- Bi-National (US & Canada) Active-Duty Squadron
- Part of Space Delta 4 located at Buckley AFB in CO
- Supported by Buckley Garrison and 66 Air Base Gp
- 24/7/365 critical national security mission since 1980



“OUR CALL NOW GOES BEYOND BEING MERELY CYBER, INTEL AND SPACE OPERATORS; WE ARE NOW CALLED UPON TO BE **SPACE WARFIGHTERS**”





Cape Cod Space Force Station

Home of the 6th Space Warning Squadron



- **Maintain \$4.1M operating budget**
- **Partnerships and Community Support**
 - Reliant on JBCC facilities, housing, clinic, etc.
 - Support agreements with fire & law enforcement
 - Support to/from local clubs, businesses, schools, & charitable organizations
- **Significant Milestones and Projects**
 - Wind turbines offset electricity requirement
 - \$125M radar system upgrade





Homeland
Security



U.S. Coast Guard



U.S. Coast Guard Base Cape Cod and U.S. Coast Guard Air Station Cape Cod





Homeland
Security



U.S. Coast Guard



U.S. Coast Guard Air Station Cape Cod



- 190 active duty & civilian personnel
- 3 MH-60T, 3 HC-144A/B
- Only USCG aviation resource provider between New Jersey and Canadian Border
- Fixed-wing SAR/LE support to Great Lakes Region
- Auxiliary Air fleet of 40+ aircraft & 200+ members (largest in the CG)



Homeland
Security



U.S. Coast Guard



U.S. Coast Guard Air Station Cape Cod Major Events

- **Search and Rescue/MEDEVAC**
 - F/V ATLANTIC DESTINY: Joint U.S. & CAN, 31 saved
 - Hurricane Ida Response : 8 saved lives
 - Haiti Earthquake Response
 - Pre-Storm Warning and Post-Storm Assessment Flights in response to storms, including Hurricane Henri (Aug '21)
- **Counter Drug and Migrant Interdiction Deployments to Caribbean**
 - \$18M narcotics seized
 - 24 Migrants interdicted and assisted
 - Nantucket seizure of 874 Fentanyl pills, 690 Methamphetamine Pills, hundreds of other illegal pills, and \$31,505 in cash (March '22).
- **Living Marine Resource Preservation Flights**
 - \$14B New England fishery





Homeland
Security



U.S. Coast Guard



U.S. Coast Guard Air Station Cape Cod Operations

- **RECENT AWARDS**
 - 2022 Vertical Flight Society **CAPT William J. Kossler Award** (CGNR 6032 and CGNR 6039)
 - 2022 Helicopter Association **Pilot of the Year Award** (LCDR James Christy)
 - 2022 Helicopter Association International **Safety Award** (Safety Department)
 - 2022 Helicopter Association International Matthew S. Zuccaro **Land and LIVE Award** (AET2 Champagne)
 - 2021 Helicopter Association **Pilot of the Year Award** (LCDR Rob McCabe)
 - 2020 Coast Guard Aviation Association Commander Elmer Stone **Fixed Wing Rescue Award** (CGNR 2313)
 - 2020 NHA **Aircrew & Maintainer of the Year Awards**





Homeland
Security



U.S. Coast Guard



U.S. Coast Guard Base Cape Cod

Background

- Regional Support Base Established 2014
- BCC Tenant Commands
 - Air Station Cape Cod
 - Maritime Safety and Security Team
 - Port Security Unit 301
 - NE Regional Fisheries Training Center
 - FORCECOM Armory/Range
 - Marine Safety Detachment Cape Cod
- Regionally Supported Commands
 - Sector Southeastern New England
 - 8 Stations, 4 Patrol Boats, and others





Homeland
Security

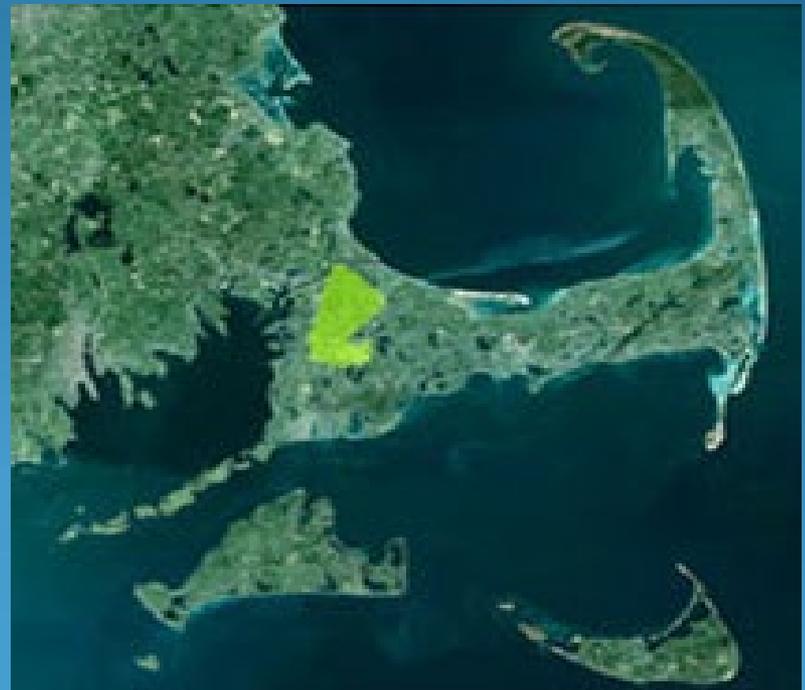


U.S. Coast Guard



U.S. Coast Guard Base Cape Cod Services

- Comptroller/Base Operations
- Facilities Engineering
- Procurement and Contracting
- Health, Safety & Work-Life
- Electronics Support
- Personnel Services:
 - Housing (On-base and Off)
 - Morale, Wellness, & Recreation
 - Servicing Personnel Office
 - Admin



Camp Edwards Training Site

Camp Edwards-Garrison Training Site commands, operates, manages, and administers the use of garrison resources to provide year-round customer service through administrative, engineering, logistical, training and operational support to assigned, attached, transient, or tenant units and joint forces activities.



150 full-time personnel support the training mission of over 6,000 drill status guardsmen.

HEADQUARTERS, ARMY NATIONAL GUARD TRAINING SITE, CAMP EDWARDS

UNCLASSIFIED



Soldier Training



TRAINING ACTIVITIES ON BASE

- Indoor simulated weapons training
- Rappel Towers
- Obstacle Course
- Leadership Reaction Course
- Call for Fire Trainer
- Virtual Convoy Operations Trainer
- Battle Simulation Center
- Tactical Training Base (TTB) Kelley
- Military Operations in Urban Terrain Training Site
- Reg. Training Institute: Officer Candidate School
- IED Simulators
- Emergency Driver Training
- Air Assault and Pathfinder courses

Northern Training Area (15,000):

- maneuvering and patrol training areas
- small arms ranges
- helicopter landing zones
- nuclear, biological, chemical training bunkers
- extensive road network-convoy & driver training

2021: supported 186 Range Days

(Sierra, Echo, India, Lima):

- 7,716 man days - military personnel
- 214 man days - civilian personnel (Law Enforcement)

Training Area Use:

- 66,374 man days - military use
- 502 man days - civilian use

Training Support Areas Use:

- 94,055 man days - military use
- 5,305 man days - civilian use

Operation Viking (July 2022):

- Only joint task force exercise in the continental US.
- Civil Affairs Battalion high-intensity exercise.
- Range training, mission-essential training.
- Very ambitious airborne operations.
- 2nd year; will return for 3rd year in July 2023.

2021: State of the Reservation Report:

www.massnationalguard.org/ERC/publications.htm

HEADQUARTERS, ARMY NATIONAL GUARD TRAINING SITE, CAMP EDWARDS

UNCLASSIFIED



Natural Resource Management

Wide variety of plant and wildlife surveys:
box turtles, birds, moths, and rare plants.

Surveys show strong wildlife and habitat integrity,
including species of greatest conservation need,
i.e. whip-poor-wills and rare bees.

Training Year 2021 State of the Reservation Report

- Comprehensive detail -survey results & trends analysis.
- www.massnationalguard.org/ERC/publications.htm

Community Engagement:
Grassland Bird Tours; Training Area Public Tours;
collaboration-i.e. MA Butterfly Club.



HEADQUARTERS, ARMY NATIONAL GUARD TRAINING SITE, CAMP EDWARDS

UNCLASSIFIED



OPEN SESSION

BUSINESS

5. Discuss recommended pickleball noise complaint mitigation best practices **(15 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 5.

ITEM TITLE: Discuss Pickleball Noise Complaint Mitigation Measures

MEETING DATE: 10/16/2023

WORK SESSION **REGULAR MEETING** **PUBLIC HEARING**

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Aerial Imagery of Lawrence School and Swift Park Courts Showing location of Residential Homes in Relation to Existing Pickleball Courts

PURPOSE:

Discuss best practices and the use of data to make informed decisions concerning the location of pickleball facilities as a means to mitigate noise complaints from abutters.

BACKGROUND/SUMMARY:

- Across the nation, the popularity of the sport of pickleball has risen significantly over the past several years; it is played with a hard paddle and hard plastic ball, typically on either a dedicated court or on a converted tennis court.
- Due to the increasing demand for additional court space many communities, including Falmouth, began converting tennis courts by painting regulation pickleball lines onto the existing tennis court thereby creating a multi-purpose court.
- Unfortunately often times in an effort to add these additional court spaces as quickly as possible, many communities did not take into account the potential for noise complaints from abutting and nearby residences that had been constructed prior to the use of the courts for pickleball.

- There is now a significant body of research data and studies that suggest that in order to mitigate noise complaints from existing residential areas which may eventually lead to litigation, it is important for local governments to ensure that the following best practices be implemented in the design and construction of pickleball courts:
 - In planning for the construction of new court space or the modification of existing tennis courts into pickleball courts, in an effort to mitigate noise complaints and potential litigation it is best practice to site courts no closer than 400 linear feet from an existing residential structure (this separation distance may need to adjust upwards where a body of water lies between the playing surface and residence, since sound travels further over water).
 - Because more sound propagates in the direction of play rather than to the sides of the pickleball court, courts should be designed and positioned so that the line of the net runs through the most noise sensitive area.
 - To avoid expensive post-construction/conversion sound mitigation measures like sound walls or fencing (on level ground walls must typically be at least 8 feet tall to block the line of sight to the paddles during play), it is best practice to engage the services of an acoustics consultant or engineer in the design.

- As your Town Manager, I believe it is my duty to provide the Select Board with the information it requires to make the most informed decisions, including the above-mentioned best practices, concerning the construction or conversion of pickleball courts.

- I also feel that as Town Manager it is my responsibility to limit the Town's exposure to current or future litigation, and unfortunately throughout the country the decisions made with regards to how and where pickleball courts are being constructed has become litigious.

- It is the Town Manager's recommendation, as reflected in the capital improvement article (Article 3) scheduled to be presented at the November 13 Town Meeting, to remove the existing pickleball court lines on the tennis courts of both Lawrence School and at Swift Park in order to mitigate noise complaints from residents well within 400 feet of the pickleball courts.

DEPARTMENT RECOMMENDATION:

This item is for discussion purposes only, no action is being requested.

OPTIONS:

- N/A

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

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FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

This item is for discussion purposes only, no action is being requested.

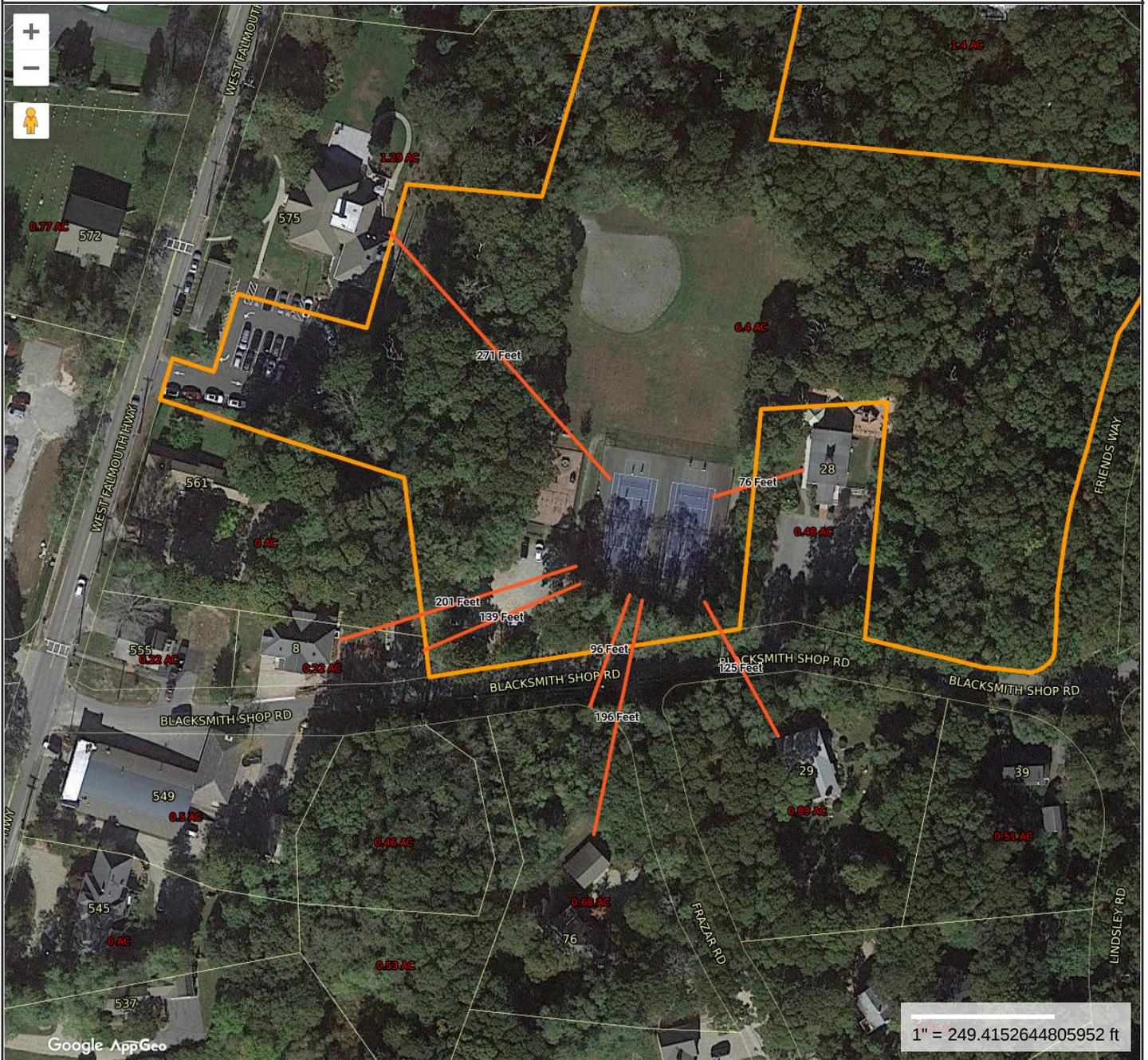
Michael Renshaw

Town Manager

10/12/2023

Date

Swift Park Approximate Distances



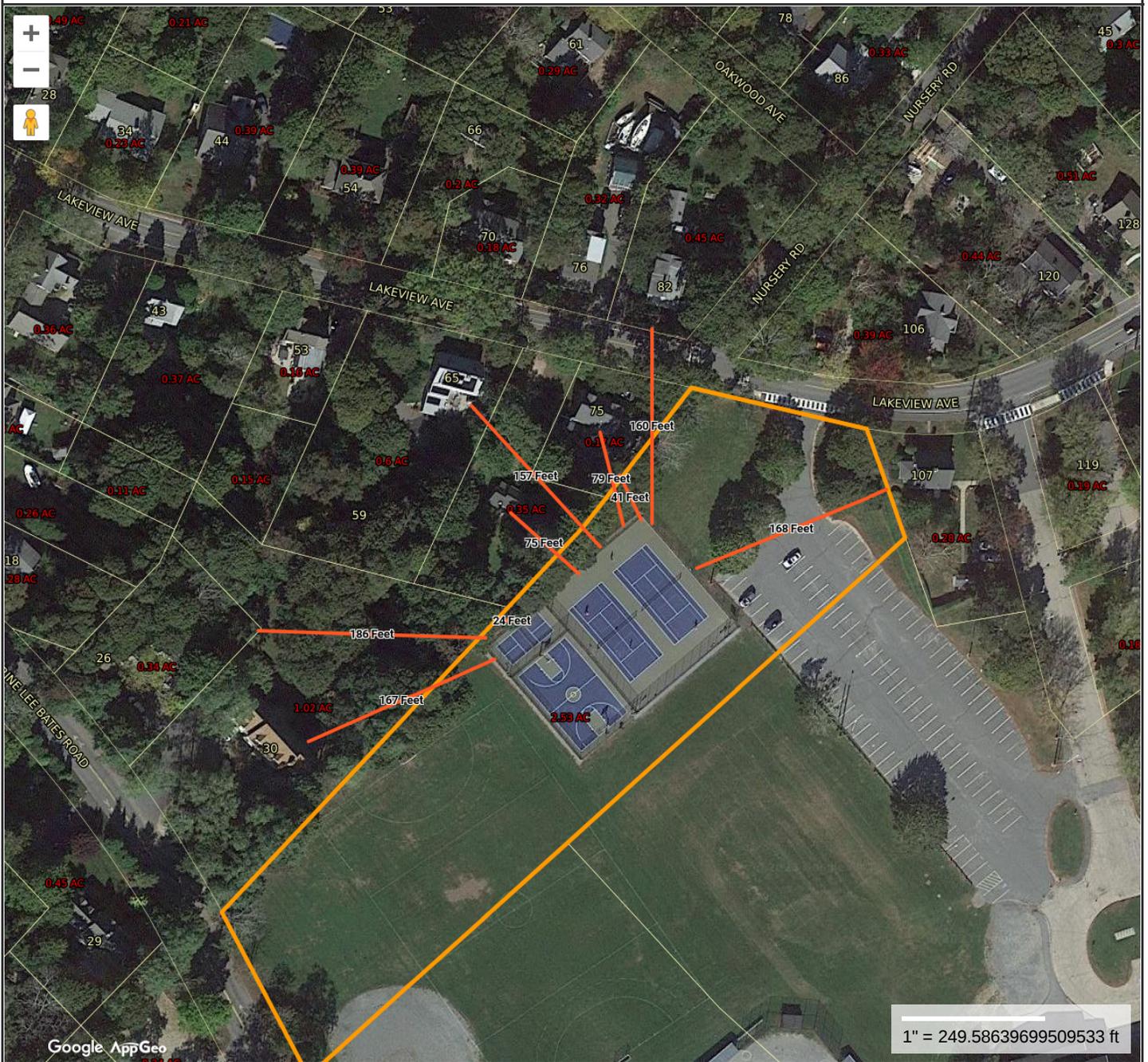
**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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 09/05/2023

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

Lawrence School Approximate Distances



1" = 249.58639699509533 ft



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 10/10/2023
Data updated 10/10/2023

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

OPEN SESSION

BUSINESS

6. Request from Mark and Cynthia Albers to submit a Notice of Intent to the Conservation Commission to perform sediment nourishment and maintenance on Town-owned land at Lot B, 0 Great Bay Street **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 6.

ITEM TITLE: Request from Mark and Cynthia Albers to submit a Notice of Intent to the Conservation Commission to perform sediment nourishment and maintenance on Town-owned land at Lot B, 0 Great Bay Street

MEETING DATE: 10/16/2023

WORK SESSION **REGULAR MEETING** **PUBLIC HEARING**

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: MassDEP Notice of Intent Application Packet, Grant of License issued September 25, 2017, Project Narrative and Site Plans

PURPOSE:

The Select Board will consider approval of a request to submit a Notice of Intent to the Conservation Commission concerning a beach nourishment and maintenance project on Town-owned land.

BACKGROUND/SUMMARY:

- This item was continued from the July 24, 2023 Select Board meeting at the applicant's request.
- Falmouth Engineering, Inc. has prepared and submitted the NOI packet included with this agenda item.
- The original coastal bank stabilization project was approved by the Conservation Commission in 2017, and from time to time the project requires routine maintenance to include the addition of sediment to the fiber rolls that line the coastal bank and removal

of invasive plants.

- On July 6, 2023 comments regarding the project were submitted by Chuck Martinsen, Deputy Director of Marine and Environmental Services; included in these comments was mention of long-standing issues with sand movement from the western shore of Great Pond which collect in the ebb and flow tide deltas of Perch Pond.
- MES has requested that any work regarding nourishment in this estuary be done in tandem with Town efforts to address wind and wave energy, before the sand reaches the Perch Pond area.

DEPARTMENT RECOMMENDATION:

Based upon comments received by the Deputy Director of MES, the Town Manager is recommending that the Select Board approve the applicant's request to submit a Notice of Intent to the Conservation Commission to perform sediment nourishment and maintenance as outlined in the application, provided such work can be performed in conjunction with Town efforts to address wind and wave energy before the sediment reaches the Perch Pond area.

OPTIONS:

- Motion to approve the applicant's request to submit a Notice of Intent to the Conservation Commission to perform sediment nourishment and maintenance.
- Motion to deny the approval of applicant's request to submit a Notice of Intent to the Conservation Commission to perform sediment nourishment and maintenance.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager is recommending that the Select Board approve the applicant's request to submit a Notice of Intent to the Conservation Commission to perform sediment nourishment and maintenance as outlined in the application, provided such work can be performed in

conjunction with Town efforts to address wind and wave energy before the sediment reaches the Perch Pond area.

Michael Renshaw

Town Manager

10/13/2023

Date



MARINE & ENVIRONMENTAL SERVICES
TOWN OF FALMOUTH
180 SCRANTON AVENUE, FALMOUTH, MA 02540
TEL: (508) 457-2550 • FAX: (508) 467-2525

To: Falmouth Conservation Commission
CC: Falmouth Select Board
From: Chuck Martinsen
Deputy Director MES / Shellfish Constable
Date: July 6, 2023
Re: 0 Great Bay Street

Thank you for the opportunity to comment on the proposed plan.

We have a long history of issues with sand movement from the western shore of Great Pond collecting in the ebb and flood tide deltas of Perch Pond. MES has been working with the neighborhood community and has sought five separate grant funding opportunities to address these concerns. To date, none of the applications have been selected for funding. We kindly request that any work regarding nourishment in this estuary is done in tandem with Town efforts to address wind and wave energy before the sand reaches the Perch Pond area. Please find below a list of the grant applications that have been submitted to various agencies.

- Application entitled *Living Artificial Shorelines for Nitrogen Remediation and Shoreline Protection* submitted to EPA's Southern New England Program (SNEP) in 2018
- Application entitled *Living Shorelines for protection of sandy estuarine coasts and nitrogen removal* submitted to EPA's Southern New England Program (SNEP) in 2019
- Application entitled *Estuary Shoreline Management Through Floating Aquaculture Revetments* submitted to EPA's Southern New England Program (SNEP) in 2022
- Application entitled *Using Wave-dampening Mariculture Arrays to Reduce Shoreline Erosion* submitted to Coastal Zone Management's Coastal Resilience Grant Program in June 2022
- Application entitled *Design and Implementation of Wave-dampening Mariculture Arrays to Reduce Shoreline Erosion (MA)* submitted to National Fish and Wildlife Foundation's National Coastal Resilience Fund in April 2023

Thank you.

Diane Davidson

From: Jennifer Lincoln
Sent: Tuesday, October 10, 2023 12:10 PM
To: Diane Davidson; Charles Martinsen; Christina Lovely
Subject: Re: Lot B, great Bay Street

Hi Diane,

They are schedule before the ConCom on the 25th.

Jen

Jennifer L. Lincoln
Conservation Administrator

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Tuesday, October 10, 2023 12:07 PM
To: Charles Martinsen <chuck.martinsen@falmouthma.gov>; Jennifer Lincoln <jennifer.lincoln@falmouthma.gov>; Christina Lovely <christina.lovely@falmouthma.gov>
Subject: FW: Lot B, great Bay Street

To all,

The Request from Mark and Cynthia Albers to submit a Notice of Intent to the Conservation Commission to perform sediment nourishment and maintenance on Town-owned land at Lot B, 0 Great Bay Street has been rescheduled (from July 24) to the Monday, October 16 Select Board meeting.

If you have any additional comments, to what was provided in the attached, please forward them to me by Thursday, 10/19.

I believe this request for a Notice of Intent is scheduled on an upcoming Conservation Commission meeting (Wednesday, 10/25?).

Thank you,

Diane

From: Christina Lovely <christina.lovely@falmouthma.gov>
Sent: Monday, July 10, 2023 11:06 AM
To: Jennifer Lincoln <jennifer.lincoln@falmouthma.gov>
Cc: Charles Martinsen <chuck.martinsen@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>
Subject: RE: Lot B, great Bay Street

Hi Jen,

Please find attached Chuck's comments for the 0 Great Bay St proposal. I am also copying Diane on this email to share the comments with the Select Board.

Diane Davidson

From: Mike Borselli <mike@falmouthengineering.com>
Sent: Friday, June 30, 2023 1:27 PM
To: Diane Davidson
Cc: Phyllis Downey; Jennifer Lincoln; Erica Borselli
Subject: Lot B, great Bay Street
Attachments: 16099BCH.pdf; Grant of License from BOS.pdf; NOI App (2023).pdf

Hello Diane,

In 2017, Conservation Commission approved a coastal bank stabilization project at the above referenced property. Subsequently, The Board of Selectmen granted a license (see attached), allowing the work to proceed. The work commenced and the project was a success.

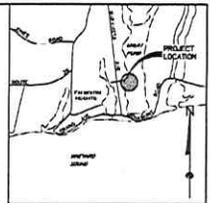
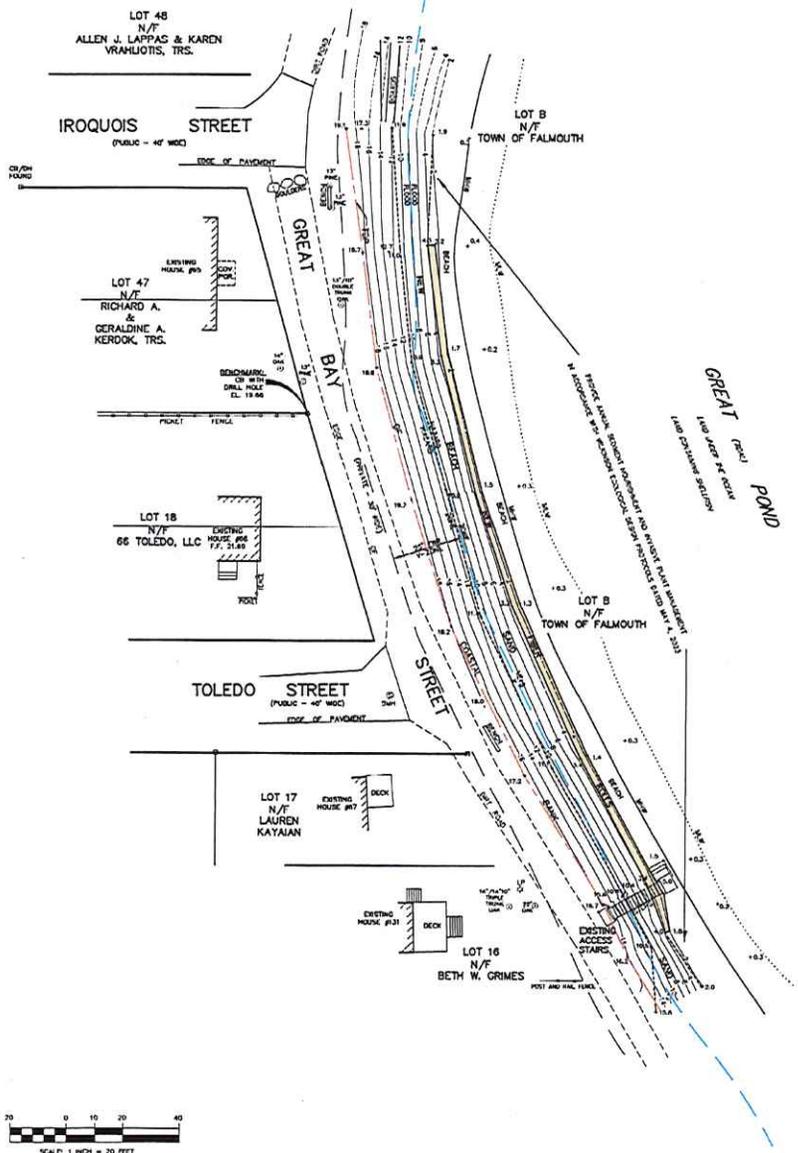
From time to time, the project requires maintenance, including the addition of sediment to the fiber rolls that line the coastal bank and removal of invasive plants on and adjacent to the coastal bank. This requires the submission of a new Notice of Intent application to Conservation Commission. I have attached this application and the project plans.

The Conservation Commission routinely requires permission from The Board of Selectmen to submit the application because the work is on town owned land, but is proposed by a private property owner.

Please accept this email as our request to be placed on the next available meeting agenda to request permission to apply for this routine maintenance work.

Thank you.

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



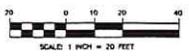
LOCUS
NOT TO SCALE

LEGEND

- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- 111.5 EXISTING SPOT ELEVATION
- EXISTING TREE
- CONCRETE BOUND WITH DRILL HOLE

GENERAL NOTES:

1. ASSESSOR'S INFORMATION: 46A 15 000 0000
2. FLOOD ZONES: X & VE15 (FEMA MAP 25001C0737J)
3. ZONING DISTRICT: RC
4. WIND EXPOSURE CATEGORY: C
5. OVERLAY DISTRICT: GREAT POND COASTAL POND OVERLAY DISTRICT
6. WIND Borne DEBRIS REGION: HIGH
7. STREET ADDRESS: GREAT BAY STREET
8. HOUSE NUMBER: N/A
10. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
11. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.



SEDIMENT NOURISHMENT & INVASIVE MANAGEMENT PLAN FOR LOT B GREAT BAY STREET PREPARED FOR MARK & CYNTHIA ALBERS FALMOUTH, MA	
PLAN DATE: JUNE 19, 2023	PLAN SCALE: AS SHOWN
CIVIL ENGINEERING WATERWATER DESIGN TITLE & PLAT PLANS LAND USE PLANNING	 WETLANDS PERMITTING GEOTECH ENGINEERING PILES AND DOORS COMMERCIAL/RESIDENTIAL
<small>17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508-485-1225</small> <small>PROJECT NUMBER: 16099 CAD FILE NAME: 16099DCH DRAWN BY: LJA/ALD. SHEET 1 OF 1</small>	

GRANT OF LICENSE

The Town of Falmouth, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts, acting by and through its duly elected Board of Selectman, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, does hereby grant to 66 Toledo LLC (the "Licensee"), with an address of 66 Toledo Street, East Falmouth, Massachusetts, 02536, the following License to install erosion control measures and rebuild access stairs to Great Pond in accordance with the terms and conditions of a certain Order of Conditions issued by the Conservation Commission of the Town of Falmouth dated 9.25.17 (Mass DEP No. 25.4315) and in accordance with the plans referenced therein, and said work to be located on or about Great Bay Street and the shores of Great Pond lying to the east of the property of the Licensee at 66 Toledo Street, East Falmouth, Massachusetts 02536. Great Bay Street is a town way, and it shall be restored to its original condition upon completion of the work.

A sketch plan of the approved location of the licensed area is attached hereto. The sketch plan is for informational purposes only. In the event the sketch plan differs from the plans referred to in the Order of Conditions, the latter plans shall control.

This License is granted upon the following expressed conditions:

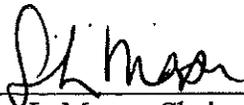
- a. Said License is revocable by the Board of Selectman at any time when the Board deems it appropriate to revoke the same in the best interest of the Town of Falmouth and/or public convenience, safety and needs; the Town may revoke this License by sending a notice to the Licensee, its successors and assigns at the above-referenced address and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry of Deeds;
- b. Upon such revocation, the Licensee, its successors and assigns shall, if and when directed by the Board of Selectman, remove said improvements, specifically, the erosion control measures and not the reconstructed access stairs, from the licensed area;
- c. If the Licensee, its successors and assigns, fail to remove said improvements, all the expenses of the Town to do the same or have the same done or any expenses arising from the failure to comply with this License, including attorney fees, costs and expenses and contractor fees shall be paid by the Licensee, its successors and assigns to the Town upon demand;

- d. This License is also revocable by the Licensees at any time when it is deemed appropriate for convenience, safety and needs. The Licensees may revoke this License by sending a notice to the Town and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry of Deeds;
- e. Until either of the above revocations, this License shall continue indefinitely;
- f. This License does not create any landlord/tenant relationship;
- g. The Licensee, its successors and assigns shall be 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 and limited to the timeframes of the installation of the erosion control measures and arising out of and limited to the timeframes of the reconstruction of the access stairs to Great Pond. This indemnification obligation of the Licensee further extends to any and all claims, actions, suits, or demands for personal injury or property damages arising out of and limited to the timeframes of annual maintenance and sand nourishment;
- h. The Licensee is not responsible for future liability nor is obligated to indemnify the Town of Falmouth for any claims, actions, suits, or demands for personal injury or property damages arising out of the newly reconstructed access stairs, which the Town acknowledges it owns;
- i. Nothing contained in the License shall authorize the Licensee, 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
- j. The terms, conditions, agreements and covenants contained herein shall be binding on the licensees, their successors and assigns.

For Licensees' title see Book 29334, Page 42.

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 Board of Selectman, hereto duly authorized this 25th day of September, 2017.

TOWN OF FALMOUTH,
by its Board of Selectman,



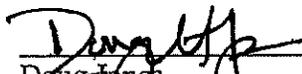
Susan L. Moran, Chairman



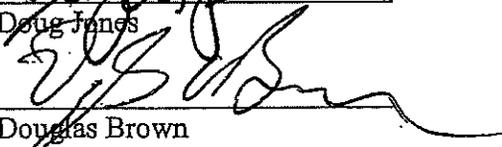
Megan English Brega, Vice Chairman



Samuel H. Patterson

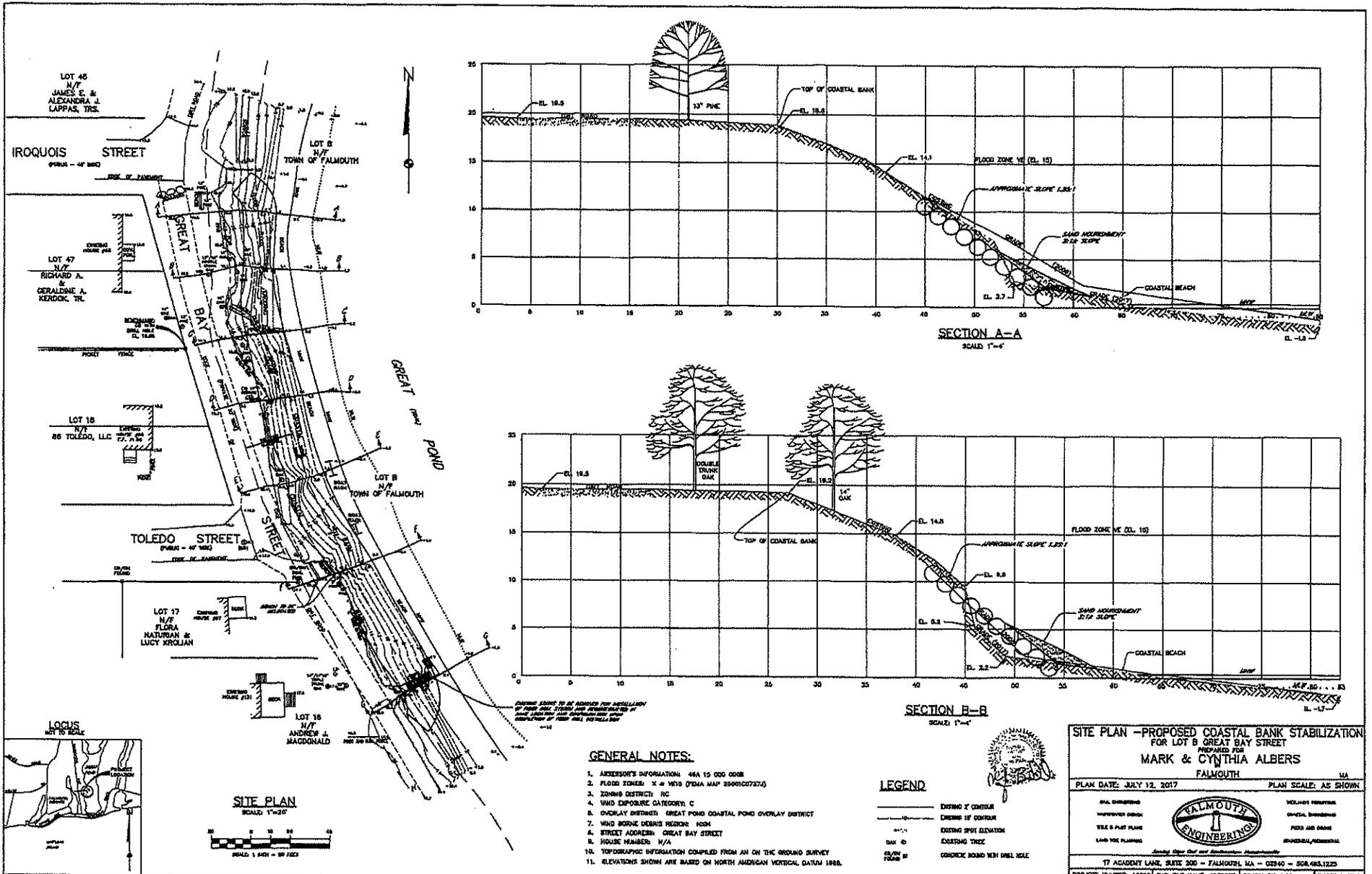


Doug Jones



Douglas Brown

approval on the farm:
Frank K. Dupps T.C.
9.28.17



Notice of Intent

Filing under the Massachusetts Wetlands Protection Act, MGL Chapter 131, Section 40
and the Wetlands Protection By-Law of the Town of Falmouth

SEDIMENT NOURISHMENT AND ONGOING MAINTENANCE

ASSESSOR'S PARCEL 46A 15 000 000B

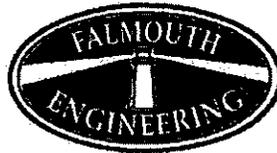
0 GREAT BAY STREET

EAST FALMOUTH, MASSACHUSETTS

Prepared for:

Mark and Cynthia Albers

Prepared by:



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

TABLE OF CONTENTS

FORM 3 – NOTICE OF INTENT

ATTACHMENT A - PROJECT GENERAL NARRATIVE

ATTACHMENT B – WILKINSON ECOLOGICAL DESIGN PROTOCOL

ATTACHMENT C - ABUTTERS NOTIFICATION

ATTACHMENT D – DRIVING DIRECTIONS TO SITE

ATTACHMENT E – GRANT OF LICENSE

ATTACHMENT F – PROJECT PLANS

FORM 3 – NOTICE OF INTENT



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

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Falmouth
City/Town

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



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (Note: electronic filers will click on button to locate project site):

<u>0 Great Bay Street</u>	<u>East Falmouth</u>	<u>02536</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>41°33'28"N</u>	<u>70°35'10"W</u>
	d. Latitude	e. Longitude
<u>46A 15</u>	<u>000 000B</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Mark & Cynthia</u>	<u>Albers</u>
a. First Name	b. Last Name
<u>31 Chancery Place</u>	
d. Street Address	
<u>The Woodlands</u>	<u>TX</u>
e. City/Town	f. State
	<u>77381</u>
	g. Zip Code
<u></u>	<u></u>
h. Phone Number	i. Fax Number
	<u></u>
	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

<u></u>	<u></u>
a. First Name	b. Last Name
<u></u>	
c. Organization	
<u></u>	
d. Street Address	
<u></u>	<u></u>
e. City/Town	f. State
	<u></u>
	g. Zip Code
<u></u>	<u></u>
h. Phone Number	i. Fax Number
	<u></u>
	j. Email address

4. Representative (if any):

<u>Michael</u>	<u>Borselli</u>
a. First Name	b. Last Name
<u>Falmouth Engineering, Inc.</u>	
c. Company	
<u>17 Academy Lane, Ste. 200</u>	
d. Street Address	
<u>Falmouth</u>	<u>MA</u>
e. City/Town	f. State
	<u>02540</u>
	g. Zip Code
<u>508.495.1225</u>	<u>erica@falmouthengineering.com</u>
h. Phone Number	i. Fax Number
	<u></u>
	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$500.00</u>	<u>\$237.50</u>	<u>\$262.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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

MassDEP File Number

Document Transaction Number

Falmouth

City/Town

A. General Information (continued)

6. General Project Description:

Coastal bank stabilization and invasives management.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input checked="" type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Barnstable

a. County

16496 (plan 4286-A; plates
5,7,9,11,13,15,16,17,18,19)

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

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WPA Form 3 – Notice of Intent

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

MassDEP File Number _____

Document Transaction Number _____

Falmouth

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet _____	2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____	2. square feet _____
	3. cubic yards dredged _____	

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____	2. square feet _____
	3. cubic feet of flood storage lost _____	4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____	
	2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland _____	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete Section B.2.f. above.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

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WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Falmouth

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input checked="" type="checkbox"/> Coastal Beaches	<u>2,700</u> 1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input checked="" type="checkbox"/> Coastal Banks	<u>300 ±</u> 1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____ 2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <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 1. cubic yards dredged _____	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	<u>3,000</u> 1. square feet _____	
4. <input type="checkbox"/> Restoration/Enhancement	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.2.b or B.3.h above, please enter the additional amount here.	
	a. square feet of BWV _____	b. square feet of Salt Marsh _____
5. <input type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings _____	b. number of replacement stream crossings _____



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Falmouth

City/Town

C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

8/1/2021

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area

_____ percentage/acreage

(b) outside Resource Area

_____ percentage/acreage

2. Assessor's Map or right-of-way plan of site

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

- (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
- (b) Photographs representative of the site

* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/mas-endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Falmouth

City/Town

C. Other Applicable Standards and Requirements (cont'd)

- (c) MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and *mail to NHESP* at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site

- (e) Project plans showing Priority & Estimated Habitat boundaries

- (f) OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing.

a. NHESP Tracking #

b. Date submitted to NHESP

3. Separate MESA review completed.

Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

- c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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WPA Form 3 – Notice of Intent

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

MassDEP File Number

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Falmouth

City/Town

C. Other Applicable Standards and Requirements (cont'd)

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Falmouth
City/Town

D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Sediment Nourishment & Invasive Management Plan

a. Plan Title

Falmouth Engineering, Inc.

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

b. Prepared By

c. Signed and Stamped by

June 19, 2023

1" = 20'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

19712, 19713

2. Municipal Check Number

06/20/2023

3. Check date

19711

4. State Check Number

06/20/2023

5. Check date

Falmouth Engineering, Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Falmouth
City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

<p><u>MJ Bolli</u> 1. Signature of Applicant</p>	<p><u>[AGENT]</u></p>	<p><u>6-21-23</u> 2. Date</p>
<p><u>[Signature]</u> 3. Signature of Property Owner (if different)</p>		<p>4. Date</p>
<p><u>[Signature]</u> 5. Signature of Representative (if any)</p>		<p><u>6-21-23</u> 6. Date</p>

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

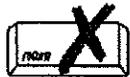
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

0 Great Bay Street

a. Street Address

19711

c. Check number

East Falmouth

b. City/Town

\$237.50

d. Fee amount

2. Applicant Mailing Address:

Mark & Cynthia

a. First Name

Albers

b. Last Name

c. Organization

31 Chancery Place

d. Mailing Address

The Woodlands

e. City/Town

TX

f. State

77381

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

3. Property Owner (if different):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. *Please see Instructions before filling out worksheet.*

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 2	1	\$500.00	\$500.00

Step 5/Total Project Fee: \$500.00

Step 6/Fee Payments:

Total Project Fee:	<u>\$500.00</u>
State share of filing Fee:	<u>\$237.50</u>
City/Town share of filling Fee:	<u>\$262.50</u>
	a. Total Fee from Step 5
	b. 1/2 Total Fee less \$12.50
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

ATTACHMENT A

PROJECT NARRATIVE

ATTACHMENT A - PROJECT NARRATIVE

1.0 Introduction and Project Overview

This Notice of Intent (NOI) application has been filed by Falmouth Engineering Inc. on behalf of The Applicant, who proposes to perform sediment nourishment and ongoing maintenance of the coastal beach and coastal bank, all on land of the Town of Falmouth and adjacent to Great Bay Street.

The application is being jointly filed pursuant to the Massachusetts Wetlands Protection Act (MWPA, M.G.L. Chapter 131, Section 40) and its implementing regulations (310 CMR 10.00) and the Falmouth Wetlands Protection Bylaw (Town of Falmouth Bylaws, Chapter 7) and its submission regulations.

2.0 Existing Conditions

The project site is located on land owned by the Town of Falmouth and identified by Parcel ID 46A 15 000 000B. This parcel is a long narrow strip of land consisting mainly of Coastal Beach and Coastal Bank. This parcel contains approximately 13 acres of land and borders Great Pond on its western shore.

The applicant as well as others own property adjacent to Great Bay Street. Great Bay Street is adjacent to a portion of the above referenced parcel. The attached project plans depict this portion of the town owned parcel.

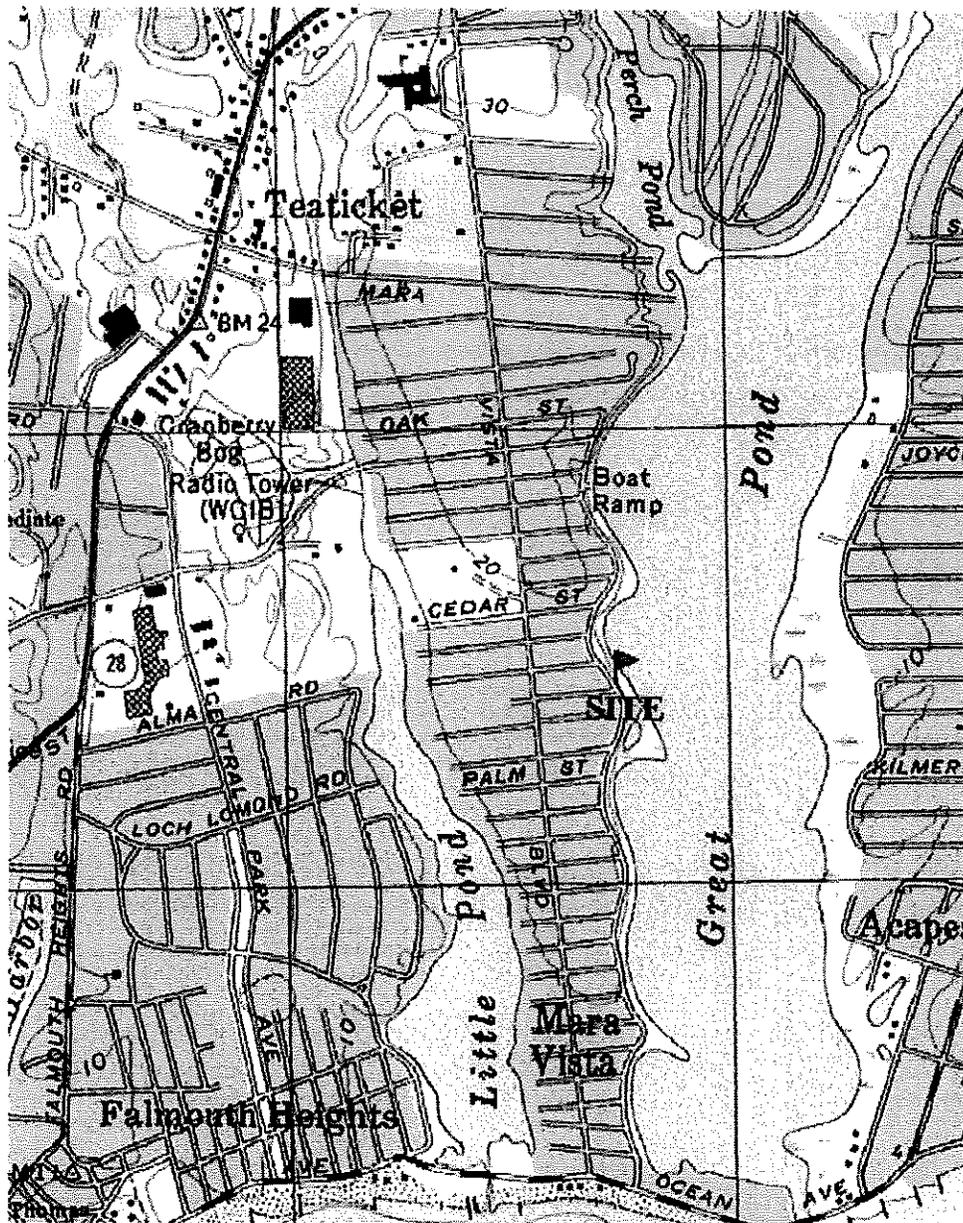
This portion of the parcel, as well as other portions of the parcel and other parcels along the western shore of Great Pond are continually eroding. The erosion had been such that it had threatened the adjacent roadways, causing The Town to close portions to vehicular traffic and limit access to foot traffic. The subject portion of the parcel is one such area.

2.1 Regulated Resource Areas

The property is bounded to the east by Great Pond. The resources areas adjacent to Great Pond and within 100' of the proposed work include Land Under the Ocean, Coastal Bank, Coastal Beach and Land Subject to Coastal Storm Flowage (VE15)

2.2 Estimated Habitat and Protected Species

Information published by the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (Natural Heritage Atlas, 2008) indicates that the proposed activities are not located within Estimated Habitat of Rare Wetlands Wildlife, nor is it located within Priority Habitat of Rare Plants and Wildlife.



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FIGURE 1 - PROJECT LOCATION MAP
 O GREAT BAY STREET
 EAST FALMOUTH, MA

3.0 Proposed Project

The project involves the sediment nourishment and invasive plant management along an approximately 300 long section of coastal beach and coastal bank as shown on the attached site plan. The volume of beach nourishment is estimated as a maximum of 50 cubic yards per event and is proposed primarily to cover expose portions of the fiber roll array as necessary.

In addition, the coastal bank will be managed to remove invasive plants in an effort to allow previously planting native plants to thrive. All proposed activities will be performed in accordance with the protocol by Wilkinson Ecological Design (WED). This protocol is attached to the application package.

The applicant also requests that ongoing maintenance of the fiber roll array and invasive management can proceed on an as needed basis beyond the duration of the Order of Conditions term, via either administrative approval or by submission of a Request for Determination of Applicability (RDA).

4.0 Potential Impacts and Mitigation Measures

5.1 Anticipated Impacts

The proposed project will involve ongoing as needed maintenance of approximately 300 linear feet of coastal bank and coastal beach. The stabilization and restoration of this area has previously mitigated ongoing erosion. Maintenance on an as needed basis will have very limited and temporary impacts to wetland resources. These limited temporary impacts are far outweighed by the ongoing stabilization of the eroding coastal bank and protection of the adjacent upland areas

5.2 Minimization and Mitigation

No adverse impacts are anticipated to occur as a result of the proposed project. The proposed construction area has been minimized to that area where the invasive plant management and sediment nourishment are proposed. Access for all activities described will be from the top of the coastal bank.

6.0 Summary

The existing wetland resources, anticipated project impacts, and proposed mitigation have been documented in the Notice of Intent. All proposed work is proposed to be performed with access from the upland.

ATTACHMENT B

WILKINSON ECOLOGICAL DESIGN PROTOCOL

WILKINSON

ECOLOGICAL DESIGN

28 Lots Hollow Road | Orleans, MA 02653

Tel (508)255-1113 | Fax:(508)255-9477

Work Protocols for Sediment Nourishment and Ongoing Maintenance

66 Toledo Street, Falmouth

May 4, 2023

SEDIMENT NOURISHMENT

Nourishment of the existing fiber roll array installed under SE25-4315 is proposed as part of this Notice of Intent filing. A recent image of the array is included at the bottom of the page. The nourishment will protect the fiber rolls from UV light, which degrades coir and shortens the life span of the array. Sediment nourishment will also maintain compliance with the protected function of the Coastal Bank to provide sediment to the adjacent coastal resource areas.

The trigger for nourishment to occur will be if any portion of the array becomes exposed. If the array is exposed, nourishment will be placed in late March through May to maintain an average of 6-12 inches over the entire fiber roll array. Nourishment will be applied from the top of the bank and no access to the beach will be required. The maximum amount of sediment to be placed shall not exceed 140 cubic yards annually.

ONGOING MAINTENANCE

Maintenance of the fiber roll array, associated plants, and bioengineering materials is critical for the long-term success of this coastal stabilization strategy. Ongoing invasive plant management is proposed to block the reintroduction of State-listed invasive plant species into the restored native vegetation. Asiatic bittersweet, Japanese knotweed, and multiflora rose were the species managed during the previous project (SE25-4315) and would be the targeted plant species of the ongoing management. Ongoing invasive plant management is typically carried out two to three times per year depending on the site conditions and invasive plant response and would include hand pulling of the targeted species when possible, or targeted herbicide treatment where necessary.

The annual sediment nourishment described above is proposed for the life of the Order of Condition to maintain the protected function of providing sediment to the adjacent coastal resource areas and protect the fiber rolls from UV degradation. Additionally, repairs following damage from significant storms will be conducted on an as-needed basis. The Conservation Commission shall be notified in advance of conducting any nourishment or repair activities through its Conservation Administrator.



ATTACHMENT C

ABUTTERS NOTIFICATION INFORMATION

- **Affidavit of Service**
 - **Abutters Notification Letter**
 - **List of Abutters**
-

Affidavit of Service

Under the Massachusetts Wetlands Protection Act

(To be submitted to the Massachusetts Department of Environmental Protection and the Conservation Commission when filing a Notice of Intent.)

I, Michael J. Borselli of Falmouth Engineering, Inc., as representative for the applicant, hereby certify under the pains and penalties of perjury that on June 21, 2023, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

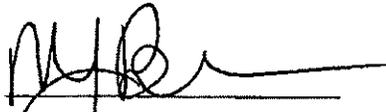
A Notice of Intent filed under the MA Wetlands Protection Act by

Mark & Cynthia Albers

with the Falmouth Conservation Commission on June 21, 2023

for property located at 0 Great Bay Street (46A 15 000 000B) East Falmouth, MA.

The form of the notification, and a list of the abutters to whom it was given and their addresses are attached to this Affidavit of Service.


Name

6/21/23
Date



Falmouth Engineering, Inc.
17 Academy Lane, Suite 200
Falmouth, MA 02540
508.495.1225

July 26, 2017

**Subject: Massachusetts Wetlands Protection Act
Abutter Notification of Filing of Notice of Intent
0 Great Bay Street Assessor's Parcel ID 46A 15 000 000B**

Dear Abutter,

Falmouth Engineering, Inc. has submitted a Notice of Intent application to the Falmouth Conservation Commission on behalf of Mark & Cynthia Albers of 66 Toledo Street, who propose to perform sediment nourishment and ongoing maintenance of the coastal beach and coastal bank all on land of the Town of Falmouth and adjacent to Great Bay Street. This application provides the Commission with the location and a description of the proposed work, and the wetland resources located on and adjacent to the property.

The resources depicted in this filing are subject to the Massachusetts Wetlands Protection Act (WPA) and the Falmouth Wetlands Protection By-law. The applicants are required under the WPA to notify abutters to the properties covered under the application. The Falmouth Conservation Commission will hold a public hearing on this application using Zoom Virtual Meeting software. The meeting will also be televised on Falmouth Community Television. More information can be found on the Town of Falmouth website. If you would like to request to review any of the file materials, you may do so by email at concom@falmouthma.gov or info@falmouthengineering.com.

Information regarding the time, and date of this hearing can be received from the Falmouth Conservation Commission Office and will be posted in the local press at least five days prior to the hearing.

Sincerely,

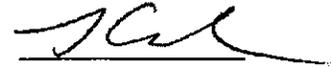
Michael J. Borselli
President
Falmouth Engineering, Inc.

cc: DEP, Falmouth Conservation Commission, Mark & Cynthia Albers

0 GREAT BAY ST

(ASSESSOR ID 46A 15 000 000B)

CERTIFIED

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

**Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
May 25, 2023**

66 TOLEDO ST 66 TOLEDO LLC 31 CHANCERY PL THE WOODLANDS, TX 77381	39A 06 000 018 LUC: 101	115 GREAT BAY ST LAPPAS TRUSTEE ALLEN J VRAHLIOTIS TRUSTEE KAREN 106 LESLIE RD WALTHAM, MA 02461	39A 07 000 048 LUC: 101
66 REYNOLDS ST BACKMAN LAWRENCE A HOFFMAN JUDITH D 66 REYNOLDS ST EAST FALMOUTH, MA 02538	39A 05 000 124 LUC: 101	58 TOLEDO ST MCGRATH MARGARET 58 TOLEDO ST TEATICKET, MA 02538-7351	39A 05 000 022 LUC: 101
62 REYNOLDS ST COSTELLO MARGARET F 62 REYNOLDS ST TEATICKET, MA 02538-7347	39A 05 000 127 LUC: 101	65 TOLEDO ST MCGRATH THOMAS P EAMES KAREN M 107 QUINCY SHORE DR APT 2 QUINCY, MA 02171	39A 05 000 008 LUC: 101
56 TOLEDO ST CZEPIEL ELIZABETH ANN CZEPIEL JR STANLEY FRANCES 98 FREMONT ST TAUNTON, MA 02780-2324	39A 06 000 024 LUC: 101	74 REYNOLDS ST PANUSCHKA JUNE E 74 REYNOLDS ST EAST FALMOUTH, MA 02538	39A 05 000 022 LUC: 101
0 GREAT BAY ST FALMOUTH TOWN OF 69 TOWN HALL SQ FALMOUTH, MA 02540-2761	46A 15 000 000B LUC: 980	53 IROQUOIS ST PROCEK MATTHEW E 112 EDGEWATER DR E EAST FALMOUTH, MA 02538-7324	39A 06 000 040 LUC: 101
59 TOLEDO ST FRANCIS KEVIN FRANCIS AMANDA 37 PLEASANT ST NEEDHAM, MA 02492	39A 05 000 010 LUC: 101	56 IROQUOIS ST REPOSA MICHAEL P 66 IROQUOIS ST EAST FALMOUTH, MA 02538	39A 07 000 053 LUC: 101
59 IROQUOIS ST GEORGE LINDA CAVANAUGH 112 GREENSBORO RD DEDHAM, MA 02028	39A 06 000 044 LUC: 101	63 TOLEDO ST SCHIAVONE JOHN A SCHIAVONE DEBRA KOBYLENSKI 50 HUMBOLDT AVE PROVIDENCE, RI 02906-4138	39A 05 000 012 LUC: 101
131 GREAT BAY ST GRIMES BETH W 51 CONSTANCE WAY NORTH ATTLEBORO, MA 02780	39A 05 000 016 LUC: 101	60 IROQUOIS ST WEBER ELKE KNUDSEN ELISABETH WEBER 438 76TH ST BROOKLYN, NY 11206-3204	39A 07 000 051 LUC: 101
67 TOLEDO ST KAYIAN LAUREN 380 DAISY FARMS DR SCARSDALE, NY 10583	39A 05 001 017 LUC: 101		
65 IROQUOIS ST KERDOK TRUSTEE RICHARD A KERDOK TRUSTEE GERALDINE A 65 IROQUOIS ST EAST FALMOUTH, MA 02538	39A 06 000 047 LUC: 101		

ATTACHMENT D

DRIVING DIRECTIONS TO SITE

Driving Directions to Site

46A 15 000 000B Great Bay Street, East Falmouth

From town center, turn right onto Main Street and continue on Route 28 for 2.5 miles. Turn right onto Maravista Ave. Continue on about 1 mile. Turn left onto Toledo St. The subject parcel is at the end of Toledo Street.

ATTACHMENT E

GRANT OF LICENSE

GRANT OF LICENSE

The Town of Falmouth, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts, acting by and through its duly elected Board of Selectman, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, does hereby grant to 66 Toledo LLC (the "Licensee"), with an address of 66 Toledo Street, East Falmouth, Massachusetts, 02536, the following License to install erosion control measures and rebuild access stairs to Great Pond in accordance with the terms and conditions of a certain Order of Conditions issued by the Conservation Commission of the Town of Falmouth dated 9.25.17 (Mass DEP No. 25.4315) and in accordance with the plans referenced therein, and said work to be located on or about Great Bay Street and the shores of Great Pond lying to the east of the property of the Licensee at 66 Toledo Street, East Falmouth, Massachusetts 02536. Great Bay Street is a town way, and it shall be restored to its original condition upon completion of the work.

A sketch plan of the approved location of the licensed area is attached hereto. The sketch plan is for informational purposes only. In the event the sketch plan differs from the plans referred to in the Order of Conditions, the latter plans shall control.

This License is granted upon the following expressed conditions:

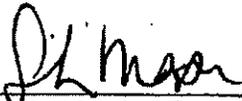
- a. Said License is revocable by the Board of Selectman at any time when the Board deems it appropriate to revoke the same in the best interest of the Town of Falmouth and/or public convenience, safety and needs; the Town may revoke this License by sending a notice to the Licensee, its successors and assigns at the above-referenced address and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry of Deeds;
- b. Upon such revocation, the Licensee, its successors and assigns shall, if and when directed by the Board of Selectman, remove said improvements, specifically, the erosion control measures and not the reconstructed access stairs, from the licensed area;
- c. If the Licensee, its successors and assigns, fail to remove said improvements, all the expenses of the Town to do the same or have the same done or any expenses arising from the failure to comply with this License, including attorney fees, costs and expenses and contractor fees shall be paid by the Licensee, its successors and assigns to the Town upon demand;

- d. This License is also revocable by the Licensees at any time when it is deemed appropriate for convenience, safety and needs. The Licensees may revoke this License by sending a notice to the Town and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry of Deeds;
- e. Until either of the above revocations, this License shall continue indefinitely;
- f. This License does not create any landlord/tenant relationship;
- g. The Licensee, its successors and assigns shall be 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 and limited to the timeframes of the installation of the erosion control measures and arising out of and limited to the timeframes of the reconstruction of the access stairs to Great Pond. This indemnification obligation of the Licensee further extends to any and all claims, actions, suits, or demands for personal injury or property damages arising out of and limited to the timeframes of annual maintenance and sand nourishment;
- h. The Licensee is not responsible for future liability nor is obligated to indemnify the Town of Falmouth for any claims, actions, suits, or demands for personal injury or property damages arising out of the newly reconstructed access stairs, which the Town acknowledges it owns;
- i. Nothing contained in the License shall authorize the Licensee, 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
- j. The terms, conditions, agreements and covenants contained herein shall be binding on the licensees, their successors and assigns.

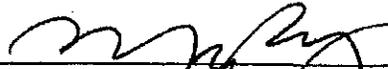
For Licensees' title see Book 29334, Page 42.

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 Board of Selectman, hereto duly authorized this 25th day of September, 2017.

TOWN OF FALMOUTH,
by its Board of Selectman,



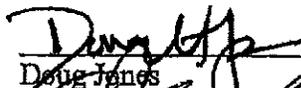
Susan L. Moran, Chairman



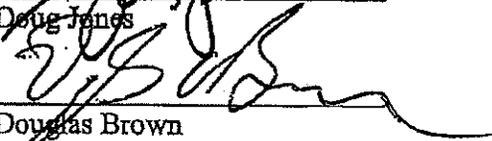
Megan English Braga, Vice Chairman



Samuel H. Patterson



Doug Jones



Douglas Brown

Approved on the farm:
Frank K. Duffy T.C.
9.22.17

ATTACHMENT F

PROJECT PLANS

OPEN SESSION

BUSINESS

7. Vote to adopt the FY23-FY27 Select Board Strategic Plan as revised based upon discussion during the August 5, 2023 strategic planning workshop **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 7.

ITEM TITLE: Vote to adopt the FY23-FY27 Select Board Strategic Plan as revised based upon discussion during the August 5, 2023 strategic planning workshop

MEETING DATE: 10/16/2023

WORK SESSION **REGULAR MEETING** **PUBLIC HEARING**

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Revised FY23-FY27 Select Board Strategic Plan showing redline changes

PURPOSE:

The Select Board is being asked to consider adopting the revised FY23-FY27 Select Board Strategic Plan based upon edits made as a result of the August 5 planning workshop.

BACKGROUND/SUMMARY:

- The current FY23-FY27 Select Board Strategic Plan was adopted by the Select Board on October 24, 2022.
- A strategic plan provides focused direction through a set of goals and objectives to allow the organization to continuously move forward and advance the strategic policy goals of the governing body, and as such it should be considered a living document subject to periodic review and revision.
- On August 5, 2023 the Select Board met for the purpose of conducting a strategic planning workshop; during this workshop the Board reviewed each of the seven Strategic Priority Areas (SPA), including having significant discussion on the ongoing goals and objectives within each SPA.

- The attached redlined revised Plan incorporates the comments made during the workshop discussion.
- The Select Board is being requested to review these proposed revisions based upon the August 5 workshop discussions, and to adopt the Revised FY23-FY27 Select Board Strategic Plan.

DEPARTMENT RECOMMENDATION:

The Town Manager is recommending that the Select Board approve the revised FY23-FY27 Select Board Strategic Plan as presented.

OPTIONS:

➤

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager is recommending that the Select Board approve the revised FY23-FY27 Select Board Strategic Plan as presented.

Michael Renshaw

Town Manager

10/13/2023

Date

Select Board Strategic Plan



FY2023 – FY2027

Adopted by the Falmouth Select Board on October 24, 2022

Introduction

In accordance with the Town of Falmouth Home Rule Charter, the Falmouth Select Board hereby presents its five-year strategic plan for the Town of Falmouth. During its annual Strategic Planning retreats throughout September and October 2022 the Board reviewed strategic priorities for Fiscal Years 2023-2027.

As it embarks on the work of Strategic Planning, the Board recognizes the importance of setting forth a vision for our community annually and the need to work through our Town Manager to involve the department heads, also receiving input from Town boards and committees in our decision making. There is also the fundamental need to hear from our citizens to gain a better understanding of community priorities. The goals set forth herein reflect this community of varied, comprehensive interests.

In this five-year plan, the Board has established broad policy areas. The goals of each Town Department are expected to be regularly updated and to address all programs and services of our community. Acting through the Town Manager, the Board will communicate its expectations to the Department, Board, Committee or Commission involved in achieving the policy objective. The Board expects that over the course of the five-year planning period, additional goals may be added during plan review or as updated annually as progress is reported by advisory committees and staff.

At the time of this retreat, the Town and the nation are still living with the coronavirus pandemic that continues to disrupt all our lives, requiring adaptation of many municipal operations, and continues to have implications for short-term and long-term plans and priorities. The seven Strategic Priority areas adopted for the FY2023 - FY2027 planning horizon ranked in alphabetical order:

- I. [Affordable](#) Housing
- II. Energy & Water Conservation and Sustainability
- III. Financial and Economic Stability
- IV. Health and Public Safety
- V. Management of Coastal/Natural Resources & Infrastructure
- VI. Organizational Effectiveness & Community Engagement
- VII. Water, Wastewater & Solid Waste Management

The Select Board members recognize that these strategic priorities do not address every area of service provided by the Town of Falmouth. The core values, established for strategic planning purposes, in no way diminish the value and importance of all the services provided by Falmouth's Departments and Divisions. These strategic priorities do involve all staff members and citizens as the Board implements its objectives and will serve as the foundation for the administration of Town government and delivery of services.

It is our hope that all decision makers, including staff, boards, and committees, will embrace these priorities and take positive steps toward achieving our strategic vision for the planning period of Fiscal Years 2023 - 2027.

Falmouth Select Board,
Nancy Robbins Taylor, Chair
Onjalé Scott Price, Vice Chair
Douglas C. Brown
Samuel H. Patterson
Edwin Scott Zylinski

Adopted: October 24, 2022

Revised and Adopted: October 16, 2023

Falmouth Select Board
Nancy Robbins Taylor, Chair
Edwin Scott Zylinski, Vice Chair
Onjale Scott-Price
Douglas C. Brown
Robert P. Mascali

I. ~~Affordable~~ Housing

The Select Board has included ~~affordable~~ housing as a specific priority area to signify its importance. Prioritizing ~~affordable creation of~~ housing that is attainable to working individuals and families is critical to supporting the hiring and retention of Town staff and maintaining the stability of Town operations. The vitality of the Town is dependent upon a community that is affordable and accessible.

The affordable housing crisis has been exacerbated by the pandemic, an unprecedented and unpredictable housing market, and inflation. This crisis requires significant dedication and cooperation among Town staff and community to resolve.

The ongoing goals within this strategic priority area are:

- Continue using the Housing Production Plan as a guide.
- Evaluate Town owned parcels of land for potential development of affordable housing.
- Update Local Initiative Program (LIP) guidelines and procedures with input from ZBA, Planning Board, Affordable Housing Committee to facilitate development of affordable housing.
- Consider developing a program to purchase deed restrictions on existing properties to be converted on future sale.
- Support Falmouth Housing Authority with renovating existing residential properties by supporting state and federal grant applications.
- Seek methods of addressing housing needs of the so-called “missing middle” which refers to households that have an income that is not high enough to afford market rate housing in Falmouth but whose income is above the 80% of Area Median Income (AMI) threshold applied by the Commonwealth under M.G.L. c. 40B.
- Consider proposing special legislation to assess a new real estate transfer fee to raise funds for creating new housing opportunities.
- Consider pursuing a residential deed exemption program similar to the one adopted by Vail Colorado.
- Consider supporting a Planning Board proposal to broaden the scope of the Mixed Residential Commercial Overlay District (MRCOD) to allow greater zoning flexibility for permitting multifamily housing within the designated District.

The specific, actionable goals within this strategic priority area are:

- Add 100 more affordable rental units, including only those units that are deed-restricted affordable (excluding market rate rental units listed on the MA Subsidized Housing Inventory only because they are within a building that includes affordable units) not to include units that are put on the SHI (subsidized housing inventory) but are not actually defined as ‘affordable’.
 - The Housing Coordinator should manage this list and conduct a review every 3 months.
- Consider creative and radical solutions to increasing affordable housing options.

- Housing Coordinator in collaboration with Affordable Housing Committee seek innovate/radical ways to increase housing stock such as addressing ADU bylaw issues/confusion, reviewing strategies implemented by other Cape towns to incentivize developers to build affordable housing, etc.
- Special focus on researching an Airbnb moratorium.
- Contract with creative contractors to establish innovative ways to increase affordable housing stock through existing infrastructure.
- The Town Manager to provide regular (monthly/quarterly) updates on LIP (Local Initiative Plan) or other affordable housing related projects and their status.
- Maintain a minimum balance of \$4 million in the Falmouth Affordable Housing Fund Trust.

II. Energy & Water Conservation and Sustainability

The Board will pursue conservation of vital resources with an eye to renewables and efficiencies. The Board is committed to raising awareness of energy conservation opportunities that provide financial and environmental benefits to the community.

The ongoing goals within this strategic priority area are:

- Pursue and promote energy efficiency in new building construction.
- Promote and provide infrastructure to support electric vehicles.
- Continue to investigate viability of electric vehicles when replacing municipal vehicles.
- Explore & implement municipal sites for alternative energy.
- Develop program to encourage solar energy on private property.
- Consider ground mounted and rooftop solar installations.
- Explore public and private partnerships for renewable energy.
- Enhance and promote efforts to improve composting and recycling practices.
 - Explore a municipal composting program through private/public partnerships.
- Continue ESCO and related programs – i.e., building upgrades to improve energy efficiency.
- Consider utilizing the interconnection to the Eversource electric grid at the Wastewater Treatment Facility for a solar installation.
- Explore strategies to conserve potable water. (already addressed in priority VII.)
- Consider taking on negotiation of power purchase agreement with Eversource as part of the AMP Solar project. The Town would negotiate the power purchase agreement with Eversource instead of AMP Solar doing so.
- Consider Town purchase of solar power from local non-profit owner of solar pv installation.

- Consider well-planned, appropriate wind power (suggested by one member, not clear there is a majority of Select Board in support)

The specific, actionable goals within this strategic priority area are:

- Hire a Sustainability Coordinator as voted at Town meeting.
-

Completed goals within this strategic priority area from previous Strategic Plan:

- Manage disposition of municipal wind turbines in compliance with applicable procurement law.

III. Financial and Economic Stability

In this five-year planning period, the fiscal health of our operations and community remains a strategic priority for the Town of Falmouth as we face the continued challenges of [COVID-19 and unexpectedly high inflation, increasing housing costs and a declining supply of qualified workers for municipal positions](#).

Among the Town's financial goals are to promote long-term financial stability of Town operations through sound financial planning and practices. The Town will be positioned to sustain essential services through economic downturns by continuing conservative revenue assumptions and disciplined budgeting. These sound financial practices allowed us to retain the Town's 'AAA' bond rating – the highest available bond rating. This bond rating upgrade saves taxpayers money every year by reducing borrowing costs and it represents an independent third-party validation of the quality of the Town's management practices. The Town's ongoing Capital needs and wage pressure caused by the declining population of working age individuals in the region remains a pressing fiscal concern.

The Town has been fortunate to be able to increase staffing levels to address targeted service needs in the past several years supported by sustainable, recurring revenues. This broad strategic priority area will influence decisions made about public safety, education and other important direct services such as community planning, housing, historic preservation, recreation, visitor resources, human services, elder services, and the increase in food insecurity and mental health issues.

The ongoing goals within this strategic priority area are to:

- Promote long-term financial stability of Town operations.
- Review and publicize long-term capital plan and promote funding strategy for capital; needs including town and school facilities report.
- Continue to prepare a Comprehensive Annual Financial Report each year.
- Continue working with the School Department to create a sustainable financial plan.
- Continue program budgeting and move toward full costing of services.
- Continue collaboration with School Department to complete facility and efficiency upgrades.
- Respond to fiscal impacts related to COVID-19 and inflation and explore new grant and revenue opportunities.
- Monitor appropriate grant opportunities and procedures for submitting and tracking grant applications.
- Support opportunities to generate additional funds for community housing.
- Support development of improved high speed internet service.
- Plan for use, development or disposition of Town properties including but not limited to the Emerald House properties, Andrews Farm Farmhouse, 300 Dillingham Ave, and the un-programmed portions of the Edward Marks Building.
- Develop a policy and plan to address traffic, parking, and transportation needs.
- [Support business and community development to promote a vibrant local economy.](#)

- Support Finance Department implementation of a carefully crafted tax lien program to collect past due taxes without putting any year-round resident at risk of homelessness.

The specific, actionable goals within this strategic priority area are:

- Increase Water rates to generate funds needed for a comprehensive annual water main replacement program.

Completed goals within this strategic priority area from previous Strategic Plan:

- Improve coordination of planning, permitting, and preservation functions.
- Improve permitting environment to be more user-friendly to the applicant.

IV. Health and Public Safety

Public Health and Safety are fundamental governmental functions. In this priority area the Board will develop goals to address emerging public health issues, pandemic impacts, and issues of concern related to substance use disorders and the opiate use epidemic in our Town and nation. The Town will focus on efforts to efficiently use our limited staffing and budgetary resources to sustain a high quality of public safety and improve accessibility in the Town of Falmouth.

The ongoing goals within this strategic priority area are:

- Monitor and address emerging public health issues.
- Continue to enhance public safety services town wide.
- Review response data and analysis to evaluate effectiveness of fire station staffing model to best serve the entire Town of Falmouth.
- Support improved efficiency of police and fire operations and consider future expanded services within available resources.
- Continue to staff West Falmouth fire station, as resources permit, until construction on new, replacement fire station is completed for the N/W quadrant of town.
- Continue to collaborate among Town departments to respond to substance use crisis including opiate use.
- Consider land acquisition and funding for new replacement Fire station based on a six-fire station model based on the McGrath consultant study, recommendations of the Future Fire Stations Citizens Advisory Committee and public input to evaluate potential locations for this new fire station to serve the entire town more effectively.
- Continue to review and update Local Emergency Management Plan.
- [Explore possibility of adding ambulance bay to West Falmouth Fire Station.](#)

The specific, actionable goals within this strategic priority area are:

- Provide Licensed Social Workers (LSW) to the Falmouth Police Department (FPD) to assist on calls related to mental health, substance use disorder, and people without housing.
 - The FPD will convert 2 patrol officer positions to Licensed Social Workers during FY223. For FY25 and beyond, the Select Board will: 1) add the 2 Patrol Officer positions back into the FPD budget, and 2) retain at least 2 LSW positions in the FPD budget.
- Actively support the Town's vote to remove FPD from Civil Service.
 - The Select Board will support the passing of this legislation through letter writing or any other appropriate means
- Collaborate with local and regional organizations providing treatment and support to those impacted by Opioid epidemic.
 - The Health and Human Services Department, in collaboration with other appropriate departments, identify gaps in services offered within the Town and options for filling the gaps. Recommendations for funding to be presented in preparation for the FY25 budget.
- Commit to a six-fire station model until such time that a North/West combination station is built and operational.

- The Select Board will work to create a budgetary plan to support six fire stations.

Completed goals within this strategic priority area from previous Strategic Plan:

- Pursue funding for design and construction of new fire station.
 - The funds for the Hatchville Fire Station have been appropriated, and design and construction are on schedule.
- Pursue opportunities to improve hiring process for police department including removal from civil service and the procedures that will replace civil service hiring.
 - Town Meeting approved the removal from Civil Service, we are awaiting the legislative vote.

V. Management of Coastal/Natural Resources & Infrastructure

Falmouth's waterfront amenities and natural and enhanced coastal resources are the cornerstone of our cultural identity and financial foundation. The Select Board's decision-making will be guided by the principle that clean and welcoming coastal resources and our marine environment are core values and strategic public infrastructure must be protected. The resiliency of our coast and our infrastructure is a driver of our Strategic Plan and community decision making process.

The ongoing goals within this strategic priority area are:

- Continue to pursue Community Rating System.
- Continue to implement municipal shellfish management plan.
- Dredging:
 - Explore alternatives to increase annual dredging.
 - Consider financial implications of permitting dredging in areas that have not been dredged on a regular basis in the past.
 - Support regional efforts to improve dredging resources and opportunities including legislation that reduces time of year restrictions.
 - Continue annual dredging and associated permitting to maintain channels and harbors.
- Survey curb cuts at beach and harbor entrances and parking lots.
- Incorporate accessibility improvements in conjunction with any sidewalk or pavement improvements.
- Consider construction of barrier reef to protect Nobska Point.
- Consider elevating roads.
- Develop a plan to protect water quality of fresh water ponds. Assign responsibility for evaluating causes and implementing solutions.
- Conduct detailed evaluation of sea level rise and storm threats to additional areas of Town similar to what was done for Surf Drive.
- Evaluate low lying roads and consider actions to mitigate problems identified.

The specific, actionable goals within this strategic priority area are:

- Consider hiring a Coastal Resiliency Coordinator (or similar position) for FY25 (this was already in the plan)
- Develop a plan to prioritize and protect public infrastructure and to inform private development.
- Review, discuss and adopt Coastal Resiliency Action Plan on recommendation of Coastal Resiliency Action Committee.
- Develop beach improvements and ten-year Beach Management Plan.
- Prioritize and plan for repairs to aging coastal structures, such as docks, ramps and retaining structures.
- Prioritize, plan, and manage needs of non-waterways coastal structures, such as parking areas, bridges, bikeways, Trunk River sewer, etc. and other non-waterways retaining structures.

- Explore a policy modeled after Chatham to require recurring beach nourishment to compensate for coastal structures.

Completed goals within this strategic priority area from previous Strategic Plan:

- Assess feasibility of installing accessible mats where they are not already in place.
 - Some mats have been purchased

VI. Organizational Effectiveness & Community Engagement

The Select Board will encourage continued evaluation of the Town's organizational effectiveness. We will evaluate our own effectiveness in serving the community in our role as the Select Board and we will encourage ongoing assessment of all Town functions and services including those performed by municipal staff and volunteer committee members¹. We take pride in knowing that Falmouth community members benefit from a wide array of high-quality municipal services, and we acknowledge there is always room for improvement.

This goal also involves creating a public participation process so the Select Board can better understand and inform the Falmouth community. The Board recognizes there is already a high level of community engagement in Falmouth. We all benefit from the fine work of the talented individuals who serve as Town Meeting members and who volunteer their service on our many boards and committees. We seek to build upon that strength by engaging with the community and department heads in new ways. We acknowledge the valuable public communications provided by FCTV and other local media. By doing so, we hope to better serve the diverse members of our community.

The ongoing goals within this strategic priority area are:

- Support volunteer board and committee members in their work.
- Evaluate needs of committees, assessing any significant unmet needs that might be addressed with available resources.
- Maintain a fixed schedule for the calendar year for committee reports to the Select Board to provide more advance notice and increase the number of committee reports received each year. Where in person meeting is not feasible, a written report may be substituted.
- Continue to receive reports from department heads through the Town Manager.
- Continue to hold staff appreciation/interaction event.
- Receive quarterly department reports including quantitative overview and some explanatory narrative.
- Evaluate permitting system on recurring basis.
- Maintain citizen confidence in the Select Board and Town leadership by providing a vision of Falmouth over time.
- Maintain a 'Recognition' item as a routine item on Select Board agendas to celebrate individuals, staff and groups for noteworthy contributions to the community.
- Expand use of website and 'notify me' function to notify the public of matters of interest.
- Discuss status of Transportation Committee which does not have a quorum of appointment members.
- Maintain municipal facilities to preserve the value of the assets and provide a good working environment for staff.
-

The specific, actionable goals within this strategic priority area are:

¹ Throughout the Strategic Plan we will use the generic term "committee" to refer to boards, committees and commissions.

- Develop training video for committee members on open meeting law, ethics, and role of committee members relative to staff.
- Host meeting with committee chairs to discuss annual schedule and how the Board can support the committees in their work.
- Make municipal services (specifically the Town website) easier to navigate for the public.
- Fill Town staff vacancies
 - Especially [the Town Manager, Assistant Town Manager, Director of Finance, Human Resources Director,](#) and DEI Officer.
- Support departments
 - Conduct departmental assessment or audit to allow the Select Board and Town Manager to assess each department's strengths and weaknesses, where departments need support, etc.
- Support and show appreciation to volunteer committees, boards, and commissions
 - Reinstitute (as deemed safe and appropriate under COVID-19 restrictions) annual potluck social
 - Explore designating one staff person to serve as resource to committee chairs and members with questions and concerns about committee protocols
- Increase general community engagement with the Town
 - Continue to hold two Community Engagement Forums each year including one in the summer months when seasonal residents are in town.
 - Consider potential action items based on feedback received at Community Engagement Forums.
 - [Continue engaging/communicating with non-municipal entities \(Woods Hole scientific institutions, CCHC, JBCC, etc.\)](#)
 - [Encourage Chief of Police to consider re-establishing community policing with Police Department resident assigned to each village association subject to available staffing.](#)
 - [Consider providing more funding to televise more community meetings.](#)
- [Conduct a comprehensive evaluation of the condition of municipal facilities including cost estimates for needed improvements.](#)

Completed goals within this strategic priority area from previous Strategic Plan:

- Develop orientation for Select Board members.
 - An onboarding packet was created, further 'orientation' options can be explored.
- Promote updated Committee Handbook by distributing copies and requiring acknowledgement of receipt.
- Implement online permitting system.
- Pursue expedited parallel processing and other process improvements to reduce time required for approval of permits.
- Strive to provide preliminary feedback to permit applicants earlier in the review process.
- Provide frequent updates regarding new developments related to coronavirus pandemic and take timely appropriate action to address challenges and opportunities.
- [Reduce the length of Select Board meetings by adding times to each agenda item and communicating time limits to invited participants.](#)
- [The Town Manager and Human Resources Director vacancies have been filled.](#)

VII. Water, Wastewater & Solid Waste Management

Water conservation is addressed in both priority area II. and here. Seems redundant.

By comprehensively and effectively managing our water and wastewater needs and operating systems, Falmouth will improve water quality, protect public health, and enhance the Town's economic vitality. If managed and planned for properly, we can offer our residents, visitors and future generations healthy water and sustain property values and our vibrant economy.

This planning period will focus on the management of potable water consumption to meet peak seasonal demand, and expansion of the sewer service system. Recent system improvements, planned for more than twenty years, will improve potable water quality and natural water resources, and may require necessary increases in staffing and resources to support operations. This period will include an upgrade to the wastewater treatment facility on Blacksmith Shop Road and an expansion of the sewer collection system to include the Great Pond and Green Pond areas. This expansion will require decisions related to additional discharge site locations to manage the increased wastewater effluent flows associated with this increase in the number of properties connected to the sewer system. The careful implementation of these programs and ongoing quality control will be the hallmark of the long-term success of these important water quality projects.

The ongoing goals within this strategic priority area are:

- Evaluate Town wide strategies for addressing water conservation and to mitigate water pressure concerns including the encouragement of private wells for irrigation purposes.
- Explore new sources for additional water supply opportunities.
- Minimize disruptive work; scheduling maintenance/repairs in 'off season'.
- Develop long-range plan for solid waste management.
- Continue managing Upper Cape Regional Transfer Station.
- Enhance and promote efforts to improve composting and recycling practices.
- Continue to monitor water quality of all potable water sources.
- Explore enterprise account for water system.

The specific, actionable goals within this strategic priority area are:

- Implement Comprehensive Wastewater Management Plan
 - Manage and evaluate the implementation of CWMP and construction of sewer service area.
 - Implement, develop, and promote funding plan for CWMP including regular review and update of sewer rates.
 - Determine discharge sites or methods to implement CWMP.
 - Develop long-range plan for coastal ponds and waterways utilizing knowledge gained from CWMP.
 - Explore new methods to improve water quality for inland ponds.
 - Plan and implement Stormwater Management Plan in compliance with EPA regulations. Prioritize improvements in locations where there is currently direct discharge into waterways.

- Monitor and provide input to the Town representative to the Cape Cod & Islands Water Protection Fund Management Board.
- Consider a program to require nitrogen reducing septic systems (AKA Innovative/Alternative systems) to protect fresh water ponds.
- Ensure continual supply of quality drinking water and adequate water pressures.
 - Replace larger sections of existing water mains: Connect loops to help with water quality and fire suppression pressure.

Completed goals within this strategic priority area from previous Strategic Plan:

- Secure funds to install treatment required to bring Fresh Pond well back online.
- Evaluate options for collection and disposal of solid waste prior to negotiating a successor contract, including provision of totes for residential curbside collection of trash and/or recyclables.

OPEN SESSION

BUSINESS

8. Vote to reclassify the part-time Conservation Agent position to a full-time position **(15 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business Item 8.

ITEM TITLE: Vote to reclassify the part-time Conservation Agent position to a full-time position

MEETING DATE: 10/16/2023

WORK SESSION **REGULAR MEETING** **PUBLIC HEARING**

SUBMITTED BY: Jennifer L. Lincoln, Conservation Administrator

ATTACHMENTS: None

PURPOSE:

We are requesting the part-time Conservation Agent position be adjusted to full-time and will be requesting a reserve fund transfer request from the Finance Committee in the amount of \$14,092.00 to supplement the FY24 Conservation budget.

BACKGROUND/SUMMARY:

- We had a qualified individual in the position at the start of the FY24 budget. Unfortunately, that individual has resigned.
- The department has seen an overall increase of 32% in regulatory permit applications since FY19 and an increase of 58% between the 1st quarter of FY23 and FY24. In addition, the number of building permits Conservation reviews continues to increase. This trend in regulatory and building permits is expected to continue given the current real estate market.

Conservation Permit Applications	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY	FY 2023	FY 2024	FY 2023
						2019-FY 2023 % increase	1st Quarter	1st Quarter	1st Quarter %
AR	97	83	103	96	132	36%	29	54	86%
RDA	130	141	189	169	167	28%	26	36	38%
NOI	81	84	102	110	108	33%	22	32	45%
Totals	308	308	394	375	407	32%	77	122	58%

- Conservation has requested upgrading the part time Conservation Agent position for the last 3 fiscal years due to the increase in the workload.
- We have lost four (4) part-time employees in less than five (5) years. Most of the part-time employees have left after training for a full-time position in the same or similar field. It takes several months to train a new employee to where they are comfortable reading site plans, comparing plans to field conditions and answering questions posed by engineers, consultants, attorneys, and residents. The difficulty in recruiting, training, and retaining a part-time position is extremely time-consuming and the loss of an employee almost every year results in the loss of productivity.
- We will be requesting a reserve fund transfer of 14,092.00 to supplement to FY24 budget.
- If approved the FY25 budget request will reflect the upgraded position.

DEPARTMENT RECOMMENDATION:

The Conservation Department recommends the part time position be upgraded to full time to better manage the current regulatory and land management workload.

OPTIONS:

- Motion to reclassify the part-time Conservation Agent position to full-time status.
- Motion to deny the reclassification of the part-time Conservation Agent to full-time status; denial of the request would result in loss of productivity if we were unable to retain a part time employee which is incredibly difficult in our current economic market.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
Reserve Fund	Conservation	01-171-5110			14,092.00	

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board approve the reclassification of the part-time Conservation Agent to full-time status to manage a growing regulatory and land management caseload more effectively and to improve retention of the position.

Michael Renshaw

10/10/2023

Town Manager

Date

OPEN SESSION

CONSENT AGENDA

1. Licenses

- a. Application for a Special One-Day Wine & Malt Beverages License – WM Cycling, Inc. – Really RAD Festival of Cyclo Cross – Cape Cod Fairgrounds – 1220 Nathan Ellis Highway, East Falmouth – Saturday & Sunday, October 28 & 29, 2023 from 8:00 a.m. to 4:00 p.m.



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Licenses 1. a.

ITEM TITLE: Application for a Special One-Day Wine and Malt Beverages License- WM Cycling, Inc.- Really RAD Festival of Cyclo Cross- Cape Cod Fairgrounds- 1220 Nathan Ellis Highway, East Falmouth

MEETING DATE: 10/16/2023

WORK SESSION **REGULAR MEETING** **PUBLIC HEARING**

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application for Special One-Day Liquor License for the Sale of Alcoholic Beverages, Aerial Image of Venue, Event Overview

PURPOSE:

The Select Board will consider the approval of an application for a special one-day wine and malt beverage license for an event to be held at the Cape Cod Fairgrounds.

BACKGROUND/SUMMARY:

- The applicant, WM Cycling Events, Inc., submitted their application on September 29, 2023 for an event titled Really RAD Festival of Cyclo Cross to be held at the Cape Cod Fairgrounds on October 28 and October 29, 2023 between the hours of 8:00 AM and 4:00 PM.
- On its application, the applicant indicates that approximately 500 people will be in attendance.
- The Police Department and Fire Rescue have reviewed the application materials and have no objections.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the application for a Special One-Day Wine and Malt Beverages License- WM Cycling, Inc.. for its Really RAD Festival of Cyclo Cross as presented.

OPTIONS:

- Motion to approve the application for a Special One-Day Wine and Malt Beverages License- WM Cycling, Inc. for its Really RAD Festival of Cyclo Cross on October 28 and 29 as presented.

- Motion to deny approval of the application for a Special One-Day Wine and Malt Beverages License- WM Cycling, Inc.. for its Really RAD Festival of Cyclo Cross on October 28 and 29 as presented.

- Some other Board specified action.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board approve the application for a Special One-Day Wine and Malt Beverages License- WM Cycling, Inc.. for its Really RAD Festival of Cyclo Cross as presented.

Michael Renshaw

Town Manager

10/13/2023

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: WM Cycling Events, Inc.

Address: location: Cape Cod Fairgrounds

License Type: One-Day Wine & Malt Beverages License

New or Transfer of License New

or

Change of License _____

Police No Objections

Fire No objections

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

Assessor _____

Tax Collector _____

Wastewater _____

NOTES:

This application is part of a Special Event to be held at the Cape Cod Fairgrounds approved by the Zoning Board of Appeals.

PAID
\$60.00
ck# 003623



RECEIVED
SEP 27 2023
SELECT BOARD OFFICE

APPLICATION

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

NAME OF APPLICANT:

Bill Sykes

ADDRESS OF APPLICANT:

13 River St

Plymouth

TOWN

MA

STATE

02360

ZIP CODE

NAME OF ORGANIZATION:

WM Cycling Events, Inc

MAILING ADDRESS:

13 River St

TELEPHONE #:

508 9549037

EMAIL:

bill@intlcycling.com

LOCATION TO BE LICENSED-ADDRESS:

Cape Cod Fairgrounds

Falmouth

TOWN

MA

STATE

02154

ZIP CODE

EVENT TITLE:

Really RAD Festival of Cyclo Cross

APPROXIMATE # OF PEOPLE:

500

DATE(S) OF EVENT:

10/28-29/2023

HOURS OF EVENT:

8am - 4pm

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT:

Bill Sykes

TYPE OF LICENSE:

1. WINE & MALT

2. ALL ALCOHOLIC

NON-PROFIT ORGANIZATIONS ONLY

FOR PROFIT

NON-PROFIT

REQUIREMENTS check list:

- ✓ 1. Submit in a separate note or letter a narrative overview of the event including a description of the premises, food service, and security
- ✓ 2. Certificate of non-profit status (if your organization is non-profit)
- ③ 3. Certificate of liquor liability insurance; 1 MILLION PER OCCURANCE - \$2 MILLION AGGREGATE
4. Certificate of TIPS or other alcohol safety training for all persons handling alcohol
- ✓ 5. Floor plan of area where alcohol will be served, consumed, and securely stored and how this will be separated from public areas (roping, fences, etc.)
- ⑥ 6. Temporary Food Permit (Health Department)

9/25/23

DATE

Bill Sykes

APPLICANT SIGNATURE

FEE: \$25.00 PER DAY

\$10.00 FILING FEE

EVENT OVERVIEW

The Really Rad Festival of Cyclocross is the continuation of the Plymouth Cyclocross that started in 1977 at Plymouth Carver High School in Plymouth, Massachusetts. Upon moving to the Cape Cod Fairgrounds in 2016, the race was renamed and expanded.

In 2018, RRFCX joined the USA Cycling ProCX calendar with the addition of UCI C2 races.

For 2023, the event has joined the USCX Series and will feature a C1/C2 weekend of racing for elite riders in addition to amateur races for all.

RRFCX provides world class racing to the New England cyclocross calendar while remaining accessible to all riders, amateur and professional alike.

PRODUCTION STAFF

Race Production	International Cycling	rrfcx@reallyradcx.com
Race Director	Adam Sykes	adam@intlcycling.com
Race Director	Bill Sykes	bill@intlcycling.com
Registration Director	Bree Sykes	registration@intlcycling.com
Pro Athlete Relations	RRFCX	rrfcx@reallyradcx.com
Media	International Cycling	media@reallyradcx.com
Medical/Race Doctor	pending	pending



**Entrance to Beer Garden
ID's will be checked upon entry.
Wrist bands will be provided.**

**Beer Garden zone.
This area shall be defined with
metal crowd control barriers**

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- a. Authorize the Town Manager to file and sign State Revolving Fund (SRF) grant and/or loan agreement documents for the construction cost of the Falmouth Wastewater Treatment Facility Improvements Project



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Administrative Orders 2. a.

ITEM TITLE: Authorize Town Manager to File and Sign Application for SRF Loan Agreement for WWTF Improvements Project

MEETING DATE: 10/16/2023

WORK SESSION **REGULAR MEETING** **PUBLIC HEARING**

SUBMITTED BY: Amy Lowell

ATTACHMENTS: Authority to File Form; Certifying Authority to File Form

PURPOSE:

The purpose is to ask the Select Board to vote to authorize the Town Manager to file and sign State Revolving Fund (SRF) grant and/or loan agreement documents for the construction cost of the Falmouth Wastewater Treatment Facility Improvements Project. I request that the resolution on the Authority to File form be read aloud at the Select Board meeting. The Authority to File form must then be signed by the Select Board and the Certification of Authority to file must be completed by the Town Clerk.

BACKGROUND/SUMMARY:

The SRF program requires these forms to be completed by all applicants as part of the loan agreement process, in order to be certain that the individual signing the loan agreement has the authority to do so.

As stated in a September 18th memo to the Select Board regarding the construction bid results for this project, the SRF loan amount for this project is expected to be \$31,265,218.

DEPARTMENT RECOMMENDATION:

I recommend that the Select Board authorize the Town Manager to execute the Authority to File form so that the Town can complete the process to obtain a 0% interest loan for the WWTF Improvements Project, and so the Town will be eligible for any grant funds available through the SRF program for the project. The SRF loan (and grant if available) will save the Town a significant amount of money.

OPTIONS:

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

TOWN MANAGER COMMENTS:

APPROVE AS PRESENTED.



Town Manager

10/18/2023

Date

AUTHORITY TO FILE

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

Wastewater Treatment Facility Improvements

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

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

Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

NOW, THEREFORE, BE IT RESOLVED by the Falmouth Board of Selectmen as follows:

1. That the Town Manager is hereby authorized on behalf of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application;
2. That the purpose of said loan(s), if awarded, shall be to fund construction activities.
3. That if said award is made the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost.

Resolved, Falmouth Board of Selectmen:

on:

Date

CERTIFYING AUTHORITY TO FILE

I hereby certify that the Falmouth Board of Selectmen of the Town of Falmouth (hereinafter referred to as the "Applicant"), at a meeting noticed and conducted in accordance with all applicable legal requirements, duly voted to authorize the Town Manager to act on behalf of the Applicant, as its agent, in filing applications for, executing agreements regarding, and performing any and all other actions necessary to secure for the Applicant such loan(s) for construction or planning of Water Pollution Abatement Projects as may be made available to the Applicant pursuant to the provisions of the Massachusetts Clean Waters Act (M.G.L. c.21, section 27-33E, inclusive, as amended) and the Water Pollution Abatement Revolving Loan Program (M.G.L. c.29C) for the following project:

Wastewater Treatment Facility Improvements

I hereby certify that Michael Renshaw is the present incumbent of the position referenced above, and do hereby certify:

1. That the attached resolution is a true and correct copy of the resolution as finally adopted at a meeting of the governing body held on the _____ day of _____, 2023, and duly recorded in my office:
2. That said meeting was duly convened and held in all respects in accordance with law and to the extent required by law, due and proper notice of such meeting was given; and a legal quorum was present throughout the meeting, and a legally sufficient number of members of the governing body voted in the proper manner and for the adoption of said resolution; that all other requirements and proceedings under the law incident to the proper adoption or passage of said resolution, including publication, if required, have been duly fulfilled, carried out, and otherwise observed; and that I am authorized to execute this certificate:
3. That if an impression of a seal has been affixed below, it constitutes the official seal of the Applicant and this certificate is hereby executed under such official seal; but if no seal has been affixed, the Applicant does not have an official seal:

IN WITNESS WHEREOF, I have hereunto set my hand this

_____ day of _____, 2023

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- b. Accept award under the FY2023 Bulletproof Vest Partnership Program in the amount of \$10,440



ITEM NUMBER: Consent Agenda – Administrative Orders 2. b.
ITEM TITLE: Request to accept bulletproof vest award of \$10,400.00
MEETING DATE: 10/16/2023
WORK SESSION **REGULAR MEETING** **PUBLIC HEARING**
SUBMITTED BY: Chief Jeffery Lourie
ATTACHMENTS: FY 2023 Bulletproof Vest Partnership Memo

PURPOSE:

The Falmouth Police Department has been designated to receive an award under the Fiscal Year 2023 Bulletproof Vest Partnership Program in the amount of \$10,440. We are requesting that the Board of Selectmen formally accept this award.

BACKGROUND/SUMMARY:

The FY 2023 award may be used for National Institute of Justice (NIJ) compliant armored vests which were ordered after April 1, 2023. The deadline to request payments from the FY 2023 award is August 31, 2025, or until all available funds have been requested. We have certified that a mandatory wear policy for vests is in place for our jurisdiction, a requirement of the Bulletproof Vest Partnership Program.

DEPARTMENT RECOMMENDATION:

The Falmouth Police Department recommends accepting the award of \$10,440 for Bulletproof Vests.

OPTIONS:

Briefly state the options the Select Board should consider.

There will usually be a minimum of three options:

- 1) approval of your recommended action or request;
- 2) denial of your recommended action or request;
- 3) Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

TOWN MANAGER COMMENTS:

APPROVE AS PRESENTED.


Town Manager

~~7/14/2023~~ *10/13/23*
Date

OPEN SESSION

MINUTES

1. Review and vote to approve minutes of meetings
 - a. Public Session – January 30, 2023; September 11, 2023

October 16, 2023

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, JANUARY 30, 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 Robbins Taylor, Chair; Onjalé Scott-Price, Vice Chair; Doug Brown; Scott Zylinski.

Absent: Sam Patterson.

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

1. Chair Taylor called the open session to order at 6:00 p.m.
2. Mr. Zylinski motioned to convene the executive session under M.G.L. c.30A s.21(a)(3) – To discuss strategy with respect to collective bargaining – Non-Union Personnel M.G.L. c.30A s.21(a)(3) – To discuss strategy with respect to collective bargaining – AFSCME Unit A because to not go into executive session could prejudice ongoing negotiations. Ms. Scott Price seconded the motion. It was followed by a unanimous 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: Chair Taylor, aye; Doug Brown, aye; Ms. Scott Price, aye; Mr. Zylinski, aye. Absent: Mr. Patterson.
3. Chair Taylor reconvened the open session.
4. Pledge of Allegiance
5. Proclamation
Mr. Brown noted that Chief Dunne announced his retirement and thanked him for 40 years of service.
6. Recognition
Tree Warden of the Year – Jeremiah Pearson
Mr. Johnson-Staub recognized Jeremiah Pearson, who was awarded the Seth H. Swift Tree Warden of the Year award, and he presented a plaque to Mr. Pearson.
7. Announcements
Ms. Scott Price announced the Woods Hole Black History Month Committee has events planned and encouraged those interested in more information to go to the website woodsholediversity.org.
8. Public Comment
Dave Buzanowski, President of the Falmouth Heights and Maravista Association, he has a copy of a letter from Mayflower's lawyer sent to the EFSB, an updating letter, dated 1/23/23 and he questions a couple of aspects of the letter. The Massachusetts Historical Commission had extended an archeological monitoring permit within the Town of Falmouth for a year until 1/19/24. The other item is that Mayflower remains actively engaged with the Town. He would like some information regarding the Town's current negotiations with Mayflower.

TOWN MANAGER'S PRELIMINARY REPORT

Mr. Johnson-Staub reviewed his memo in the Select Board packet.

Timber hearing was continued from 1/9/23 and was asked by the Board to consider installing sound insulation.

Timber has not yet obtained that information.

Cape Cod Winery Farmer Winery alternation of premise hearing: Town staff worked with applicant to address noncompliance issues of the number of people being served and uncontrolled parking. Staff are satisfied with the application as submitted and improvements they will bring to the site. Offsite parking is one element addressed.

Cape Cod Winery application to amend entertainment license and add a Sunday entertainment license: Many comments in support and opposition have been received.

Update from Cape and Vineyard Electric Cooperative, which facilitates installation of energy generation projects. Rosemary Carey represents Falmouth and will provide an update.

Dog control enforcement requests at Town beaches are received each year. Marine and Environmental Services (MES) Director Gregg Fraser will update on enforcement and concerns.

Vote the override for Falmouth Fire Rescue Department (FFD) wages, expenses, and stabilization fund, suggesting the board take a vote on the dollar vote requested. The Town Clerk has advised the Select Board that it has until 4/11/23 to formerly vote. Recommended motion form is in the packet.

Vote the warrant for Town Meeting is needed, three articles were removed, and explanations why are in report.

Discuss Falmouth Police Department (FPD) Chief selection process. The Select Board appointment falls under the Town Manager's jurisdiction, and Mr. Johnson-Staub will bring forward one candidate. He looks forward to hearing the Select Board's thoughts about what they would like to see in a Chief, along with results of the online public survey, and input from the unions.

6:45 p.m. PUBLIC HEARINGS

1. Application for an Entertainment License – Town Hall Partners LLC d/b/a Timber Axe Bar & Bowl (Timber), 23 Town Hall Square, Falmouth – continued from 1/9/23

Ms. Scott Price read the hearing notice.

Mr. Brown recused himself because he has a family member who works in that building.

Attorney Klauer represented the applicant. After the last Select Board meeting, Mike Mueller, owner of Timber, reached out to a soundproofing company, which made some recommendations.

Mike Mueller, owner, reported that he hired New England Sound Proofing to evaluate the sound and it was found that the reverberation in the sound in the bowling area is higher than in other areas of the establishment. New England Soundproofing could manufacture free standing acoustic panels around the performers which would help in less transmission of sound outside the building. This would start to mitigate the issue of reverberation of sound in that area. They received a report this afternoon that summarizes what New England Soundproofing found on their visit and steps that can be taken in phases; the greatest reduction of the sound would be to use these panels around the entertainers. He will build a plan based on the recommendations. The stage area is set up where there is bowling, so that area was assessed.

Public comment:

Linda Tsimortos 137 Main St., lives behind Timber. Timber operated without an entertainment license, she is the closest abutter and from June until November they dealt with hearing the music. In a previous meeting regarding a similar issue, Mr. Patterson stated that amplified music should not be heard past the walls of the establishment. Rules for employees concerning the matters amplified and a phone number posted for abutters would be appropriate.

Ms. Scott Price motioned to close the hearing. Mr. Zylinski seconded the motion. Vote: Ye-4. No-0. Absent-1.

Mr. Johnson-Staub said that if the Select Board is inclined to approve the license, they may want to include a condition that the insulation panels be installed beforehand.

The Select Board would like to see the written report and plan along with more information on the plan, including something that shows how high off the ceiling the panels could be and if they can be adjusted if there are more complaints so that all parties are accommodated. A sound engineering plan would be helpful.

Mr. Zylinski motioned to reopen the hearing. Ms. Scott Price seconded the motion. Vote: Yes-4. No-0. Absent-1.

Attorney Klauer said they could have a written proposal from the sound engineering company submitted before the next hearing.

Ms. Scott Price motioned to close the hearing. Mr. Zylinski seconded the motion. Vote: Ye-4. No-0. Absent-1.

Chair Taylor explained that the Select Board would like to see a proposal to mediate the noise issue and the Select Board would then consider granting a license based on the proposal being carried through by Timber.

Ms. Scott Price motioned to continue the hearing to 2/13/23 and the Select Board will continue to accept public comment. Mr. Zylinski seconded the motion. Vote: Ye-4. No-0. Absent-1.

Mr. Zylinski amended the motion to have the hearing remain open so that the public comment can be accepted. Ms. Scott Price seconded the motion. Vote: Ye-4. No-0. Absent-1.

Ms. Scott Price motioned to continue this hearing to 2/13/23. Mr. Zylinski seconded the motion. Vote: Ye-4. No-0. Absent-1.

2. Application for an Alteration of Licensed Premises of its Farmer-Winery Pouring License – Cape Cod Winery, Inc., to be exercised at 4 Oxbow Road, East Falmouth

Ms. Scott Price read the hearing notice.

Attorney Klauer, representing the Cape Cod Winery, and Peter and Erika Orlandella, owners, were present. Seeking to alter the liquor license, which capacity was not clear. They are working with the Town, updated site plan was prepared, capacity of 236, additional capacity up to 400 upon approval by the Special Events Working Group. This doesn't seek to change the existing operations of the winery.

Mr. Brown confirmed this is to reassign parking and capacity of the premises.

Ms. Scott Price noted 236 general capacity, special events is an additional 164.

Special events would be Memorial Day weekend, Fourth of July, fall fest, tree lights, so about 6 times per year.

Public comment:

Jennifer Affanato, 15 Silver Beach Ave., N. Falmouth supports the applicant.

Bob Mascali, 38 Oxbow Rd., he is supporting this portion of the application. They have been good neighbors and provide a good service to many Town organizations.

John Dillon, 21 Oxbow Rd., they are the best neighbors in the neighborhood.

Ms. Scott Price motioned to close hearing. Mr. Zylinski seconded the motion.

Discussion: none.

Mr. Brown supports the application as drawn and motioned to approve this plan. Ms. Scott Price seconded the motion. Vote: Ye-4. No-0. Absent-1.

3. Application for a New Sunday Entertainment License and Application to Amend the Current Entertainment License – Cape Cod Winery, Inc., to be exercised at 4 Oxbow Road, East Falmouth

Ms. Scott Price read the hearing notice.

Attorney Klauer, representing the applicant, said the applicant is seeking permission to have live music Sundays from 12pm-3pm, for a Sunday brunch-type concept. There is an existing entertainment license for other days of the week, and would like to add Sundays because it is a draw.

Mr. Brown commented there were many comments from neighbors about the music played at existing levels, and asked what is their plan?

Attorney Klauer noted people are affected in various ways, the applicant can adjust the volume control, there is an open line of communication, and Peter and Erika will provide their numbers to abutters.

Ms. Scott Price asked what type of music, Attorney Klauer said it's typically lower key acoustic music meant to be background noise. This is an ambiance issue.

Mr. Brown has with others asked the applicants to do their best to assure the sound of the music does not go past the property lines. Klauer said it is the applicant's job to monitor the volume.

Attorney Klauer said the music on Sunday is just during the hours of noon to 3:00 p.m. Ms. Scott Price noted some emails received asked for the music not to go late.

Mr. Zylinski stated that by the amount of patronage that shows up, it shows the support to this business, and that the business adds to the culture and character of that section of Town.

Mr. Brown asked if Sunday could be only acoustic music. Atty. Klauer said acoustic guitar is still plugged into an amplifier, there can be an attempt to keep this on the lower end of the spectrum, but hard to find musicians that will play without an amplifier.

Attorney Klauer said they are aware of the issue now and have an obligation to adhere to it now.

Mr. Johnson-Staub noted that the box for amplification was not checked on the application, and asked Atty. Klauer to correct that by checking the box for amplification since that is what is being requested.

Public Comment:

Shane Monteson, lives across from their parking lot, has 3, 7, 11 year old children, this has not disrupted him and his family, music never too loud, no one ever parked on his property, he has seen someone directing the parking. When inside his house he doesn't hear the music.

Pam Fagan, Brick Kiln Rd., the winery is a valuable small business with philanthropy of the owners, she opposes this because of the noise. Over the last three years it has blossomed, music at all hours of the days, makes sitting outside enjoying a book or gardening impossible. She would like to see a mitigation plan and question the language of the application which showed the application for live music from open to close on those days but in three-hour intervals. Will it really only be from 12p-3pm on Sundays. Is there some way to mitigate the music? Chair Taylor said that is something the Select Board would consider.

Mr. Johnson-Staub noted they will have entertainment 12pm-8pm, three-hour increments within those time frames.

Tim Mello, lives across the street from Cape Cod Winery, there is a lot of noise and traffic, it's fine. The amount of people increases the level of music required to such an extent it's hard on premise to get an idea of what is heard outside of there. He can hear it in his house, his workshop behind his house. It's difficult to have a phone call or work from home, it's pretty loud. He is all for mitigation.

Allison Blazis, 11 Brick Kiln Rd., lives with Tim Mello, they are very nice people, but concerns about the noise, she would be all for hours being extended if there was something in place, there are days she cannot work from home and needs to leave. Some days she does not notice the music, some days the music is blaring.

Allison Hodgson, lives diagonally across the street, the application is 7 days a week until 7 or 8pm, it's not great to listen to daily, they work from home, they hear it throughout the day, a neighbor is a nurse with a baby, and tries to sleep.

Matthew Roderick, 9 St. Anne's Lane, sound volume is fine, when in the yard he enjoys the music.

Richard Galut, about 600 ft from the winery, never had a problem with the winery, the music is outside, never found it to be excessive. They are good neighbors, it's the best it's ever looked. It is like a destination when people come to Falmouth.

Ms. Scott Price clarified if it was 12-3pm. Attorney Klauer said yes, they could condition it.

Rachel Burman, new tenant in Cedar Meadows Community, read a letter she wrote and sent to the Select Board.

Ester Ann Price, 371 Teaticket Highway, there are nights she will go out on her deck to sit and read, light her firepit, she hears music until 10pm-12pm, she does not know where it's coming from, but it's refreshing and during nice times. People in Town are out having a good time. Erica and Peter are devoted to the Town, they are treasured and should be treasured.

Maureen Hanson, Falmouthport, they have no problem and have not heard it even once.

Ms. Scott Price motion close the hearing.

Mr. Brown asked about noise control and how it will be mitigated.

Attorney Klauer noted this has been an educational night for the applicants, there could be additional plantings along the western side of the property line, orientation of the stage could be adjusted, small steps that may have an affect on the abutters. There may be some sound carry, but it's their responsibility to make sure that they are not nuisances to the abutters. He is not aware of noise complaints in the past.

Mr. Zylinski asked if it would be advantageous for at least a couple of the direct abutters to have a direct conversation with the Winery, the applicant could go over to the abutters to try to make everyone happy.

Mr. Zylinski motion to close. Ms. Scott Price seconded the motion. Vote: Yes-4. No-0. Absent-1.

Discussion:

Mr. Brown would like condition to give relief to neighbors nearby, keep the music on the site.

Mr. Zylinski motioned to approve with condition that effort will be made to maintain sound on the site and 12-3pm on Sundays. Ms. Scott Price seconded the motion. Vote: Yes-4. No-0. Absent-1.

BUSINESS

1. Report – Cape and Vineyard Electric Cooperative (CVEC)

Rosemary Carey is the Town representative to the CVEC. She made a PowerPoint presentation about what they do and provided an update of projects. Explained the process if the Town engages CVEC. Urged the Select Board to review the report that she will email them and to consider renewable energy goals in planning going forward.

An example provided was that the Town could do a project with another town. CVEC bundles projects and they would pull together the projects that would benefit the Town, by collaborating projects. CVEC looks to the Town's needs first, the report where Self Reliance Corporation identified the best opportunities for solar. CVEC would do the background, authorize the RFP, there is no requirement for a Town to work with another Town.

Ms. Carey will get back to the Select Board on CVEC's costs/fees.

Mr. Johnson-Staub noted that when CVEC partners with communities to install power panels, it is through an agreement and there would be a cost to the Town beyond CVEC's fees. The Town could be the owner, have to front capital or enter a contract with CVEC.

The Select Board would like to explore more, it was initially brought to the Select Board in 2017. Chair Taylor asked Mr. Johnson-Staub to put this on his list, this is something that the Select Board should talk about at another meeting and discuss how to make it happen. Mr. Johnson-Staub noted there is a lot of opportunity here that the Town has not taken advantage of. Mr. Johnson-Staub noted the capacity to take on more projects in the next six months is limited. The sustainability coordinator position is front and center in driving these projects. It is reasonable to talk about it, put it in the strategic plan, as there is more staff capacity they can plan.

Ms. Scott Price asked when would it be appropriate to ask the Energy Committee to review so that we have more background information when there is capacity of staff. Mr. Brown noted the Energy Committee brought this to the Select Board, one of the members of the Energy Committee is the Director of CVEC.

The Select Board asked Rosemary Carey to get information to the Town Manager regarding CVEC, costs, and how CVEC could work with the Town to structure a project that the Town may fund on their own.

Mr. Johnson-Staub said the School has several roof projects in the next year, and it would be an ideal time to put on roof solar at that point. Between the committee and CVEC, they could look at those projects, that would be a place to start. Ms. Carey said CVEC offers a variety of services and can work with the Town on solar energy projects. Ms. Carey will find out when the contracting begins with CVEC. Mr. Johnson-Staub noted maybe the Energy Committee to work with the Energy Committee on that.

2. Discussion of Dog Control Concerns at Town Beaches

Marine and Environmental Services (MES) Director Gregg Fraser told the Select Board what they have been doing, particularly in the Black Beach area. Worked with the Beach Superintendent about what they can do regarding enforcing the dog regulations, which falls on MES. The issue is the Town bylaw only applies to municipal Town beaches, not private property. The leash law is enforceable on private property, except with owner permission. The MES staff tried to address this with a staff person who goes to the beaches part time, but were unable to hire a person last year and hope this summer they will be able to advertise for a that position. That would make a big difference in the summer, but the other time is still going to be a problem because the problems are generated after the employees leave work. They have put signs up, most people are aware that dogs are not to be off leash, it is something that's been going on for a long time and that is the response the officers have been getting. They would like policy direction on how the Select Board would like them to handle this, monetary fees are an option; if more aggressive enforcement is warranted, they are able to do so.

Mr. Brown would like some enforcement to get the message out. Animal control has two full time animal control centers, run on 8:00 a.m. – 4:30 p.m. shift. That is why they are trying to hire for a 3:00 – 11:00 p.m. shift, designated to spend their time at the beaches. MES has had conversations with people who

raised the issue: if a dog is seen off leash, call the dispatch who will dispatch an officer. Other towns are dealing with the same issues, they work with the Audubon people because it is an added issue of threat to the protected birds.

Dr. Barbara Schneider, Precinct 4, said the dog community is quite entitled because of several decades of free walking on Chappy Beach and Beebe Woods, that was one of the three main reasons the dog park was built. She believes the only way to curtail this is for someone in uniform issuing a warning and then some sort of fine. The bylaw needs compliance, we are getting more marine animals on the shorelines and they need to be resting on the beaches and a dog could run up to a marine animal. Do people have patterns, always at the gathering places at the same time, so the times of day are predictable? Animal control does not answer if not in the office, so she's directed people to call the non-emergency business line to report to the Falmouth Police Department (FPD). Someone will need to work outside normal business hours.

Mr. Johnson-Staub said current practice is warning and then followed by a fine.

Mr. Fraser said they identify the person, ask for identification, then the citation goes into the system so they will be in the system if it happens again. If someone refuses to identify themselves, then the FPD can be called.

The Select Board prefers enforcement of the existing bylaw. Newsflashes will be sent out, posting on the Town website, and Town social media pages.

Public comment:

Greg Masmanian, Precinct 2, correlation between the summer population, he finds that the renters come down and have a couple dogs, they feel entitled to run their dogs. Perhaps they don't know the rules, maybe it makes sense for rentals post it.

MES has changed their protocol in following up for calls, their logging system has changed so they are tracking calls for service and the checks of the beaches will be logged.

3. **Vote Override for Fire Department Wages and Expenses and Fire Department Stabilization Fund**

Chair Taylor commented that there has been a lot of conversation about staffing six fire stations, override, and she is hoping the Select Board can come to united consensus about what is best for the Town at this time to be able to staff our fire department and six stations.

Mr. Brown said that when discussing it at a strategic planning meeting, he quickly motioned to put the 1.5 million override out there, at that time it was clear it was the actual cost of that hiring. Since then, they've had conversations about tightening belt in other areas, now that we see all the things that can be done, he'll support the \$950K to make it more palatable to the voter. Mr. Zylinski agreed.

Mr. Brown read the motion in the packet:

I move that the Select Board place an operating override on the May 16, 2023 election ballot which reads as follows:

"Shall the Town of Falmouth be allowed to assess an additional \$600,000 in real estate and personal property taxes for the purpose of hiring fourteen (14) additional firefighters and an additional \$350,000 to be deposited into the Stabilization Fund for Fire Department wages and expenses for the fiscal year beginning July 1, 2023?"

Ms. Scott Price seconded the motion. **Vote: Yes-4. No-0. Absent-1.**

4. **Vote Articles and Execute Warrant for the April 2023 Annual Town Meeting**

Mr. Johnson-Staub read the articles.

Articles 1, 2, 3, 4.

Article 5

Mr. Zylinski asked about the interest in the fund in Article 5. Mr. Johnson-Staub noted the interest accrues to that fund.

Article 6 override article. Per motion just voted, the dollar amounts have been broken out and will be in the recommendation printed in the warrant. Any adjustment the Select Board has until April 11 to finalize the working of the question that goes on the election ballot.

Articles 7, 8, 9, 10, 11, 12, 13.

Article 14 rescind acceptance of civil service for police and fire, legislature slow to act on the FPD withdrawal, there is some indication they may continue to delay and Town Counsel advised another way to get out of civil service w/out leg approval and this Town Meeting Article would be required for that. Mr. Johnson-Staub will double check, but he believes there is no further step required once the Town meeting article is/if approved. This is new in the last year, the Select Board needs to hear from Town Counsel to have dialogue about what the risks are and who has standing. It is her opinion and several other attorneys across the state that there is little risk.

Articles 15-19

Mr. Johnson-Staub did not read the petitioners' articles.

Articles 20 and 21-items are identified and there are three listed in the article, Mr. Johnson-Staub will write the explanation with staff. Mr. Brown asked for the outline of the money for opioid use would entail. Mr. Johnson-Staub said the answer will be more a process than specific what we will do with the money. Funds are limited for the purposes of use, the Human Services Director will bring forward recommendations for how the money is spent.

Articles 22, 23.

Article 24-confirmed can accommodate that additional cost of borrowing w/out increasing the tax burden increase.

Article 25-can be accommodated w/out tax burden increase.

Articles 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, then the Community Preservation Committee articles.

Mr. Zylinski motion to approve the articles and execute the warrant for April 23 Town Meeting. Ms. Scott Price seconded the motion. Vote: Yes-4. No-0. Absent-1.

5. Police Chief Selection Process

Mr. Johnson-Staub is seeking guidance from the Select Board in what they think he should be looking for in selecting the next Police Chief.

Mr. Zylinski said that other towns have police chief and deputy police chief; eliminate a captain's position and backfill with deputy chief's position to add a more binding effect of two responsible people; they have more opportunity to have someone they are familiar with and connect with the rank and file. This helps with communication, redundancy is good planning, and one person responsible if the Chief is out of commission. This helps with succession plans, we won't lose officers to other towns. Chair Taylor feels that would work effectively.

Mr. Brown would like to emphasize the seasonal nature of the Town and importance of supporting events, it is challenging to have every officer work, every Chief should know what they will be asked and are stepping into; the Town relies on seasonal revenue and the events help local businesses and look to the Chief to organize these major events.

Ms. Scott Price would like documented experience actively working within a community, participating in events, round tables, given the nature of policing and current environment.

Chair Taylor noted it is the time in our history that they are policing.

Mr. Zylinski feels they need a knowledge of our community and who lives here, be aware of the racial component of our community, and our police force needs to be representative of our community.

Mr. Brown feels that the FPD is doing a good job in that area. Mr. Zylinski said being more creative and conceptual with this program, a strong, galvanized police department is easier to adjust to things you can't control.

Mr. Johnson-Staub provided prompts to the Select Board: challenges they would like the new chief to discuss.

Ms. Scott Price would like to see someone make an effort to connect with the community on a different level, given recent happenings. Significant effort for regaining trust within the community.

Chair Taylor would like a leader who empowers, emboldens, encourages risk taking, someone who creates a team that acknowledges and encourages other peoples' opinions, input, and intelligence.

Mr. Johnson-Staub reviewed the topics that he and the consultant developed.

Mr. Brown questioned the dispatch being its own unit, it's in the FPD, should the accountability be to the Chief? Mr. Zylinski said to look for FPD input on how we can help support them and how they are going to do it. Mr. Zylinski suggested Mr. Johnson-Staub go on a ride-along and talk with the officers about what they want in a chief, we need a connection.

The purpose of this conversation before finalizing job announcement is to take the ideas and work them into the assessment center and interviews.

6. Licenses

- a. Application for a Change of Officers/Directors and a Change of Manager – Cape Verdean Club of Falmouth, Inc., located at 126 Sandwich Road, East Falmouth

Ms. Scott Price noted that she is a member of the club.

No person was present to represent the club.

Mr. Brown had questions regarding the proposed manager living in East Taunton and about the plan for her to manage the club while living that far away.

Chair Taylor stated action will be deferred and this item will be rescheduled to 2/13/23 and would like a club representative present at that meeting to answer their questions.

CONSENT AGENDA

1. Licensing

- a. Approve administrative Change of Address of an All Alcoholic Beverages Retail Package Store License – Falmouth Food Mart & Liquors, located at 424 East Falmouth Highway, Unit A6, East Falmouth

2. Administrative Orders

- a. Vote to petition the Massachusetts General Court to approve removal of Fire Department from Civil Service

Ms. Scott Price motioned to approve the consent agenda. Second Mr. Zylinski. Vote: Yes-4. No-0. Absent-1.

MINUTES

1. Review and Vote to Approve Minutes of Meetings
 - a. Public Session – October 24, 2022

This item will be added to 2/13/23 meeting.

TOWN MANAGER'S SUPPLEMENTAL REPORT-none.

SELECT BOARD REPORTS

Mr. Brown:

- Attended Megansett Crossing opening, they are very nicely done and a model for what can be done in design and build of affordable housing. Senator Moran was present.

Mr. Zylinski:

- Will be reaching out to do his ride-along with the FFD and FPD soon.

Ms. Scott Price:

- Last week she met with representatives from Senator Markey's office, she will pass information about sustainability to Mr. Johnson-Staub.
- Met with the new District Attorney (DA), he will put together a committee for Diversity Equity and Inclusion (DEI) in the DA's office.

Chair Taylor:

- Asked that the consultant for the Town Manager search provide an update on where we are in the process at the 2/13/23 Select Board Meeting.

DISCUSSION OF FUTURE AGENDA ITEMS

Workshop with Town Counsel is scheduled for 4/1/23.

Mr. Johnson-Staub noted the meeting scheduled for 4/1/23 was for training and a quarterly check-in with where we stand with the strategic plan.

Mr. Brown would like to consider looking at what might be possible with urine diverting toilets rather than sewerage and noted it would have to be a Town-led idea.

Mr. Zylinski feels that until we find out what is going on with the IA (Innovative/Alternative) septic systems, there are specific items people are addressing with the Department of Environmental Protection right now so this may not be the time to address urine diverting toilets.

Mr. Johnson-Staub can forward this idea to the Water Quality Management Committee for their consideration.

Marc Finneran commented that 70% of the nitrogen can easily be diverted by urine diversion. This would make any Title V system equal or better than an Innovative/Alternative (IA) system and would cost a few thousand dollars, not tens of thousands of dollars. The next sewerage phase could include a plan for this and the money for sewerage could be used for another project such as replacing pipes. New construction could include urinals that would divert the urine to a holding container for removal. This is not new technology and exploring it is appropriate. Urine can be used to fertilize gardens and other areas that benefit from nitrogen.

Mr. Zylinski moved to adjourn the meeting. Ms. Scott Price seconded the motion. Vote: Yes-4. No-0. Absent-1.

Respectfully Submitted,
Jennifer Chaves

DRAFT

TOWN OF FALMOUTH
SELECT BOARD
Open Meeting Minutes - DRAFT
MONDAY, SEPTEMBER 11, 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 Robbins Taylor, Chair; Edwin (Scott) Zylinski II, Vice-Chair; Douglas C. Brown; Robert P. Mascali

Absent: Onjalé Scott Price

Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Maura O'Keefe, Town Counsel

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 conduct contract negotiations with non-union personnel (Town Manager) - M.G.L. c. 30A s. 21(a)(2).

Motion by Mr. Zylinski: So moved Second: Mr. Mascali Vote: Yes – 4 No - 0

Chair Taylor said the Board would return to Public Session.

OPEN SESSION

Before the Call to Order, Town Manager Mike Renshaw announced that an overflow area had been set up for meeting attendees who were unable to be seated. He said if those present were there to comment on the Emerald property, that the item was for a staff report, that no formal action was planned for this item, and no public comment would be taken at this meeting. Assistant Town Manager Peter Johnson-Staub said attendees in the overflow area would be able to view the meeting but not participate, which complies with the Open Meeting law. He accompanied those attendees to the overflow area.

Call to Order: Chair Taylor called to order the Open Session of the meeting at 6:32.

Pledge of Allegiance: Led by Select Board

Proclamations: None

Recognitions:

Chair Taylor asked for a moment of silence to recognize September 11 and the incidence of terrorism 22 years ago, remembering all victims and first responders who perished in this awful attack.

Mr. Brown recognized the Fire and Rescue Department for the well-done service earlier today.

Announcements:

Chair Taylor announced 2 changes to the agenda: 1) Business item #12 – Tabled: 2) Business item #14 – Re-scheduled

Mr. Zylinski announced that FCTV would be moving its government channel to Channel 9 beginning on 9/21.

Public Comment

Richard Dube, Blacksmith Shop Rd. – said he met with Mr. Renshaw and complimented him – said he had emailed the finance committee questioning the approved \$86,000 in 2021 for rifle replacement when the actual cost was \$48,000 but has received no answer about the process regarding capital expenditures – questioned the \$118,000

projected cost to replace pistons – questioned how the previous police chief could have allowed the police headquarters to crumble and decay into a health hazard, contrasting this situation with all the funding for pickleball – said he sees these examples as weaknesses and defects in town governance.

Dr. Augustin Moreira-Saporiti – said he is here to speak in support of affordable housing and to make it more accessible for year-round residents – said he is from Spain and a researcher at MBL – said many international scientists come to the Cape to work, but the current housing conditions make it an extremely unwelcoming environment for him and others like him to come to this town – said it places him at risk to be homeless – said the focus on seasonal rather than year-round housing drives away scientists – urged the Board to consider the housing crisis one of its top priorities.

PUBLIC HEARINGS

Shade Tree Hearing – on application of Alex Zelfond for the removal of one (1) Sugar Maple tree at 259 Old Main Road, North Falmouth

Mr. Renshaw orally reviewed the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and title: *Hearings 1 - Shade Tree Hearing – on application of Alex Zelfond for the removal of one (1) Sugar Maple tree at 259 Old Main Road, North Falmouth* in the Select Board packet. Mr. Renshaw said it was the DPW/Parks and Forestry Division's and his recommendation to remove the tree with the condition that the cost of removal be borne by the owner, and that a suitable replacement tree be planted under the direction of the tree warden.

Mr. Zylinski read out the hearing notice.

Tree Warden Jeremiah Pearson explained the need for the removal of the tree at 259 Old Main Rd. Mr. Brown ascertained the size of the replacement tree.

Public comment: None

Motion by Mr. Zylinski: To close the hearing Second: Mr. Mascali Vote: Yes – 4 No – 0

The Board noted that there was no correspondence in opposition to the application.

Motion by Mr. Brown: To approve the removal of the shade tree at 259 Old Main Rd., North Falmouth
Second: Mr. Zylinski Vote: Yes – 4 No - 0

Shade Tree Hearing – on application of Sandra Rothchild for the removal of one (1) Eastern Red Cedar tree at 196 Elm Road, Falmouth

Mr. Zylinski read out the hearing notice.

Mr. Renshaw orally reviewed the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and title: *Hearings 2 - Shade Tree Hearing – on application of Sandra Rothchild for the removal of one (1) Eastern Red Cedar tree at 196 Elm Road, Falmouth* in the Select Board packet. DPW/Parks and Forestry Division recommends removal of the tree due to safety concerns. Mr. Renshaw recommends removal at Town expense.

The tree warden explained the need for removal.

Public comment:

Fritz Bosch – said he lives in the area – said it's not a sugar maple or oak, rather, it's a unique species – said he's been part of the scientific community for 50 years – said the tree can be trimmed – said it's very old and unique to the Cape Cod area – said there is a small grove in Marshfield – said Elm Rd. is blessed to have it – said it is an Eastern Red Cedar and looks like a redwood – said he would not make an issue of it if it were a sugar maple.

Sandy Rothchild, 196 Elm Road – has lived at this address for 25-30 years - said now it's a dangerous situation to come out of the driveway to turn left – said there have been a couple of near misses – said she appreciates what the previous speaker said – said she has grandchildren who drive who tell her how dangerous her driveway is.

Mr. Pearson said the tree is native to Cape Cod and not a rare species. Mr. Zylinski asked if the tree creates a safety hazard regarding sight lines. Mr. Pearson said yes. Mr. Zylinski also asked about transplanting, which Mr. Pearson said was not possible. Mr. Mascali asked about trimming. Mr. Pearson said they've done what they could for the past 5-6 years and have avoided removal up to this point.

Motion by Mr. Zylinski: To close the hearing Second: Mr. Mascali Vote: Yes – 4 No – 0

Mr. Brown said that as much as he is reluctant to remove a tree, safety concerns make it necessary. Mr. Zylinski noted that this has been a recurring yearly issue and he is unwilling to wait for a fatality or injury when a safety issue has been identified.

Motion by Mr. Zylinski: To remove the tree at 196 Elm Rd. for safety concerns as described by the tree warden Second: Mr. Brown Vote: Yes – 4 No - 0

BUSINESS

Vote to accept an easement granted to the Conservation Commission for wetland restoration of the Upper Coonamessett bogs.

Mr. Renshaw orally reviewed the item for the Board, referring to the document intitled *Agenda Item Summary Sheet*, Item number and title: *Business 1 – Vote to accept an easement granted to the Conservation Commission for wetland restoration of the Upper Coonamessett bogs* in the Select Board packet. Mr. Renshaw recommended approval.

Mr. Mascali asked why the easement lasts only 10 years. Mark Kasperczyk, Falmouth Conservation Land Manager, said the owner of the property requested 10 years. He also said he didn't think it would be an issue once the wetland restoration was complete.

**Motion by Mr. Zylinski: To accept an easement granted to the Conservation Commission for wetlands restoration of the Upper Coonamessett bogs as described by the Town Manager in his presentation
Second: Mr. Mascali Vote: Yes – 4 No – 0**

Emerald Properties Update

Chair Taylor said there would be no public comment on this item because the presentation was primarily around the comments received by Ms. Fish and Mr. Cornock.

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and title: *Business 2 – Emerald Properties Project-Summary of Civic Engagement Program* in the Select Board packet. He said the summary encompassed over 2 months of comment and data collection.

Housing Coordinator Kim Fish introduced the presentation entitled *Emerald Properties Project-Affordable Housing, Accessible Recreation, Historic Preservation*, by narrating approximately 7 screens summarizing the collected data, which included a review of the history of the project, an overview of the civic engagement program, a summary of input provided at meetings, a categorizing of comments, and input at the 8/9/23 public meeting. Town Planner Jed Cornock then summarized and explained the input gathered from the project website and emails, referring to graphs and charts presented on approximately 12 screens. The final portion of the presentation focused on remaining questions, options for action, and next steps. The recommendation from the Planning Department is for more time for staff to work on a compromise development scheme that takes into account the collected data.

Chair Taylor said she very much liked the questions in the survey and said that no matter what, the issue will go back to Town Meeting for a vote.

Mr. Brown asked what the closing date was for the input. Mr. Cornock said they closed the survey and emails on August 18. Chair Taylor said the Board has received many emails since that time.

Mr. Zylinski commented that he felt it was prudent at this time to pull the project and redevelop it. He said there are too many things that need to be addressed making it too soon to come up with options. He said the numbers of interested people who provided input show that we're going in the wrong direction, and that it's not the right project for this location. He commended the work done by staff on this project and the gathering of information.

Mr. Mascali asked how the survey was developed (a combination of consultants and in-house staff) and what a smaller-scaled project would look like. Ms. Fish said it would be fewer than 44 bedrooms. She said it would be a significant scale-down, taking into account ownership vs. rental and feasibility for a developer. She said they would have to go back to the drawing board, understanding that the project, in the end, might not work.

Mr. Brown said that scaling down the playground would risk ruining it. He said that he would not want to revisit that and thought it best to waste no more time and effort on this project at this location. Mr. Zylinski commended all survey respondents and emailers, saying that their comments showed they were willing and committed. He asked for their continued interest and input to help with ideas for good projects to meet the goals of the housing plan.

Chair Taylor reiterated that the purpose of the presentation was to seek guidance for how to proceed. She said, based upon Board comment, that it was time to table this idea for this particular place and this property. Mr. Mascali said he didn't necessarily agree. He noted the time and effort put into the project already and said he would like to see if the questions regarding the identified issues such as wastewater, safety, density, and traffic could be answered in agreement with the comments received. He said he would like to pursue a smaller scale and look at addressing those problems and didn't think the Board should pass on this property. Mr. Zylinski said staff is limited and that other projects fit into the housing plan better, projects that will re-vitalize the area, and that it would be better to push those projects. He said the Emerald property project is too far off and that there are better opportunities elsewhere in Town, such as the Kimco project.

Chair Taylor spoke to the idea of putting Town energy behind the Kimco project to revitalize that area of Town. She said she heard Mr. Mascali's concerns about needing workforce housing and not stopping the Emerald project. She also said she would like to see the Town's energy in other directions.

Mr. Brown said he would like to search for other town-owned parcels to see what areas might be more practical for development. Supporting that idea, Chair Taylor referred to an email that provided a link showing all addresses of town-owned properties. She acknowledged the time and energy that staff had invested in this concept, saying she wouldn't be against a smaller project, but at the same time, saying she would like to see the Town's energy and capacity pushed toward a project like Kimco, right in the center of Town, in a place that needs revitalization.

Mr. Brown said that the play space project was short-circuited due to the housing proposal on the property. He said that the Town should find a spot right away for that project or look into continuing with the play space only on Parcel 81. Ms. Fish said that that idea was included in Option #1, with the playground on either #81 or #67, keeping in mind the preference to locate it close to the road. She thanked the public for all the interest and comments provided.

Chair Taylor said the Board needed to be clear on its guidance for staff going forward. There was further brief input from members on what that guidance would entail. Mr. Mascali said he would vote against a motion that didn't include exploring other ways of building housing on the Emerald property, taking into account identified concerns.

Motion by Mr. Zylinski: To direct staff to explore Option #1 with no affordable housing, to build the accessible play space on Parcel #81, and to continue to look for alternatives for the play space on Town-owned property, if a more effective space is available
Second: Mr. Brown

At this point, the Board continued to attempt to clarify exactly what the guidance for forward action of this project would be. There was divergent opinion on whether or not to stop exploring a form of housing on Parcel #81.

Comment from this portion of the discussion appears below:

- A possible partnership with the Falmouth Housing Trust, the Falmouth Housing Authority, or the Falmouth Housing Corp. (Procurement law would require going out to bid.)
- Concern that staff would have too many directions to fulfill.
- Possibility of hiring additional staff to help with housing issues.
- Possibility of tabling the housing portion of the Emerald project for now, and whether or not to impose a time frame on the tabled issue.
- The need to answer the questions posed in the presentation regarding the housing portion of the project before stopping it.
- Tabling the housing portion means that staff would still have to explore a possible scaled-back project and seek answers to the identified questions.
- The need to get the play space portion of the project on track.

- The difficulty of finding a large enough area for the accessible play space.

At this point, Mr. Zylinski asked if Mr. Brown was withdrawing his second on the motion that was made. Mr. Brown said yes. He said that if the Board is going to table the two parcels, he still wants to get moving on the play space. Chair Taylor then asked Mr. Brown if he wanted to make that into guidance for the Town Planner and Housing Coordinator.

Mr. Brown said Option 1 with a parallel path of examining a more viable place, a more expedited location for the 3-acre play space. Chair Taylor clarified that it would be tabling affordable housing on the Emerald property at this time and moving forward with the play space.

Mr. Renshaw then suggested the Board direct the Town Manager's office to create a working group to look at the Town-owned parcel inventory, bring a recommendation over the next 4-5 months for the play space, and put a hold on, or table, affordable housing on Parcels 81 and 67. He said this would create the capacity to examine issues identified with the two parcels. Chair Taylor asked if that was agreeable to the Board. She thanked Ms. Fish and Mr. Cornock for their hard work.

Discuss the Investigatory Powers of the Select Board

Chair Taylor said that she asked Town Counsel Maura O'Keefe to define Section C3-5 of the Town Charter and to describe the process for C3-5.

Town Counsel O'Keefe said it is common to find this provision regarding investigatory powers in town charters, but stressed that it is rarely used, and that Select Boards must exercise great caution in using it and only in extreme situations. She said there are other tools Boards can use to get information they need and must be careful not to infringe upon the substantive rights of others if using it. She summarized ways Boards can acquire information from other Town entities or employees. She reiterated that investigatory powers are to be used only as a last resort.

Mr. Zylinski asked Attorney O'Keefe more specifically how the process for using investigatory powers would be initiated rather than why. What is the set of rules we would use in an extreme case? Atty. O'Keefe said that the charter says nothing about the mechanics of the process, but that the rules of civil procedure and case law would be used as guidance.

Vote to approve the use of AFCEE Nutrient Management Grant Funds for the Outfall Project

Mr. Renshaw orally reviewed the item for the Board, referring to the document intitled *Agenda Item Summary Sheet*, Item number and title: *Business 4 – Approval of use of AFCEE Nutrient Management Grant Funds for the Outfall Project* in the Select Board packet. He recommended approval in the amount of \$550,000 to offset the costs associated with the outfall project.

Mr. Brown said the AFCEE funds were originally intended to mitigate East Falmouth remediation issues, so he advised making sure that the funds are appropriately used. Amy Lowell, Wastewater Superintendent, said that originally, the funds were for mitigation for the Ashumet Valley plume from the wastewater treatment plant there, benefitting Great, Green, and Bourne Ponds. She said over time, the funds have been interpreted to be used for nutrient mitigation purposes, predominantly in the East Falmouth watershed, but not entirely. She said this project benefits the entire town, but the next several phases of projects are for the south coast watersheds that are directly involved with the original AFCEE mitigation service area.

Motion by Mr. Brown: To approve the use of AFCEE Nutrient Management Grant funds for the Outfall Project in the amount of \$550,000 Second: Mr. Zylinski Vote: Yes – 4 No - 0

Council on Aging

Mr. Renshaw orally reviewed the item for the Board, referring to the document intitled *Agenda Item Summary Sheet*, Item number and title: *Business 5 – Report-Council on Aging* in the Select Board packet.

Brenda Swain, Chair, began by introducing the Council on Aging members. She and Jill Bishop, Director of the Senior Center, presented information contained on approximately 9 screens, including the following topics:

members, volunteers, service statistics, service and program updates, outreach updates, comparing of data with other towns, comparing of old vs. new senior center data, and upcoming events.

Mr. Mascali commented that, according to the information provided in the report, the Senior Center has 50% of the senior population in Town signed up as members.

Report – State of the Steamship Authority – Peter Jeffrey, Falmouth Member, Board of Governors

Mr. Jeffrey explained information contained on approximately 22 screens related to activity of the Steamship Authority as it pertains to Falmouth. The information appeared in lists, graphs, and charts, covering topics such as positive impacts, employees and wages by town, embarkation fees, traffic, numbers of vehicles including freight trucks, weekday vs. weekend vehicles per trip, projects and initiatives (such as the Woods Hole terminal), contract awards, and vessel conversion costs. The report concluded with Priorities: improved communication, looking at alternative freight ports, urging the Authority to reconvene the task force, and focusing on financial stewardship and management accountability.

Board discussion included the following comments / topics:

- Disappointment and concern that the long-range strategic planning meetings with the Authority stopped a couple years ago
- Lack of confidence in the management of the Authority, exemplified by estimates to fix ships being off by 45% and building bids coming in far too high
- The increase of freight traffic in general, shown by the number of 52 trucks on Woods Hole Rd. before 7:00 a.m. on weekdays, either boarding or arriving
- The increased width of the vehicle bays on the ships and what that will mean for future freight as development of the area continues
- Lack of coordination or outreach with the New Bedford Port Authority over possible freight service there
- Explore alternatives to RFPs to interest 3rd party carriers to find out what would make routes work, or pilot a lease program to operate surplus vessel(s)
- The capacity of freight trucks and if they are underused

Discussion and vote regarding the exercise of Right of First Refusal on 31.7-acre property on Route 151 and extension of deadline for owner to complete the sale

Chair Taylor ascertained that all Board members had received a copy of Mr. Galasso's letter, which was received earlier in the day.

Mr. Renshaw indicated that Mr. Johnson-Staub would be reviewing the item for the Board. Mr. Johnson-Staub's review included the history of the property (4 parcels) and the Board's previous actions related to it, as well as concerns related to the property identified by staff, which are listed in the document entitled *Agenda Item Summary Sheet*, Item number and title: *Business 7 - Right of First Refusal on 31.7-acre property on Route 151* in the Select Board packet. He said Attorney Laura Moynihan was present to speak to the request.

Chair Taylor asked if the Board had any questions regarding the decision to exercise or not exercise the right of first refusal.

At this point, Mr. Zylinski said he wanted to make the Board aware of his having entered into a verbal agreement with Atty. Moynihan on a private matter regarding his personal property.

Mr. Brown asked if the developer would be willing to offer what the intent is for the property. Atty. Moynihan said she could provide information about the developer's plans depending upon how much time the Board allowed. She also asked for a copy of Mr. Galasso's letter. Atty. Moynihan, using a slide presentation, showed the location of the property on Rt. 151, the zoning (a combination of Senior Care Retirement District and Agricultural AA), information on right of first refusal, details about the development entity and proposal (including about 70-75 affordable one-bedroom units), photos of developments by Northbridge Companies, and ROFR timelines. Atty. Moynihan said that if the closing does not occur, the ROFR remains in effect until Jan. 14, 2033.

Mr. Mascali asked for more detail on the affordable units. Ray Metrano from Wayside said the 70 units would be a stand-alone apartment building for seniors. There is also a stand-alone independent senior housing facility with cottages (market rate with some affordability). He said the two facilities are independent with different sponsors.

Referring to the document entitled *November 2023 Annual Town Meeting Index* in the Select Board packet listing the 21 articles, Mr. Johnson-Staub reviewed them numerically, providing additional explanatory information where necessary, pausing to ask the Board if there were any questions. He noted articles that would have future presentations. The review concluded with Article 21 regarding the Nobska Light ownership.

Motion by Mr. Brown: To remove Article 21 Second: Mr. Zylinski.
Vote: Yes – 3 No – 0 Abstain – 1 (Mr. Mascali)

Motion by Mr. Zylinski: To vote the articles and execute the warrant with the provision of deleting Article 21
Second: Mr. Mascali Vote: Yes – 4 No - 0

Petition Article Presentations for November 2023 Annual Town Meeting

Article #12 – Petition: Funding for Trotting Park Pickleball Courts and Amenities - Tom Zine was present along with Todd Bidwell to present the article. They focused on 1) why the funding (\$2.6 million) is needed and 2) the benefits to the town.

Article #13 -Petition: Harborside Realty Trust 241 Scranton Avenue Sidewalk/Curb Cuts – Lawrence O’Brien, representing Harborside Realty Trust, handed out materials to the Board. He gave a history of the situation involving sidewalk removal, requested curb cuts, and ADA compliance. Bill Dynan, a veteran, spoke about the need for the Town to correct a mistake made years ago and give Mr. O’Brien, also a veteran, access to his house.

Article #14 – Petition: Select Board to Authorize Urine Diversion Pilot – Kim Comart presented information regarding the superiority of urine diversion over modern septic systems and sewerage, including cost effectiveness. He pointed out the degraded condition of various ponds around Falmouth to underscore the urgent need for this pilot program.

Article #15 = Petition: Use Embarkation Fee for Speed Signs – Phil Logan presented information regarding the request for funding to purchase and install LED speed signs. He said a meeting with Town officials today was very productive regarding how to move forward with the location of the signs.

Article #16– Amend Section 240-7.7B(6) by adding subsection a. – Atty. Kevin Klouer, for Michael Duffany, presented information regarding how the proposed amendment would grant the permitting authority, the ZBA, with flexibility through a special permit regarding the amount of nitrogen loading from an advanced treatment system vs. a standard Title V wastewater system.

Request for variance to sign code §184-18, §184-25 and §184-31 – 137 Teaticket Highway - TABLED

Committee appointments

Cape Cod Joint Transportation Committee – Jim McLoughlin (3-year term)

Certified Weighers-Cape Cod Aggregates – Jennifer Quinn, Ted Bousfield, Brian Studley (1-year terms)

Mr. Zylinski said he would abstain from voting on the Cape Cod Aggregates appointees due to both his brothers’ working there.

Motion by Mr. Mascali: To approve the appointments as submitted Second: Mr. Brown
Vote: Yes – 3 No – 0 Abstain – 1 (Mr. Zylinski)

Board of Library Trustees - RESCHEDULED

CONSENT AGENDA

1. Licenses

- a. Vote to approve an application for two One-Day Sunday Entertainment Licenses – Highfield Hall & Gardens, 56 Highfield Drive, Falmouth – Sunday, 9/17/23 and Sunday, 10/15/23

- b. Vote to approve the administrative Change of Address of an All Alcoholic Beverages Common Victualler License – ICA Pizza, LLC d/b/a Simply Divine Pizza Co., located at 261 Main Street, Unit A, Falmouth

2. Administrative Orders

- a. Vote to accept donation from New England Endurance Events in the amount of \$1,900 to the Beach Department donation account

Motion by Mr. Brown: To approve the items on the Consent Agenda

Second: Mr. Mascali

Vote: Yes – 4 No – 0

MINUTES

1. Review and vote to approve minutes of meetings
 - a. Public Session – August 21, 2023
 - b. Executive Session – July 10, 2023, sessions 1 and 2

Chair Taylor asked that the minutes be held over until the next meeting and the Board agreed.

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Renshaw orally presented his report, referring to the memo entitled *Supplemental Report* and dated September 11, 2023, in the Select Board packet. The report included Comcast channel line-up changes, the hiring of Stephanie Madsen as the Sustainability Coordinator, and recent meetings attended. Upcoming Board meetings were also included.

SELECT BOARD REPORTS

Mr. Brown reported on the following:

- An update at the Cape and Islands Municipal Leaders Assoc. meeting on the progress of the placement of the Bourne and Sagamore bridges
- Attended the Municipal Light Plant Board meeting – asked for future discussion on how to interact better with that board

Mr. Zylinski reported on the following:

- Plan to spend tomorrow's day shift and part of the evening shift with the Police Dept. patrol
- Plan to be out of the country from Wednesday to the following Saturday

Chair Taylor reported that she has a letter from Senator Moran supporting the Buzzards Bay Coalition position and their language.

DISCUSSION OF FUTURE AGENDA ITEMS

- Discussion of Steamship Authority impacts on Falmouth

ADJOURN

Motion by Mr. Zylinski: To adjourn

Second: Mr. Brown

Vote: Yes – 4 No - 0

Respectfully submitted,
Carole Sutherland, Recording Secretary

OPEN SESSION

TOWN MANAGER'S SUPPLEMENTAL REPORT



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

TO: Select Board
FROM: Mike Renshaw, Town Manager
SUBJECT: Supplemental Report
DATE: October 16, 2023

Establishment of Town Core Values

As you know, creating an organizational culture that emphasizes collaboration, inclusion, and innovation are important in our ongoing efforts to enhance our recruitment and employee retention efforts. The Town Manager's Office has been working for the past several weeks with all of the Town departments on the creation of a common set of organizational core values. These core values will form the foundation for the organization's identity, reflecting what it means to be a part of Team Falmouth both for our employees within the organization and outwards to the community that we serve.

Now that each department manager has met with their staff to develop a short list of core values and why each is meaningful, our next step in the process is to come back together as a larger group and obtain consensus on six fundamental values that we will bring before the Select Board for adoption consideration, along with a recommendation for an organization-wide mission and value statement. Like the FY23-FY27 Select Board Strategic Plan discussed earlier tonight, a well-crafted mission, and vision statement along with an agreed upon list of core values all serve as roadmaps and guiding principles that will collectively act to move the Town forward.

Updates on Recent Projects and Initiatives

Steamship Authority

In an effort to continue to improve communications and collaboration between Town Hall and the Authority, I had my second meeting in as many months with Steamship Authority General Manager Bob Davis. Most recently, on October 12 Bob and I met to begin discussions to renew our existing Woods Hole Back Parking Lot Lease (Church Street) which expires on December 31, 2023. Originally entered into on October 27, 2015, we are currently on our third amendment or extension of the lease. I am optimistic that we will have a draft agreement for the Select Board to consider in early November.

Entertainment License Review and Approval Policy

In an effort to improve our internal processes for review and ultimate final approval of Entertainment Licenses, in addition to achieving better enforceability outcomes particularly when the Licenses involve amplified outdoor music, in August with the assistance of Town Counsel I solicited input from the Select Board in order to better understand the Board's priorities and broad policy goals related to Entertainment Licenses. Having processed that input, I will now be working with Town Counsel to begin the drafting of an Entertainment License Review and Approval Policy. I anticipate having a draft of that policy for review and discussion prepared for the November 20 Select Board meeting.

Upcoming Meetings:

- October 30
- November 6
- November 13 Town Meeting
- November 20
- December 4
- December 18