

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, OCTOBER 30, 2023 – 6:00 P.M.
FALMOUTH SENIOR CENTER
780 MAIN STREET, FALMOUTH, MA 02540

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

6:00 p.m. OPEN SESSION

6:00 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(3) – To discuss strategy with respect to collective bargaining - Falmouth Library Association contract renewal

6:30 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Recognition
4. Announcements
5. Public Comment - General
6. Public Comment – Comments Specific to 375 Sandwich Road 40B Project

6:35 p.m. COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members
 - a. Human Services Committee – Linda Sattel, Howard Lipton

6:45 p.m. PUBLIC HEARINGS

1. Application for renewal of Shellfish Aquaculture Permit #A19-03 – Daniel Ward, Ward Aquafarms, LLC – Site identified as Site B in the Falmouth Statement of Qualifications issued 7/5/2019 within a perimeter of approximately 0.5 acre in Eel Pond Approximately 200' west of Washburn Island (5 minutes)
2. Application for renewal of Shellfish Aquaculture Permit #A19-02 – Mary M. Murphy, Falmouth Shellfish Cooperative – Site identified as Site A in the Falmouth Statement of Qualifications issued 7/5/2019 within a perimeter of approximately 0.5 acre located in Eel Pond approximately 150' west of Washburn Island (5 minutes)
3. Application for renewal of Shellfish Aquaculture Permit #A19-04 – Matthew Weeks – Site identified as Site C in the Falmouth Statement of Qualifications issued 7/25/2019 within a perimeter of approximately 0.5 acre located in Eel Pond approximately 150' west of Washburn Island (5 minutes)
4. Request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. onto Katharine Lee Bates Rd. as the “Kevin Lynch Connector” and to place a plaque in his honor (5 minutes)
5. Request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. into Goodwill Park as the “Bob Fitzpatrick Connector” and to place a plaque in his honor (5 minutes)

7:10 p.m. BUSINESS

1. Affirm appointment of Water Superintendent (5 minutes)
2. Vote on Water Quality Management Committee request for Air Force Center for Environmental Excellence (AFCEE) fund expenditure (5 minutes)
3. Report – School Committee (15 minutes)

4. Designate member of the Select Board to seek input on the request to add a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell" (5 minutes)
5. Request for variance to sign code §184-18, §184-25 and §184-31 – Barlo Signs International on behalf of The Wilder Company, 137 Teaticket Highway, in order to replace two freestanding signs, and approval of Grant of License for sign located within the layout of Worcester Court (10 minutes)

7:50 p.m. CONSENT AGENDA

1. Administrative Orders

- a. Approve the FY23 Edward Byrne Memorial Justice Grant in the amount of \$11,601 to be used for the purchase of an ATV
- b. Approve Temporary Grant of Access License to Brian Halligan to enter upon town property at 0 Oyster Pond Road for the purpose of conducting invasive species management on the property
- c. Approve application for grant funding for two coastal resiliency/culvert replacements projects in Falmouth (Oyster Pond and Red Brook) through application by Association to Protect Cape Cod (APCC) for an FY25 NOAA Transformational Habitat Restoration Grant competition
- d. Approve request for exemption under G.L. c. 268A, § 19(b) of the Conflict of Interest Law – Disclosure by non-elected municipal employee of financial interest and Determination by Appointing Authority – Marilyn J. Rowland, Falmouth Cultural Council, relative to ArtsFalmouth, Inc. application to Falmouth Cultural Council for grant funding
- e. Approve request for exemption under G.L. c. 268A, § 20(d) of the Conflict of Interest Law – Disclosure by Special Municipal Employee of Financial Interest in a Municipal Contract – Marilyn J. Rowland

8:00 p.m. MINUTES

1. Review and Approve Minutes of Meetings

- a. Public Sessions
 - September 11, 2023
 - October 16, 2023

8:05 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT

8:10 p.m. SELECT BOARD REPORTS

8:20 p.m. DISCUSSION OF FUTURE AGENDA ITEMS

8:30 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
- Howard Lipton



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1. a.

ITEM TITLE: Interview, vote and appoint committee members, Human Services Committee, Linda Sattel and Howard Lipton

MEETING DATE: 10/30/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Table of Committee Vacancies, Committee Application Forms

PURPOSE:

The Select Board will conduct interviews and vote for the appointment of either Linda Sattel or Howard Lipton to serve on the Human Services Committee.

BACKGROUND/SUMMARY:

- There is currently one (1) position that is vacant, with a term ending June 30, 2025.
- The Human Services Committee is comprised of nine members, appointed by the Select Board, whose role is to advise the Select Board regarding human services related needs and funding for the Town of Falmouth.
- The goals of the Committee are as follows:

- To advocate for and support the role of the Human Services Department in the town of Falmouth;
- To identify and prioritize unmet and emerging human service needs in the community;
- To advise the Board of Selectmen and educate the community at large regarding these community trends/needs;
- To stimulate the development of new programs, services and initiatives by public and private entities and/or partnerships to address human service related needs in Falmouth;
- To recommend human services related funding to the Board of Selectmen and Town Meeting members.

DEPARTMENT RECOMMENDATION:

N/A

OPTIONS:

- Motion to appoint Linda Sattel to the Human Services Committee to serve a term ending June 30, 2025.
- Motion to appoint Howard Lipton to the Human Services Committee to serve a term ending June 30, 2025.

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:

N/A

Michael Renshaw

10/26/2023

Town Manager

Date

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 (1 position)	6/30/25
Solid Waste Advisory Committee (1 position)	6/30/24

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)

One vacancy:

- One term ending 6/30/25

Two applicants:

- Linda Sattel
- Howard Lipton



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 SATTEL

Address: 23 Sheeps Crossing Lane Village: Woodstock ZIP: 02543

Mailing Address: [Redacted] Village: [Redacted] ZIP: [Redacted]

Telephone: [Redacted] Email: [Redacted]

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:

- 1. VICE CHAIRMAN - High Field Hall + Gardens
2.
3.

Seeking: Permanent Position [checked] 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:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Kathie Miller</u>	<u>Chairman Highfield</u>	[REDACTED]
2.	<u>Lisa Walker</u>	<u>Director, Highfield</u>	[REDACTED]
3.	<u>Rosella Campion</u>	<u>FRIEND, Senior Executive Broker Mortgage Master</u>	[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 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: Howard J. Wipston
 Address: 61 Oak St Village: Trafficet ZIP: 02536

Mailing Address: same Village: _____ ZIP: _____
 Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 7/20 (date: 7/20) / Taxpayer (date: 7/06)

Amount of time you are available to give: 1-3 hours/weekly

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

1. Human Services 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: I have 15 years of municipal experience - 5 in New Haven, CT + 10 in Newton, MA as Director of Human Services

Town offices held in Falmouth or elsewhere and dates of years served: Town of Sharon, MA Council on Aging + Govt study comm, several years between 1980-1990

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

As staff
I've been responsible for 5 #Municipal boards.
I've also served in leadership positions on
various boards

You may attach a resume to this application.

List three (3) references:

	Name	Title	Phone
1.	Susan Weisbren	PHD.	[REDACTED]
2.	Paul Lombardo 221	friend	[REDACTED]
3.	Henry DiGiorgio	Friend	[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.

10/12/2023
DATE

Howard Lipton
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.

RESUME OF
HOWARD J. LIPTON

ADDRESS:



TELEPHONE:



PERSONAL DATA:



LEGAL PROFESSIONAL PRACTICE: June, 1986 – April, 2018 (Retired)

AREAS OF PRACTICE:

Real Estate - Negotiation of purchase and sale of property; conveyancing; title registration; lender representation for loan closings; commercial lease negotiation/drafting; property management; landlord-tenant litigation; condominium conversion; foreclosures; zoning matters and property tax abatements.

Estate Planning - Estate plan analysis; advising clients on strategies to minimize estate taxes and protect assets; preparation of estate planning documents such as Wills, Durable Powers of Attorney, Revocable Trusts with Credit Shelter, Marital Deduction and QTIP provisions, Irrevocable Life Insurance Trusts and Medicaid Trusts.

Probate and Estate Administration - Administration of Estates, Guardians, Conservators and related issues including preparation of various Probate documents and preparation of state and federal estate tax returns.

Taxation - Preparation of state and federal income, estate and fiduciary tax returns; legal/tax analysis of various business and personal transactions.

Business - Advising clients on form of business entities; organization, maintenance and dissolution of business entities; contract negotiation; business succession planning; employment matters; debt collection; and preparation of related documents.

EDUCATION: Boston University School of Law, Boston MA -
LLM, Master of Laws in Taxation, May, 1990.

New England School of Law, Boston, MA -
Juris Doctor - June, 1981.

Southern Connecticut State College, New Haven, CT, Master
of Science in Urban Studies - May, 1976

University of Connecticut, Storrs, CT
Bachelor of Arts in Political Science,
Cum Laude - June, 1971

OTHER EMPLOYMENT: Part time faculty - Stonehill College (Continuing Education-Evening Division), North Easton, MA, Course title "Legal Environment of Business", September, 1994 - December, 1994

Director of Human Services - City of Newton, MA, August, 1976 - May, 1986

Responsibilities include directing City's Human Rights Commission, Council on Aging, Youth Commission and Committee on the Environment of the Handicapped. Directing Newton-Brookline Office of Consumer Affairs; consumer complaint mediation program funded by Massachusetts Attorney General's office.

Administrator of Elderly Services, City of New Haven, CT, May, 1974-August, 1976

First person to hold this position. Responsible for programs and services for elderly population including operation of 10 senior centers and 6 Vehicle mini bus transportation service.

PAST MEMBERSHIPS: Massachusetts Bar Association.

Real Estate Bar Association of Massachusetts

Honorary Director for Life, Men's Associates, Hebrew Rehabilitation Center for Aged, Boston, MA.

Board of Directors, Senior Citizens Fund of Newton, Inc.

Rotary Club of Sharon, MA, (Past President).

Treasurer and Vice President, Temple Sinai of Sharon, MA.

OPEN SESSION

PUBLIC HEARINGS

1. Application for renewal of Shellfish Aquaculture Permit #A19-03 – Daniel Ward, Ward Aquafarms, LLC – Site identified as Site B in the Falmouth Statement of Qualifications issued 7/5/2019 within a perimeter of approximately 0.5 acre in Eel Pond Approximately 200' west of Washburn Island **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearings 1. 2. and 3.

ITEM TITLE: Eel River Aquaculture Pilot Project Contract Renewals

MEETING DATE: 10/30/2023

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

SUBMITTED BY: Chuck Martinsen

ATTACHMENTS: Click or tap here to enter text.

PURPOSE:

MES seeks the approval of renewing the three (3) Eel River demonstration pilot project private aquaculture contracts, as the current contracts expire at the end of the 2023 calendar year. The three-year demonstration period has shown the model for these farms to be successful.

BACKGROUND/SUMMARY:

- The Eel River Aquaculture Contractor Pilot Project used three trial sites to identify how nitrogen reduction-based shellfish farming could work as part of a larger alternative to address nitrogen reduction in Falmouth's estuaries.
- The pilot project aimed to evaluate the feasibility of engaging commercial aquaculture contractors to grow and harvest oysters using high density floating gear over a period of three growing seasons.
- The Eel River Aquaculture Contractor Pilot Project is the only non-traditional strategy for removing nitrogen in which the Town fully financially/economically/socially and environmentally benefits at near zero cost, with much value gained.
- \$89,643.16 has been received to date for the first two growing seasons (affected by COVID), with a projected \$58,800.00 for the 2023 growing season, for a total of approximately \$148,443.16 for the pilot period.

DEPARTMENT RECOMMENDATION:

MES recommends Option 2 below, vote to approve renewing the three current demonstration pilot project private contracts for a period of 3 years. The 3-year contract allows for time to complete the required planning, permitting, and engineering for new private aquaculture farms in Falmouth, and allow subsequent renewals to be included as part of the comprehensive Town-wide aquaculture implementation.

OPTIONS:

- 1) vote to approve renewing the demonstration pilot project private contracts for a period of 15 years (the maximum renewal term allowed by the MA Division of Marine Fisheries);
- 2) vote to approve renewing the demonstration pilot project private contracts for a period of 3 years;
- 3) vote to deny renewing the demonstration pilot project private contracts and re-post an SOQ for aquaculture contractors;
- 4) no action leading to the dissolution of the demonstration pilot project private contracts and site permits.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

TOWN MANAGER COMMENTS:

Town Manager

10/4/2023
Date

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 § 57 on a request for renewal of Shellfish Aquaculture License A19-03 by Daniel Ward, Ward Aquafarms, 51 North Falmouth Highway, North Falmouth, MA 02556. Request for this license was received on October 18, 2023 in the Office of the Select Board. Said hearing will be held on Monday, October 30, 2023 at 6:45 p.m. in the Select Board's Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.

Application is for a permit to grow Eastern Oysters in a suspended aquaculture site identified as Site B in the Falmouth Statement of Qualifications issued 7/5/2019 within a perimeter of approximately 0.5 acre located in Eel Pond approximately 200 feet west of Washburn Island. The mooring to be rented from the Town of Falmouth is to be located within this 0.5-acre site in an estimated water depth of 8' at mean low tide.

A copy of the Aquaculture License Application is on file at the Office of the Select Board.

LICENSING BOARD

Nancy Robbins Taylor, Chair
Edwin P. Zylinski II, Vice Chair
Douglas C. Brown
Onjalé Scott Price
Robert P. Mascali

*Publication Date: October 20, 2023 – Falmouth Enterprise
Account #: 2056*

TOWN OF FALMOUTH
APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 10/18/23

TO: Select Board
59 Town Hall Square
Falmouth, MA 02540

I/We hereby request renewal of Shellfish Grant License # A19-03, located at
Eel River East Site B, in Falmouth, MA, and consisting of
0.5 acres, and dated 10/28/2019, for a 3-year period.

I/We agree to pay to the Town of Falmouth, within thirty days after approval, the annual
fee.

Daniel Ward

Digitally signed by Daniel Ward
Date: 2023.10.18 15:50:35 -04'00'

Signature

Daniel Ward

Name

Ward Aquafarms, LLC

Business Name (if applicable)

51 North Falmouth Highway

Mailing Address

North Falmouth, MA 02556

[REDACTED]
Email

[REDACTED]
Telephone Number



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

January 28, 2020

Aquaculture License # A19-03

Mr. Daniel Ward, PhD
Ward Aquafarms, LLC
51 North Falmouth Highway
North Falmouth, MA 02556

Mr. Dan McKiernan, Acting Director
Massachusetts Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, MA 02114

Shellfish Aquaculture License General Laws Ch. 130, § 57

DANIEL WARD

On October 28, 2019 the Falmouth Board of Selectmen voted to grant Daniel Ward of North Falmouth, MA a shellfish aquaculture license under the authority of General Laws ch. 130, § 57. An application was filed with the Board of Selectmen on July 26, 2019. In accordance with applicable law a public hearing was noticed for September 9, 2019 at which time a vote was taken and the application approved subject to the terms and conditions set forth herein. An Order of Conditions for this site was issued by the Falmouth Conservation Commission on September 25, 2019 for the same activity in accordance with the wetlands protection act, G.L. ch. 131, § 40 and the Falmouth Wetlands protection by-law and regulations.

The Board of Selectmen finds that the applicant is sufficiently qualified in terms of knowledge and experience to operate the shellfish aquaculture license in the best interest of the town, its natural resources and its shellfish industry.

In conformity with ch. 130, § 57 the Board of Selectmen hereby grants a shellfish aquaculture license to Daniel Ward of North Falmouth, MA to grow oysters. The gear type to be used is exclusively floating gear as detailed in Exhibit B. No gear may be installed prior to March 1, and all gear must be removed no later than December 31 each year. The location of the license is Eel River East Site B as further detailed in Exhibit A.

The license is further subject to the following terms and conditions.

1. Maintenance may be done only during daylight hours.
2. The applicant shall comply with all Town of Falmouth Shellfish Aquaculture rules and regulations.
3. The applicant is not authorized to violate any zoning by-laws of the Town of Falmouth or violate the private property rights of others.
4. The licensed area shall be clearly marked with floats or buoys.
5. The grower shall keep the farm in good working order, regularly tending bags, gear and floats, conducting routine maintenance to promote growth on the farm. All trash, shells,

seaweed and other debris must be disposed of in a suitable place. Maintaining esthetic uniformity and the overall appearance of the area is recognized as a priority for community acceptance of this licensed use.

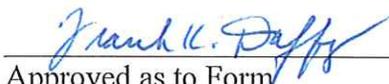
6. The grower shall work harmoniously with the Town as this is a demonstration and requires continued communication and engagement between the grower and the Town.
7. The fee for the license is \$25.00 per acre per year.
8. The term of the license begins with the date of its approval by the Director of the Division of Marine Fisheries and ends December 31, 2023. The license may be renewed for an additional 5 years at the discretion of the Board of Selectmen.
9. As a condition of the license, the Board of Selectmen will require the Licensee to meet the following minimum usage requirements: In 2020, the grower will use a minimum of 25% of the licensed area useable for floating gear (620 bags), at a density of 5,445 bags per acre. In 2021 and subsequent years, the grower will use a minimum of 99% of the licensed area useable for floating gear (2,480 bags in 20,000 square feet). If the AC is able to deploy shellfish in 2019, there will be no minimum usage for that year.
10. In 2020, the AC will be expected to produce a minimum of 4,600 kg of net increase in weight of oysters over the time that the oysters are grown in the Eel River site assigned to them. In 2021 and each subsequent year, the AC will be expected to produce a minimum of 18,600 kg of net increase in weight of oysters over the time that the oysters are grown in the Eel River site assigned to them. Total biomass increase for the field must be equivalent to 40,000 kg per acre of gear deployed, which is an average of 7.5 kg biomass increase per bag. Projects operated by Falmouth Marine and Environmental Services have demonstrated that this can be accomplished with first year oyster stocking density of 700-900 per bag and second year oyster stocking density of 150-250 per bag. Typically $\frac{1}{4}$ of the area would be used for first year seed, and $\frac{3}{4}$ of the area would be used for second year oysters.
11. The AC will be required to self-report the weighing in of all oysters placed into the gear and weighing out of all oysters removed from the site, as well as provide a Standard Atlantic Fisheries Information System (SAFIS) report for all landings at the end of the year for that growing area.
12. Gear shall be black to minimize visual impacts. Gear equivalent to what was used by Falmouth Marine and Environmental Services in 2017 and 2018 in Little Pond and Bourne Pond will be required.
13. An acceptable plan must be developed for restoring shellfish if significant numbers of oysters die or are lost before August 1 in any given year, including the time needed for re-deployment. The Contractor should identify potential mid-season suppliers of oysters as part of the replacement plan. If shellfish or gear are lost, the Contractor must submit a brief memorandum documenting the reason for the loss, the timing of loss and reinstallation (including costs to contractor), and a plan to avoid a similar repeated loss in the future.
14. A response to any catastrophic events (e.g., significant shellfish die-off, anticipated weather event, or significant gear destruction) must be coordinated with the Town.
15. Gear must be installed in the spring and removed in late fall, with gear installed no earlier than March 1 and removed no later than December 31, except with permission of the Falmouth Department of Marine and Environmental Services.

16. The Contractor must notify the Town in a timely fashion about any survival or growth concerns, including signs of disease.
17. Any theft of oysters or gear shall be reported to the Falmouth Shellfish Constable immediately.
18. All incoming and outgoing weights as well as SAFIS landing data must be provided in a timely and clearly communicated manner to Falmouth Marine and Environmental Services for the completion of the Eel River Aquaculture/TMDL Annual Report.
19. Reported data and any relevant information brought to the Town's attention associated with the AC's operation of the site assigned to them will be reviewed and may serve as a basis for making a recommendation to the Selectmen about whether the AC should be allowed to continue operating at the site assigned to them.
20. Licensee shall provide 25 representative shellfish from each size class being grown, to be submitted to Falmouth Marine and Environmental Services for nitrogen analysis. There will be no cost to the grower for the nitrogen analysis.
21. The Shellfish constable or designee may conduct inspections of stocking densities, growth, disease and wear on gear.

License Approved by Falmouth Board of Selectmen on October 28, 2019 consistent with terms outlined in the Statement of Qualifications issued by Town Manager on July 3, 2019.



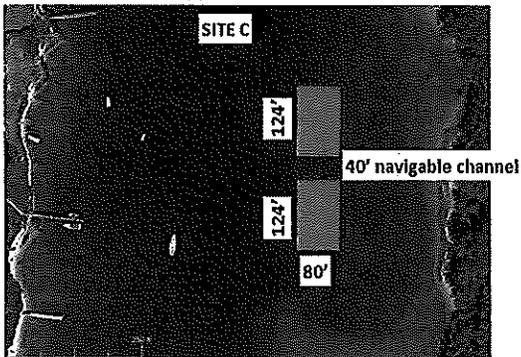
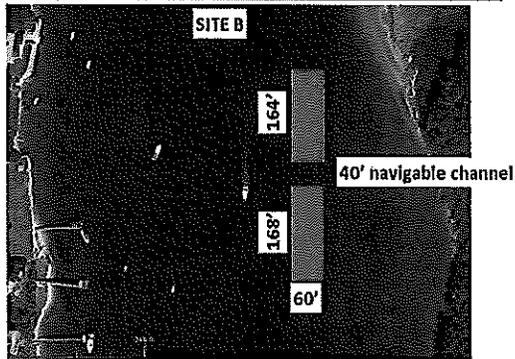
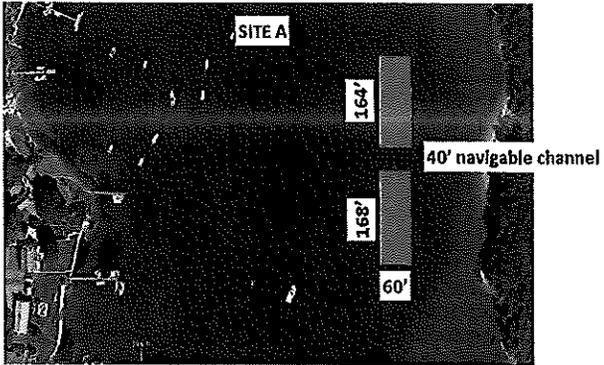
Town Manager
Julian M. Suso



Approved as to Form
Frank K. Duffy, Town Counsel

Copy: Chuck Martinsen, Shellfish Constable
Falmouth Conservation Commission
Jeff Kennedy, Division of Marine Fisheries
Tom Shields, Division of Marine Fisheries
Gabe Lundgren, Division of Marine Fisheries

Exhibit A



Eel River East Sites For Nitrogen Removal Pilot

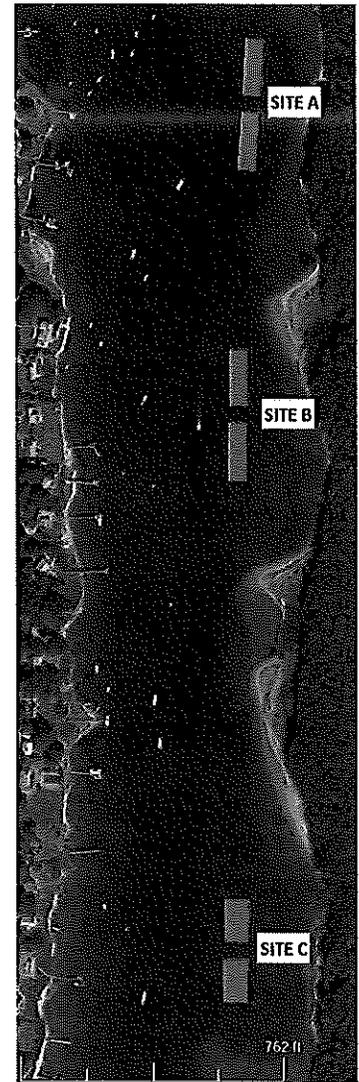
Site A: 0.5 Acre
Site B: 0.5 Acre
Site C: 0.5 Acre

Nearest Public Landings at
Childs River, Seapit Road

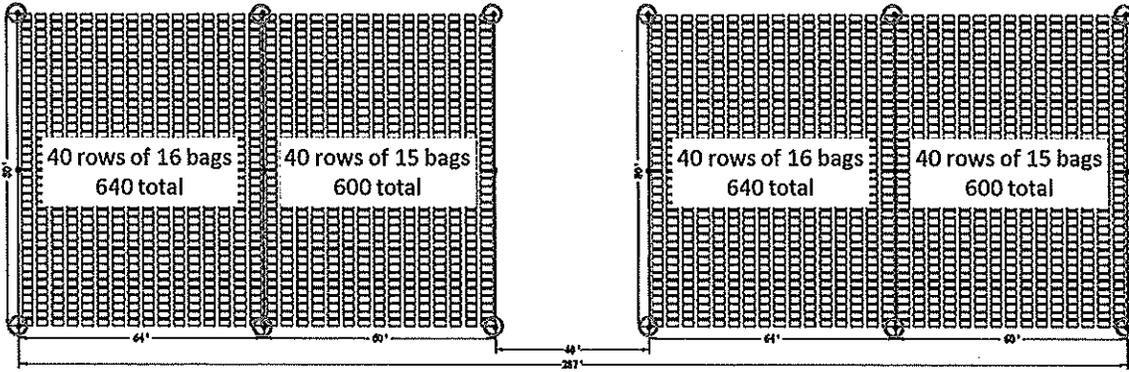
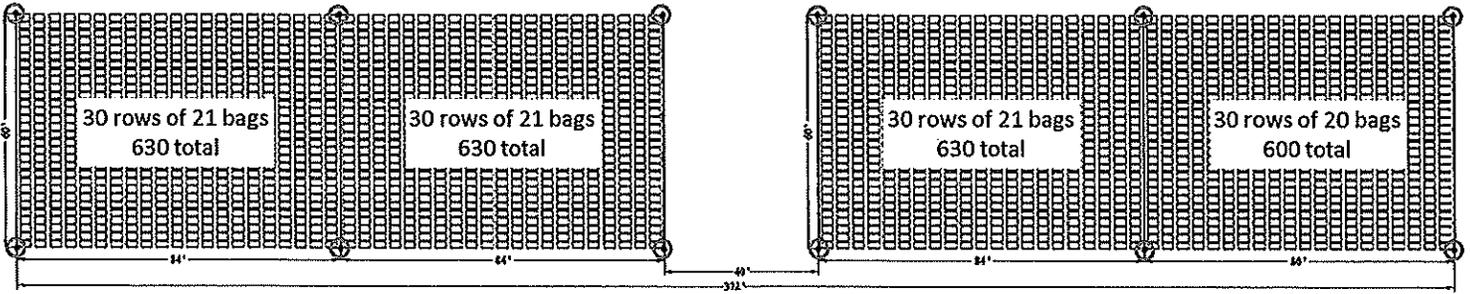
Eel Pond Site AN
41.563342689, -70.535599979
41.563246206, -70.535419321
41.562876611, -70.535757522
41.562971815, -70.535940613
Eel Pond Site AS
41.562881824, -70.536023704
41.562788378, -70.535847906
41.562405688, -70.536195829
41.562500852, -70.536376866

Eel Pond Site BN
41.561370587, -70.537379686
41.561285099, -70.537191478
41.560901249, -70.537498611
41.560987349, -70.537692726
Eel Pond Site BS
41.560892479, -70.537772438
41.560807588, -70.537584746
41.560415086, -70.537902122
41.560497751, -70.538090501

Eel Pond Site CN
41.557786102, -70.540298107
41.557669177, -70.540052238
41.557384379, -70.540290624
41.557500216, -70.540539108
Eel Pond Site CS
41.557404535, -70.540618942
41.557288517, -70.540369736
41.556999406, -70.540613561
41.557114285, -70.540861207

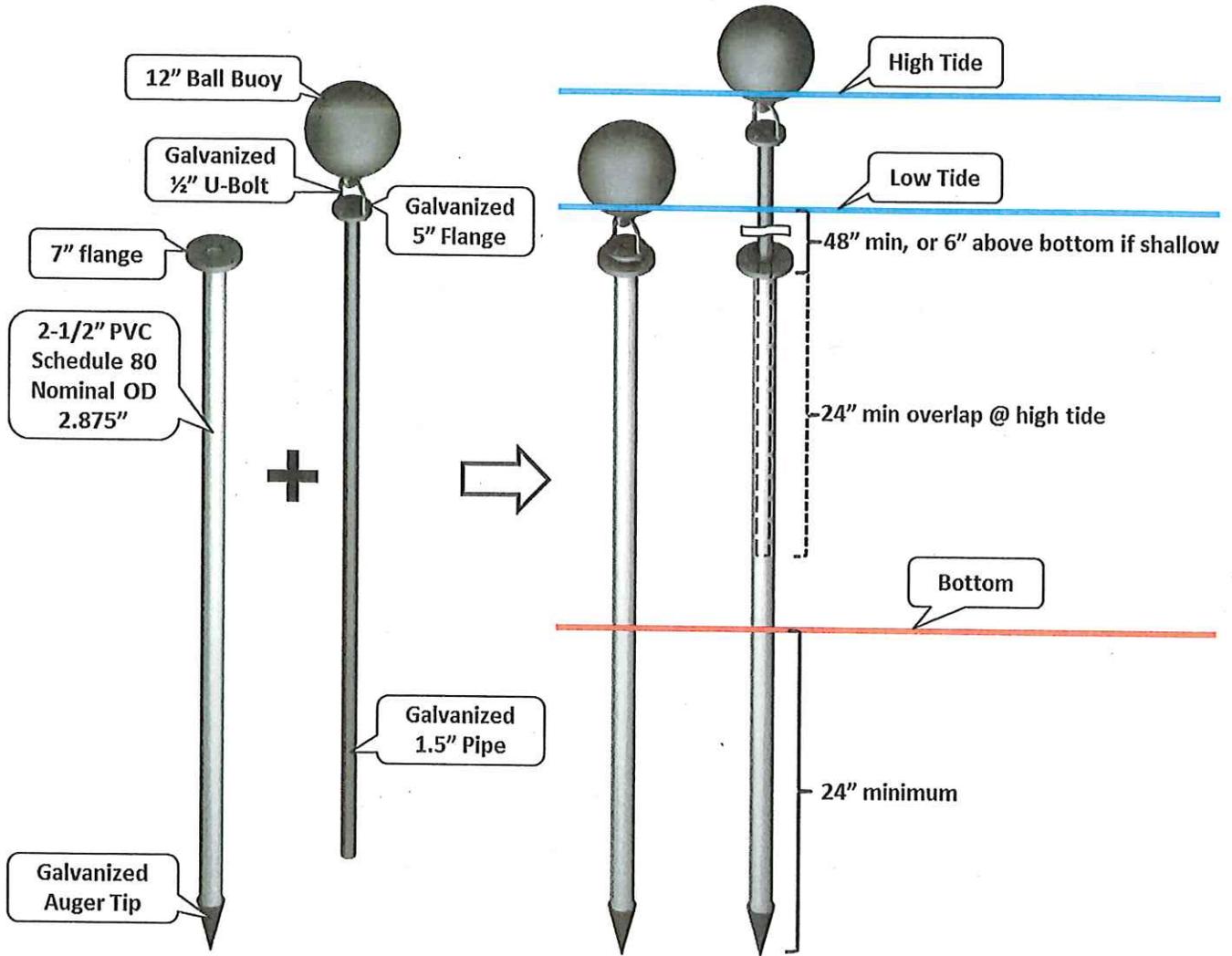


Eel River East Site A,B: 2,490 bags, 12 augers, 19,920 sq.ft. gear



Eel River East Site C
2,480 bags, 12 augers
19,840 sq.ft. gear

Telescoping Augers for Eel River East Sites



OPEN SESSION

PUBLIC HEARINGS

2. Application for renewal of Shellfish Aquaculture Permit #A19-02 – Mary M. Murphy, Falmouth Shellfish Cooperative – Site identified as Site A in the Falmouth Statement of Qualifications issued 7/5/2019 within a perimeter of approximately 0.5 acre located in Eel Pond approximately 150' west of Washburn Island **(5 minutes)**

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 § 57 on a request for renewal of Shellfish Aquaculture License A19-02 by Mary M. Murphy, Falmouth Shellfish Cooperative, P.O. Box 441, Woods Hole, MA 02543. Request for this license was received on October 18, 2023 in the Office of the Select Board. Said hearing will be held on Monday, October 30, 2023 at 6:45 p.m. in the Select Board's Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.

Application is for a permit to grow Eastern Oysters in a suspended aquaculture site identified as Site A in the Falmouth Statement of Qualifications issued 7/5/2019 within a perimeter of approximately 0.5 acre located in Eel Pond approximately 150 feet west of Washburn Island. The mooring to be rented from the Town of Falmouth is to be located within this 0.5-acre site in an estimated water depth of 6' at mean low tide.

A copy of the Aquaculture License Application is on file at the Office of the Select Board.

LICENSING BOARD

Nancy Robbins Taylor, Chair
Edwin P. Zylinski II, Vice Chair
Douglas C. Brown
Onjalé Scott Price
Robert P. Mascali

*Publication Date: Friday, October 20, 2023 – Falmouth Enterprise
Account #: 2056*

TOWN OF FALMOUTH
APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 10/17/2023

TO: Select Board
59 Town Hall Square
Falmouth, MA 02540

I/We hereby request renewal of Shellfish Grant License # A19-02, located at
Eel River East site A, in Falmouth, MA, and consisting of
0.5 acres, and dated 10/28/2019, for a 3-year period.

I/We agree to pay to the Town of Falmouth, within thirty days after approval, the annual
fee.

Mary Murphy
Signature

Mary Murphy
Name

Falmouth Shellfish Cooperative
Business Name (if applicable)

P.O. Box 441
Mailing Address

Woods Hole, MA 02543

[REDACTED]
Email

[REDACTED]
Telephone Number



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

January 28, 2020

Aquaculture License # A19-02

Ms. Mary Murphy
Falmouth Shellfish Cooperative
33 Turner Rd
East Falmouth, MA 02536

Mr. Dan McKiernan, Acting Director
Massachusetts Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, MA 02114

Shellfish Aquaculture License General Laws Ch. 130, § 57

MARY MURPHY

On October 28, 2019 the Falmouth Board of Selectmen voted to grant Mary Murphy, Falmouth Shellfish Cooperative, of East Falmouth, MA a shellfish aquaculture license under the authority of General Laws ch. 130, § 57. An application was filed with the Board of Selectmen on July 26, 2019. In accordance with applicable law a public hearing was noticed for September 9, 2019 at which time a vote was taken and the application approved subject to the terms and conditions set forth herein. An Order of Conditions for this site was issued by the Falmouth Conservation Commission on September 25, 2019 for the same activity in accordance with the wetlands protection act, G.L. ch. 131, § 40 and the Falmouth Wetlands protection by-law and regulations.

The Board of Selectmen finds that the applicant is sufficiently qualified in terms of knowledge and experience to operate the shellfish aquaculture license in the best interest of the town, its natural resources and its shellfish industry.

In conformity with ch. 130, § 57 the Board of Selectmen hereby grants a shellfish aquaculture license to Mary M. Murphy, Falmouth Shellfish Cooperative, of East Falmouth, MA to grow oysters. The gear type to be used is exclusively floating gear as detailed in Exhibit B. No gear may be installed prior to March 1, and all gear must be removed no later than December 31 each year. The location of the license is Eel River East Site A as further detailed in Exhibit A.

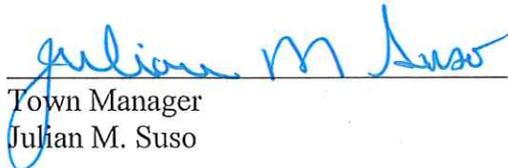
The license is further subject to the following terms and conditions.

1. Maintenance may be done only during daylight hours.
2. The applicant shall comply with all Town of Falmouth Shellfish Aquaculture rules and regulations.
3. The applicant is not authorized to violate any zoning by-laws of the Town of Falmouth or violate the private property rights of others.
4. The licensed area shall be clearly marked with floats or buoys.

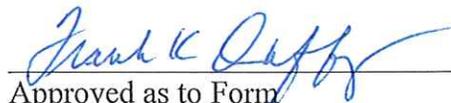
5. The grower shall keep the farm in good working order, regularly tending bags, gear and floats, conducting routine maintenance to promote growth on the farm. All trash, shells, seaweed and other debris must be disposed of in a suitable place. Maintaining esthetic uniformity and the overall appearance of the area is recognized as a priority for community acceptance of this licensed use.
6. The grower shall work harmoniously with the Town as this is a demonstration and requires continued communication and engagement between the grower and the Town.
7. The fee for the license is \$25.00 per acre per year.
8. The term of the license begins with the date of its approval by the Director of the Division of Marine Fisheries and ends December 31, 2023. The license may be renewed for an additional 5 years at the discretion of the Board of Selectmen.
9. As a condition of the license, the Board of Selectmen will require the Licensee to meet the following minimum usage requirements: In 2020, the grower will use a minimum of 25% of the licensed area useable for floating gear (620 bags), at a density of 5,445 bags per acre. In 2021 and subsequent years, the grower will use a minimum of 99% of the licensed area useable for floating gear (2,480 bags in 20,000 square feet). If the AC is able to deploy shellfish in 2019, there will be no minimum usage for that year.
10. In 2020, the AC will be expected to produce a minimum of 4,600 kg of net increase in weight of oysters over the time that the oysters are grown in the Eel River site assigned to them. In 2021 and each subsequent year, the AC will be expected to produce a minimum of 18,600 kg of net increase in weight of oysters over the time that the oysters are grown in the Eel River site assigned to them. Total biomass increase for the field must be equivalent to 40,000 kg per acre of gear deployed, which is an average of 7.5 kg biomass increase per bag. Projects operated by Falmouth Marine and Environmental Services have demonstrated that this can be accomplished with first year oyster stocking density of 700-900 per bag and second year oyster stocking density of 150-250 per bag. Typically $\frac{1}{4}$ of the area would be used for first year seed, and $\frac{3}{4}$ of the area would be used for second year oysters.
11. The AC will be required to self-report the weighing in of all oysters placed into the gear and weighing out of all oysters removed from the site, as well as provide a Standard Atlantic Fisheries Information System (SAFIS) report for all landings at the end of the year for that growing area.
12. Gear shall be black to minimize visual impacts. Gear equivalent to what was used by Falmouth Marine and Environmental Services in 2017 and 2018 in Little Pond and Bournes Pond will be required.
13. An acceptable plan must be developed for restoring shellfish if significant numbers of oysters die or are lost before August 1 in any given year, including the time needed for re-deployment. The Contractor should identify potential mid-season suppliers of oysters as part of the replacement plan. If shellfish or gear are lost, the Contractor must submit a brief memorandum documenting the reason for the loss, the timing of loss and reinstallation (including costs to contractor), and a plan to avoid a similar repeated loss in the future.
14. A response to any catastrophic events (e.g., significant shellfish die-off, anticipated weather event, or significant gear destruction) must be coordinated with the Town.

15. Gear must be installed in the spring and removed in late fall, with gear installed no earlier than March 1 and removed no later than December 31, except with permission of the Falmouth Department of Marine and Environmental Services.
16. The Contractor must notify the Town in a timely fashion about any survival or growth concerns, including signs of disease.
17. Any theft of oysters or gear shall be reported to the Falmouth Shellfish Constable immediately.
18. All incoming and outgoing weights as well as SAFIS landing data must be provided in a timely and clearly communicated manner to Falmouth Marine and Environmental Services for the completion of the Eel River Aquaculture/TMDL Annual Report.
19. Reported data and any relevant information brought to the Town's attention associated with the AC's operation of the site assigned to them will be reviewed and may serve as a basis for making a recommendation to the Selectmen about whether the AC should be allowed to continue operating at the site assigned to them.
20. Licensee shall provide 25 representative shellfish from each size class being grown, to be submitted to Falmouth Marine and Environmental Services for nitrogen analysis. There will be no cost to the grower for the nitrogen analysis.
21. The Shellfish constable or designee may conduct inspections of stocking densities, growth, disease and wear on gear.

License Approved by Falmouth Board of Selectmen on October 28, 2019 consistent with terms outlined in the Statement of Qualifications issued by Town Manager on July 3, 2019.



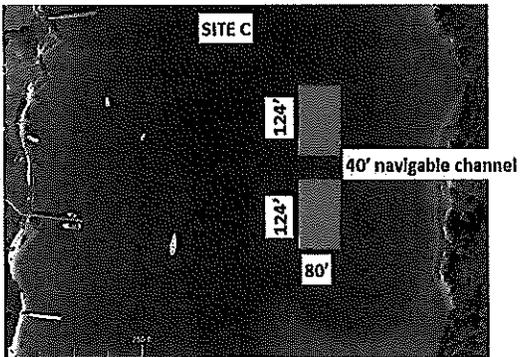
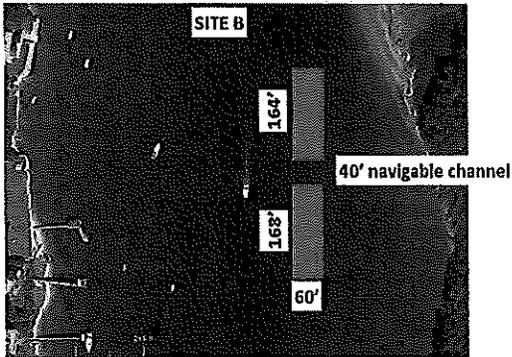
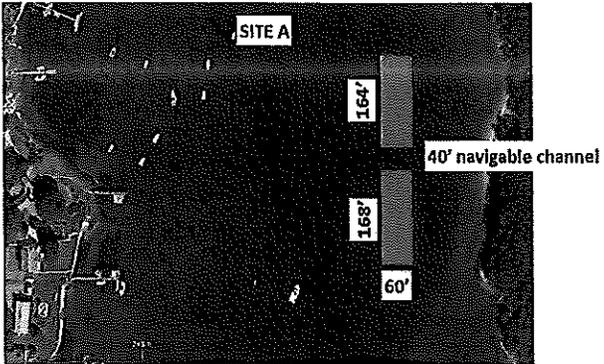
Town Manager
Julian M. Suso



Approved as to Form
Frank K. Duffy, Town Counsel

Copy: Chuck Martinsen, Shellfish Constable
Falmouth Conservation Commission
Jeff Kennedy, Division of Marine Fisheries
Tom Shields, Division of Marine Fisheries
Gabe Lundgren, Division of Marine Fisheries

Exhibit A



Eel River East Sites For Nitrogen Removal Pilot

Site A: 0.5 Acre
Site B: 0.5 Acre
Site C: 0.5 Acre

Nearest Public Landings at
Childs River, Seapit Road

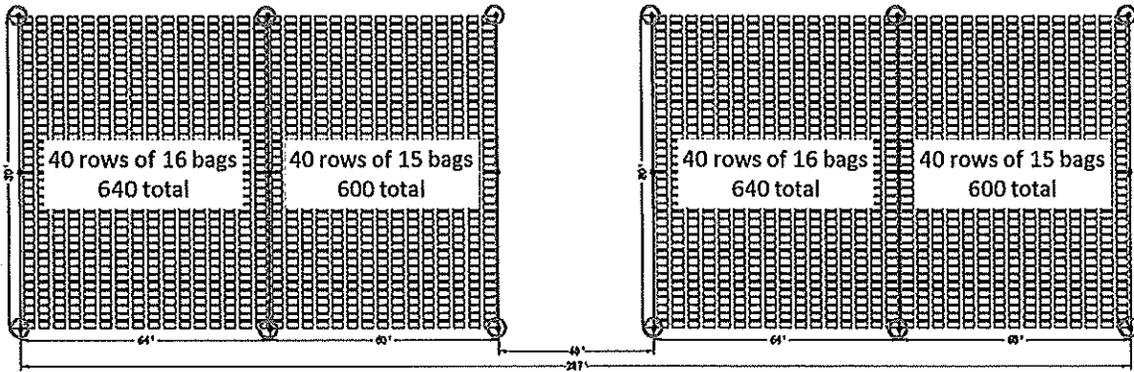
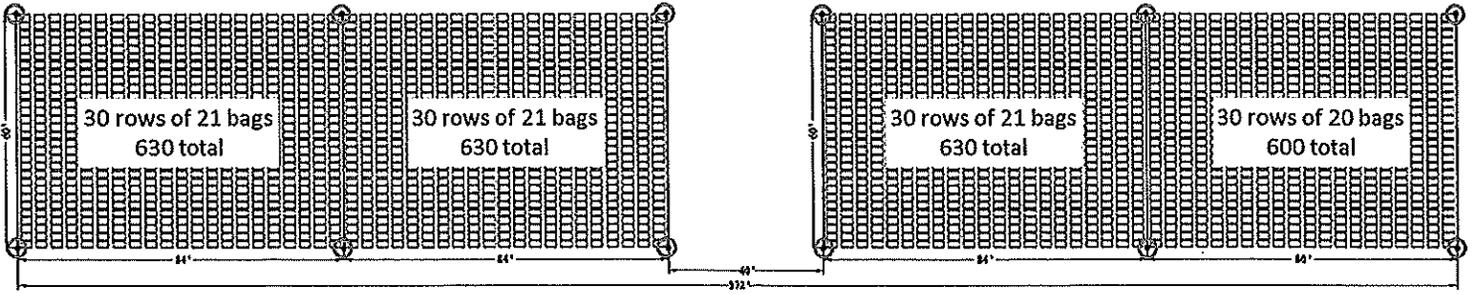
Eel Pond Site AN
41.563342689, -70.535599979
41.563246206, -70.535419321
41.562876611, -70.535757522
41.562971815, -70.535940613
Eel Pond Site AS
41.562881824, -70.536023704
41.562788378, -70.535847906
41.562405688, -70.536195829
41.562500852, -70.536376866

Eel Pond Site BN
41.561370587, -70.537379686
41.561285099, -70.537191478
41.560901249, -70.537498611
41.560987349, -70.537692726
Eel Pond Site BS
41.560892479, -70.537772438
41.560807588, -70.537584746
41.560415086, -70.537902122
41.560497751, -70.538090501

Eel Pond Site CN
41.557786102, -70.540298107
41.557669177, -70.540052238
41.557384379, -70.540290624
41.557500216, -70.540539108
Eel Pond Site CS
41.557404535, -70.540618942
41.557288517, -70.540369736
41.556999406, -70.540613561
41.557114285, -70.540861207

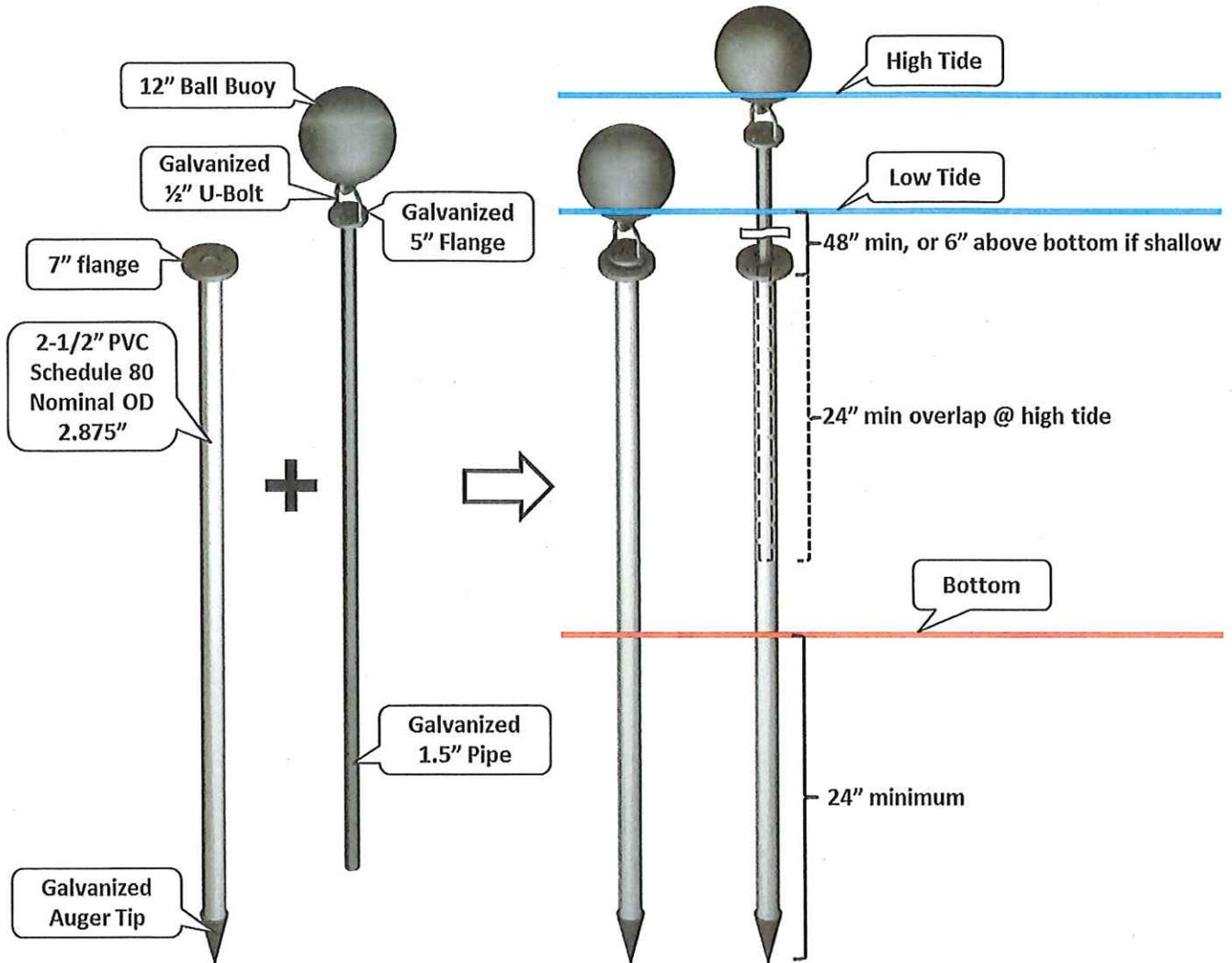


Eel River East Site A,B: 2,490 bags, 12 augers, 19,920 sq.ft. gear



Eel River East Site C
2,480 bags, 12 augers
19,840 sq.ft. gear

Telescoping Augers for Eel River East Sites



OPEN SESSION

PUBLIC HEARINGS

3. Application for renewal of Shellfish Aquaculture Permit #A19-04 – Matthew Weeks – Site identified as Site C in the Falmouth Statement of Qualifications issued 7/25/2019 within a perimeter of approximately 0.5 acre located in Eel Pond approximately 150' west of Washburn Island **(5 minutes)**

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 § 57 on a request for renewal of Shellfish Aquaculture License A19-04 by Matthew V. Weeks, Nantucket Sound Shellfish Company, 282 Trotting Park Road, Teaticket, MA 02536. Request for this license was received on October 17, 2023 in the Office of the Select Board. Said hearing will be held on Monday, October 30, 2023 at 6:45 p.m. in the Select Board's Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.

Application is for a permit to grow Eastern Oysters in a suspended aquaculture site identified as Site C in the Falmouth Statement of Qualifications issued 7/5/2019 within a perimeter of approximately 0.5 acre located in Eel Pond approximately 150 feet west of Washburn Island. The mooring to be rented from the Town of Falmouth is to be located within this 0.5-acre site in an estimated water depth of 6' at mean low tide.

A copy of the Aquaculture License Application is on file at the Office of the Select Board.

LICENSING BOARD

Nancy Robbins Taylor, Chair
Edwin P. Zylinski II, Vice Chair
Douglas C. Brown
Onjalé Scott Price
Robert P. Mascali

*Publication Date: October 20, 2023 – Falmouth Enterprise
Account #: 2056*

TOWN OF FALMOUTH
APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 10/17/2023

TO: Select Board
59 Town Hall Square
Falmouth, MA 02540

I/We hereby request renewal of Shellfish Grant License # A19-04, located at
Eel River East site C, in Falmouth, MA, and consisting of
0.5 acres, and dated 10/28/2019, for a 3-year period.

I/We agree to pay to the Town of Falmouth, within thirty days after approval, the annual
fee.



Signature

Matthew V. Weeks

Name

Nantucket Sound Shellfish Company

Business Name (if applicable)

282 Trotting Park Rd.

Mailing Address

Teaticket, MA 02536

Email

Telephone Number



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

January 28, 2020

Aquaculture License # A19-04

Mr. Matthew Weeks
282 Trotting Park Rd
Teaticket, MA 02536

Mr. Dan McKiernan, Acting Director
Massachusetts Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, MA 02114

Shellfish Aquaculture License General Laws Ch. 130, § 57

MATTHEW WEEKS

On October 28, 2019 the Falmouth Board of Selectmen voted to grant Matthew Weeks, of Teaticket, MA a shellfish aquaculture license under the authority of General Laws ch. 130, § 57. An application was filed with the Board of Selectmen on July 15, 2019. In accordance with applicable law a public hearing was noticed for September 9, 2019 at which time a vote was taken and the application approved subject to the terms and conditions set forth herein. An Order of Conditions for this site was issued by the Falmouth Conservation Commission on September 25, 2019 for the same activity in accordance with the wetlands protection act, G.L. ch. 131, § 40 and the Falmouth Wetlands protection by-law and regulations.

The Board of Selectmen finds that the applicant is sufficiently qualified in terms of knowledge and experience to operate the shellfish aquaculture license in the best interest of the town, its natural resources and its shellfish industry.

In conformity with ch. 130, § 57 the Board of Selectmen hereby grants a shellfish aquaculture license to Matthew Weeks of Teaticket, MA to grow oysters. The gear type to be used is exclusively floating gear as detailed in Exhibit B. No gear may be installed prior to March 1, and all gear must be removed no later than December 31 each year. The location of the license is Eel River East Site C as further detailed in Exhibit A.

The license is further subject to the following terms and conditions.

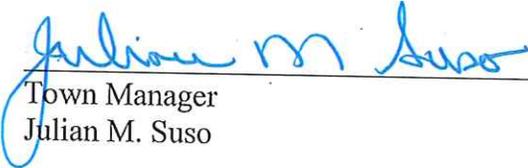
1. Maintenance may be done only during daylight hours.
2. The applicant shall comply with all Town of Falmouth Shellfish Aquaculture rules and regulations.
3. The applicant is not authorized to violate any zoning by-laws of the Town of Falmouth or violate the private property rights of others.
4. The licensed area shall be clearly marked with floats or buoys.
5. The grower shall keep the farm in good working order, regularly tending bags, gear and floats, conducting routine maintenance to promote growth on the farm. All trash, shells,

seaweed and other debris must be disposed of in a suitable place. Maintaining esthetic uniformity and the overall appearance of the area is recognized as a priority for community acceptance of this licensed use.

6. The grower shall work harmoniously with the Town as this is a demonstration and requires continued communication and engagement between the grower and the Town.
7. The fee for the license is \$25.00 per acre per year.
8. The term of the license begins with the date of its approval by the Director of the Division of Marine Fisheries and ends December 31, 2023. The license may be renewed for an additional 5 years at the discretion of the Board of Selectmen.
9. As a condition of the license, the Board of Selectmen will require the Licensee to meet the following minimum usage requirements: In 2020, the grower will use a minimum of 25% of the licensed area useable for floating gear (620 bags), at a density of 5,445 bags per acre. In 2021 and subsequent years, the grower will use a minimum of 99% of the licensed area useable for floating gear (2,480 bags in 20,000 square feet). If the AC is able to deploy shellfish in 2019, there will be no minimum usage for that year.
10. In 2020, the AC will be expected to produce a minimum of 4,600 kg of net increase in weight of oysters over the time that the oysters are grown in the Eel River site assigned to them. In 2021 and each subsequent year, the AC will be expected to produce a minimum of 18,600 kg of net increase in weight of oysters over the time that the oysters are grown in the Eel River site assigned to them. Total biomass increase for the field must be equivalent to 40,000 kg per acre of gear deployed, which is an average of 7.5 kg biomass increase per bag. Projects operated by Falmouth Marine and Environmental Services have demonstrated that this can be accomplished with first year oyster stocking density of 700-900 per bag and second year oyster stocking density of 150-250 per bag. Typically $\frac{1}{4}$ of the area would be used for first year seed, and $\frac{3}{4}$ of the area would be used for second year oysters.
11. The AC will be required to self-report the weighing in of all oysters placed into the gear and weighing out of all oysters removed from the site, as well as provide a Standard Atlantic Fisheries Information System (SAFIS) report for all landings at the end of the year for that growing area.
12. Gear shall be black to minimize visual impacts. Gear equivalent to what was used by Falmouth Marine and Environmental Services in 2017 and 2018 in Little Pond and Bournes Pond will be required.
13. An acceptable plan must be developed for restoring shellfish if significant numbers of oysters die or are lost before August 1 in any given year, including the time needed for re-deployment. The Contractor should identify potential mid-season suppliers of oysters as part of the replacement plan. If shellfish or gear are lost, the Contractor must submit a brief memorandum documenting the reason for the loss, the timing of loss and reinstallation (including costs to contractor), and a plan to avoid a similar repeated loss in the future.
14. A response to any catastrophic events (e.g., significant shellfish die-off, anticipated weather event, or significant gear destruction) must be coordinated with the Town.
15. Gear must be installed in the spring and removed in late fall, with gear installed no earlier than March 1 and removed no later than December 31, except with permission of the Falmouth Department of Marine and Environmental Services.

16. The Contractor must notify the Town in a timely fashion about any survival or growth concerns, including signs of disease.
17. Any theft of oysters or gear shall be reported to the Falmouth Shellfish Constable immediately.
18. All incoming and outgoing weights as well as SAFIS landing data must be provided in a timely and clearly communicated manner to Falmouth Marine and Environmental Services for the completion of the Eel River Aquaculture/TMDL Annual Report.
19. Reported data and any relevant information brought to the Town's attention associated with the AC's operation of the site assigned to them will be reviewed and may serve as a basis for making a recommendation to the Selectmen about whether the AC should be allowed to continue operating at the site assigned to them.
20. Licensee shall provide 25 representative shellfish from each size class being grown, to be submitted to Falmouth Marine and Environmental Services for nitrogen analysis. There will be no cost to the grower for the nitrogen analysis.
21. The Shellfish constable or designee may conduct inspections of stocking densities, growth, disease and wear on gear.

License Approved by Falmouth Board of Selectmen on October 28, 2019 consistent with terms outlined in the Statement of Qualifications issued by Town Manager on July 3, 2019.



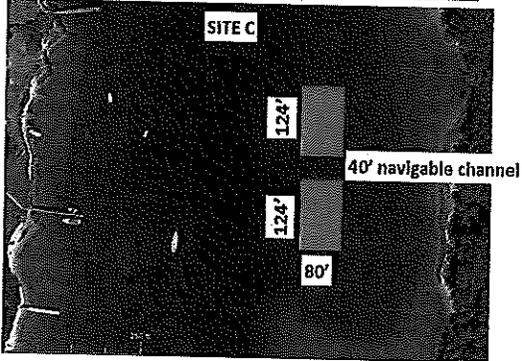
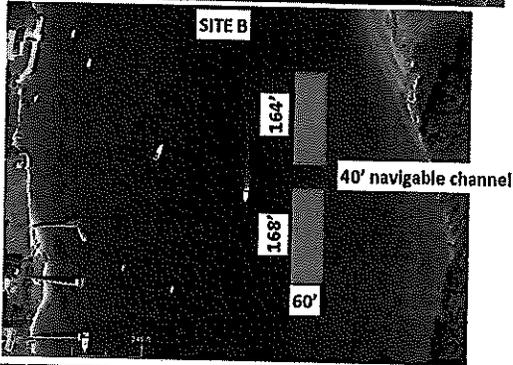
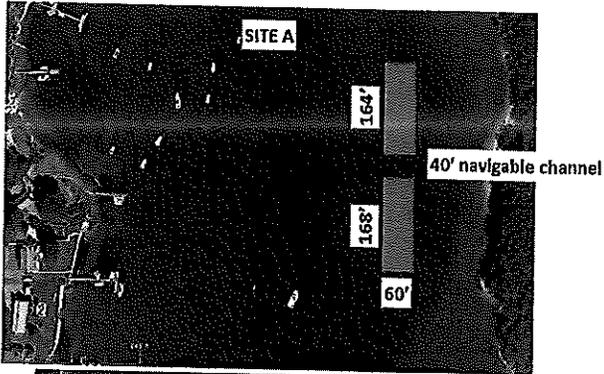
Town Manager
Julian M. Suso



Approved as to Form
Frank K. Duffy, Town Counsel

Copy: Chuck Martinsen, Shellfish Constable
Falmouth Conservation Commission
Jeff Kennedy, Division of Marine Fisheries
Tom Shields, Division of Marine Fisheries
Gabe Lundgren, Division of Marine Fisheries

Exhibit A



Eel River East Sites For Nitrogen Removal Pilot

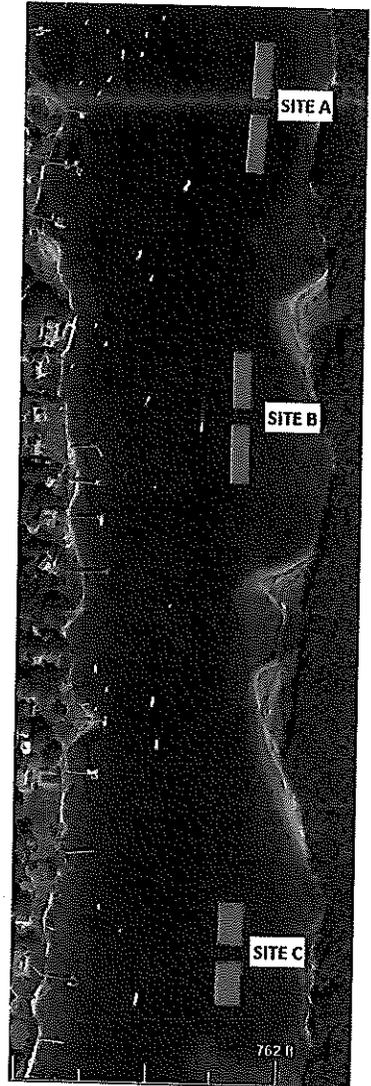
Site A: 0.5 Acre
Site B: 0.5 Acre
Site C: 0.5 Acre

Nearest Public Landings at Childs River, Seapit Road

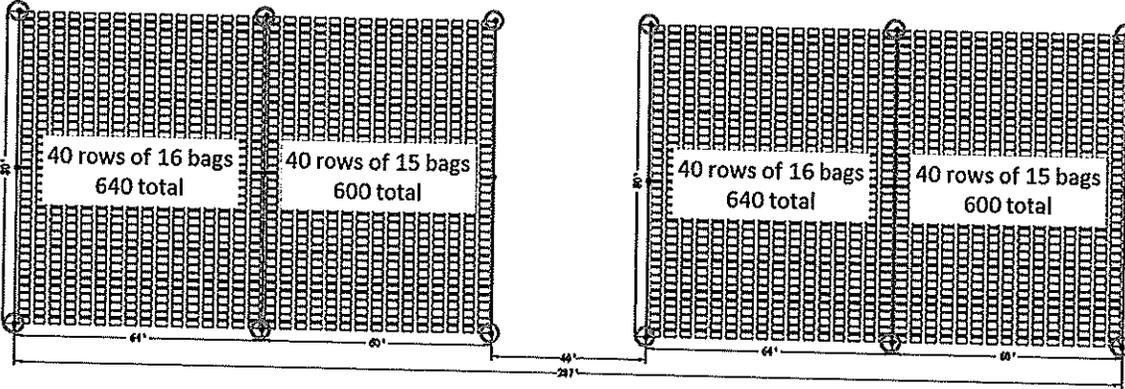
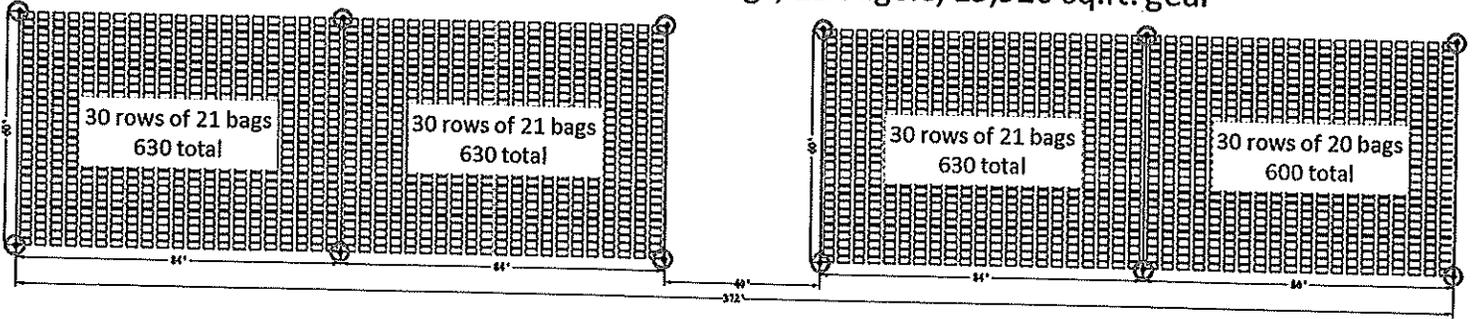
Eel Pond Site AN
41.563342689, -70.535599979
41.563246206, -70.535419321
41.562876611, -70.535757522
41.562971815, -70.535940613
Eel Pond Site AS
41.562881824, -70.536023704
41.562788378, -70.535847906
41.562405688, -70.536195829
41.562500852, -70.536376866

Eel Pond Site BN
41.561370587, -70.537379686
41.561285099, -70.537191478
41.560901249, -70.537498611
41.560987349, -70.537692726
Eel Pond Site BS
41.560892479, -70.537772438
41.560807588, -70.537584746
41.560415086, -70.537902122
41.560497751, -70.538090501

Eel Pond Site CN
41.557786102, -70.540298107
41.557669177, -70.540052238
41.557384379, -70.540290624
41.557500216, -70.540539108
Eel Pond Site CS
41.557404535, -70.540618942
41.557288517, -70.540369736
41.556999406, -70.540613561
41.557114285, -70.540861207

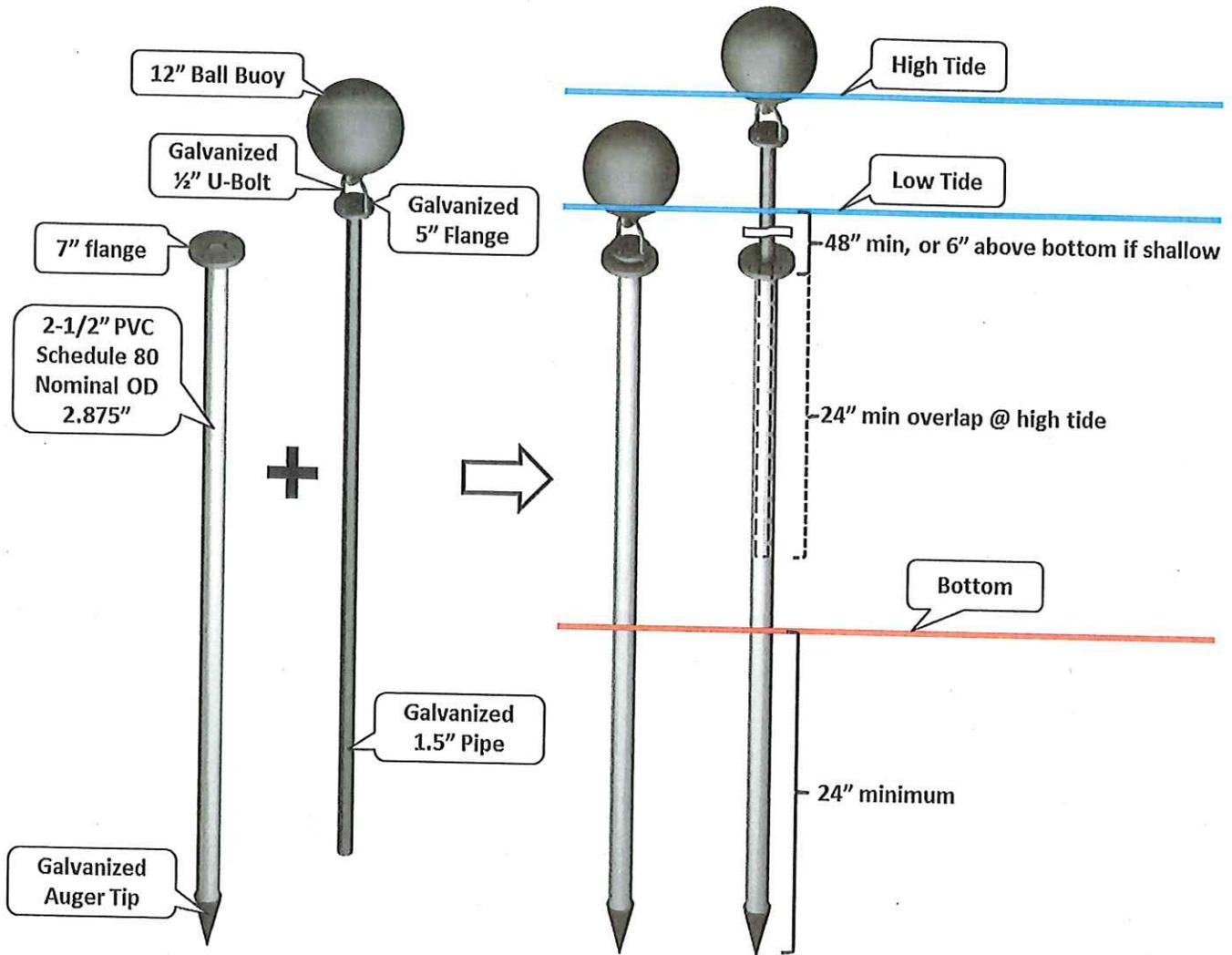


Eel River East Site A,B: 2,490 bags, 12 augers, 19,920 sq.ft. gear



Eel River East Site C
2,480 bags, 12 augers
19,840 sq.ft. gear

Telescoping Augers for Eel River East Sites



OPEN SESSION

PUBLIC HEARINGS

4. Request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. onto Katharine Lee Bates Rd. as the "Kevin Lynch Connector" and to place a plaque in his honor **(5 minutes)**

**Town of Falmouth
Select Board
NAMING POLICY FOR PUBLIC FACILITIES AND PLACES**

Adopted February 13, 2023

Policy:

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

Guidelines:

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

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

The Board shall consider naming based upon:

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

Procedure:

In order to avoid personal or collective prejudice, favoritism, political pressure and/or temporary popularity, the Board shall take no action on an application to name a public facility or place for a period of at least one (1) year following submission of said application; 4/25/22

4/24/23
SZ

After the waiting period has elapsed, a member of the Select Board shall be designated to seek input and advice of whichever department, board, committee, or commission oversees the public facility or place to be named or renamed and report back to the full Board. **The Select Board will then advertise and hold a public hearing to seek input from the community.** 10/30/23

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

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

Eligibility:

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

Exceptions:

Exceptions to this policy shall be made for:

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

NOTICE OF PUBLIC HEARING

The Select Board of the Town of Falmouth will hold a public hearing as required by the Select Board Naming Policy for Public Facilities and Places to solicit comments from the public on the request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. onto Katharine Lee Bates Rd. as the "Kevin Lynch Connector" and to place a plaque in his honor. Comments may be sent via email to selectboard@falmouthma.gov.

The public hearing will be held on Monday, October 30, 2023 at 6:45 p.m. in the Select Board meeting room, Town Hall, Falmouth, MA 02540.

Nancy Robbins Taylor, Chair
Select Board

Publication date: Friday, October 20, 2023; Falmouth Enterprise.



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearing 4.

ITEM TITLE: Request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. onto Katherine Lee Bates Rd. as the "Kevin Lynch Connector" and to place a plaque in his honor

MEETING DATE: 10/30/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Notice of Public Hearing, PowerPoint Slides, Location Map, Email Thread

PURPOSE:

In accordance with the Select Board Naming Policy for Public Facilities and Places, a Public Hearing will be conducted to solicit comments from the public on the request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. onto Katherine Lee Bates Road as the "Kevin Lynch Connector" and to place a plaque in his honor.

BACKGROUND/SUMMARY:

- Kevin Lynch served as the head of the Bikeways Committee.
- Through his efforts and leadership, the Shining Sea Bikeway was extended in two phases from Locust Street to Skating Lane, and later to Carlson Lane.
- The efforts of Mr. Lynch paved the way for the eventual extension of the Bikeway to North Falmouth.

DEPARTMENT RECOMMENDATION:

Following the required public hearing and input from the public, the Town Manager recommends that the Select Board approve the request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. onto Katherine Lee Bates Rd. as the "Kevin Lynch Connector" and to place a plaque in his honor.

OPTIONS:

- Motion to approve the request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. onto Katherine Lee Bates Rd. as the "Kevin Lynch Connector" and to place a plaque in his honor.
- Motion to deny approval of the request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. onto Katherine Lee Bates Rd. as the "Kevin Lynch Connector" and to place a plaque in his honor.
- Some alternative Board defined option.

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:

Following the required public hearing and input from the public, the Town Manager recommends that the Select Board approve the request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. onto Katherine Lee Bates Rd. as the "Kevin Lynch Connector" and to place a plaque in his honor.

Michael Renshaw

Town Manager

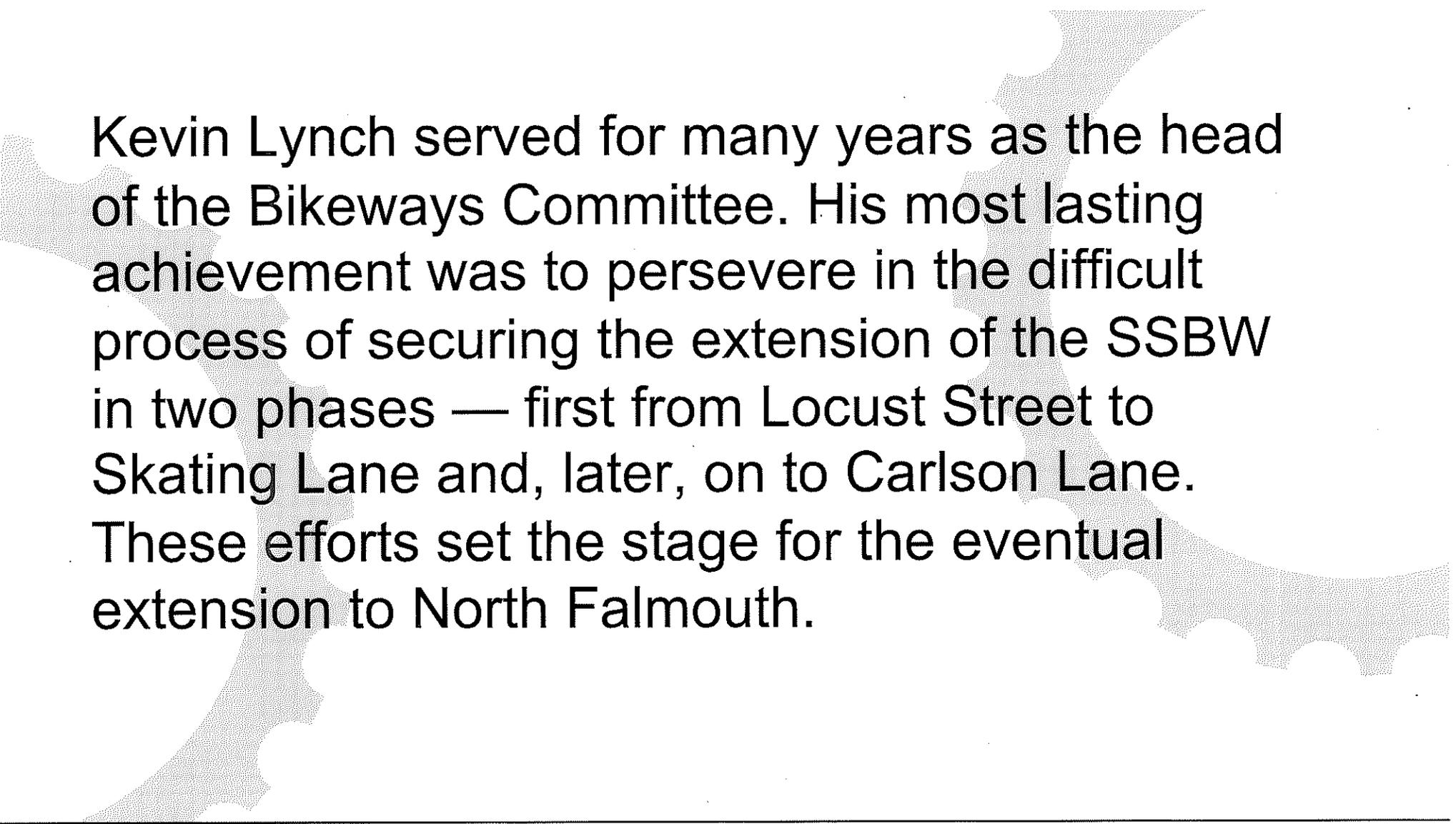
10/13/2023

Date



Kevin Lynch Pathway & Bob Fitzgerald Connector

October 30, 2023
Falmouth Selectboard



Kevin Lynch served for many years as the head of the Bikeways Committee. His most lasting achievement was to persevere in the difficult process of securing the extension of the SSBW in two phases — first from Locust Street to Skating Lane and, later, on to Carlson Lane. These efforts set the stage for the eventual extension to North Falmouth.

Location of Kevin Lynch Plaque



The Station Grill

Station on the Square

Falmouth Physical Therapy

Coffee Obsession

Battles Auto Center

Falmouth Historical Society

Lawrence School

Greengate Apartments

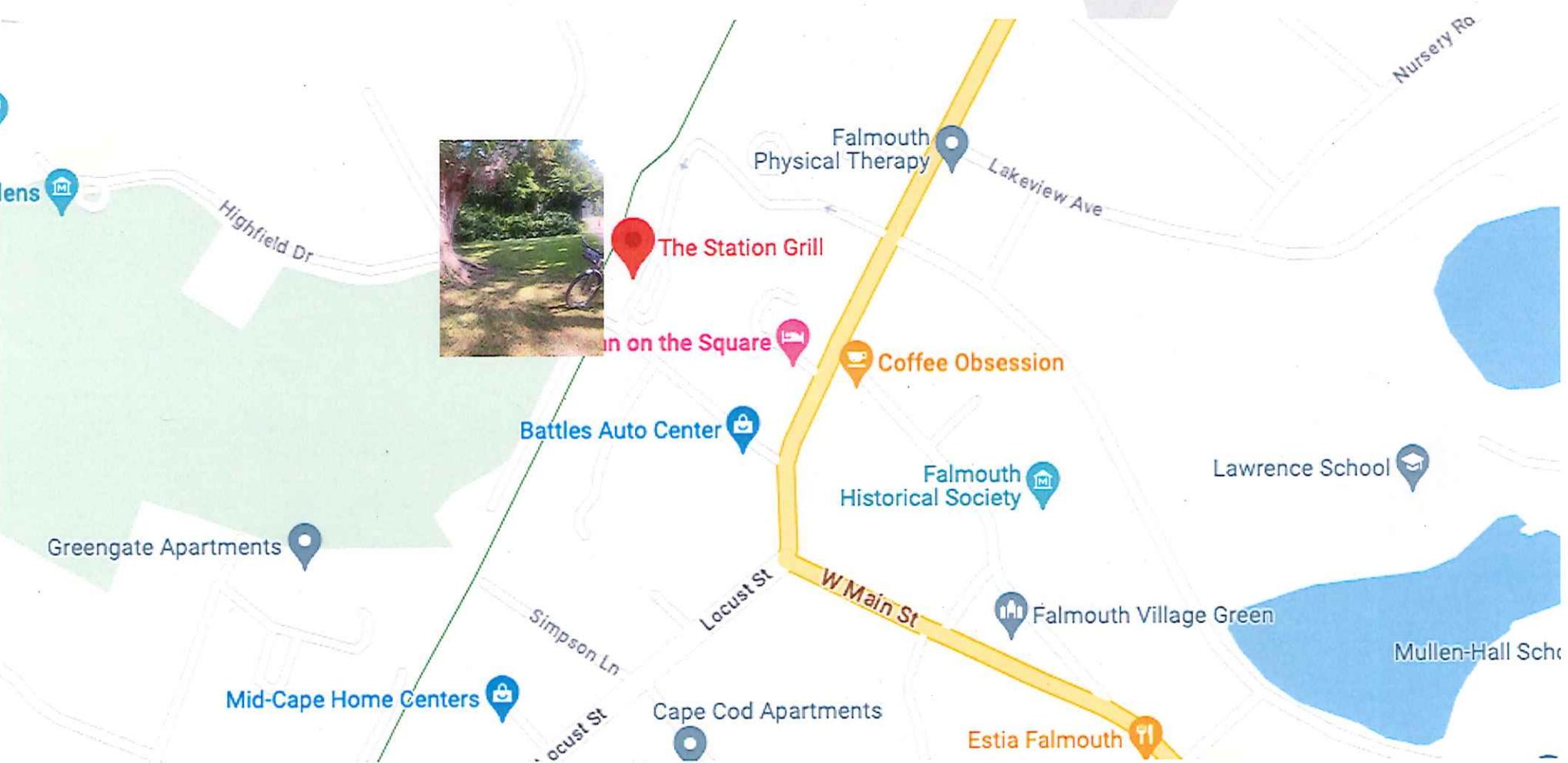
Falmouth Village Green

Mullen-Hall School

Mid-Cape Home Centers

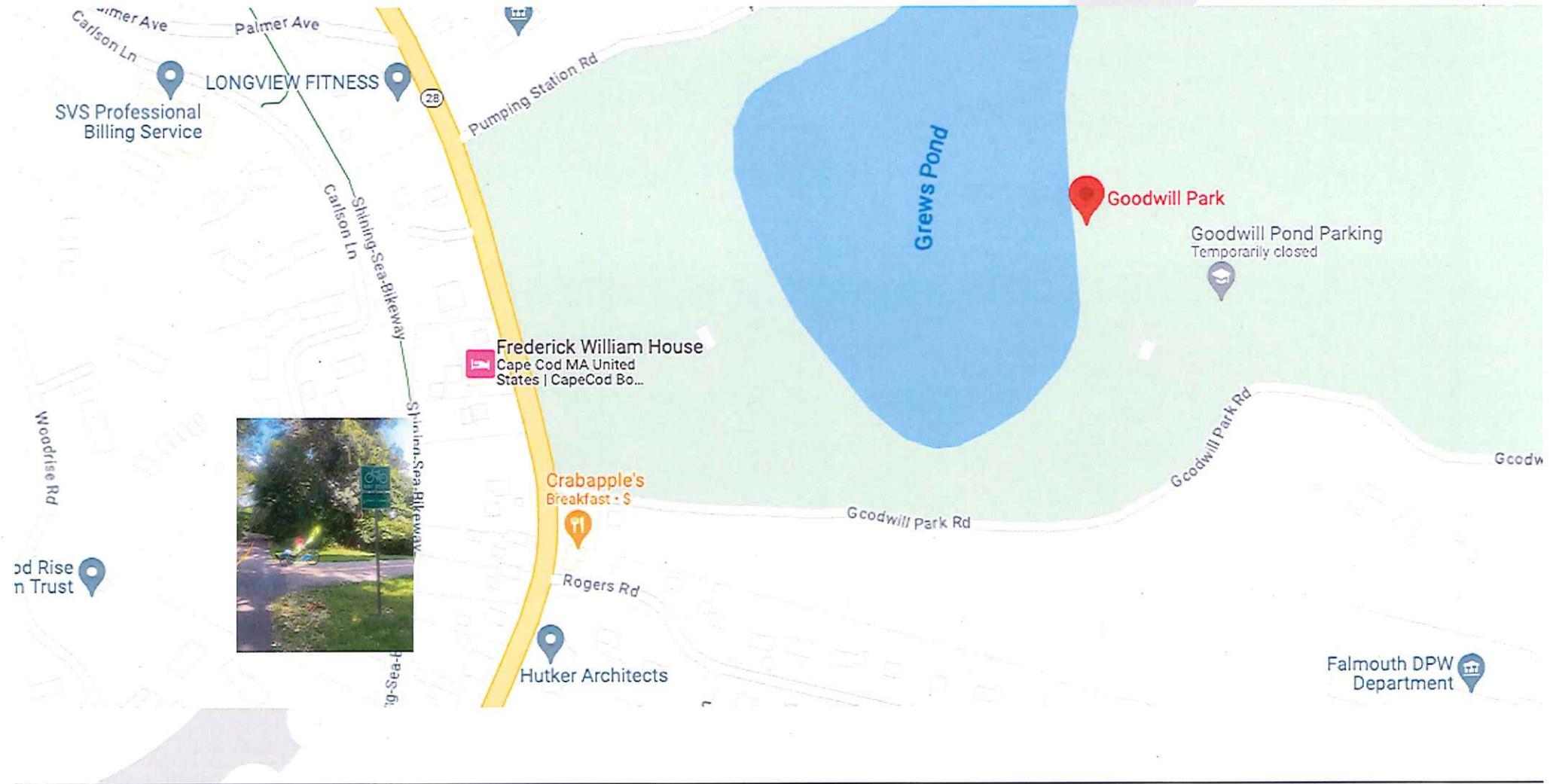
Cape Cod Apartments

Estia Falmouth



Bob Fitzpatrick was also Chair of the Bikeways Committee for many years. Along with Eric Turkington and George Calise, he successfully negotiated with the State for the extension of the SSBW to North Falmouth. Further, in discussions with the Planning Board involving a proposed commercial building on Palmer Avenue, Bob was able to secure an easement to connect the SSBW with Goodwill Crossing. This path has always been known as the Fitzpatrick Connector.

Location of Bob Fitzpatrick Plaque



SVS Professional Billing Service

LONGVIEW FITNESS

Pumping Station Rd

Grews Pond

Goodwill Park

Goodwill Pond Parking
Temporarily closed

Frederick William House
Cape Cod MA United States | CapeCod Bo...

Crabapple's
Breakfast - \$

Goodwill Park Rd

Goodwill Park Rd

Goodw

Rogers Rd

Hutker Architects

Falmouth DPW Department



Diane Davidson

From: Katherine Jansen [REDACTED]
Sent: Tuesday, October 24, 2023 10:10 AM
To: Diane Davidson
Subject: Re: Legal Notice for Kevin Lynch Connector on Shining Sea Bikeway

Thank you so much Diane!

I'm working on a powerpoint and should have it done by tonight - it has the location spelled out. I'll send it to you as soon as I'm done.

Best,
KJ

On Tue, Oct 24, 2023 at 10:07 AM Diane Davidson <diane.davidson@falmouthma.gov> wrote:

Hi Katherine,

I have received confirmation that we can proceed with the public hearing as advertised. The public notice of the hearing will provide members of the public with an understanding of what will be decided at the hearing so that interested parties may attend and provide comment. Here, any interested parties will understand what will be discussed at the hearing, and the difference of 30 feet will not exclude any interested parties. So, there should be no need to re-notice the hearing. However, the change in site should be made clear at the hearing. If you could provide me with a description of the new proposed location (30 feet away from the original request), then I can include it in the Select Board packet in advance of the meeting.

Thank you,

Diane

From: Katherine Jansen [REDACTED]
Sent: Tuesday, October 24, 2023 9:49 AM
To: Diane Davidson <diane.davidson@falmouthma.gov>
Subject: Re: Legal Notice for Kevin Lynch Connector on Shining Sea Bikeway

Hi Diane,

I'm just checking in to see if we're good with the Kevin Lynch Connector on 10/30 or do we need to go to Plan B?

Many thanks!

KJ

Katherine Jansen

On Fri, Oct 20, 2023 at 4:29 PM Diane Davidson <diane.davidson@falmouthma.gov> wrote:

Hi Katherine,

I am checking with Town Counsel and will follow up with you on Monday.

Thank you,

Diane

From: Katherine Jansen [REDACTED]
Sent: Friday, October 20, 2023 3:35 PM
To: Diane Davidson <diane.davidson@falmouthma.gov>
Subject: Legal Notice for Kevin Lynch Connector on Shining Sea Bikeway

Hi Diane,

We just saw the notice in the Enterprise for the Select Board meeting on October 30 for the plaque to be located on the site of the Kevin Lynch connector to KLB. We have changed the location about 30 feet to the south and want to cite Kevin for his efforts at extending the SSBW from Locust Street to Carlson Lane.

I don't know if this is significant enough that we will have to reapply. Could you please advise?

The notice for the Bob Fitzpatrick Connector is fine and still valid. We should proceed with that one.

We didn't foresee that the notice would be so specific, my apologies!

Thank you as always for your help!

KJ

Katherine Jansen, Chair

Bicycle and Pedestrian Committee

Diane Davidson

From: Maura O'Keefe
Sent: Friday, October 20, 2023 4:31 PM
To: Diane Davidson
Subject: Re: Legal Notice for Kevin Lynch Connector on Shining Sea Bikeway

Hi Diane,

The purpose of a public notice in advance of a hearing is to provide any member of the public with an understanding of what will be decided at the hearing so that interested parties may attend and provide comment. Here, any interested parties will understand what will be discussed at the hearing, and the difference of 30 feet will not exclude any interested parties. I do not see any deprivation of rights that could possibly happen as a result of the change in 30 feet. I see no need to re-notice the hearing, but the change in site should be made clear at the hearing.

Thanks,

Maura E. O'Keefe
Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800



When responding, please be aware that the Massachusetts Secretary of State has determined that most email correspondence is public record and therefore cannot be kept confidential.

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Friday, October 20, 2023 4:26 PM
To: Maura O'Keefe <maura.okeefe@falmouthma.gov>
Subject: FW: Legal Notice for Kevin Lynch Connector on Shining Sea Bikeway

Hi Maura,

A hearing for the naming of a portion of the bike path is scheduled for 10/30 and the hearing notice ran in today's paper. The chair of the Bicycle and Pedestrian Committee just sent the following email to let me know that they have changed the location of the bike path plaque, moving it south by 30 feet. She is asking if the hearing can proceed. When the Select Board opens the hearing, would the Bicycle & Pedestrian Committee chair just present the proposed new location? The Board can then vote to approve or not. Is that correct?

Thank you.

Diane

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



When responding, please be aware that the Massachusetts Secretary of State has determined that most email correspondence is public record and therefore cannot be kept confidential.

From: Katherine Jansen [REDACTED]
Sent: Friday, October 20, 2023 3:35 PM
To: Diane Davidson <diane.davidson@falmouthma.gov>
Subject: Legal Notice for Kevin Lynch Connector on Shining Sea Bikeway

Hi Diane,

We just saw the notice in the Enterprise for the Select Board meeting on October 30 for the plaque to be located on the site of the Kevin Lynch connector to KLB. We have changed the location about 30 feet to the south and want to cite Kevin for his efforts at extending the SSBW from Locust Street to Carlson Lane.

I don't know if this is significant enough that we will have to reapply. Could you please advise?

The notice for the Bob Fitzpatrick Connector is fine and still valid. We should proceed with that one.

We didn't foresee that the notice would be so specific, my apologies!

Thank you as always for your help!

KJ
Katherine Jansen, Chair
Bicycle and Pedestrian Committee

OPEN SESSION

PUBLIC HEARINGS

5. Request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. into Goodwill Park as the “Bob Fitzpatrick Connector” and to place a plaque in his honor **(5 minutes)**

NOTICE OF PUBLIC HEARING

The Select Board of the Town of Falmouth will hold a public hearing as required by the Select Board Naming Policy for Public Facilities and Places to solicit comments from the public on the request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. into Good Will Park as the "Bob Fitzpatrick Connector" and to place a plaque in his honor. Comments may be sent via email to selectboard@falmouthma.gov.

The public hearing will be held on Monday, October 30, 2023 at 6:45 p.m. in the Select Board meeting room, Town Hall, Falmouth, MA 02540.

Nancy Robbins Taylor, Chair
Select Board

Publication date: Friday, October 20, 2023; Falmouth Enterprise.



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearing 5.

ITEM TITLE: Request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. into Goodwill Park as the "Bob Fitzpatrick Connector" and to place a plaque in his honor.

MEETING DATE: 10/30/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Notice of Public Hearing, Initial Request Email Thread April 2022

PURPOSE:

In accordance with the Select Board Naming Policy for Public Facilities and Places, a Public Hearing will be conducted to solicit comments from the public on the request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. into Goodwill Park as the "Bob Fitzpatrick Connector" and to place a plaque in his honor.

BACKGROUND/SUMMARY:

- Bob Fitzpatrick served as the Chair of the Bikeways Committee.
- Through his efforts and leadership, as well as the efforts of Eric Turkington and George Calise, the Town successfully negotiated with the State to complete the extension of the Shining Sea Bikeway to North Falmouth.
- Mr. Fitzpatrick was also instrumental in securing an easement to connect the Bikeway with the Goodwill Crossing.

DEPARTMENT RECOMMENDATION:

Following the required public hearing and input from the public, the Town Manager recommends that the Select Board approve the request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. into Goodwill Park as the "Bob Fitzpatrick Connector" and to place a plaque in his honor.

OPTIONS:

- Motion to approve the request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. into Goodwill Park as the "Bob Fitzpatrick Connector" and to place a plaque in his honor.
- Motion to deny approval of the request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. into Goodwill Park as the "Bob Fitzpatrick Connector" and to place a plaque in his honor.
- Some alternative Board defined option.

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:

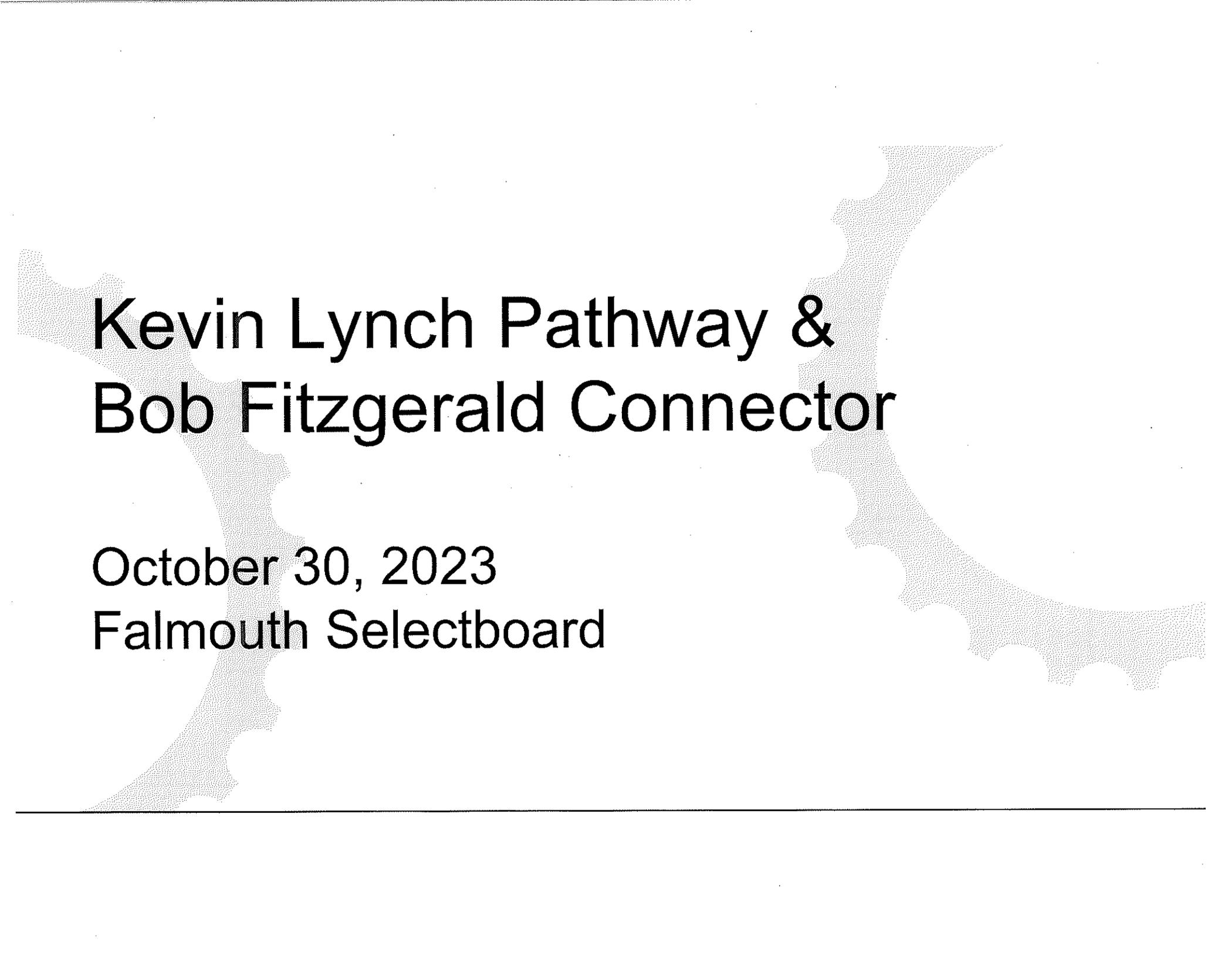
Following the required public hearing and input from the public, the Town Manager recommends that the Select Board approve the request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. into Goodwill Park as the "Bob Fitzpatrick Connector" and to place a plaque in his honor.

Michael Renshaw

10/27/2023

Town Manager

Date

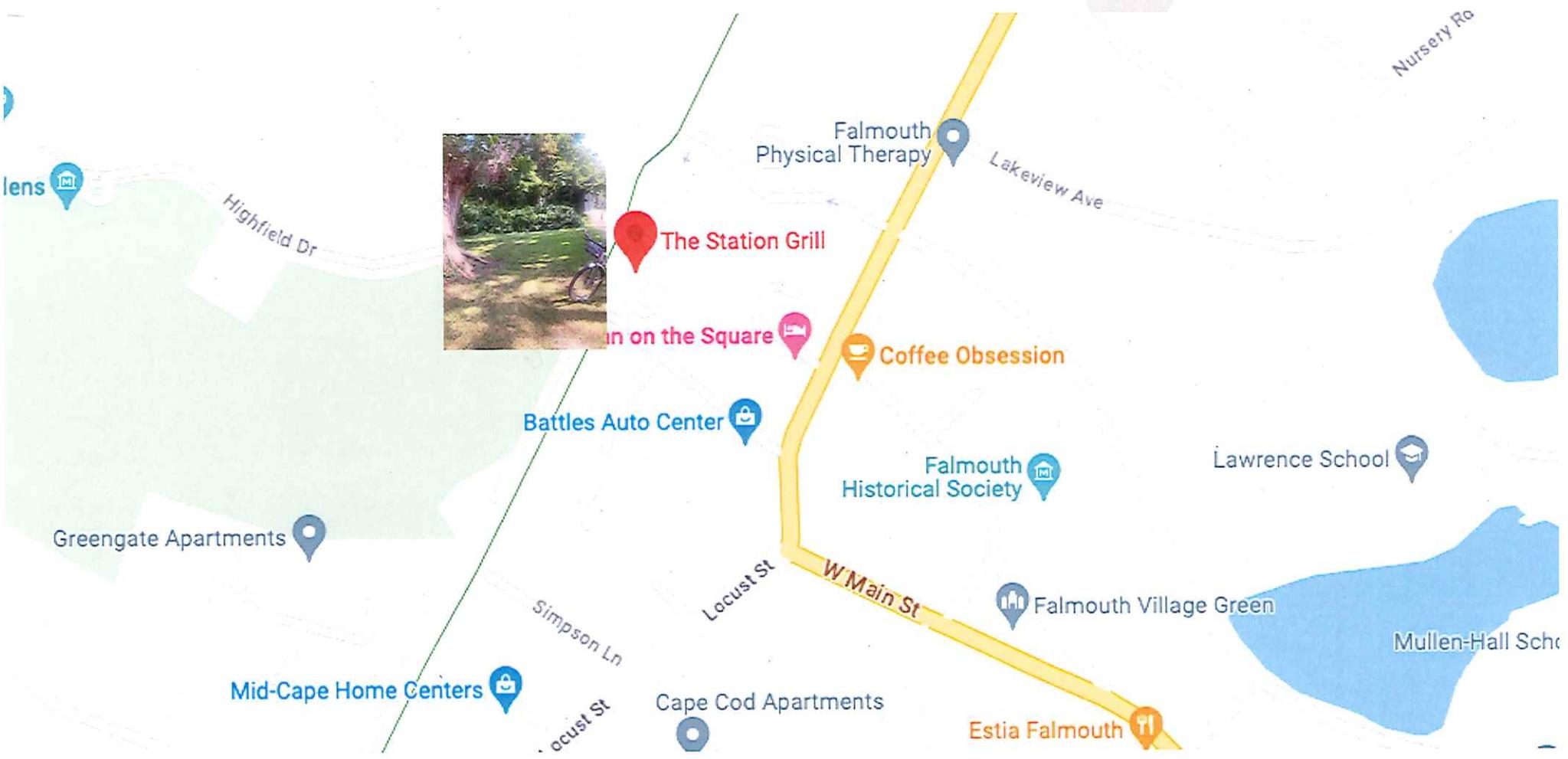


Kevin Lynch Pathway & Bob Fitzgerald Connector

October 30, 2023
Falmouth Selectboard

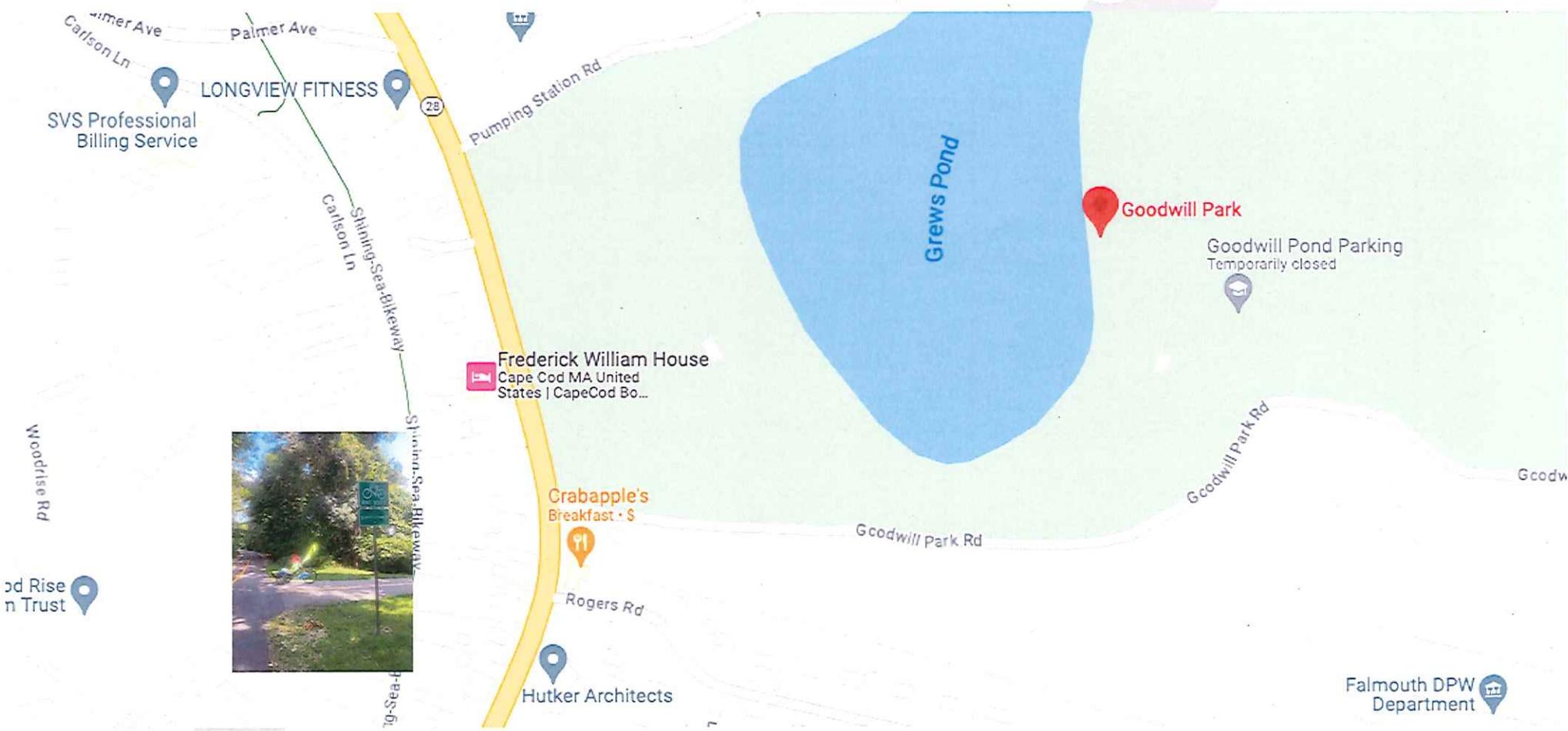
Kevin Lynch served for many years as the head of the Bikeways Committee. His most lasting achievement was to persevere in the difficult process of securing the extension of the SSBW in two phases — first from Locust Street to Skating Lane and, later, on to Carlson Lane. These efforts set the stage for the eventual extension to North Falmouth.

Location of Kevin Lynch Plaque



Bob Fitzpatrick was also Chair of the Bikeways Committee for many years. Along with Eric Turkington and George Calise, he successfully negotiated with the State for the extension of the SSBW to North Falmouth. Further, in discussions with the Planning Board involving a proposed commercial building on Palmer Avenue, Bob was able to secure an easement to connect the SSBW with Goodwill Crossing. This path has always been known as the Fitzpatrick Connector.

Location of Bob Fitzpatrick Plaque



OPEN SESSION

BUSINESS

1. Affirm appointment of Water Superintendent **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 1.

ITEM TITLE: Affirm appointment of Water Superintendent

MEETING DATE: 10/30/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Redacted Resume, Email Thread

PURPOSE:

The Select Board will consider the affirmation of the Town Manager's recommended appointment of Mr. Matthew Lanen as the Town's Water Superintendent.

BACKGROUND/SUMMARY:

- The previous Water Superintendent resigned his position for another opportunity on September 16, 2022, and on September 19, 2022 Mike Reghitto assumed the duties as Interim Water Superintendent.
- A previous recruitment for the position, conducted from August 31, 2022 through December 13, 2022 was unsuccessful in identifying qualified candidates for interviews.
- In this most recent recruitment, the interviews for which were completed on October 16, 2023, there were three (3) qualified candidates that applied, despite having advertised on a broader scale in the MA Water Works, New England Water Works, American Water Works, and Massachusetts Municipal Association websites.

- Mr. Matt Lanen has an extensive fifteen-year water distribution and public works background, and since February 2020 has held the position of Water Distribution Superintendent for the Dedham-Westwood Water District.
- He holds a Bachelor of Science degree as well as multiple professional licenses, has consistently demonstrated a strong work ethic and professionalism, and impressed the interview panel with his knowledge and energy.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve and affirm the appointment of Matthew Lanen as the Town of Falmouth Water Superintendent and that the residency requirement for Division Heads, as stated in Article V, Section 4 of the Town Charter, be waived.

OPTIONS:

- Motion to approve and affirm the appointment of Matthew Lanen as the Town of Falmouth Water Superintendent and that the residency requirement for Division Heads, as stated in Article V, Section 4 of the Town Charter, be waived.
- Motion to deny the approval and affirmation of the appointment of Matthew Lanen as the Twon of Falmouth Water Superintendent and that the residency requirement for Division Heads, as stated in Article V, Section 4 of the Town Charter, be waived.
- Some other Board stipulated alternative.

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 and affirm the appointment of Matthew Lanen as the Town of Falmouth Water Superintendent and that the residency requirement for Division Heads, as stated in Article V, Section 4 of the Town Charter, be waived.

Michael Renshaw

Town Manager

10/27/2023

Date

MATTHEW P. LANEN

My career objective is to oversee a Department of Public Works with multiple divisions. I have worked in the field as a unionized employee for over 15 years with: recycle and transfer stations, highway operations, parks and forestry departments, water, sewer, and drain divisions and engineering staff. The experiences that I have mastered in the trades, will benefit the allocating as a director in a municipal sector of government. I am now entering my fourth year as a Water Distribution Superintendent for Dedham-Westwood Water District and want to continue to excel in the public works sector.

EXPERIENCE

9/1/2007 – 2/1/2020

CRAFTSMEN, NEEDHAM DPW WATER & SEWER

- Excavate water mains, sewer and drains systems for repair. This includes water and sewer main breaks, point repairs on drainage systems, along with service leaks. I also performed fire hydrant, water main and service repairs. Working in a crew setting, we repaired and replaced catch basins and manholes due to deterioration. I also assisted with the snow and ice operation mandated by the union contract. Typically, we pre-treated all major roads and public buildings with salt, sand and liquid agents prior to a full plowing event. Prior to my employment as a full time employee, I spent six years as seasonal help in the parks and forestry division during the summer season.

2/1/2020 – PRESENT

WATER DISTRIBUTION SUPERINTENDENT, DEDHAM-WESTWOOD WATER DIST.

I presently oversee the distribution system (220 miles of water main) with nine full-time employees. Each morning I assign job duties to crew members. I process and order all stock materials utilized for a multitude of jobs while reporting and removing stock in our inventory system. I oversee all access fees for dwellings needing a water supply (based on our rules and reg's). I oversee all awarded contractors for capital improvement projects (including approval of all invoices and separating retainer for one year moratorium) while capturing our unaccounted water each year to DEP. I am also responsible for our leak detection surveys and maintenance of vehicles ranging from small utility trucks to backhoes and excavators.

EDUCATION

6/1/2003

DIPLOMA, NEEDHAM HIGH SCHOOL NEEDHAM, MA 02492

Multi-sport athlete and captain of a state championship team in spring 2003.

8/1/2007

BACHELOR OF SCIENCE, ROGER WILLIAMS UNIVERSITY, BRISTOL, RI

I graduated with a major in Criminal Justice and a minor in Psychology

•
•
•
•
•
•
•
•
•
•
•

SKILLS

- CDL Class B with an air brake endorsement (MA)
- 2A / 1C (MA) Hoisting License (expired)
- OSHA 10 certificate
- Confined Space certificate
- Persistent with various platforms including ARC GIS, U.S. D.P.W, Workflow Modules, U.M.B.S, Microsoft Word, Excel, Power Point and Utility Cloud
- Grade 3 (Full) Water Distribution License (MA)
- Grade 1 (Operator In Training) Water Treatment License
- Surveyor and Backflow prerequisites
- AC Pipe Certification

OPEN SESSION

BUSINESS

2. Vote on Water Quality Management Committee request for Air Force Center for Environmental Excellence (AFCEE) fund expenditure **(5 minutes)**



ITEM NUMBER: Business 2.

ITEM TITLE: WQMC request for AFCEE fund expenditure

MEETING DATE: 10/30/2023

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

SUBMITTED BY: Kristen Rathjen, Science Wares, Inc. (on behalf of the Water Quality Management Committee (WQMC))

ATTACHMENTS: Click or tap here to enter text.

PURPOSE:

At its August 30, 2023 meeting the Water Quality Management Committee voted to request the Select Board to authorize an expenditure from AFCEE funds for continued monitoring and analytical costs relating to the Shorewood Drive Permeable Reactive Barrier (PRB), not to exceed \$6,500.

BACKGROUND/SUMMARY:

- In 2019, the town, in partnership with WHOI, received a grant from the EPA Southeast New England Program (SNEP) in the amount of \$298,598 to install a demonstration PRB on town land adjacent to Shorewood Drive. The main objective of the project was to 'validate and optimize a cost-effective method for remediating nitrogen-enriched groundwater before it enters marine waters'. The project was designed to have the PRB 'fail' during the project performance period in order to determine the actual life expectancy of the emulsified oil injection to aid in the ability to refine lifetime cost projections for EVO-injection PRB's.
- The grant provided funding for two years of quarterly monitoring and analysis of the PRB which was designed to and anticipated to function for a two-year period.

- At the end of the two-year project period, the data demonstrated that the PRB showed little signs of decreased performance and was continuing to intercept and reduce groundwater nitrogen from upstream residential septic systems at the end of its designed performance life.
- In 2022, at the request of the WQMC, the Select Board approved an expenditure of 'up to \$5,000' to cover associated costs to continue monitoring the PRB for an additional (third) year.
- Results from the third consecutive year of quarterly monitoring show no indication of a change in performance of the denitrification potential of the PRB.
- Because the PRB continues to perform beyond its original expectancy, it is important to continue to monitor the project until performance ceases. Project PI, Matthew Charette (WHOI/former WQMC member) recommended continued monitoring of the PRB at a 6-month interval for two years rather than quarterly. Continued monitoring is not intended to show or quantify the nitrogen reduction potential of the technology, but rather to try to capture when the PRB ceases to function.
- The WQMC requests additional funds not to exceed \$6,500 to continue this monitoring effort. Funds from this request will be used to cover expenses related to consumables required for sampling and outside laboratory analytical costs (WHOI Nutrient Facility and Eurofins Lancaster Labs). Field sampling will be conducted by the WQMC's technical consultant, Science Wares Inc., under the current contract.

DEPARTMENT RECOMMENDATION:

From Amy Lowell, Wastewater Superintendent:

'It is my recommendation that the request be funded from the AFCEE Mitigation Funds. There are sufficient funds available to support this request.'

OPTIONS:

- 1) approval of an expenditure of up to \$6,500 from AFCEE nutrient mitigation funds;
- 2) denial of an expenditure of up to \$6,500 from AFCEE nutrient mitigation funds;
- 3) Board defined alternative.

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

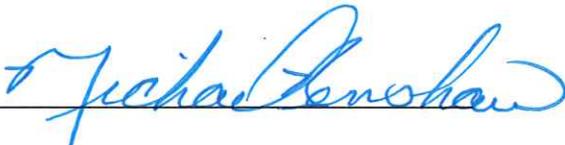
Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

APPROVE EXPENDITURE AS REQUESTED.


Town Manager

~~7/14/2023~~ *10/27/2023*
Date

OPEN SESSION

BUSINESS

3. Report – School Committee **(15 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 3.

ITEM TITLE: Report- School Committee

MEETING DATE: 10/30/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: PowerPoint Presentation

PURPOSE:

The Select Board will hear an annual report of the School Committee presented by School Committee Chair Melissa Keefe, and Superintendent Lori Duerr.

BACKGROUND/SUMMARY:

- The mission of the School Committee is to make decisions to fulfill the educational needs of children. This is the primary responsibility with which the citizens entrust the school committee.
- Under education reform the school committee deliberates on a range of issues and concerns at a broad policy level, such as:
 - Budget review and approval
 - Collective bargaining
 - Community relations
 - Curriculum approval

- Health and safety
- Hiring and evaluating the Superintendent of Schools
- Policy development
- System-wide goals

DEPARTMENT RECOMMENDATION:

This report is for informational purposes and discussion only. No formal Board 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 for informational purposes and discussion only. No formal Board action is requested.

Michael Renshaw

Town Manager

10/27/2023
Date

FALMOUTH PUBLIC SCHOOLS

A Community Committed to Excellence:

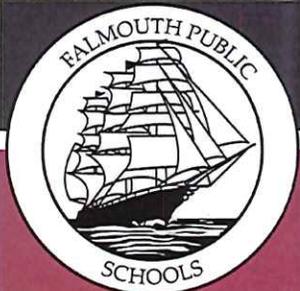
EVERY STUDENT. EVERY DAY.



Select Board Presentation

October 30, 2023

Falmouth Public Schools
Melissa Keefe - School Committee Chair
Lori Duerr – Superintendent





Our Framework for Student Success

DIVERSITY, EQUITY, INCLUSION & BELONGING

A Community
Committed
to Excellence

THE
CLIPPER
EXPERIENCE

Every Student.
Every Day.

TWO-WAY COMMUNICATION & PARTNERSHIPS

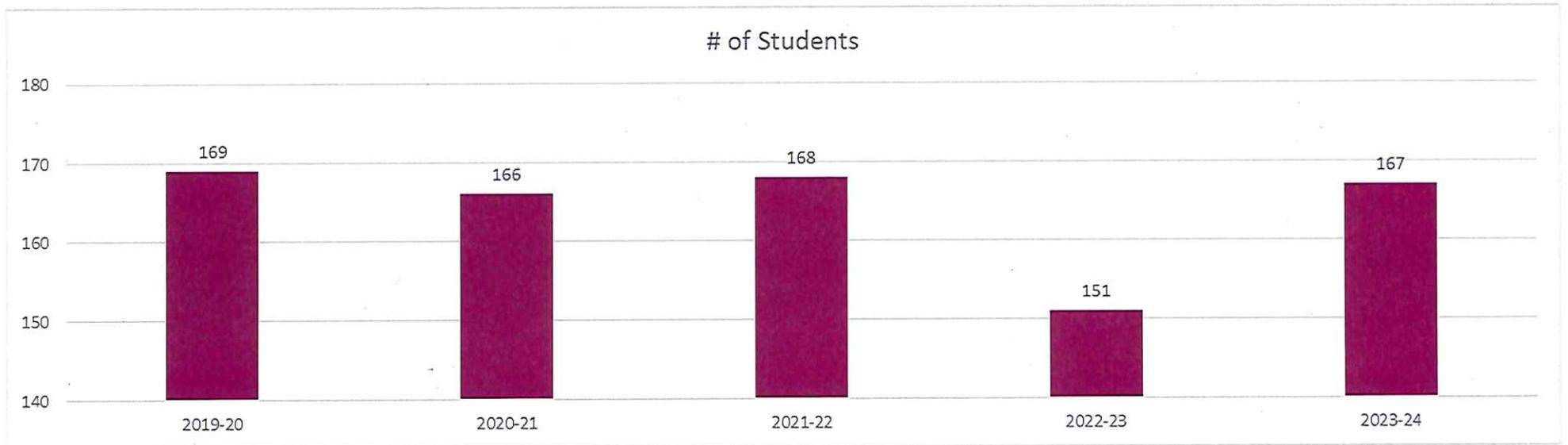
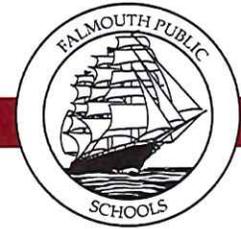
23-24 School Year Enrollment



Falmouth High School	731
Lawrence School	459
Morse Pond School	485
East Falmouth Elementary	302
Mullen Hall Elementary	376
North Falmouth Elementary	296
Teaticket Elementary	256
Out-of-District	44

Total = 2949

School Choice



Enrollment

Student Populations



Multilingual Learners	
Year	% of District Enrollment
FY20	4.4%
FY21	4.0%
FY22	4.5%
FY23	5.8%
FY24	6.9%

Student Populations



Students with Disabilities	
Year	% of District Enrollment
FY20	18.2%
FY21	19.1%
FY22	20.1%
FY23	22.2%
FY24	23.2%

Student Populations



Economically Disadvantaged	
Year	% of District Enrollment
FY20	29.5%
FY21	33.6%
FY22	41.2%
FY23	43.6%
FY24	45.6%

Enrollment

Race/Ethnicity



Race	FY24 Percent of District Enrollment
African American	5.2%
Asian	1.1%
Hispanic	10.5%
Native American	1.1%
White	74.4%
Native Hawaiian, Pacific Islander	0
Multi-Race, Non-Hispanic	7.1%

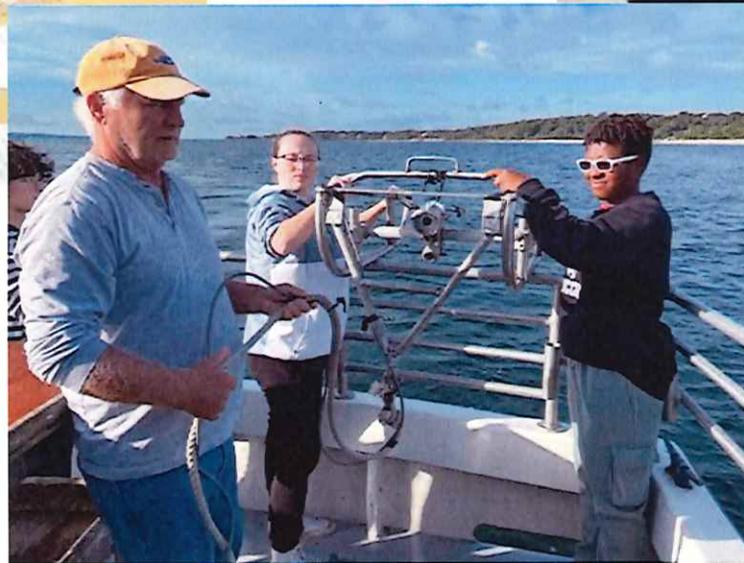
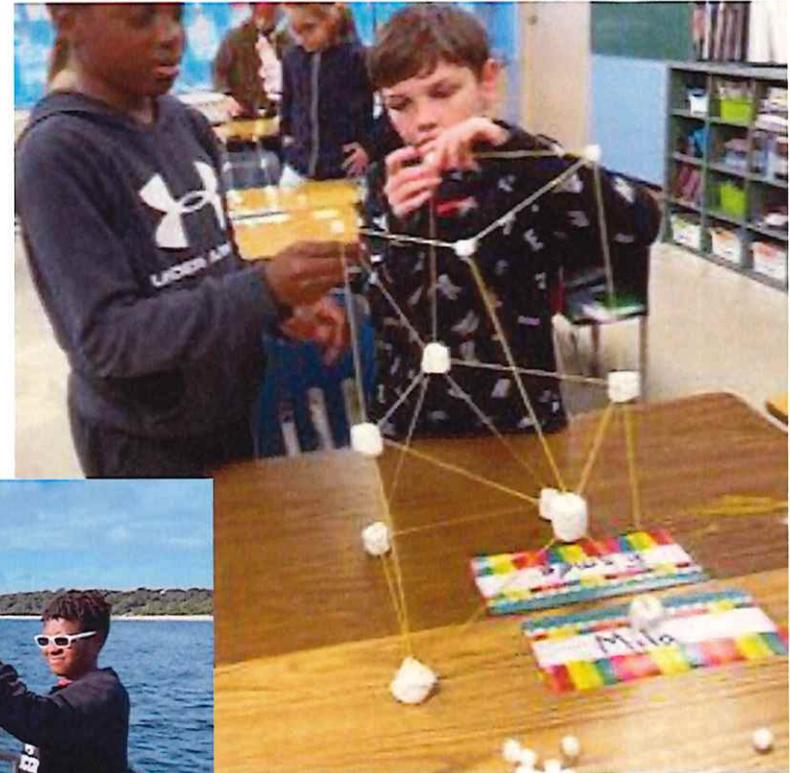
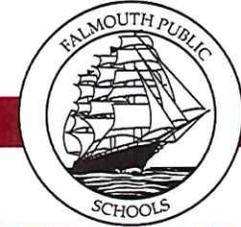
Volunteers in Public Schools



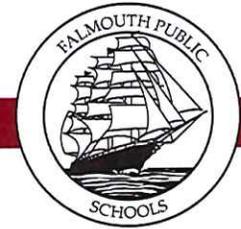
VIPS
Celebrating 40 years



Falmouth Education Foundation



Falmouth Road Race

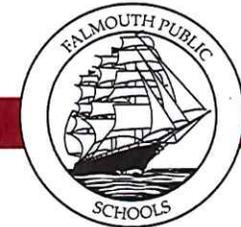


Composting in FPS



Solid Waste Advisory Committee

Woods Hole & Greater Falmouth Partnerships



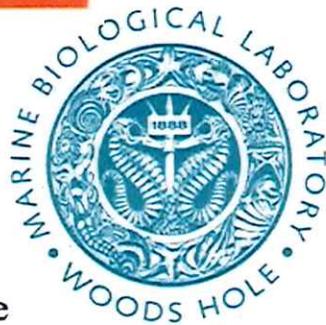
SEA EDUCATION ASSOCIATION
Environmental Studies at Woods Hole and at Sea



Falmouth
Cape Cod Massachusetts



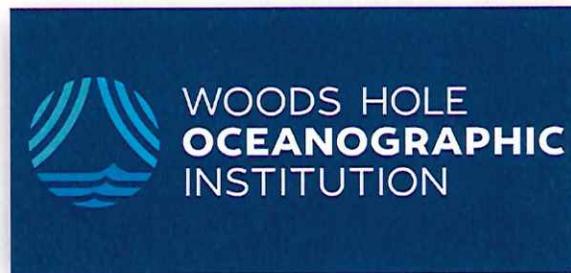
Marine & Environmental Services



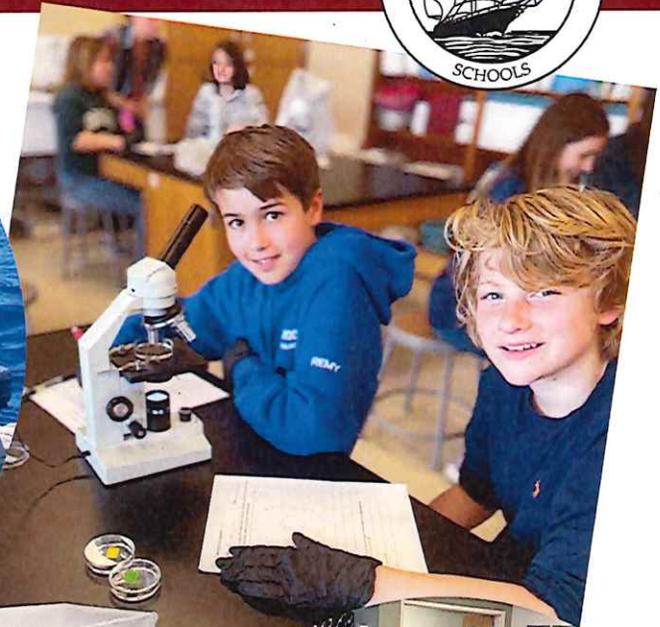
IFAW/Town Beach Committee



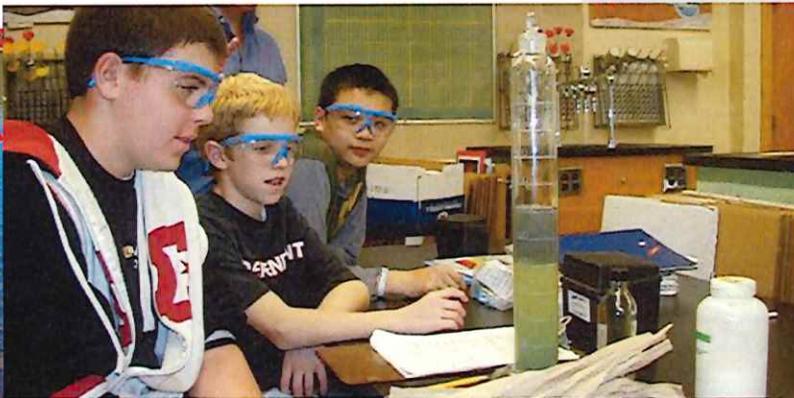
Litter Free Falmouth



Woods Hole & Greater Falmouth Partnerships



Woods Hole & Greater Falmouth Partnerships



Woods Hole & Greater Falmouth Partnerships

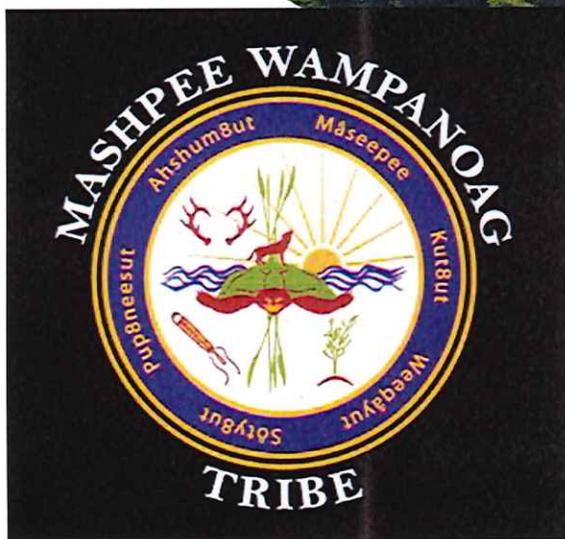


Community Partnerships

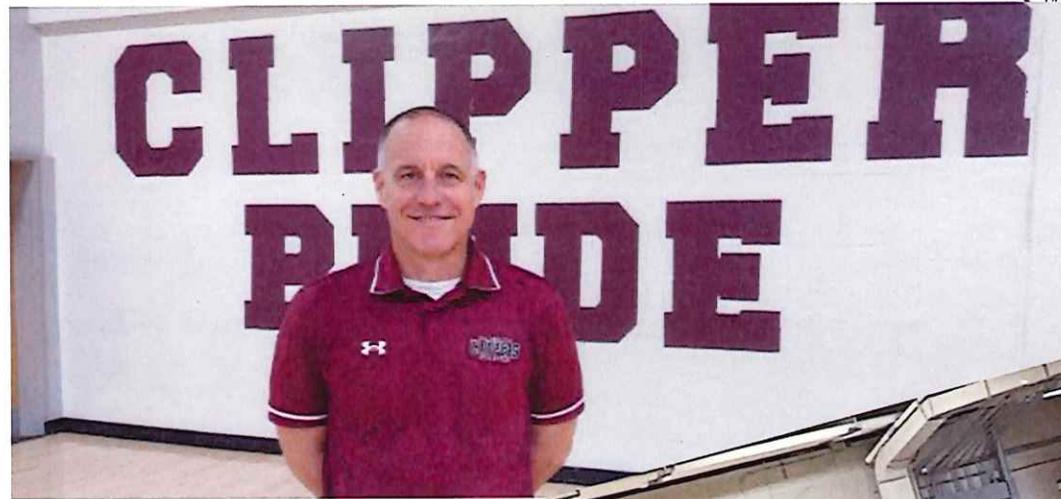
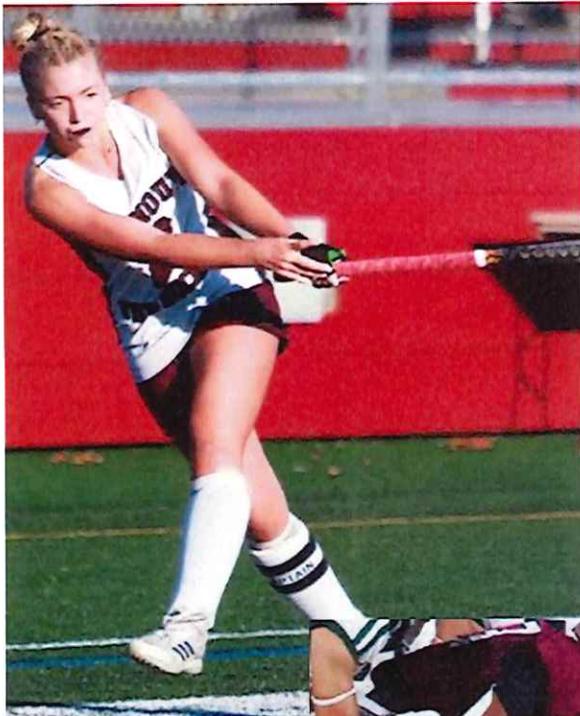


CAPE COD
CAPE VERDEAN
Museum and
Cultural Center

Community Partnerships



Clipper Sports



Clipper Theater



Nov 17th
7:00 PM

Nov 18th
2:00 PM

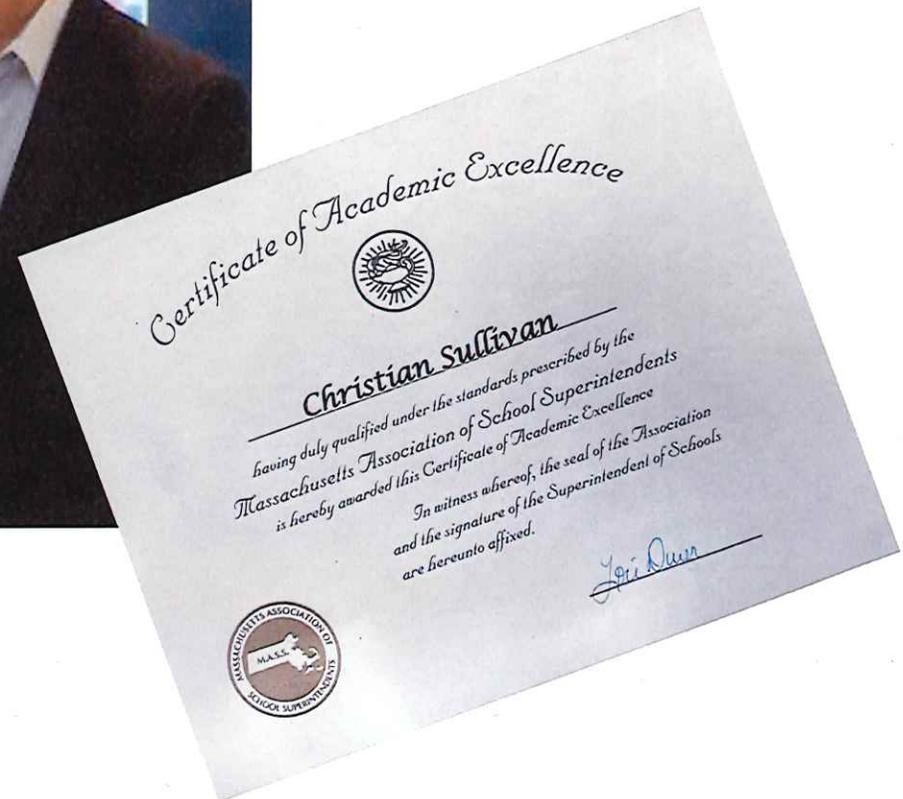
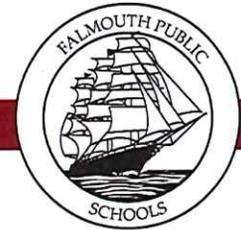
Nov 18th
7:00 PM

Nov 19th
2:00 PM

Clipper Art



Clipper Scholar



FHS Recognition / AP School Honor Roll



AP Psychology:

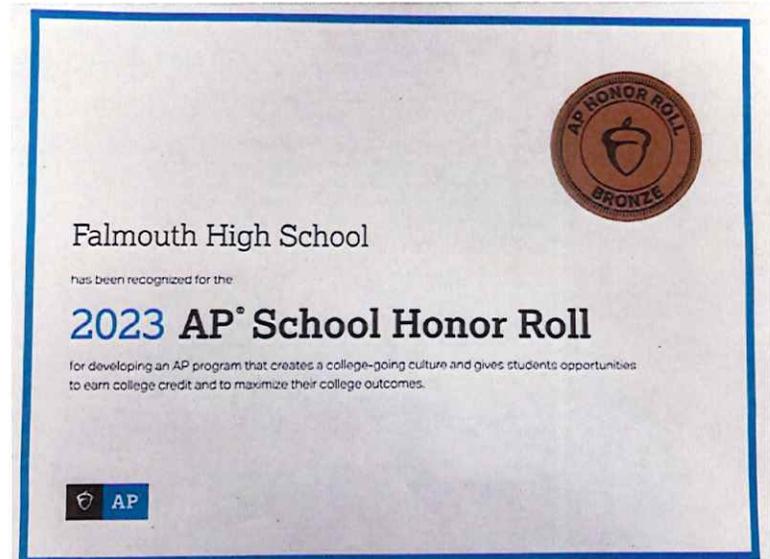
Students completing the AP Exam: 42

 MEAN SCORE		 % SCORES 3 OR HIGHER	
YOUR GROUP	SCHOOL	YOUR GROUP	SCHOOL
3.36	3.36	81.0%	81.0%
MA	GLOBAL	MA	GLOBAL
2.94	2.89	61.5%	59.6%

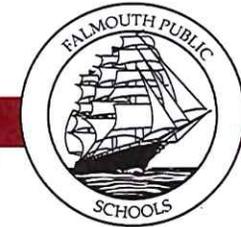
AP Human Geography:

Students complete the AP Exam: 104

 MEAN SCORE		 % SCORES 3 OR HIGHER	
YOUR GROUP	SCHOOL	YOUR GROUP	SCHOOL
3.48	3.48	75.0%	75.0%
MA	GLOBAL	MA	GLOBAL
2.91	2.75	57.8%	54.4%



Community of Learners



Falmouth Public Schools **Belonging Series**

“Learning together” sessions for adults, designed to foster a sense of belonging among all students in our schools

Parents, guardians, and staff members are welcome to join any or all of the sessions. Portuguese translation will be available.

Tuesday evenings, 6:30 - 8:30 p.m.
Falmouth Recreation Center

October 17, 2023

January 16, 2024

April 2, 2024



Dr. Kalise Wornum
Facilitator

Thank you
for your time, interest,
and support!



Falmouth Public Schools

OPEN SESSION

BUSINESS

4. Designate member of the Select Board to seek input on the request to add a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell" **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 4.

ITEM TITLE: Designate member of the Select Board to seek input on the request to add a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell."

MEETING DATE: 10/30/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Documents Provided by Dr. Whitehead, Naming Policy for Public Facilities and Places, Support Emails

PURPOSE:

The Select Board will consider the appointment of a Board member to meet with the Recreation Committee for the purpose of gathering input on the request to add a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell."

BACKGROUND/SUMMARY:

- In October 2022, a request was made to the Select Board for their consideration to rename the Falmouth Music and Arts Pavilion to the name "The Lin Whitehead Band Shell."
- At its October 24, 2022 Board meeting, the Select Board voted to initiate the renaming process as outlined in the Naming Policy for Public Facilities and Places; the one year waiting period has now passed.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board vote to designate a member to seek input from the Recreation Committee on the request to add a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell."

OPTIONS:

- Motion to designate ____ to seek input from the Recreation Committee on the request to add a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell."

- Motion to deny designating a member to seek input from the Recreation Committee on the request to add a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell."

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 vote to designate a member to seek input from the Recreation Committee on the request to add a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell."

Michael Renshaw

Town Manager

10/27/2023

Date

Town of Falmouth
Select Board
NAMING POLICY FOR PUBLIC FACILITIES AND PLACES

Adopted February 13, 2023

Policy:

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

Guidelines:

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

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

The Board shall consider naming based upon:

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

Procedure:

In order to avoid personal or collective prejudice, favoritism, political pressure and/or temporary popularity, the Board shall take no action on an application to name a public facility or place for a period of at least one (1) year following submission of said application; 10/24/22

10/30/23 After the waiting period has elapsed, a member of the Select Board shall be designated to seek input and advice of whichever department, board, committee, or commission oversees the public facility or place to be named or renamed and report back to the full Board. The Select Board will then advertise and hold a public hearing to seek input from the community.

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

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

Eligibility:

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

Exceptions:

Exceptions to this policy shall be made for:

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

Proposed naming of the Band Shell

This text (slightly modified) provides additional information that I sent to the Select Board on September 28, 2023 for a proposal I originally submitted to the Select Board on October 5, 2022. In a second message on October 22, 2022, I proposed that the Town of Falmouth name the Band Shell in Bigelow Marina Park on Scranton Avenue, the "**Lin Whitehead Band Shell**".

The reason for my advocacy of this name is threefold:

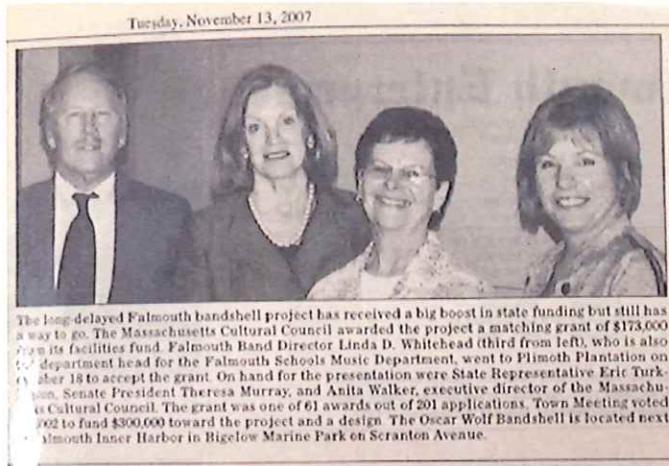
First, there is presently confusion about the name of the structure. At the end of construction, it was called the Falmouth Music and Arts Pavilion. This name is not used very frequently by many who still refer to it as the bandshell. From 1972, when the first structure was built, all grants referred to it as the band shell. The new structure is a stage not a pavilion, which generally has a symmetric roof and is often open on all sides. A sound engineer was hired to work with the architects, Keenan and Kenny so that the sound would be projected in one direction. (The band members contributed \$1000 to help with the cost). In addition, the name of the proposed structure was listed as a "Band Shell" on all correspondence and grant applications. This term has been used along with the word "bandstand" throughout New England and the Midwest for community bands since before 1900. Continual use by the Falmouth Town Band, which is one of the largest town bands in Massachusetts and even in New England, generally means that the present building is recognized throughout town as the Band Shell. Lin's role in the continual success of this Band over decades is well known in Falmouth and elsewhere, first as librarian and principal Clarinet, then as Conductor for 30 years, then working with her successors LaVada Studley and Tom Borning. The band continues and is highly successful in our superb structure.

Second, the old structure was replaced rather than renovated and therefore needs to be renamed. Ironically, Lin arranged for a plaque to be awarded to Oscar Wolfe to recognize his great service as proponent of the original structure and Band Manager for many years. Before being torn down, the plaque from the Oscar Wolfe Band Shell was saved by me and given to the town for placement. Unfortunately, the present location of the plaque at the very front of the present structure misleads the public so that many people assign the old name to the new structure.

Third, the present structure is beautiful and the result of years of effort by Lin. By the early 1990's, the band grew to 90 members and the Oscar Wolfe structure became too small. A more serious problem arose because it was seriously deteriorating and dangerous. Her efforts to replace it were often done alone, but the substantial beginning occurred in 1998 when she helped to produce an article for the warrant that requested an allocation from the town for \$10,000 for a feasibility study. Renovation was not possible, and a replacement was recommended. A few years later, town

meeting members voted \$40,000 for a conceptual design and \$300,000 was voted on 2002. Years went by and when the town decided to go forward with the project, the total funds proved to be lower than required. Lin submitted a grant to the CPC, but it did not meet the criteria that was being used by the committee.

Fortunately, Lin was working with the Mass. Dept. of Education and learned about a Massachusetts Cultural Facilities grant. She found that the requirements matched the criteria that Falmouth could meet. To qualify, a town already had to have substantial funding and architectural plans but just needed the balance of the funding to start building. Working with the Assistant Manager, the grant for the Falmouth bandshell project was submitted, and on November 8, 2007, Lin was invited to accept the grant for \$173,000 at a ceremony with State Representative Eric Turkington, Senate President Theresa Murray, and Anita Walker, executive director of Massachusetts Cultural Council. Photos of the award are below. The present structure is the result.



Lin wrote other proposals prior to this grant and literally had to fight for this structure. Once, for example, she insisted that the \$300,000 from the 2002 allocation must remain intact despite internal efforts within the town to divert the funds for other needs.

I previously provided (to the Board) many attachments. Two more were attached to my most recent letter and are available from me. The first is a pdf copy of an article in the Falmouth Enterprise on 6/26/2009 written by Lin of the history of the Band along with some sketches of participants and the work needed to continue the operation. A text with larger print was also attached as a pdf since it is easier to read.

I will be glad to send more documentation or provide hard copies of any records we possess. Thank you!

I understand that it is awkward for a spouse to advocate for Lin, but I feel I must. I am one of the only people who has been associated with these activities for over 50 years, from 1972 to the present.

Thank you.

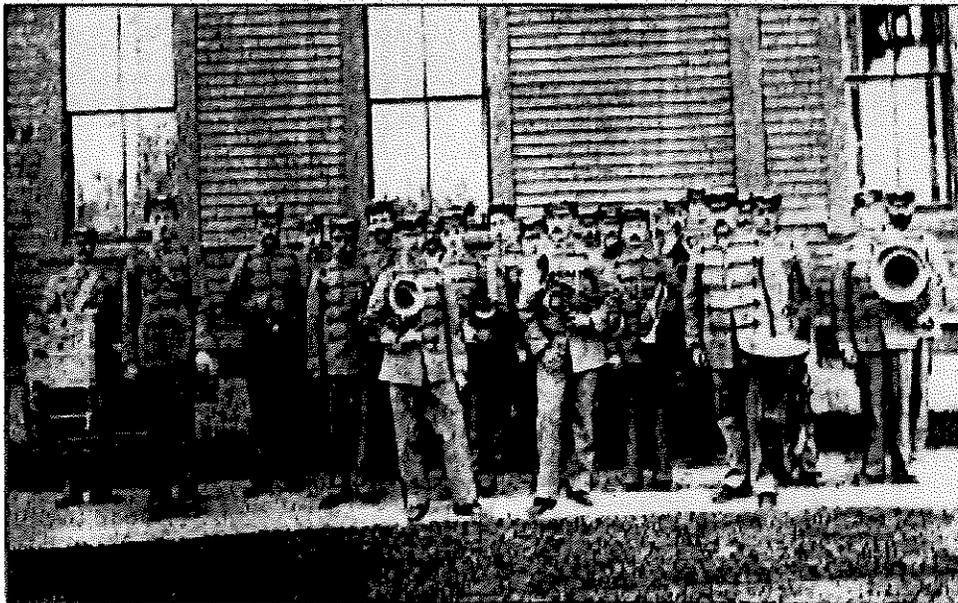
Jack Whitehead
Dr. John A. Whitehead

By LINDA D. WHITEHEAD Text for Falmouth Enterprise, June 26, 2009

Town bands grew up in the middle of the 19th century after the new valve brass instruments made their way to America. These bands were prevalent in most New England towns and spread rapidly into the Midwest. Even today one can see a band shell on many village greens. Talented locals formed wind bands heavy on trumpets and played old favorites and military marches on the broad grassy commons. It was strictly a summer endeavor, a labor of love, and the musicians had to earn a living at other trades. Town governments funded the directors and paid for the music, as well as other things that were needed. Parades and ceremonies did not take place without the town band as a major participant.

There is concrete evidence that a Falmouth Town Band existed before the turn of the century, as a photo shows the musicians dressed in band uniforms and names listed on the back. Much later, a July 10, 1964, Enterprise article states, "New Falmouth concert band with Robert Hague conducting premiered its first concert at 7 P.M. at Falmouth Marina." The conductor was a junior at the University of Miami majoring in music education. There were 24 members, and the Falmouth School System loaned the instruments, music stands, and music. The band performed every other week.

We moved to Falmouth in October of '71, and I immediately joined the Cape Symphony Orchestra and, in '72, was asked by town Band Director John Pandolfi, who lived in Mattapoisett, to join the town band. I played principal clarinet, and Manager Oscar Wolf asked me to be the band librarian and asked my husband, Jack, who decided to play the trombone after 15 years, to be the stage manager. There was a budget and we were paid \$50 each.



The town band poses sometime prior to 1900. From the left are Lewis McLean, Edward Hamlin, Frank Davis, Jim Bowman, Will Davis, Sim Hamlin, Tom McLean, Claus Anderson. Theo M. Davis, Lewis Weeks, Jake Kelley, Ed Davis, band leader Paul Valguarden, Lawrence Latter, Frank Lumbert, Eph Lincoln, William Bourne, Gene Phinney, Charles Eldred, Ed Studley, Gehial Fish, and Mr. Saunders.

John Pandolfi was paid \$1400, and he brought 10 professional musicians from the New Bedford area as "ringers," who were paid non-union fees, which actually covered their gas money to come. The budget was \$4,000. The town band budget presently is \$2,800, and this budget has not changed significantly over the years.

The town band comes under the umbrella of the recreation committee, and our residents who participate in the band do so for recreation. Just as other recreation activities require equipment, the band also has needs and requires tools and materials in order to be successful for its participants to have enjoyment and challenge.

Professional musicians from New Bedford were paid so that each instrument section of the band would be stable, strong, and consistent. Playing "Stars and Stripes" would sound pretty strange if the flute or piccolo section could not play the part or the trumpet player or bass drummer could not play their important parts. There would be no enjoyment for the band members, since it takes a unified team of individual parts to make a band.

A community band comprises people with varied abilities and experience, and this is as it should be. Without the support of people with musical expertise who will commit to attend every concert, the music would not be able to be performed, and there would be frustration from both the players and the audience, especially when members want to take a vacation for a few weeks. Without a professional music director who has expertise, training, experience, and knowledge, as well as commitment to the philosophy of a "town band" and one who is willing to put in the many hours that are required, there also would be no town band. For many years we have not needed professional musicians, since our band has grown so large with members who are very skilled.

In 1972 there were approximately 30 band members, one of whom was Joe Chase, a meteorologist who worked at Woods Hole Oceanographic Institution. He was quoted in the Chicago Sun Times, "There's no generation gap at band concerts. We have kids in pajamas who have to go home at intermission, we have old folks, we have summer people, we have residents. There are a thousand of them or maybe 1,500 who come to every concert." There were also two wonderful older gentlemen, the Yeager twins, who both played the trumpet and dressed exactly alike. Both were retired dentists and had married sisters: Members at that time included John Justason, a fireman, and Peter Perry, an architect who are still members.

In 1972 we had a new band shell thanks to Oscar Wolf who had gone to Town Meeting and made the request for funds to build one. We had approximately 25 music selections in paper folders and 25 members in the band. The same selections were played many times during the summer concerts, and I actually had to iron the music for the next season because the paper music folders could not withstand the wind or moist, humid air. Oscar's daughter played the clarinet in the high school band and he believed that music was important to her and to everyone in the community. The band had been performing for several years since 1964 on a trailer that was placed at one end of Bigelow Marine Park.

When we joined, a wonderful gentleman, Ray Hall was the announcer who never missed a concert. He talked about all the different events that were happening in the community and information about beloved Falmouth he also called everyone in the town on their birthday is a radio announcer for a local station WOCD he really enjoyed talking when we were already to perform the next selection the arranged plan was to tap him on his bald head and this was his signal for him to stop talking. Jim Bowen and his children Kelly and Jimmy played in the band in school in town band became the announcer for many years, after that judge George Lebherz announced for one season and then Bob Clements and Glenn Rowland announced. Glenn's wife Marilyn played flute, his son Nate played sax, and daughter Gabby played oboe. The band has always had families.

After Oscar Wolf became ill, Emory Anderson, who played baritone horn, became the manager His wife Jerri, a flute player became the librarian, their daughter Lisa played flute and their son John played the trumpet. Bob Clemence, whose daughter Sally played the clarinet followed for several years and then our present manager, Dr Walter McLean took on the task.

I was asked to be the director in 1982 when John Pandolfi left. It is a position that takes many hours and involves the selection of music to purchase, taking suggestions from the many audience members, preparing each rehearsal with the list to be played, and developing the entire repertoire for every concert so the members of the band will be able to perform the selections with some confidence. I have to know who will be absent due to vacations so that the selections I choose will fit the ability of those who are going to be performing when others are away. Preparation of approximately 15 different selections for each of the 10 concerts during the summer and for 10 rehearsals in the spring must be accomplished.



The town band performs during the summer of 1991.

The band comprises a wide range of people, including music teachers, college students, and post high school students who have gone through our Falmouth music program or other school music programs, scientists, doctors, retired fireman, as well as a few professional musicians who actually play for no pay just because they enjoy playing with us. However, if a particular musician who holds a major "chair" is going to be away, I will then call a professional as a "substitute" who has expertise with that instrument and can "hold up" the section. That person will be paid. These people are certainly not paid union wages by any stretch of the imagination We have not had any "ringers" for many years.

The cost of just one selection of music costs between \$75 and \$95. Music is purchased each year, and the choice of music meets the needs of the varied members of the group ages 12 to 86. The choice is made from a variety of levels which include: easy, medium easy, moderately difficult, and difficult so that each and every person will be engaged in this activity and feel enjoyment and challenge. Our folders have about 270 selections with purchase dates ranging from the 1960s to the present. There are often special requests, such as the WHOI 50th anniversary concert, in which specific ocean and sailing selections were purchased. When the Boston University Alumni Band joined with us to perform a concert, music was purchased that could be performed by the combined bands. With a varied and diverse audience, the choice of music must appeal to young children, teens, and people who are much older. I also choose a variety of styles and selections that include musicals, marches, jazz, big band swing, rock and roll, and music of different cultures.

Some music folders must be replaced each year. With the large number of folders that receive a great deal of use, these need to be replaced often. Sturdy boxes are also needed to keep the folders in. These are very heavy, and this year we are hoping to purchase small flat dollies on wheels to prevent back injuries.

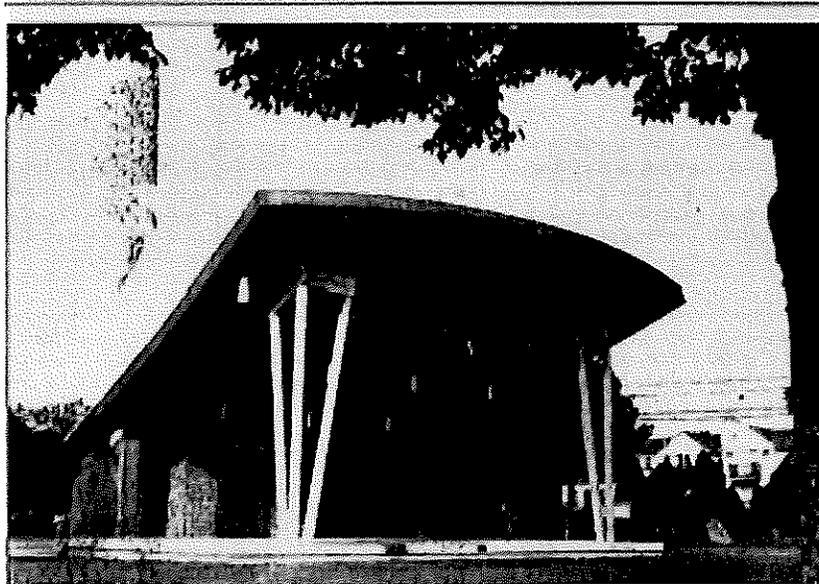
In addition to the town band concerts, we purchase music for ceremonies, such as the Falmouth Public Library ribbon cutting. We also purchase the music for the 16-member Brass Choir that performs at the Christmas-By-The-Sea Community celebration on the Falmouth Village Green and at Town Meetings.

Incidental percussion instruments are always needed, such as sand blocks, wood blocks, cow bells, triangle, mallets, and bass drum beater. Purchases also include: rope to divide the car area from sitting area on the lawn, road cones, broom, wooden standing signs to announce the concert, et cetera. We have had to purchase two microphone stands (one was taken before the selectmen approved my request of placing the electric box outside the storage shed that kept the equipment secure when others used the shell), amplifier, two large speakers, extension cords, locks for the door and exterior electric box. Our bass drum is from the late 1800s and needs replacement. We were hoping to purchase one with a stand at a cost of \$350.

We are all looking forward to the new shell and are very grateful to all who have helped in this endeavor, which started 11 years ago when I first went to Town Meeting with the request. The band had become so large that falling off the shell became a safety issue. The shell had deteriorated to a great degree with very poor lighting. Thanks to our

Channel 13 television people who furnished us with lights, we carried on. Last year Mr. Noonan donated lights that made it possible for our members to be able to see the music.

Oscar Wolf was a wonderful role model who believed in this community and in the power of music. His influence in my life gave me the courage to go before Town Meeting members to make the same request beginning in 1998. Town Meeting members voted \$10,000 for a feasibility study, then later \$40,000 for a conceptual design, and finally, \$300,000 to build the shell. Application to the CPC was rejected, but the application to the Massachusetts Cultural Facilities was granted for \$173,000, listing the \$300,000 appropriation as, matching funds. However, without the help of so many who gave their time and efforts, such as Carl Cavossa Jr., who demolished the old shell, and the town building committee, as well as so many others, this shell would not have been built. I, as well as every member of the Falmouth Town Band, am sincerely grateful to the Town Meeting members and so many others who have supported this project!



The Falmouth Band inaugurated the new Falmouth Music & Arts Pavilion last night at Bigelow Marine Park. Falmouth has had a town band since late in the 19th century. Concerts are held every Thursday night at 7:30 throughout the summer.

Falmouth Town Band A Tradition With Deep Roots

By LINDA D. WHITEHEAD
Town bands grew up in the middle of the 19th century after the new valve brass instruments made their way to America. These bands were prevalent in most New England towns and spread rapidly into the Midwest. Even today one can see a band shell on many village greens. Talented locals formed wind bands heavy on trumpets and played old favorites and military marches on the broad grassy commons. It was strictly a summer endeavor, a labor of love, and the musicians had to earn a living at other trades. Town governments funded the directors and paid for the music, as well as other things that were needed. Parades and ceremonies did not take place without the town band as a major participant.

There is concrete evidence that a Falmouth Town Band existed before the turn of the century, as a photo shows the musicians dressed in band uniforms and names listed on the back. Much later, a July 10, 1964, Enterprise article states, "New Falmouth concert band with Robert Hague conducting premiered its first concert at 7 P.M. at Falmouth Marina." The conductor was a junior at the University of Miami majoring in music education. There were 24 members, and the Falmouth School System loaned the instruments, music stands, and music. The band performed every other week.

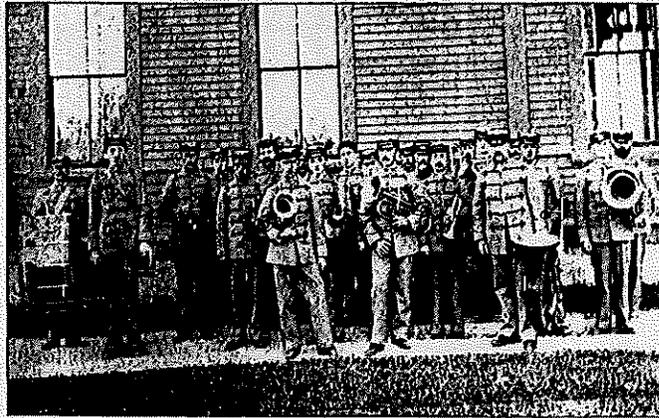
We moved to Falmouth in October of '71, and I immediately joined the Cape Symphony Or-

chestra and in '72 was asked by town Band Director John Pandolfi, who lived in Mattapoisett, to join the town band. I played principal clarinet, and Manager Oscar Wolf asked me to be the band librarian and asked my husband, Jack, who decided to play the trombone after 25 years, to be the stage manager. There was a budget, because we were paid \$50 each.

John Pandolfi was paid \$1400, and he brought 10 professional musicians from the New Bedford area as "ringers," who were paid non-union fees, which actually covered their gas money to come. The budget was \$4,000. The town band budget presently is \$2,600, and this budget has not changed significantly over the years.

The town band comes under the umbrella of the recreation committee, and our residents who participate in the band do so for recreation. Just as other recreation activities require equipment, the band also has needs and requires tools and materials in order to be successful for its participants to have enjoyment and challenge.

Professional musicians from New Bedford were paid so that each instrument section of the band would be stable, strong, and consistent. Playing "Stars and Stripes" would sound pretty strange if the flute or piccolo section could not play the part or the trumpet player or bass drummer could not play their important part. There would be no enjoyment for the band members, since



The town band poses sometime prior to 1900. From the left are Lewis McLean, Edward Hamlin, Frank Davis, Jim Bowman, Will Davis, Sim Hamlin, Tom McLean, Claus Anderson, Theo M. Davis, Lewis Weeks, Jake Kelley, Ed Davis, band leader Paul Valguarden, Lawrence Laffer, Frank Lambert, Eph Lincoln, William Bourne, Gene Phinney, Charles Eldred, Ed Studley, Gehial Fish, and Mr. Saunders.

It takes a unified team of individual parts to make a band.

A community band comprises people with varied abilities and experience, and this is as it should be. Without the support of people with musical expertise who will commit to attend every concert, the music would not be able to be performed, and there

would be frustration from both the players and the audience, especially when members want to take a vacation for a few weeks. Without a professional music director who has expertise, training, experience, and knowledge, as well as commitment to the philosophy of a "town band" and one who is willing to put in the many hours that are required, there also would be no town band. For many years we have not needed professional musicians, since our band has grown so large with members who are very skilled.

In 1972 there were approximately 30 band members, one of whom was Joe Chase, a meteorologist who worked at Woods Hole Oceanographic Institution. He was quoted in the Chicago Sun Times, "There's no generation gap at band concerts. We have kids in pajamas who have to go home at intermission, we have old folks, we have summer people, we have residents. There are a thousand of them or maybe 1,600 who come to every concert." There were also two wonderful older gentle-

men, the Yeager twins, who both played the trumpet and dressed exactly alike. Both were retired dentists and had married sisters. Members at that time included John Justason, a fireman, and Peter Perry, an architect, who were still members.

In 1972 we had a new band shell, thanks to Oscar Wolf who had gone to Town Meeting and made the request for funds to build one. We had approximately 25 music selections in paper folders and 25 members in the band. The same selections were played many times during the 10 con-

certs, and I actually had to iron the music for the next season because the paper music folders could not withstand the wind or moist, humid air. Oscar's daughter played the clarinet in the high school band, and he believed that music was important to her and to everyone in the community. The band had been performing for several years since 1964 on a trailer that was placed at an end of Ingelow Marine Park.

When we joined, a wonderful gentleman, Ray Hall, was the announcer who never missed a concert. He talked about all the different events that were happening in the community and gave the audience a great deal of information about beloved Falmouth. He also called everyone in the town in their hometowns. As a radio announcer for a local radio station, WQED, he really enjoyed talking. When we were all ready to perform the next selection, the arranged plan was to tap him on his bald head, and this was his signal for him to stop talking! Jim Bowen, whose children, Kelly and Jimmy, played in the bands in school and town band, became the announcer for many years after that. Judge George Leberer announced for one season and then Bob Clements and Glenn Howland. Glenn's wife, Marilyn, played flute, his son Nate played sax, and daughter Gahby played oboe. The band has always had families!

After Oscar Wolf became ill, Emory Anderson, who played baritone horn, became the manager. His wife, Jerri, a flute player, became the librarian, and their daughter Lisa played flute and their son John played the trumpet. Bob Clements, whose

Continued on Page 14



The town band performs during the summer of 1901.

Sherman Financial LLC
Registered Investment Adviser
Fee-Based Financial Planning
508-548-0085
Richard A. Sherman, CFP
Certified Financial Planner
Falmouth Resident Since 1973



JUNE SPECIAL
DIVERS

MAXIM
CENTRAL BOILER
E-CLASSIC 2300

Falmouth Town Band

Continued

daughter Sally played clarinet, followed for several years and then our present manager, Dr. Walter McLean, took on the task. I was asked to be the director in 1982 when John Pandolf left. It is a position that takes many hours and involves the selection of music to purchase, taking suggestions from the many audience members, preparing each rehearsal with the list to be played, and developing the entire repertoire for every concert so the members of the band will be able to perform the selections

the imagination. We have not had any "ringers" for many years.

The cost of just one selection of music costs between \$75 and \$95. Music is purchased each year, and the choice of music meets the needs of the varied members of the group, ages 12 to 80. The choice is made from a variety of levels, which include: easy; medium easy; moderately difficult; and difficult, so that each and every person will be engaged in this activity and feel enjoyment and challenge. Our folders have about 270 selections with purchase dates ranging from the 1960s to the present. There

Public Library ribbon cutting. We also purchase the music for the 16 member Brass Choir that performs at the Christmas-by-the-Sea Community celebration on the Falmouth Village Green and at Town Meetings.

Incidental percussion instruments are always needed, such as sand blocks, wood blocks, cow bells, triangle, mallets, and bass drum beater. Purchases also include: rope to divide the car area from sitting area on the lawn, road cones, broom, wooden standing signs to announce the concert, etcetera. We have had to purchase two microphone stands (one was taken before the selection) approved my request of placing the electric box outside the storage shed that kept the equipment secure when others used the shell, amplifier, two large speakers, extension cords, locks for the door and exterior electric box, the bass drum is from the late 1960s and needs replacement. We were hoping to purchase one with a stand at a cost of \$350.

We are all looking forward to the new shell and are very grateful to all who have helped in this endeavor, which started 11 years ago when I first went to Town Meeting with the request. The band had become so large that falling off the shell became a safety issue. The shell had deteriorated to a great degree with very poor lighting. Thanks to our Channel 13 television people who furnished us with lights, we carried on. Last year Mr. Noonan donated lights that made it possible for our members to be able to see the music.

Ucar Wolf was a wonderful role model who believed in this community and in the power of music. His influence in my life gave me the courage to go before Town Meeting members to make the same request beginning in 1998. Town Meeting members voted \$10,000 for a feasibility study, then later \$40,000 for a conceptual design, and finally \$300,000 to build the shell. Application to the CPC was rejected, but the application to the Massachusetts Cultural Facilities was granted for \$173,000, listing the \$300,000 appropriation as matching funds. However, without the help of so many who gave their time and efforts, such as Carl Cavossa Jr. who demolished the old shell, and the town building committee, as well as so many others, this shell would not have been built. I, as well as every member of the Falmouth Town Band, am sincerely grateful to the Town Meeting members and so many others who have supported this project.

'There's no generation gap at band concerts. We have kids in pajamas who have to go home at intermission, we have old folks, we have summer people, we have residents.'

- Joe Chase, a band member in 1972.

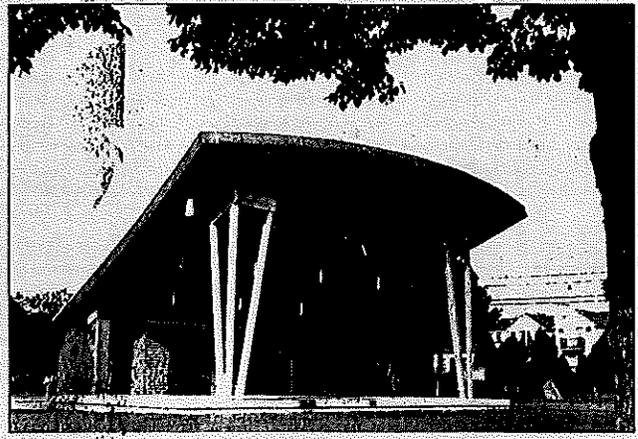
with some confidence. I have to know who will be absent due to vacations so that the selections I choose will fit the ability of those who are going to be performing when others are away. Preparation of approximately 15 different selections for each of the 10 concerts during the summer and for 10 rehearsals in the spring must be accomplished.

The band comprises a wide range of people, including music teachers, college students, and post high school students who have gone through our Falmouth music program or other school music programs, scientists, doctors, retired fireman, as well as a few professional musicians who actually play for no pay just because they enjoy playing with us. However, if a particular musician who holds a major "chair" is going to be away, I will then call a professional as a "substitute" who has expertise with that instrument and can "hold up" the section. That person will be paid. These people are certainly not paid union wages by any stretch of

are often special requests, such as the WHOI 50th anniversary concert, in which specific ocean and sailing selections were purchased. When the Boston University Alumni Band joined with us to perform a concert, music was purchased that could be performed by the combined bands. With a varied and diverse audience, the choice of music must appeal to young children, teens, and people who are much older. I also choose a variety of styles and selections that include musicals, marches, jazz, big band swing, rock and roll, and music of different cultures.

Some music folders must be replaced each year. With the large number of folders that receive a great deal of use, these need to be replaced often. Sturdy boxes are also needed to keep the folders in. These are very heavy, and this year we are hoping to purchase small flat dollies on wheels to prevent back injuries.

In addition to the town band concerts, we purchase music for ceremonies, such as the Falmouth



GENE M. MARCHANT/ENTERPRISE
The Falmouth Town Band inaugurated the new Falmouth Music & Arts Pavilion last night at Bigelow Marine Park. Falmouth has had a town band since late in the 19th century. Concerts are held every Thursday night at 7:30 throughout the summer.

Falmouth Academy Headmaster's List

David C. Faus, headmaster of Falmouth Academy, announced that 90 students were named to the headmaster's list for the third trimester of the 2008-2009 academic year. These students earned at least three As in their five core subjects and had no grade lower than a B minus. Students from Falmouth are:

12th Grade
Max Dantowitz, Falmouth
Phillip MacDonald, Falmouth
James Reber, North Falmouth
Robert Schneider, Falmouth
Maia ten Brink, Falmouth
Timothy Wadman, North Falmouth
Mary Webster, Falmouth
11th Grade
Marco Calipovic, Woods Hole
Nicole Fleury, North Falmouth
Katherine Romagnoli, North Falmouth
Julia Signell, Falmouth

10th Grade
Anneke Elmhirst, Falmouth
Nathaniel Haycock, Falmouth
M. Harley Hutter, Falmouth
Ryon Merrick, Falmouth
Tim Peters, Falmouth
Ian Remillard, East Falmouth
Alexandria Sethares, East Falmouth
Ann Silimson, Hatchville
M. Kandy Walsh, North Falmouth
9th Grade
Tyler Barron, Falmouth
Aimee Church, East Falmouth
Daniel Eder, Falmouth
Brittany Feldolt, Waquoit
GianPaula Hulten, Falmouth
Marius Karolinski, West Falmouth
Gwen Martin, Woods Hole
David Pickart, Falmouth
8th Grade
Ryan Ackell, East Falmouth
Chloe Brake, East Falmouth
Isabelle Camarra, West Fal-

mouth
Benjamin Duncan, Falmouth
Alexandra Good, North Falmouth
Jessica O'Malley, North Falmouth
Emily Skehill, East Falmouth
Elizabeth Silimson, Hatchville
Ronnaten Brink, Falmouth
Summer Tompkins, East Falmouth
Caitlin Walsh, North Falmouth
Cyrus Wickertsham, Woods Hole
7th Grade
Ruth Collins, Falmouth
Brianna Feldolt, Waquoit
William Mendelsohn, Falmouth
Helena Oldenbourg, West Falmouth
Lily Patterson, Falmouth
Cassidy Reyes-Sohn, Falmouth
Mary Rosbach, East Falmouth
Leandra Sethares, East Falmouth

Cape Cod Foundation Scholarships

The Cape Cod Foundation announced its annual scholarship recipients last month at the Cultural Center of Cape Cod in South Yarmouth. More than 150 guests attended the event, where scholarship fundholders and representatives met the students who received scholarships and their families.

Representatives of local schools also attended. This year, the Cape Cod Foundation has awarded more than \$250,000 in scholarships to more than 80 local students. Scholarships have played an integral role in the growth of the foundation, which began in 1989 with one scholarship fund and has grown to 274 funds, including more than

scholarships from the foundation this year:
Cape Cod Restaurants Inc. Scholarship: Molly Flynn, Andrew Mitchell, and Anna Sanker
Annie S. Crowell Scholarship: Kerri Sadoff
Hannis Normal School Alumni Scholarship: Kerri Sadoff
Ether M. Wallace Scholarship: Benjamin Demark and Elisa

OPEN SESSION

BUSINESS

5. Request for variance to sign code §184-18, §184-25 and §184-31 – Barlo Signs International on behalf of The Wilder Company, 137 Teaticket Highway, in order to replace two freestanding signs, and approval of Grant of License for sign located within the layout of Worcester Court **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 5.

ITEM TITLE: Request for variance to sign code 184-18, 184-25 and 184-31- Barlo Signs International on behalf of The Wilder Company, 137 Teaticket Highway, in order to replace two freestanding signs, and approval of Grant of License for the sign located within the layout of Worcester Court

MEETING DATE: 10/30/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Grant of License, Site Plan Exhibits, Letter from Ament Klauer LLP dated October 25, 2023

PURPOSE:

Barlo Signs International, on behalf of 137 Teaticket/The Wilder Company, has requested that the Select Board consider the approval of a variance to the Town of Falmouth Zoning By-law, Chapter 184, Signs, Sections 184-5, 184-25, and 184-31 in order to replace two free-standing signs.

BACKGROUND/SUMMARY:

- On August 22 Barlo Signs International submitted a letter requesting a variance be granted to replace two existing free-standing signs on the property of 137 Teaticket Highway.
- The applicant proposes to replace both freestanding signs in their existing locations.
- The area of the proposed replacement signs exceeds the maximum total area as stated in

the by-law. Proposed Sign A has an area of 80.83 sf where 40 sf is allowed and proposed Sign B has an area of 61 sf where 40 sf is allowed.

- During the presentation of this item at the October 2, 2023 Select Board meeting, there was discussion concerning the height of the planter box/base of the proposed new sign off of Teaticket Highway and its potential to create visibility and line of sight concerns for vehicles exiting the property and turning onto Teaticket Highway.
- The matter was tabled, and the Town Manager was directed to meet with the applicant to address this line-of-sight concern as well as the issue involving the sign off Worcester Court being within the Town layout.
- On October 10, a meeting was held with the applicant, Town Manager, Town Engineer, and Director of Public Works; during this meeting, it was agreed that the applicant would submit a revised proposal to lower the height of the planter box/sign base located off Teaticket Highway to 24" to mitigate line of sight concerns, and that only low-growing annuals would be planted in the planter box/sign base.
- Town Counsel prepared the attached Grant of License for Select Board review and approval in conjunction with this sign variance request to address the sign located off Worcester Court being within the Town layout.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the sign variance request as submitted to replace two freestanding signs, as well as the approval of a Grant of License for the sign located within the layout of Worcester Court.

OPTIONS:

Motion to approve the variance request and Grant of License for the sign located within the layout of Worcester Court as presented.

Motion to deny approval of the variance request and Grant of License for the sign located within the layout of Worcester Court as presented.

Board defined alternative.

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 sign variance request as submitted to replace two freestanding signs, as well as the approval of a Grant of License for the sign located within the layout of Worcester Court.

Michael Renshaw

Town Manager

10/27/2023

Date

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 Select Board, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, hereby grants to TA Falmouth, LLC, with a business address of One Federal Street, Boston MA 02110, the following license to use certain portions of town road adjacent to property known as 137 Teaticket Road, Falmouth, MA (the "Property"). For reference for the property at 137 Teaticket Road, see deed recorded with the Barnstable County Registry of Deeds as Book 35078, Page 350.

This license is given to allow the Licensee access to and use of Town property located within the layout of Worcester Court abutting the Property for the purpose of removing an existing sign and replacing and maintaining a new sign, as depicted in a sketch plan of the approved location of the licensed area, attached hereto as Exhibit A.

This license is granted upon the following express conditions:

- a. Said license is revocable by the Select Board at any time when they deem it appropriate to revoke the same in the best interests of the Town of Falmouth or for public convenience, public safety or the general municipal needs of the Town; the Town may revoke this license by sending a notice to the licensee, its successors and assigns to the business address of the Licensee and by thereafter within a reasonable time recording a Notice of Revocation of License with the Barnstable County Registry of Deeds;
- b. Upon such revocation, the grantee, its successors and assigns shall, if and when directed by the Select Board, remove all encroaching improvements from the Town's road and restore any disturbed area to its original condition;
- c. The grant of this license is contingent upon full and complete compliance with the terms and conditions of any sign variance granted by the Select Board relative to the signs that are subject to this License.
- d. No obstruction, additional structure or planting for the sign shall exceed thirty (30) inches in height.
- e. If the licensee, and their successors and assigns, fails to remove said encroachment, all the expenses of the Town to do same or have the same done or any expenses arising from the failure to comply with this license, including attorney's fees, costs and expenses and contractor fees shall be paid by the licensee, and their successors and assigns, to the Town upon demand, and if not so paid, shall, upon the recording of a Notice thereof in

the Registry of Deeds or Registered Land Division, constitute a lien on said property, without limiting any other rights of the grantor;

- f. Until such revocation, this License shall continue permissively;
- g. The licensee and their successors and assigns shall be forever obligated to indemnify, defend and hold harmless the Town of Falmouth, its agents, officers, officials and employees for any and all claims, actions, suits, or demands for personal injury or property damage arising out of the licensed encroachments and the grant of this License.
- h. 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
- i. The terms, conditions, agreements and covenants contained herein shall be binding on the licensee, its successors and assigns.
- j. This document shall be recorded at licensee's expense with the Barnstable County Registry of Deeds.

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

SELECT BOARD OF
THE TOWN OF FALMOUTH

Nancy Robbins Taylor
Chair, Select Board

Edwin (Scott) P. Zylinski II, Vice Chair

Douglas C. Brown

Onjalé Scott Price

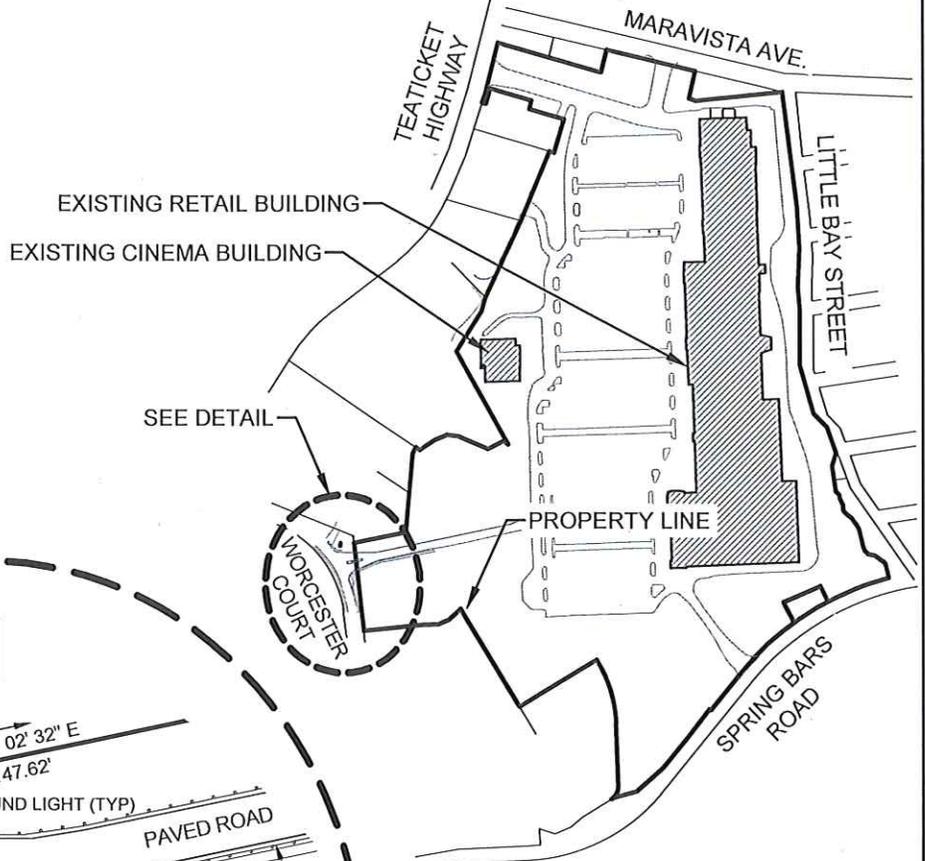
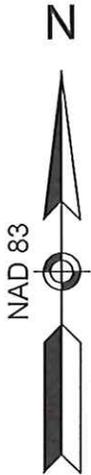
Robert P. Mascali

COMMONWEALTH OF MASSACHUSETTS

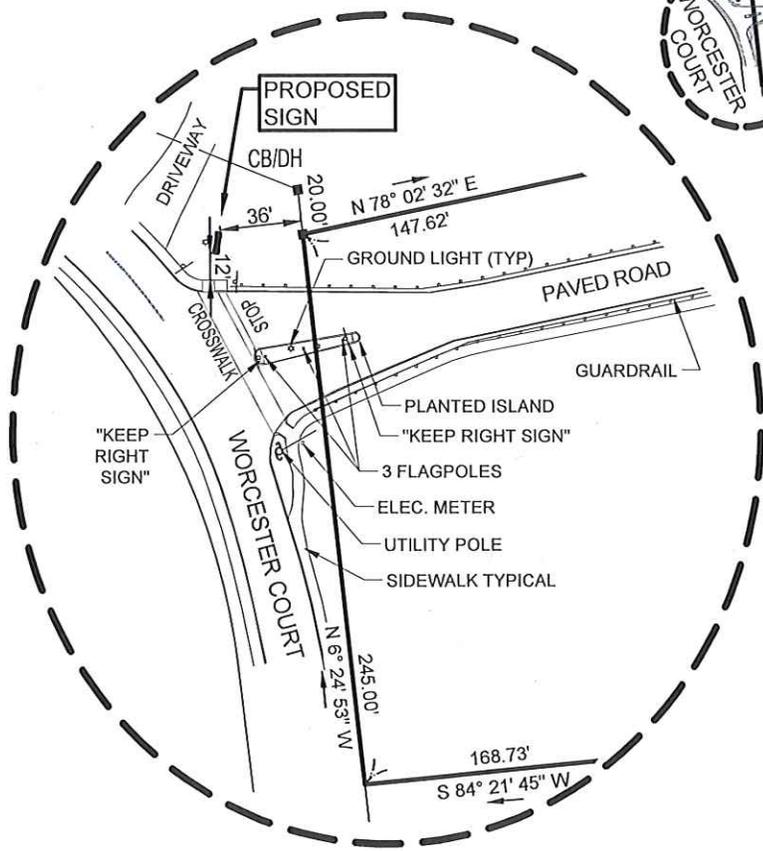
Barnstable, ss.

On this _____ day of _____, 2023 before me the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public:
My Commission expires:



PARCEL MAP
0 250' 500'
SCALE: 1" = 500'



ROADWAY IMPROVEMENT DETAILS

0 40' 80'
SCALE: 1" = 80'



Matthew C. Costa

Project: 137 TEATICKET HIGHWAY
FALMOUTH, MASSACHUSETTS

Drawing Title: EXHIBIT "A"	
Owner: TA FALMOUTH, LLC	
Deed Ref: BOOK 35078 PAGE 350	Parcel ID No: 39 15 044 000
Plan Ref: PLAN BOOK 657 PAGE 174	Date: OCTOBER 20, 2023
Plan Ref: PLAN BOOK 657 PAGE 42	
Drawn By: JVB	Check By: MC
Scale: As Noted	



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

Diane Davidson

From: Anthony Tsakalos <anthony@amentklauer.com>
Sent: Wednesday, October 25, 2023 12:47 PM
To: Falmouth Licensing; Michael Renshaw
Cc: Mark Hebert; Bob Ament; Bill Barnard; Raul Lizardi-Rivera
Subject: RE: Grant of License Application for Proposed Signage - 137 Teaticket Highway - Applicant: TA Falmouth, LLC
Attachments: Application for Grant of License re. Proposed Signage at Worcester Ct. Entrance of 137 Teaticket Hwy (10.25.2023).pdf

Dear Falmouth Select Board:

On behalf of the applicant, **TA Falmouth, LLC**, please find its Application for Grant of License attached hereto regarding proposed signage on town-owned property near the Worcester Court entrance to the Falmouth Mall at 137 Teaticket Hwy.

Our understanding is that this matter can be added to the agenda for the upcoming Select Board meeting on Monday, October 30th - please confirm at your convenience.

Additionally, we understand that a variance has been requested (and is currently tabled) regarding this signage and for another pylon sign to be located on this property at its other entrance, on Teaticket Highway. If possible, we would like to resume discussion on the variance at the 10/30 meeting, as well. Thank you.

Best,
Anthony

Anthony J. Tsakalos, Esq.
Associate Attorney
Ament Klauer LLP
39 Town Hall Square
Falmouth, MA 02540
Phone: 508-540-6555
Fax: 508-457-1293
Email: anthony@amentklauer.com
www.amentklauer.com

BE AWARE! Online banking fraud is on the rise. If you receive an email containing WIRE TRANSFER INSTRUCTIONS from Ament Klauer LLP, call our office immediately at 508-540-6555 to verify the information prior to sending funds.

This Electronic Message contains information from the law firm of Ament Klauer LLP that may be privileged. The information is intended to be for the use of the addressee only. If you are not the addressee, note that any disclosure, copy, distribution or use of the contents of this message is prohibited.

Any documents attached hereto are transmitted for discussion purposes only and create no binding obligation. The parties will be bound only if and when hard copies are signed by and delivered to all parties.

AMENT KLAUER LLP

Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

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

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

October 25, 2023

VIA E-MAIL (selectboard@falmouthma.gov)

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

RE: 137 Teaticket Highway, E. Falmouth, MA — Request for License for New Pylon Sign to Replace Existing Pylon Sign at Entrance on Worcester Court

Dear Chairperson Taylor:

This office represents TA Falmouth, LLC (“Applicant”), the record owner of the Falmouth Mall at 137 Teaticket Highway, East Falmouth, Massachusetts (Assessor’s Parcel 39 15 044 000, the “Mall”). Applicant respectfully requests a license for a new freestanding pylon sign (the “Proposed Sign”) that will replace the existing pylon sign (the “Existing Sign”) located within the layout of Worcester Court, near the entrance to the Mall on Worcester Court.

Attached as Exhibit A is a copy of the site plan titled “137 Teaticket Highway, Falmouth, Massachusetts,” drawn by Cape & Islands Engineering, Inc., dated October 20, 2023, which depicts the location of the proposed sign. Additionally, attached as Exhibit B are scaled images and elevations of the Proposed Sign prepared by Barlo Signs International, Inc. (“Barlo”), dated April 15, 2022, and labeled “Item B, Sheet 3,0.”

Applicant proposes to remove the Existing Sign and have Barlo install the Proposed Sign in its place. An image showing the exact locations of the Existing Sign and Proposed Sign is attached hereto as Exhibit C. The Proposed Sign will be an externally illuminated downward-facing LED cabinet pylon sign, with 3/16” thick white lexan (polycarbonate) faces and opaque vinyls applied with reverse cut lettering (only the lettering will be illuminated).

The Proposed Sign will be mounted on stone veneer accent columns with a fabricated topper and will be located approximately 36’ from the Property as depicted on Exhibit A. There will be a 24” high stone veneer oval planter/wall around the base of the Proposed Sign. The front portion of the base will be located so as to maintain a clear site line. Applicant will only plant annuals in the planter and will keep the plantings in front of the Proposed Sign trimmed, not to exceed the height of the 24” in order to preserve the site line. The topper will initially display the

Town of Falmouth Select Board
October 25, 2023
Page 2

address of the Mall (i.e., 137 Teaticket) until a new name for the Mall is chosen by Applicant. It will have ½" white plex flat cut out (FCO) lettering and LED down-lighting mounted within.

Because certain aspects of the Proposed Sign do not comply with various provisions of the Falmouth Sign Code, a variance was sought by Barlo on behalf of the Applicant on October 2, 2023. The variance request is currently pending while the requested license is processed,

The Applicant believes that the Proposed Sign, located as proposed, will improve the aesthetics at the site, with no detriment to the Town. The location within the street layout is necessary because of the configuration of the street at the Worcester Court entrance to the Mall.

Respectfully submitted,
TA FALMOUTH, LLC,
By its attorneys,



Anthony J. Tsakalos, Esq.
AMENT KLAUER LLP
39 Town Hall Square
Falmouth, MA 02540
(508) 540-6555
anthony@amentklauer.com

AJT/
Enclosures

cc: Mike Renshaw, Town Manager (mike.renshaw@falmouthma.gov)
Mark Hebert (MHebert@wilderco.com)
Raul Lizardi-Rivera, P.E. (raul@capeeng.com)
Bill Barnard (Bill.Barnard@barlosigns.com)

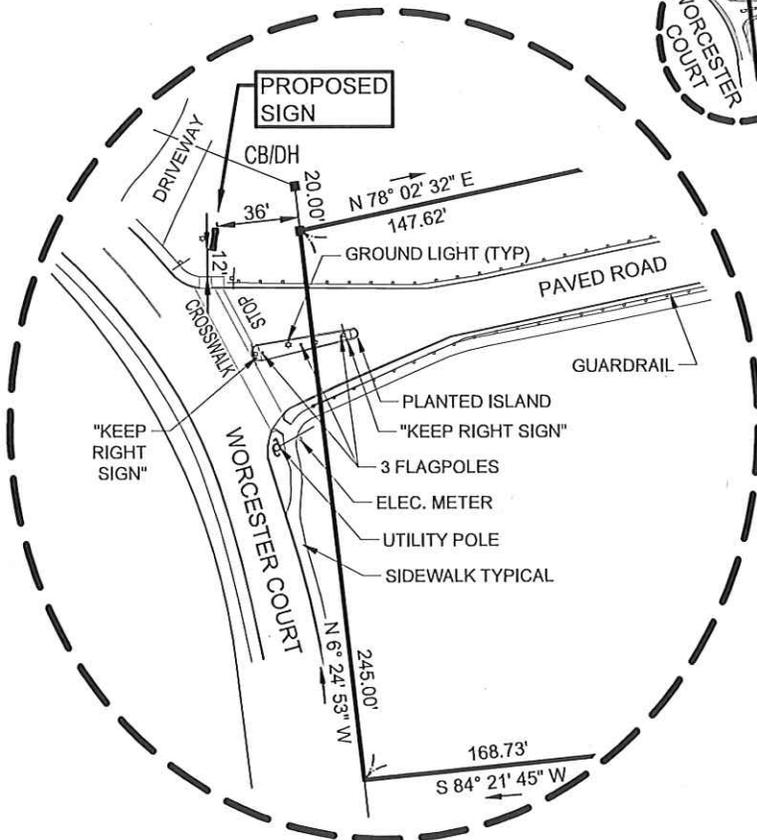
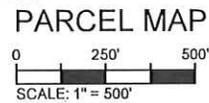
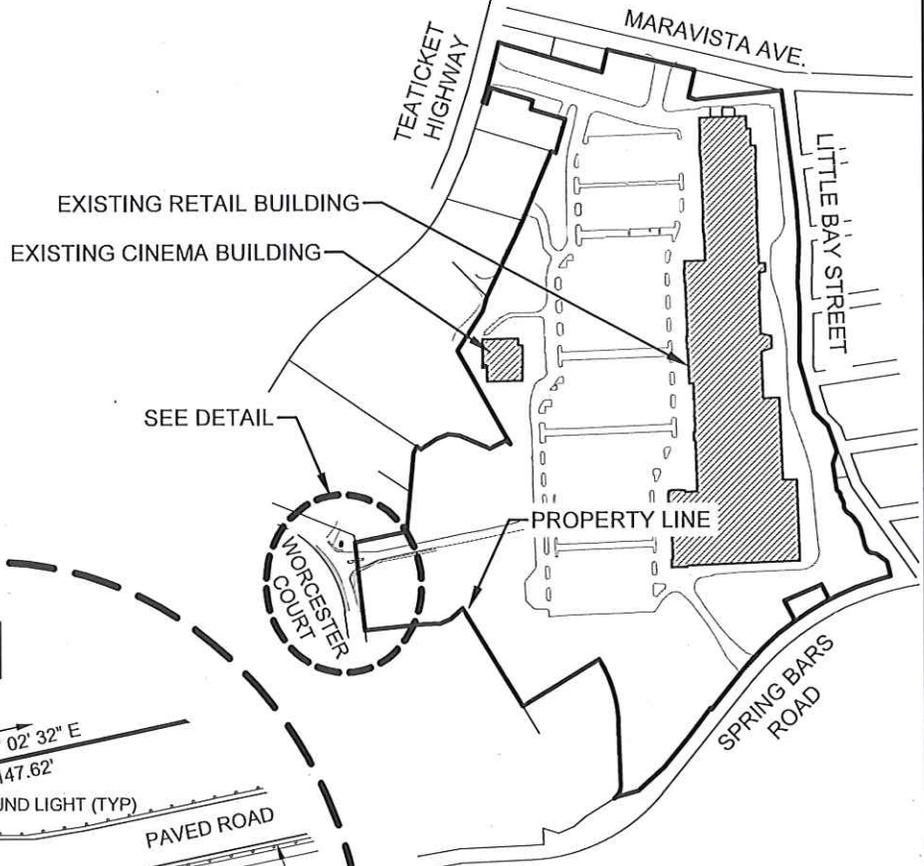
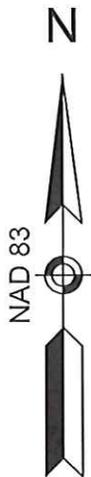
APPLICANT'S CONTACT INFORMATION:

Name: TA FALMOUTH, LLC
Mark Hebert, SVP Development — The Wilder Companies, LTD
Email Address: MHebert@wilderco.com
Telephone Number: (617) 896-4948
Mailing Address: c/o The Wilder Companies
One Federal Street, 17th Floor
Boston, MA 02110

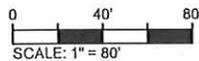
EXHIBIT A

SITE PLAN

[see attached]



ROADWAY IMPROVEMENT DETAILS



Matthew C. Costa

Project: 137 TEATICKET HIGHWAY
FALMOUTH, MASSACHUSETTS



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

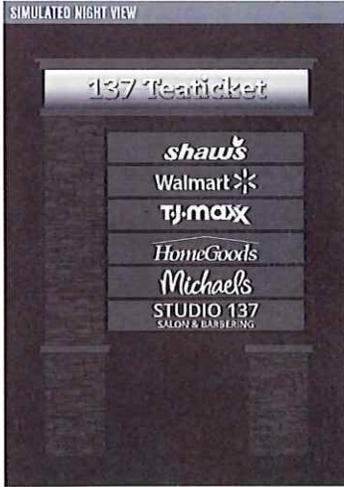
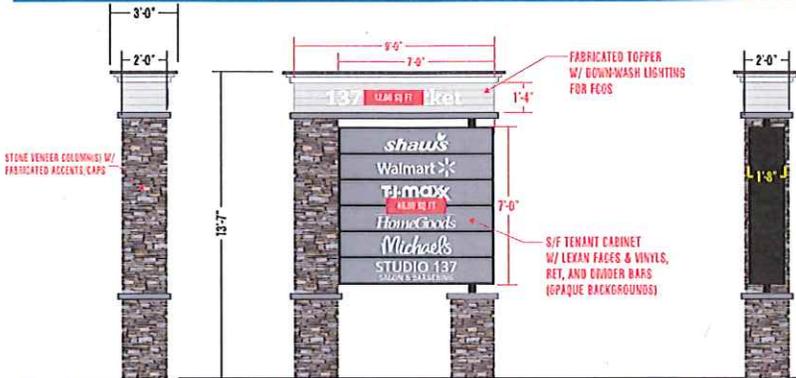
Drawing Title: EXHIBIT "A"	
Owner: TA FALMOUTH, LLC	
Deed Ref: BOOK 35078 PAGE 350	Parcel ID No: 39 15 044 000
Plan Ref: PLAN BOOK 657 PAGE 174	Date: OCTOBER 20, 2023
Plan Ref: PLAN BOOK 657 PAGE 42	
Drawn By: JVB	Check By: MC
Scale: As Noted	

EXHIBIT B

PROPOSED SIGNAGE DESIGN
PREPARED BY BARLO SIGNS INTERNATIONAL, INC.

ITEM B, SHEET 3,0

[see attached]



SCOPE OF WORK

REMOVE & DISPOSE (1) EXISTING PYLON SIGN.
 MANUFACTURE & INSTALL (1) S/F EXTERNALLY ILLUMINATED PYLON SIGN. SIGN WILL BE A D/F LED ILLUMINATED CABINET WITH 3/16" THICK WHITE LEXAN FACES AND OPAQUE VINYL APPLIED WITH REVERSE CUT COPY; (ONLY COPY TO ILLUMINATE) MOUNTED BETWEEN STONE VENEER COLUMNS WITH FABRICATED TOPPER & ACCENTS. TOPPER TO HAVE 1/2" THICK WHITE FCO COPY MOUNTED TO THE FACE & LED DOWNWASH LIGHTING MOUNTED WITHIN. NEW STEEL AND FOOTINGS.

TOTAL SQUARE FEET: 61.00 SQ FT
 EXISTING SQUARE FEET: 33.29 SQ FT

COLOR SCHEDULE - CLIENT TO VERIFY

7725-61 MID GRAY VINYL	PTM S/G WHITE/WHITE FLEX
PTM PLUS COOL GRAY 2C	PTM S/S BLACK
VERSETTA STONE PANELING - "STERLING" LEDGESTONE	

BARLO
 INTERNATIONAL
 137 TEATICKET HIGHWAY
 EAST FALMOUTH, MA 02536
 4/15/22

DESIGNER: LP
 SALES REP: BARN
 PIR: TBD

PROJECT APPROVAL
 Client: Date:
 Design: Date:
 Sales: Date:
 Up/Ref: Date:
 Production: Date:

137 TEATICKET
 137 TEATICKET HIGHWAY
 EAST FALMOUTH, MA 02536
 4/15/22

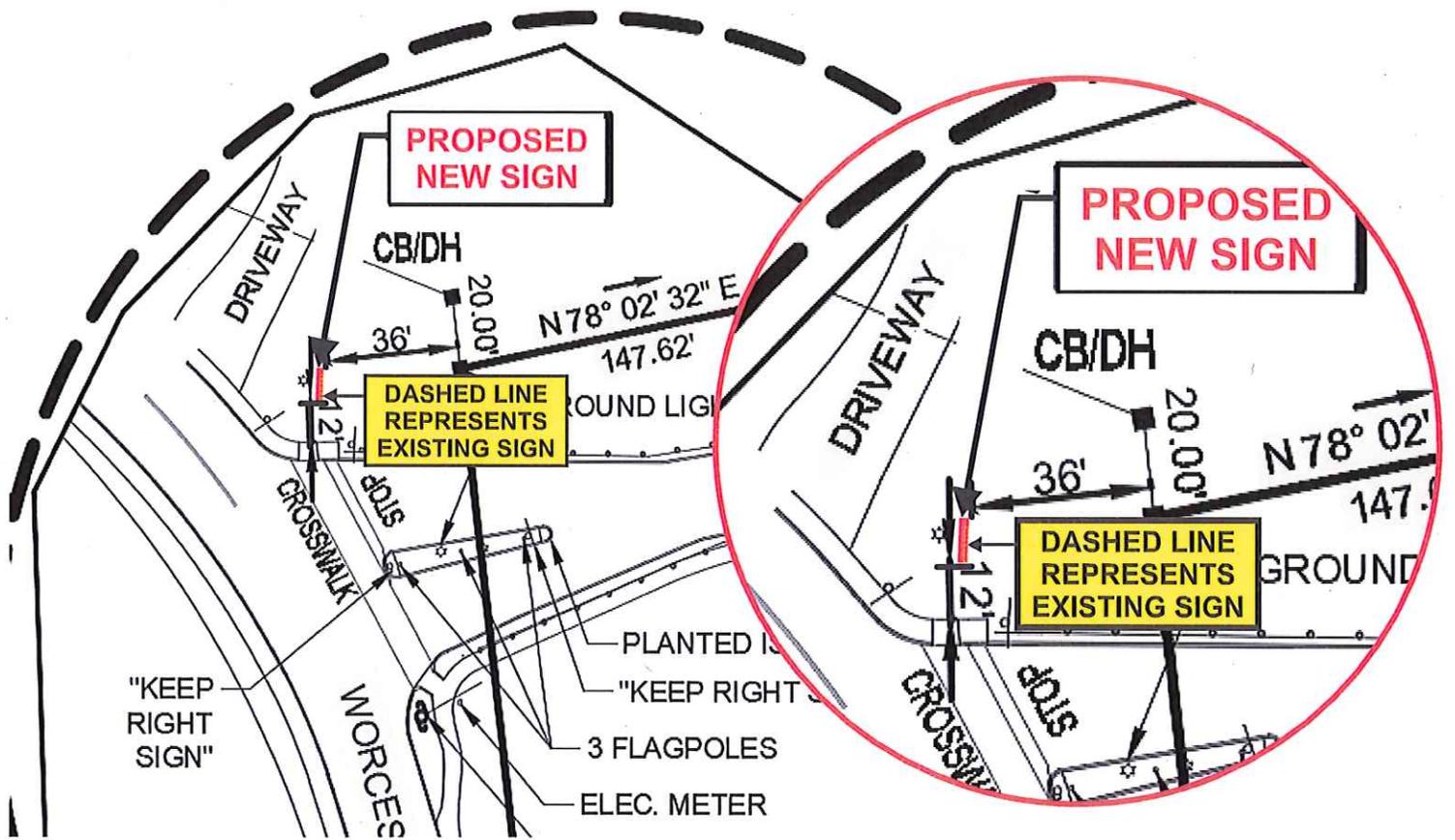
ITEM B

SHEET 3.0

EXHIBIT C

**IMAGE DEPICTING LOCATIONS OF
EXISTING SIGNAGE AND PROPOSED SIGNAGE**

[see attached]



OPEN SESSION

CONSENT AGENDA

1. Administrative Orders

- a. Approve the FY23 Edward Byrne Memorial Justice Grant in the amount of \$11,601 to be used for the purchase of an ATV



ITEM NUMBER: Consent Agenda – Administrative Orders 1. a.

ITEM TITLE: Acceptance of FY23 JAG Grant - ATV

MEETING DATE: 10/30/2023

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

SUBMITTED BY: Chief Jeff Lourie

ATTACHMENTS: JAG Grant documentation

PURPOSE:

This is a written request to the Select Board to vote to approve the FY23 Edward Byrne Memorial Justice Grant in the amount of \$11,601 for the use to purchase an ATV.

BACKGROUND/SUMMARY:

- This grant will be used to fund the purchase of an ATV for the Police Department. The description of the grant is:

Project Description: The Edward Byrne Memorial Justice Assistance Grant (JAG) Program allows units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice or civil proceedings, including for any one or more of the following program areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; 7) crime victim and witness programs (other than compensation); 8) mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams; and 9) implementation of state crisis intervention court proceedings and related programs or initiatives,

including but not limited to: mental health courts; drug courts; veterans courts; and extreme risk protection order programs.

DEPARTMENT RECOMMENDATION:

The Falmouth Police Dept. recommends the acceptance of the FY23 Jag Grant for the use of the purchase of an ATV.

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 ACCEPTANCE OF GRANT.


Town Manager

Click or tap to enter a date.

Date *10/25/23*



Department of Justice (DOJ)

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

Name and Address of Recipient:	BARNSTABLE, THE TOWN OF 230 SOUTH ST
City, State and Zip:	HYANNIS, MA 02601
Recipient UEI:	WQJTL6UZD8X5
Project Title: Protection Equipment and Training for Officers	Award Number: 15PBJA-22-GG-02354-JAGX
Solicitation Title: BJA FY 22 Edward Byrne Memorial Justice Assistance Grant Program - Local Solicitation	
Federal Award Amount: \$38,740.00	Federal Award Date: 9/23/22
Awarding Agency:	Office of Justice Programs Bureau of Justice Assistance
Funding Instrument Type:	Grant
Opportunity Category: O	
Assistance Listing: 16.738 - Edward Byrne Memorial Justice Assistance Grant Program	
Project Period Start Date: 10/1/21	Project Period End Date: 9/30/25
Budget Period Start Date: 10/1/21	Budget Period End Date: 9/30/25
Project Description: The Edward Byrne Memorial Justice Assistance Grant (JAG) Program allows units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice or civil proceedings, including for any one or more of the following program areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; 7) crime victim and witness programs (other than compensation); 8) mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams; and 9) implementation of state crisis intervention court proceedings and related programs or initiatives, including but not limited to: mental health courts; drug courts; veterans courts; and extreme risk protection order programs.	

2023 Massachusetts Local JAG Allocations

Listed below are all jurisdictions in the state that are eligible for FY 2023 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the JAG Technical report here: <https://bjs.ojp.gov/library/publications/justice-assistance-grant-jag-program-2021> and current JAG Frequently Asked Questions here: <https://bja.ojp.gov/program/jag/frequently-asked-questions>.

Finding your jurisdiction:

- (1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.
- (2) Direct allocations are listed alphabetically below the shaded, disparate groupings.
- (3) Counties that have an asterisk (*) under the "Direct Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at: <https://www.bja.gov/Funding/JAGMOU.pdf>. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
MA	BARNSTABLE COUNTY	County	*	
MA	BARNSTABLE CITY	Municipal	\$21,715	
MA	FALMOUTH TOWN	Township	\$11,601	\$33,316
MA	BRISTOL COUNTY	County	*	
MA	ATTLEBORO CITY	Municipal	\$14,960	
MA	FALL RIVER CITY	Municipal	\$92,469	
MA	NEW BEDFORD CITY	Municipal	\$70,258	
MA	TAUNTON CITY	Municipal	\$25,951	\$203,638
MA	NORFOLK COUNTY	County	*	
MA	QUINCY CITY	Municipal	\$37,438	
MA	WEYMOUTH TOWN CITY	Municipal	\$16,830	
	RANDOLPH TOWN	Township	\$10,342	\$64,610
MA	PLYMOUTH COUNTY	County	*	
MA	BROCKTON CITY	Municipal	\$84,645	
MA	MIDDLEBOROUGH TOWN	Township	\$11,755	
MA	PLYMOUTH TOWN	Township	\$21,676	
MA	WAREHAM TOWN	Township	\$12,365	\$130,441
MA	BOSTON CITY	Municipal	\$481,919	
MA	CAMBRIDGE CITY	Municipal	\$39,956	
MA	CHELSEA CITY	Municipal	\$31,026	
MA	CHICOPEE CITY	Municipal	\$34,384	
MA	EVERETT CITY	Municipal	\$21,905	
MA	FITCHBURG CITY	Municipal	\$23,966	
MA	FRAMINGHAM TOWN	Township	\$29,919	
MA	HAVERHILL CITY	Municipal	\$38,735	
MA	HOLYOKE CITY	Municipal	\$40,949	
MA	LAWRENCE CITY	Municipal	\$48,085	
MA	LEOMINSTER CITY	Municipal	\$23,279	
MA	LOWELL CITY	Municipal	\$42,781	
MA	LYNN CITY	Municipal	\$50,642	
MA	MALDEN CITY	Municipal	\$18,280	
MA	MARLBOROUGH CITY	Municipal	\$16,906	
MA	MEDFORD CITY	Municipal	\$10,762	
MA	NORTH ADAMS CITY	Municipal	\$11,678	
MA	NORTHAMPTON CITY	Municipal	\$12,365	
MA	PEABODY CITY	Municipal	\$14,578	

2023 Massachusetts Local JAG Allocations

Listed below are all jurisdictions in the state that are eligible for FY 2023 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the JAG Technical report here: <https://bjs.ojp.gov/library/publications/justice-assistance-grant-jag-program-2021> and current JAG Frequently Asked Questions here: <https://bja.ojp.gov/program/jag/frequently-asked-questions>.

Finding your jurisdiction:

- (1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.
- (2) Direct allocations are listed alphabetically below the shaded, disparate groupings.
- (3) Counties that have an asterisk (*) under the "Direct Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at: <https://www.bja.gov/Funding/JAGMOU.pdf>. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
MA	PITTSFIELD CITY	Municipal	\$35,071	
MA	REVERE CITY	Municipal	\$20,227	
MA	SALEM CITY	Municipal	\$12,059	
MA	SOMERVILLE CITY	Municipal	\$17,975	
MA	SPRINGFIELD CITY	Municipal	\$164,978	
MA	WEBSTER TOWN	Township	\$13,815	
MA	WEST SPRINGFIELD TOWN CITY	Municipal	\$16,792	
MA	WORCESTER CITY	Municipal	\$135,173	
	Local total		\$1,840,210	

OPEN SESSION

CONSENT AGENDA

1. Administrative Orders

- b. Approve Temporary Grant of Access License to Brian Halligan to enter upon town property at 0 Oyster Pond Road for the purpose of conducting invasive species management on the property



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Administrative Orders 1.b.

ITEM TITLE: Approve a Temporary Grant of Access to Brian Halligan to enter upon Town property at 0 Oyster Pond Road for the purpose of conducting invasive species management on the property.

MEETING DATE: 10/30/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Temporary Grant of Access License, Area Map, May 22, 2023 Select Board Agenda and Minutes, Order of Conditions

PURPOSE:

The Select Board will consider the approval of a Temporary Grant of Access to Town property at 0 Oyster Pond Road for the purpose of allowing the applicant to remove invasive vegetation on the property.

BACKGROUND/SUMMARY:

- On August 30, 2023 the Conservation Commission approved the applicant's plans for the removal of invasive phragmites at 0 Oyster Pond Road, and has prepared Order of Conditions and issued those orders on September 13, 2023.
- Town Counsel drafted the attached Temporary Grant of Access License for Select Board review and consideration.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve and sign the attached Temporary Grant of Access License to allow the applicant to perform invasive species management at 0 Oyster Pond Road.

OPTIONS:

- Motion to approve and sign the attached Temporary Grant of Access License to allow the applicant to perform invasive species management at 0 Oyster Pond Road.
- Motion to deny approval of the attached Temporary Grant of Access License to allow the applicant to perform invasive species management at 0 Oyster Pond Road.
- Some Board defined alternative.

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 and sign the attached Temporary Grant of Access License to allow the applicant to perform invasive species management at 0 Oyster Pond Road.

Michael Renshaw

Town Manager

10/27/2023

Date

TEMPORARY GRANT OF ACCESS LICENSE

The TOWN OF FALMOUTH, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts acting by and through its duly elected Select Board, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, hereby grants to Brian Halligan, with an address of 221 Columbus Road, Boston MA 02116 (the "Licensee"), the following temporary access license to enter upon Town Property located at 0 Oyster Pond Road, Falmouth MA 02540 (the "Property"), as illustrated by the highlighted area in **Exhibit A**, attached hereto. For reference see deed filed with the Barnstable Registry District of the Land Court as Certificate of Title # 87661.

The Temporary License is given for the nonexclusive access to the Property for the purpose of conducting invasive species management on the Property, as briefly described below and more fully illustrated in an Order of Conditions issued to the Licensee on September 13, 2023 (the "OOC").

This License is granted upon the following express conditions:

- a. The Term of this License shall commence upon execution by the Select Board, so long as the OOC has been duly recorded with the Barnstable County Registry of Deeds. If the OOC has not been recorded as of the date of execution of this document, then the term of this License shall commence upon recording of the OOC. The term of this License shall continue until the OOC expires or until the Falmouth Conservation Commission issues a Certificate of Compliance in connection with the OOC.
- b. The Licensee shall adhere to all terms and conditions of the OOC.
- c. The License is revocable by the Select Board at any time when they deem it appropriate to revoke the same in the best interests of the Town of Falmouth, public convenience, public safety or the general needs of the Town. The Town may revoke this License by sending a notice to the Licensee at the mailing address of Licensee and by thereafter within a reasonable time filing the notice of revocation with the Falmouth Town Clerk;
- d. Upon such revocation, the Licensee shall cease all activity on the Property;
- e. If the Licensee fails to comply with the requirements of this License or the conditions of the OOC, all expenses of the Town arising from the failure to comply, including attorney's fees, costs and expenses and contractor fees shall be paid by the Licensee to the Town upon demand, and if not so paid, shall, upon the recording of a Notice thereof in the Registry of Deeds or Registered Land Division, constitute a lien on said property, without limiting any other rights of the Town of Falmouth;

- f. This License shall continue permissively throughout the term of the License unless revoked;
- g. The Licensee shall be forever obligated to indemnify, defend and hold harmless the Town of Falmouth, its agents, officers, officials and employees for any and all claims, actions, suits, or demands for personal injury or property damage arising out of the licensed activities and the grant of this License.
- h. Nothing contained in the License shall authorize the Licensee, 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
- i. The terms, conditions, agreements and covenants contained herein shall be binding on the Licensee and its successors. This License is not assignable.
- j. This document shall be filed with the Town Clerk upon execution by the Select Board.

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

SELECT BOARD OF
THE TOWN OF FALMOUTH

Nancy Robbins Taylor, Chair

Edwin P. Zylinski II, Vice Chair

Douglas C. Brown

Onjalé Scott Price

Robert P. Mascali

EXHIBIT A

Town of Falmouth, MA



**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.

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



FALMOUTH CONSERVATION COMMISSION

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

September 13, 2023

Brian P. Halligan
221 Columbus Avenue
Boston, MA 02116

RE: 0 Oyster Pond Road, Falmouth, MA
DEP# 25-4891

Dear Brian P. Halligan,

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

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

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

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

Sincerely,

Jennifer L. Lincoln
Conservation Administrator

CC: BSS Design, Inc.



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

Provided by MassDEP:
25-4891
MassDEP File #
1579483
eDEP Transaction #
Falmouth
City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
BARNSTABLE
a. County
CERT# 87661, LC PLAN 6363 B, LOT B
b. Certificate Number (if registered land)
- c. Book
d. Page
7. Dates: 8/2/2023 8/23/2023 9/13/2023
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
VEGETATION RESTORATION PLAN
a. Plan Title
BSS DESIGN, INC. THOMAS J. BUNKER, PLS
b. Prepared By c. Signed and Stamped by
7/20/2023 1" = 20'
d. Final Revision Date e. Scale
RESTORATION PLAN 7/24/2023
f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

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

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

Approved subject to:

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



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

Provided by MassDEP:
25-4891
MassDEP File #
1579483
eDEP Transaction #
Falmouth
City/Town

B. Findings (cont.)

Denied because:

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	9,600 _____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet _____ e. c/y dredged	_____ b. square feet _____ f. c/y dredged	_____ c. square feet	_____ d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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

Provided by MassDEP:
 25-4891
 MassDEP File #
 1579483
 eDEP Transaction #
 Falmouth
 City/Town

B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	<u>9,600</u> a. square feet	<u> </u> b. square feet		
22. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



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

Provided by MassDEP:
25-4891
MassDEP File #
1579483
eDEP Transaction #
Falmouth
City/Town

B. Findings (cont.)

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

23. Restoration/Enhancement *:

9,600

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



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

Provided by MassDEP:
25-4891

MassDEP File #
1579483

eDEP Transaction #
Falmouth

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" (or, "MassDEP")
"File Number 25-4891 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4891

MassDEP File #

1579483

eDEP Transaction #

Falmouth

City/Town

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4891

MassDEP File #

1579483

eDEP Transaction #

Falmouth

City/Town

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

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

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

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

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

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4891

MassDEP File #

1579483

eDEP Transaction #

Falmouth

City/Town

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

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

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

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



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

Provided by MassDEP:
25-4891
MassDEP File #
1579483
eDEP Transaction #
Falmouth
City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

1. Municipal Ordinance or Bylaw	2. Citation
Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.	
 - b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

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

See Attached



FALMOUTH CONSERVATION COMMISSION

59 Town Hall Square, Falmouth, Massachusetts 02540

(508) 495-7445

Brian Halligan
0 Oyster Pond Road, Falmouth, MA
DEP # 25-4891

FINDINGS

1. The applicant proposes to treat and remove phragmites from Town property, which abuts an ongoing phragmites removal project previously approved on private property. Two colonies will be treated; one is about 9,200 SF and the other is about 400 SF.
2. The area is mapped by the Natural Heritage and Endangered Species Program as habitat of the Saltpond Pennywort. To avoid a prohibited Take of the state-listed species, the conditions set forth in this order must be met.
3. Resource areas onsite and within 100 feet of the proposed project include Land Subject to Coastal Storm Flowage (LSCSF), Land Under Salt Pond, Bordering Vegetated Wetland, Bank of Salt Pond, Coastal Bank and Resource Area Buffer.

INTERESTS

1. Storm Damage Prevention
2. Flood Control
3. Prevention of Pollution
4. Protection of Private and Public Water Supply
5. Protection of Groundwater Supply
6. Protection of Fisheries
7. Protection of Wildlife Habitat

STANDARD CONDITIONS

1. Permission is granted to Brian Halligan, 0 Oyster Pond Road, Falmouth, MA, to treat and remove phragmites from Town property, which abuts an ongoing phragmites removal project previously approved on private property according to the application and plan prepared by BSS Design, dated July 20, 2023 entitled "Vegetation Restoration Plan" and the narrative and plan prepared by Wilkinson Ecological Design, dated July 24, 2023 and entitled "Phragmites Management Protocols" and "Restoration Plan" and subject to the following Standard and Special Conditions.

2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).
4. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error, all work will have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.
5. Issuance of the Order of Conditions does not relieve the permittee from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.
6. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner. The Conservation Commission as well as its staff and agents have the authority to issue an Enforcement Order if work does not comply with the terms or intent of the conditions contained herein or the plans herein referenced.
7. The Order of Conditions expires three (3) years from the original date of issuance. Any Amendments to the Order of Conditions **do not** extend the Original Order. You may request an Extension to the original Order of Conditions, in writing, at least 30 days prior to the expiration. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.
8. Prior to any work commencing:
 - a. Proof of recording of this Order of Conditions at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
 - b. At least 10 days advance **written** notification shall be provided to the Conservation Commission.
 - c. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
 - d. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of

Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.

9. The construction site is to be cleaned daily to remove any loose debris and permitted cuttings offsite. Any fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location noted on the plans.
10. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation.
11. Any other proposed activities (alteration, fill, excavation or removal of vegetation) within any Resource Area or within 100 feet of any Resource Area will require that the applicant obtain all necessary permits from the Conservation Commission.
12. Applicant is put on notice of the requirement to adhere to the performance standards set forth in the Town's Nitrogen Control Bylaw (Chapter 237 of the Code of Falmouth; full text available at <https://ecode360.com/27443489>), which applies to all areas throughout the Town of Falmouth. These performance standards stipulate that: (1) the application of nitrogen is prohibited between October 16 and April 14; (2) residents/property owners may not allow nitrogen to be applied to any impervious surface on their property, including parking lot, driveway, roadway, sidewalk, or ice; and must immediately and completely remove and contain any nitrogen that may be applied, spilled, or deposited, whether intentionally or accidentally, on any impervious surface; (3) residents/property owners may not apply nitrogen directly to any surface before or during a heavy rain event; and (4) the application of nitrogen is at all times prohibited within 100 feet of Resource Areas as defined in Falmouth's Wetlands Regulations FWR 10.02(1)(a) through (d) (<https://ecode360.com/12120136>), namely: any bank, freshwater wetland, coastal wetland, beach, dune, flat, marsh, swamp, wet meadow, bog, or vernal pool; any creek, estuary, stream, pond, or lake; the ocean; and land under water bodies.
13. The application of nitrogen is at all times prohibited within 100 feet of the following additional areas under Conservation Commission jurisdiction: land subject to tidal action; land subject to flooding or inundation by groundwater or surface water; land subject to coastal storm flowage; land subject to flooding; lands and waters within the Black Beach Great Sippewissett Marsh District of Critical Planning Concern; and lands and waters within the Waquoit Bay Area of Critical Environmental Concern.
14. Before work can begin (i.e. clearing or construction) the Town of Falmouth Conservation Commission Form(s) 1 and 2 are to be submitted to the Conservation Department, identifying the General Contractor (GC) and other responsible parties and signed by the GC and all other responsible parties confirming that the signatories thereto have read and understand the Order of Conditions and that they jointly and severally take responsibility for compliance with the OOC on site during the life of the project. These documents shall be submitted with the ten (10) day start work notification required by Standard Condition #8(b).
15. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. If this Order is based on a professionally rendered drawing then a letter must be submitted from an engineer or architect certifying full compliance and any deviation from the approved plans, as well as, an "Existing Conditions" plan. This plan shall include ALL structure and landscape features including patios, retaining walls,

ornamental plantings, native plantings, AC units, steps, outdoor showers, walkways, etc. Any mitigation trees for the project shall be located and identified to species. Any mitigation shrubs for the project shall be delineated on the plan, labeled as "native buffer shrubs" and the final square footage noted. A request for a Certificate of Compliance shall be made in writing immediately following completion of all work including permanently stabilizing the site with vegetation.

SPECIAL CONDITIONS

1. Prior to work the applicant must obtain a license from the Town of Falmouth to work on town property.
2. To avoid a prohibited Take of the state-listed species, the following conditions must be met:
 - a. Limits of Work: No work or alteration to the soil, surface, or vegetation shall occur outside of the limits of work shown on the site plan unless otherwise approved in writing in advance by the Division.
 - b. Plant Surveys and Avoidance: Prior to initiating any invasive management activities within 20-feet from the edge of Oyster Pond (edge of open water), surveys for Saltpond Pennywort shall be conducted to delineate and avoid impacts to this plant species associated with the project.
 - i. Botanical field surveys must be conducted by a qualified botanist using methodologies consistent with the State- listed Species Habitat Assessment and Survey Guidelines: Plants (dated March 2016), see <https://www.mass.gov/doc/state-listed-species-habitat-assessment-and-survey-guidelines-plants/download>
 - ii. The Division requires pre-approval of the botanist prior to conducting surveys. Please submit a copy of the botanist' s resume/ curriculum vita for review.
 - iii. The approved botanist shall submit to the Division a time-table and survey protocol for written approval prior to initiation of field work. The survey protocol shall list the specific taxonomic characteristics for definitive identification as well as the characteristics of similar or easily confused species.
 - iv. If state-listed plants are encountered within the survey area, the Applicant must provide a detailed protection plan specifying measures to ensure the project does not result in a Take of state-listed plants to the Division for review and written approval. Please note the protection plan may necessitate additional or subsequent botanical survey work to implement required Take avoidance measures.
 - v. Invasive management activities outside of the 20-foot buffer from the pond' s edge may be completed without any survey needs.
 - c. Authorization Duration: This authorization is valid for 5 years from the date of issuance. Work may be completed at any time during this 5-year period in compliance with the conditions herein. Thereafter, the Applicant must re-file pursuant to the MESA.
 - d. Reporting: A copy of any and all reports, summaries or documents shall be provided to the Division simultaneously with other agencies.
3. All reports submitted to NHESP shall be submitted to the Conservation Commission simultaneously.
4. Invasive species management shall follow the "Phragmites Management Protocols", dated July 24, 2023 prepared and submitted by Wilkinson Ecological Design (WED) and subject to all standard and special conditions. WED shall be the sole entity approved to implement this plan under this OOC. The

Commission reserves the right to approve any additional or alternate parties chosen to undertake the project at any time.

5. The applicant shall submit a monitoring report each year until a Certificate of Compliance is obtained. Reports shall be submitted by October 31st of each year. The report shall contain photographs from established monitoring stations and a narrative of the progression and health of the restoration project.
6. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Department.
7. Prior to conducting any work on the property, pre-construction photos shall be taken and submitted to the Conservation department for review. Photos shall be submitted with the 10 day start work notification required by Standard Condition #8(b).
8. All cuttings/debris, etc. are to be kept out of the Resource Areas.
9. No Certificate of Compliance will be issued until the entire project is complete and the site is permanently stabilized with vegetation.

VOTE AUTHORIZING SIGNATURES OF COMMISSIONERS

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



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

Provided by MassDEP:
 25-4891
 MassDEP File #
 1579483
 eDEP Transaction #
 Falmouth
 City/Town

E. Signatures

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

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

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

9/13/2003

1. Date of Issuance

4

2. Number of Signers

Signature Jennifer L. Lincoln
 Signature Jennifer L. Lincoln
 Signature Jennifer L. Lincoln
 Signature Jennifer L. Lincoln
 Signature Jennifer L. Lincoln

Jennifer L. Lincoln, Conservation Administrator

Jamie Mathews, Chair

Printed Name

Courtney Bird, Vice Chair

Printed Name

Elizabeth Gladfelter

Printed Name

Kevin O'Brien

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

9/13/03
 Packed parcel for BSS Design, Inc.

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

TOWN OF FALMOUTH
SELECT BOARD
Revised AGENDA
MONDAY, MAY 22, 2023 – 6:00 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

6:00 p.m. OPEN SESSION

6:00 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(3) – To discuss strategy with respect to collective bargaining - Public Works
2. M.G.L. c.30A s.21(a)(3) – To discuss strategy with respect to collective bargaining - Emergency Communications AFSCME Unit C

6:30 p.m. OPEN SESSION

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

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

6:45 p.m. PUBLIC HEARINGS

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

7:25 p.m. BUSINESS

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

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

9:00 p.m. CONSENT AGENDA

1. Licenses
 - a. Application for a Change of Manager for a Second-Hand Dealer License – Cash Point, located at 348 East Falmouth Highway
 - b. Application for a Change of Manager for a Lodging House License – Inn on the Square, located at 40 North Main Street
 - c. Application for Special One-Day Wine & Malt Liquor License – Ashley Waddington – Civil War Plot Dedication Ceremony – Oak Grove Cemetery, 46 Jones Road – Saturday, 6/10/23. Rain date Sunday, 6/11/23.
 - d. Application for Special One-Day Wine & Malt Liquor License – Shipwrecked – Shipwrecked Corn Hole Tournament – 263 Grand Ave., Shipwrecked and Heights Hotel parking lot – Saturday, 6/10/23. Rain date Sunday, 6/11/23.
 - e. Application for Special One-Day Wine & Malt Liquor License – Shipwrecked – Road Race After Party – 263 Grand Ave., Shipwrecked and Heights Hotel parking lot – Sunday, 8/20/23
 - f. Application for Special One-Day Wine & Malt Liquor License – Gray Matter Marketing – Cape Cod Brew Fest – Cape Cod Fairgrounds – Saturday, 9/23/23
2. Administrative Orders
 - a. Appoint member to the Board of Registrars: Virginia Apel
 - b. Appoint Inspectors of Animals – Jessica Gow, Christopher Anglin, Molly Masson
 - c. Approve updated Public Comment Policy
 - d. Authorize the Chair of the Select Board to execute the Regulatory Agreement for Lighthouse Station, 533 Woods Hole Road
 - e. Authorize the Chair of the Select Board to execute the Regulatory Agreement for 462 Teaticket Highway
 - f. Approve Town Manager Contract

9:05 p.m. MINUTES

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

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

9:15 p.m. SELECT BOARD REPORTS

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

9:25 p.m. ADJOURN

Nancy R. Taylor, Chair
Select Board

Obstacle Course, saying that it was disappointing that so few people attended. The play space is moving forward, she said, saying she planned to apply for CPA funds for more design plans.

There was brief discussion about lack of town officials' attendance at the commission's planned events, due in part to the many conflicting events going on concurrently in Town. Chair Taylor said it's been a struggle, but said the commission is doing a great job. Mr. Brown suggested Ms. Haynes send an email to remind the Board about upcoming commission events in an effort to improve attendance. Ms. Haynes was thanked for the work she does on the disabilities commission.

Presentation and vote to support application to Mass Development for redevelopment of 545 Main Street for workforce housing

Michael Galasso presented an overview of his proposal to redevelop the former Royal Nursing property for workforce housing. Project description and fact sheet had been provided to the Board. Site plan approval from the planning board is pending. He is seeking a letter of support from the Select Board. No special permit is required. The total cost of the project is approximately \$15M, \$250K per unit. An on-site manager will live there. Units share communal kitchens. Mr. Galasso said they are trying to be creative with the project and are working through the permitting issues with the ZBA. A similar project of his, Mr. Galasso said, is in CA and there are rarely vacancies.

Mr. Johnson-Staub said a letter of support is possible because it is for a state grant.

Motion by Mr. Brown: To issue a letter of support for this project highlighting the need for affordable housing in Falmouth Second: Ms. Scott Price Vote: Yes – 5 No – 0

Mr. Johnson-Staub said there was a draft letter in the Select Board packet.

Vote to approve request from Wendy Y. Hill, Trustee of the 75 Nashawena Street Nominee Trust, owner of 75 Nashawena Street to apply for a Grant of License for invasive species management within the layout of Nashawena Street and on the abutting property to the North owned by the Town of Falmouth

Attorney Kevin Klauer, representing the applicant, summarized the request. Mr. Johnson-Staub explained that this request is part of a 3-step process involving the conservation commission. Atty. Klauer said that the CONCOM has already issued approval for both the applicant's property and Town property. Mr. Johnson-Staub recommended approval of the request.

There was brief Board discussion regarding the 3-step process, which was further clarified by Mr. Johnson-Staub, and if it could be simplified. Chair Taylor said that it is a good idea to think about process, but the agenda item is a request seeking approval.

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

Vote to approve request from Wilkinson Ecological Designs on behalf of Brian Halligan, owner of 110 Oyster Pond Lane, to apply to the Conservation Commission for invasive species management on the adjacent property owned by the Town of Falmouth at 0 Oyster Pond Lane

Mr. Johnson-Staub orally summarized the item for the Board, referring to a memo in the Select Board packet entitled *Preliminary Report for May 22, 2023*, and dated May 19, 2023.

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

Request for variance to Sign Code – §184-30(C) Special Events: Falmouth Fireworks Committee, banner at south end of Falmouth Heights ball field

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

License Renewals – 2023 Seasonal Common Victualler License: Jim's Clam Shack, 227 Clinton Avenue

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

CONSENT AGENDA

WILKINSON

ECOLOGICAL DESIGN®

28 Lots Hollow Road | Orleans, MA 02653

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

Attn: Nancy R. Taylor, Chair
Select Board
59 Town Hall Square
Falmouth Town Hall
Falmouth, MA 02540

05/01/2023

RE: Request for Permission to File an NOI for O Oyster Pond Lane

Dear Nancy & Select Board Members,

On behalf of our client, Brian Halligan, Wilkinson Ecological Design, Inc. (WED) requests permission to file a Notice of Intent (NOI) application to permit the removal of state-listed invasive phragmites (*Phragmites australis*) within the property bounds of O Oyster Pond Lane. The Falmouth Conservation Commission and the Falmouth Select Board jointly own this parcel. The Parcel ID number is 50 06 018 000B (see map on page 2).

Our client, Brian Halligan, is conducting a successful habitat restoration project on adjacent 110 Oyster Pond Lane, focusing on the phragmites removal. He would like to fund the extension of this project to O Oyster Pond Lane to completely eliminate the presence of phragmites in the wetland area on both properties.

The project proposes hand treatment and removal of approximately 9,600 square feet of dense phragmites within the wetland on-site; no heavy machinery will be used, and all root systems will be left in place to decay to minimize the disturbance of the wetland. Please see the attached restoration plan draft for location of the project area. The intended outcome of this project is the restoration of native vegetation within the wetland area, which will significantly benefit the local ecosystem.

Thank you for your time and consideration of this matter. Please call or email me with any questions regarding this request to file an NOI.

Sincerely,



Mathew Lautenberger
Project Manager
Wilkinson Ecological Design, Inc.
(508) 241-6605

OPEN SESSION

CONSENT AGENDA

1. Administrative Orders

- c. Approve application for grant funding for two coastal resiliency/culvert replacements projects in Falmouth (Oyster Pond and Red Brook) through application by Association to Protect Cape Cod (APCC) for an FY25 NOAA Transformational Habitat Restoration Grant competition



Item Number: Consent Agenda – Administrative Orders 1. b.

Item Title: Red Brook and Oyster Pond: FY25 NOAA Transformational Habitat Restoration Grant

Meeting Date: 10/30/2023

Meeting Type: Work Session Voting Session Public Hearing

Submitted by: Elizabeth Gladfelter and Mark Kasprzyk

Attachments:

Purpose:

To obtain permission to apply for grant funding for two coastal resiliency/culvert replacement projects in Falmouth (Oyster Pond and Red Brook) through a proposed application prepared by Association to Preserve Cape Cod (APCC) for an FY25 NOAA Transformational Habitat Restoration Grant competition.

Background / Summary:

- The Association to Preserve Cape Cod (APCC) is preparing a grant application for a NOAA competition for submission in mid-November. It contains two on-going culvert replacement projects in Falmouth, Oyster Pond (West Falmouth) and Red Brook (Waquoit; combined with Mashpee).
- The proposal bundles seven coastal wetland projects from five different Cape towns as a regional approach. This is the direction that some of the federal agencies now prefer.
- The goals of the APCC proposal are:
 - 1) restore connectivity and improve habitat for NOAA resources including river herring, American eel, and eastern Brook Trout;
 - 2) increase community and coastal ecosystem resilience to the impacts of climate change through transformative habitat restoration;

- 3) work collaboratively within the region to implement priority restoration projects to achieve the collective goals for the Cape; and
 - 4) benefit tribal and underserved communities through capacity building, project visioning and planning, partnership and implementation of projects within these communities.
- Both Falmouth projects have already received some state or federal funding, but now require additional funding to move into the construction phase. A summary of the current status of each project is summarized below:

Red Brook: The Falmouth and Mashpee's DPW and Conservation Departments have been jointly planning this project since 2020, initially to address the immediate failure of the water structure in the berm upon which the road is perched. Funding to support culvert replacement is tied to improvement of the natural resources, and eventually there will be a restoration of the Red Brook watershed (funds for conceptual design are being requested in the current grant). Currently engineering plans and permitting are underway with funding from a Division of Ecological Restoration dam replacement grant and a cash contribution from each town (already approved in a past town meeting votes). While both towns have worked on developing the project (including many meetings with neighbors), the decision has been made to have Mashpee take the lead in grant management. Funds requested will cover construction oversight and construction of a new culvert and stormwater improvements for Red Brook Road, as well as conceptual plans for watershed restoration, land purchase, and community engagement. Falmouth DPW and Conservation will be an integral part of the technical team and will provide in kind services as necessary. No cash funds requested.

- Status: Completed initial community engagement to discuss need and potential alternatives for restoration to address the failure of the existing dam/culvert and draining of the upstream impoundment. Completed alternatives analysis and conceptual design for culvert replacement. Engineering plans (culvert replacement and stormwater management) and permitting are currently underway funded through a Division of Ecological Restoration grant to the Town of Mashpee and funds from both towns approved by town meeting votes (to be completed in calendar year 2024).
- Proposed: Final engineering plans, construction and construction oversight for Red Brook Road culvert and stormwater improvements (completed in calendar year 2025).

Concurrently, community engagement and visioning process to develop common goals and objectives for watershed scale restoration upstream and downstream of the failed culvert to be completed late 2024 through 2025 to inform design with ongoing engagement throughout conceptual design phase 2025-2026. Acquisition of private land by the towns to allow for full scale restoration of upstream area (ongoing in tandem with

community engagement and design to be completed in in calendar year 2025)..
 Development of conceptual designs for wetland restoration in in calendar years
 2025/2026. Further design phases, permitting, and construction will be in a future grant

	Request	Leverage	Leverage Source
Design (culvert, storm water management)	\$200,700.00	\$127,500.00	MA Dam and Seawall Grant
Permitting(culvert, storm water management)	\$125,000.00	\$127,000.00	Towns of Mashpee & Falmouth
Construction Bidding and Oversight(culvert, storm water management)	\$60,000.00		
Construction (culvert, storm water management)	\$650,000.00		
Monitoring(culvert, storm water management)	\$10,000.00		
Community Engagement	\$500,000.00		
Land Acquisition	\$500,000.00		
Wetland restoration conceptual design	\$75,000.00		
TOTAL Project Cost	\$2,120,700.00	\$254,500.00	

request.

- Leverage/Match: Total of \$254,500 including \$127,500K grant to town of Mashpee to fund design and \$127,000 combined (\$63,500 each town; already passed by respective town meetings) to fund permitting work for the culvert replacement

- Oyster Pond: Falmouth’s DPW and Conservation have been involved the last couple of years, and have been working to obtain funding for permitting, bid preparation, construction and construction oversight. DPW and Conservation will oversee this project. Possible request of town funds to meet a 25% match requirement of NRCS funding (if this NOAA grant through APCC does not fund the project).

Oyster Pond (Falmouth)

- Status: Permitting ready designs completed in 2022 with draft O&M plans but project in need of funding for permitting to reach implementation.
- Proposed: Upon award of funding initiate project permitting (Fall 2024 – Early 2026). Complete final design and bidding (Spring-Summer 2026). Construction (Fall 2026-Spring 2027). Post-restoration monitoring (hydrologic) in summer of 2027.
- Request: \$1.75 M to fund permitting, and construction.

- Leverage/Match: Permit ready design plans. Funding for final design, construction oversight and construction cost to be requested in this proposal, but alternatively (if this request not fully funded) could be partially funded through NRCS with town 25% non-federal match.

Future costs to the Town:

The Red Brook project, when completed, will have stormwater infrastructure that will need maintenance. Both projects will have new culverts, which will require Town maintenance.

Supplemental Materials:

Project site locations
Ownership of parcels at Red Brook

Recommendation:

We request that the Selectboard approve the application for grant funding for two coastal resiliency/culvert replacement projects as presented, and to direct the Town Manager to write a letter of support for this FY25 NOAA Transformational Habitat Restoration Grant proposal being prepared for submission by APCC.

Town Manager Comments:

The Town Manager recommends that the Select Board approve these grant applications and direct the Town Manager to write a letter of support for this FY25 NOAA Transformational Habitat Restoration Grant proposal being prepared for submission by APCC.

Michael Renshaw

10/27/2023

OPEN SESSION

CONSENT AGENDA

1. Administrative Orders

- d. Approve request for exemption under G.L. c. 268A, § 19(b) of the Conflict of Interest Law – Disclosure by non-elected municipal employee of financial interest and Determination by Appointing Authority – Marilyn J. Rowland, Falmouth Cultural Council, relative to ArtsFalmouth, Inc. application to Falmouth Cultural Council for grant funding



ITEM NUMBER: Consent Agenda - Administrative Orders – 1. d. and e.

ITEM TITLE: Cultural Council's Conflict of Interest Forms

MEETING DATE: 10/30/2023

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

SUBMITTED BY: Alice Kociemba, Chair, Falmouth Cultural Council

ATTACHMENTS: Hand delivered packed of COI forms, along with an attachment (Funding Priorities Checklist) to Diane Davidson

PURPOSE:

On November 14 & December 5, the Cultural Council will have two voting meetings during which we review the pool of 42 applications. One current Council member has submitted a grant application to the Council. In order for this member to participate in the deliberations of the Council and to receive the grant if it is awarded, she has submitted two disclosure forms for approval by the Select Board.

BACKGROUND/SUMMARY:

- Provides background information that puts this document into context for the reader. It should provide relevant facts to frame the discussion, helping the reader focus attention on what is to be covered by this agenda report.
- Anticipate the readers' questions and address them as they arise.
- The individual points should be presented in a numbered, bullet-type format. This format, rather than a narrative form, helps with discussion and presentation of the topic.
- If there are several points of view concerning an issue, address the merits of each

alternative and why you believe your position is advantageous overall.

DEPARTMENT RECOMMENDATION:

Provides the reader with a detailed recommendation and the basis for that recommendation:

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:

Town Manager

Click or tap to enter a date.

Date

**TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
MEMORANDUM**

TO: MEMBERS OF THE SELECT BOARD
FROM: MAURA O'KEEFE, TOWN COUNSEL *MO*
SUBJECT: CONFLICT OF INTEREST DISCLOSURES
DATE: OCTOBER 26, 2023

The purpose of this memo is to provide the Select Board with guidance concerning conflict of interest disclosures upon which the Board is being asked to act.

Disclosure pursuant to Section 19:

The conflict of interest law generally prohibits a municipal employee from participating in any matter in which the employee, an immediate family member, business partner, or business organization with which they have certain affiliations has a financial interest. M.G.L. c. 268A § 19. If there is a financial interest connected to any of these circumstances, the employee may not discuss, review, advise or vote on the matter before their board. For appointed board members, abstention is required unless they obtain permission from the Select Board to participate despite the conflict.

When considering a Section 19 disclosure, the issue for the Select Board is to determine whether the "financial interest is not so substantial as to be deemed likely to affect the integrity of the services" that are expected from the employee. M.G.L. c. 268A § 19(b). Using this standard, if the Board decides that the employee can vote without impairing or undermining the validity of the process, even though they have some degree of a financial stake in the matter, then the Board may allow the employee to participate.

Here, the Select Board has received a request from a member of the Falmouth Cultural Council who has applied to the Council for a grant. By submitting the form, the member is requesting permission to be able to participate in the deliberations for all other

grant applications received by the Cultural Council. The member will not be permitted to deliberate or vote on her own application, but approval of the form will allow the member to deliberate and vote on the applications from other people. If the Select Board determines that the member can participate without undermining the integrity of the process in these circumstances, then the request can be approved.

Once action is taken on this form, it is filed with the Office of the Select Board with a copy to the employee.

Disclosure pursuant to Section 20(d):

The conflict of interest law generally prohibits a municipal employee from having an interest in a contract made by a department or division of the municipality for which they work. M.G.L. c. 268A § 20. There are several exceptions under the law, particularly for special municipal employees like the appointed members of the Town's boards and commissions. Under the exemption at § 20(d), special municipal employees may enter into a contract with their own municipal agency if they disclose the facts of their conflict of interest, and seek and obtain approval from the Select Board. The exemption is provided in recognition that boards and commissions are comprised of volunteers from the community who are donating time and effort to assist with the operations of the municipality. The legislature created the exemption as an acknowledgment that being a volunteer for a town should not impede a person's ability to earn money.

Here, a member of the Falmouth Cultural Council has applied to the Council for a grant. If the Council approves the grant, in order to enter into an agreement with the Town to receive the grant, the Select Board would first need to approve a § 20(d) exemption. There is no standard for approval or disapproval of this exemption. Taking action on the request is simply within the discretion of the Select Board.

If this form is approved, it is filed with the Town Clerk's Office with a copy to the employee.



Programming & Funding Priorities Checklist

The Falmouth Cultural Council prioritizes funding of applications from Falmouth individuals and organizations; events that take place in all the villages of Falmouth and benefit the Falmouth community. All projects are welcome. However, based on preferences expressed in response to the community survey, the Falmouth Cultural Council encourages applications in the following areas:

- * Community-wide fairs and festivals
- * Children's and school programs
- * Concerts and dance performances
- * Theater, comedy, spoken word, and storytelling
- * Projects celebrating local history
- * Projects celebrating cultural diversity
- * Library programs and events
- * Fine and applied art classes, exhibits and receptions
- * Science and nature educational projects and events
- * Projects serving underserved populations.

The Falmouth Cultural Council encouraged projects that serve and include underserved populations.

- * Low-income persons
- * BIPOC (Black, Indigenous, and People of Color)
- * People with disabilities
- * LGBTQ+
- * Non-English-speaking community members
- * Families and children
- * Teens
- * Seniors
- * Single adults.

Please Score Each FCC Application

Does the program meet local priorities?
If YES, please specify:

YES

NO

Is the program free? YES NO

Is the program low cost? (\$5 - \$25, children free) YES NO

Is this a new event? YES NO

Is this a first-time applicant? YES NO

Does this program address the diverse cultural needs of Falmouth?
If YES, please specify YES NO

Does this program serve underserved populations?
If YES, please specify: YES NO

Does this program show presence of community support, collaboration, and involvement?
If YES, specify: YES NO

Does this program include prior approval of a named venue?
If YES, what venue? YES NO

Do you recommend this application?
If YES, reasons: YES NO

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

	MUNICIPAL EMPLOYEE INFORMATION
Name:	Marilyn J. Rowland
Title or Position:	Secretary
Municipal Agency:	Falmouth Cultural Council
Agency Address:	59 Town Hall Square, Falmouth, MA, 02540
Office Phone:	██████████ (personal cell phone)
Office E-mail:	██████████ (personal email) falmouthculturalcouncil@gmail.com (Falmouth Cultural Council email)
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
	PARTICULAR MATTER
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. I am a member of the Falmouth Cultural Council, which reviews applications for funding under the Massachusetts Cultural Council's Local Cultural Council program. The FCC determines which applications will be funded and at what level. I have submitted an application for a grant on behalf of ArtsFalmouth, Inc. I have also received payment from the Falmouth Chamber Players Orchestra, which has also submitted a grant application and which has paid me as an intermittent employee for writing and distributing press releases, calendar notices, and social media announcements for their twice-annual concerts.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. As a member of the Falmouth Cultural Council, I, along with other Council members, Review grant applications in accordance with MCC guidelines and FCC funding priorities, which are determined annually on the basis of a community-wide survey. The Council received 42 applications for FY24 funding. I help decide which grant applications will not be considered for funding, and which will receive funding and at what level.
	FINANCIAL INTEREST IN THE PARTICULAR MATTER
Write an X by all that apply.	<input type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input checked="" type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the

	business organization has a financial interest in the matter. ___ I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.
Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. I have submitted an application in the amount of \$1200 for partial funding (slightly less than half) of ArtsFalmouth, Inc.'s Jazz Stroll 2023, which took place October 14, 2023 in downtown Falmouth. I am president of ArtsFalmouth, Inc., which is a 501(C)(3) organization with no paid staff. All board members, including myself, are volunteers and receive no compensation for their work, which involves planning, organizing, and implementing three major cultural events a year, all of which are free to the public: The Woods Hole Trad Stroll in May, Arts Alive in June, and the Jazz Stroll in October. Funds raised by ArtsFalmouth, Inc. support local artists and the creative economy. Because there is a total of \$19,000 available for FY24 funding, an FCC award to ArtsFalmouth, Inc. may reduce the amount of funds available for other applicants.
Employee signature:	Marilyn J. Rowland
Date:	October 20, 2023

DETERMINATION BY APPOINTING OFFICIAL

APPOINTING AUTHORITY INFORMATION	
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail	
DETERMINATION	
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

--	--

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

Form revised February, 2012

OPEN SESSION

CONSENT AGENDA

1. Administrative Orders

- e. Approve request for exemption under G.L. c. 268A, § 20(d) of the Conflict of Interest Law – Disclosure by Special Municipal Employee of Financial Interest in a Municipal Contract – Marilyn J. Rowland

**DISCLOSURE BY SPECIAL MUNICIPAL EMPLOYEE
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT
AS REQUIRED BY G. L. c. 268A, § 20(d)**

SPECIAL MUNICIPAL EMPLOYEE INFORMATION	
Name of special municipal employee:	Marilyn J. Rowland
Put an X beside one statement.	<p>I am a special municipal employee because:</p> <p><input type="checkbox"/> I am a selectman in a town with a population of 10,000 or fewer people;</p> <p><input type="checkbox"/> I am not a mayor, alderman or city councilor, and</p> <p><input checked="" type="checkbox"/> I serve in a municipal position for which no compensation is provided, or</p> <p><input type="checkbox"/> I earned compensation for fewer than 800 hours in the preceding 365-day period, or</p> <p><input type="checkbox"/> By the classification of my position by my municipal agency or by the terms of a contract or my conditions of employment, I am permitted to have personal or private employment during normal business hours.</p> <p><input type="checkbox"/> I work for a company or organization which has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the municipal is contracting for my services in particular, and the contract states that I am a special municipal employee or indicates that I meet one of the three requirements listed above.</p>
Title/ Position	Secretary, Falmouth Cultural Council
Fill in this box if it applies to you.	If you are a special municipal employee because a municipal agency has contracted with your company or organization, please provide the name and address of the company or organization.
Municipal Agency/ Department:	This is "my Municipal Agency." Falmouth Cultural Council
Agency Address:	59 Town Hall Square, Falmouth, MA 02540
Office phone:	[REDACTED] (personal cell phone)
Office e-mail:	[REDACTED] (personal email) falmouthcultural@gmail.com (Falmouth Cultural Council email)
	Check one: <input type="checkbox"/> Elected or <input checked="" type="checkbox"/> Non-elected
Starting date as a special municipal employee.	June 2019

<p>BOX # 1</p> <p>Select either STATEMENT #1 or STATEMENT #2.</p> <p>Write an X by your financial interest.</p>	<p>ELECTED SPECIAL MUNICIPAL EMPLOYEE</p> <p>I am an elected special municipal employee.</p> <p><input type="checkbox"/> STATEMENT #1: I had a financial interest in a contract made by a municipal agency before I was elected to a compensated special municipal employee position. I will continue to have this financial interest in a municipal contract.</p> <p><input type="checkbox"/> STATEMENT #2: I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a contract made by a municipal agency is:</p> <p><input type="checkbox"/> A compensated, non-elected position with a municipal agency.</p> <p><input type="checkbox"/> A contract between a municipal agency and myself.</p> <p><input type="checkbox"/> A financial benefit or obligation because of a contract that a municipal agency has with another person or with a company or organization.</p> <p><input type="checkbox"/> Other work because a municipal agency has a contract with my company or organization and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the municipal is contracting for my services in particular.</p>
<p>BOX #2</p> <p>Select either STATEMENT #1 or STATEMENT #2.</p> <p>Write an X by your financial interest.</p>	<p>NON-ELECTED SPECIAL MUNICIPAL EMPLOYEE</p> <p>I am a non-elected special municipal employee (compensated or uncompensated).</p> <p><input type="checkbox"/> STATEMENT #1: I had a financial interest in a contract made by a municipal agency, other than an employment contract, before I took a non-elected, compensated special municipal employee position. I will continue to have this financial interest in a municipal contract.</p> <p>My financial interest in a contract made by a municipal agency is:</p> <p><input type="checkbox"/> A contract between a municipal agency and myself, but not an employment contract.</p> <p><input type="checkbox"/> A financial benefit or obligation because of a contract that a municipal agency has with another person or with a company or organization.</p> <p>OR</p> <p><input type="checkbox"/> STATEMENT #2: I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a contract made by a municipal agency is:</p> <p><input type="checkbox"/> A compensated, non-elected position with a municipal agency.</p> <p><input checked="" type="checkbox"/> A contract between a municipal agency and myself.</p> <p><input type="checkbox"/> A financial benefit or obligation because of a contract that a municipal agency has with another person or with a company or organization.</p> <p><input type="checkbox"/> Other work because a municipal agency has a contract with my company or organization and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the municipal is contracting for my services in particular.</p>
<p>Name and address of municipal agency that made the contract</p>	<p>FINANCIAL INTEREST IN A MUNICIPAL CONTRACT</p> <p>This is the "contracting agency."</p> <p>I have applied for a grant from the Falmouth Cultural Council (see address above) on behalf of ArtsFalmouth, Inc., a 501(C)(3) nonprofit, for which I serve as president, for partial funding (slightly less than half) of ArtsFalmouth's Jazz Stroll 2023, which took place October 14, 2023. If ArtsFalmouth's application is approved for funding, a contract will be written. It does not currently exist.</p>

Write an X to confirm this statement.	<input checked="" type="checkbox"/> In my work as a special municipal employee for my Municipal Agency, I participate in or have official responsibility for activities of the contracting agency.
FILL IN THIS BOX OR THE NEXT BOX	<p>ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE MUNICIPAL AGENCY AND YOU.</p> <ul style="list-style-type: none"> - Please explain what the contract is for. <p>I have applied for a grant from the Falmouth Cultural Council on behalf of ArtsFalmouth, Inc., a 501(C)(3) nonprofit, for which I serve as president, for partial funding (slightly less than half) of ArtsFalmouth's Jazz Stroll 2023, which took place October 14, 2023. If ArtsFalmouth's application is approved for funding, a contract will be written.</p>
	<p>ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE MUNICIPAL AGENCY AND ANOTHER PERSON OR ENTITY</p> <ul style="list-style-type: none"> - Please identify the person or entity that has the contract with the municipal agency. - What is your relationship to the person or entity? - What is the contract for?
What is your financial interest in the municipal contract?	<ul style="list-style-type: none"> - Please explain the financial interest and include the dollar amount if you know it. <p>No personal financial interest. I have applied for a grant, on behalf of ArtsFalmouth, Inc., of \$1,200 from the FCC, all of which is for payment of musicians who performed in ArtsFalmouth's Jazz Stroll 2023. ArtsFalmouth seeks funds from a variety of sources to fund its three annual events, including the Woods Hole Trad Stroll in May, Arts Alive in June, and the Jazz Stroll in October. ArtsFalmouth has no paid staff. All work is done by volunteers.</p>
Date when you acquired the financial interest	October 17, 2023, when grant applications were due.
What is the financial interest of your immediate family?	<ul style="list-style-type: none"> - Please explain the financial interest and include the dollar amount if you know it. <p>None</p>
Date when your immediate family acquired the financial interest	NA
Employee signature:	Marilyn J. Rowland
Date:	October 20, 2023

**SEE NEXT PAGE FOR APPROVAL
BY CITY COUNCIL, BOARD OF ALDERMEN,
BOARD OF SELECTMEN. TOWN COUNCIL,
OR DISTRICT PRUDENTIAL COMMITTEE**

**APPROVAL OF EXEMPTION
BY THE CITY COUNCIL, BOARD OF ALDERMEN, BOARD OF SELECTMEN,
TOWN COUNCIL OR DISTRICT PRUDENTIAL COMMITTEE**

Name:	
Name of approving body: Write an X by one selection.	<input type="checkbox"/> City Council <input type="checkbox"/> Board of Aldermen <input type="checkbox"/> Board of Selectmen <input type="checkbox"/> Town Council <input type="checkbox"/> District Prudential Committee
Title/ Position	
Agency Address:	
Office phone:	
APPROVAL OF § 20(d) EXEMPTION	
	<p>We have received a disclosure under G.L. c. 268A, § 20(d) from a special municipal employee who seeks to have a financial interest in a contract made by a municipal agency of this city or town. We understand that the special municipal employee participates in, or has official responsibility for, activities of the municipal agency that made the contract. We approve this exemption under § 20(d) regarding the financial interest identified by the special municipal employee.</p>
Signature:	On behalf of the Council, Board or Committee identified above, I sign this approval.
Date:	

Attach additional pages if necessary.

File your completed, signed, approved Disclosure with the city or town clerk.

OPEN SESSION

MINUTES

1. Review and vote to approve minutes of meetings
 - a. Public Session
 - September 11, 2023
 - October 16, 2023

October 30, 2023

September 11, 2023

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 – Rescheduled

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 investigative 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

October 16, 2023

TOWN OF FALMOUTH
SELECT BOARD
Open Meeting Minutes - DRAFT
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.

Select Board:

Present: Nancy Robbins Taylor, Chair; Edwin (Scott) Zylinski II, Vice-Chair; Douglas C. Brown; Onjalé Scott Price; Robert P. Mascali

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

OPEN SESSION

Call to Order by Chair Nancy Taylor at 6:30 p.m.

Pledge of Allegiance: Led by Select Board

Recognition

Mr. Brown recognized the passing of Richard Plescia, a 20-plus year employee of the Parks Dept. DPW Director Peter McConarty also honored Mr. Plescia with his remarks.

Mr. Brown also recognized that many people in the Falmouth community are hurting right now due to the situation in Israel and Gaza.

Announcements

Ms. Scott Price announced that the Falmouth Pond Coalition would be holding a forum on Tuesday at the United Universalist Church on Sandwich Rd. at 6:30.

Public Comment

Maureen Harlow-Hawkes, West Falmouth – said in 2020 Proposition 2 ½ tax revenue funded \$971K to hire 8 new fire fighters – said in 2023, \$950K was to fund 14 new hires – said the West Falmouth station has been closed again and again – asked how many new hires have there been to date – asked for a sit-down between the town manager or Board and the fire chief to review the situation – asked what has happened with the Prop 2 ½ funding and why we are still closing stations.

Gerard Cogliano, Precinct 7 – said he wanted to address the pickleball situation. Chair Taylor said the issue was on the meeting agenda and would be addressed at that time.

Sarah Merolla, Falmouth Heights – said she is a research assistant at MBL – said she has grown up wanting to work in Woods Hole at MBL – said she has moved three times in the last year due to the low availability of affordable housing – gave an example of a posted room rental being taken within minutes of being posted – said a year-long rental would take 70% of her income – said young scientists cannot afford to live here and said some have to leave their positions – said the problem also applies to other professionals – said it's disheartening to hear how long it takes to complete affordable housing projects – urged the Town to acknowledge the housing crisis and prioritize affordable housing.

COMMITTEE INTERVIEWS - Interview, vote and appoint committee members

Human Services Committee

Linda Sattel – reschedule at candidate's request

Michael Bihari, MD – said he has been in Falmouth for 22 years – said he has served on the board of directors for the Community Health Center for 10 years – was the head of the steering committee for the Prevention Partnership – said he has worked with Neighborhood Falmouth for past 5 years – said Falmouth is growing in terms of its elderly

population – said issues of loneliness and depression are present in this population – said the Town has to be aware of the needs of the elderly.

**Motion by Mr. Brown: To appoint Dr. Bihari to the position ending June 30, 2026 Second: Ms. Scott Price
Vote: Yes – 5 No – 0**

Waterways Committee

Paul (Rick) Hill – said he has spent most of his life on the water and has an interest in the issues of the committee – said he thinks he can contribute in a positive way – said he has not attended committee meetings but is an avid boater, sailor, and instructor.

**Motion by Mr. Mascali: To appoint Paul (Rick) Hill to the waterways committee for a term ending June 30, 2025 Second: Mr. Zylinski
Vote: Yes – 5 No - 0**

BUSINESS

Update – Annual Town Meeting Article 6, Sewer Design and Permitting for Northeast Maravista and Teaticket Path Peninsula Service Area

Chair Taylor turned the item over to Mr. Brown, who said that the presentation was to further inform residents about Article 6 and the wastewater discharge issue. He introduced Amy Lowell, Wastewater Superintendent, who gave a summary of the issue, including the following points:

- That letters have been received proposing the design and permitting of the discharge portion of the sewerage plan be removed from Article 6
- Review of why Article 6 be voted as proposed, including the short-term plan for increasing discharge to the existing open sand beds 14 and 15 north of the West Falmouth Harbor watershed, and the long-term plan of the outfall
- That the 2-part plan went through the required public process and received approval from the state in January, 2023
- That monitoring of wells is ongoing and submitted to the state regularly
- That the study of Herring Brook was commissioned to the same UMass Dartmouth team that had done the initial estuary project
- That the Town does not have a permitted outfall, and that Article 6 requested funding to move that forward
- That without a discharge location, Article 6 is not a viable project

Mr. Brown commented that ground-based discharge is not the preferred solution, but it is an interim solution while the outfall plan is worked on as a more permanent solution. He said he hoped the Town could come together on this 2-part plan to avoid further delay in bringing about a solution to wastewater discharge.

Mr. Mascali asked how often reports are provided. Ms. Lowell said some are monthly, some quarterly, and some annually. Crocker Pond data for July through September is reported each year. Mr. Mascali asked if more frequent reporting could be done. Ms. Lowell said that it is possible that Falmouth would propose its own monitoring plan for the discharge, and that the DEP might want to supplement that. She said it was not so much about frequency of reporting as the need to install additional wells based upon concentrations in existing wells. She said she could envision the need for additional wells between Crocker Pond and Herring Brook, which would then require monitoring.

Mr. Zylinski asked if updates on information as it becomes available will be supplied. Ms. Lowell said yes.

Public Comment:

Katie Taylor, Exec. Director of Salt Pond Area Bird Sanctuaries - said that Crocker Pond is enjoyed by thousands of people a year including educational programs, and asked the Board to reconsider the discharge – said no study was done on Crocker Pond, only testing – said Crocker Pond is a pristine environment - said phosphorous and nitrogen cause algae outbreaks so why would the Town purposely do this to the area – said wasting money to pollute an area of Town makes no sound financial sense – said the negative impacts would last for generations – said the method has to last for more than 20 years – said there has to be another solution besides putting wastewater into sites 14 and 15.

Jim Gray, president of West Falmouth Village Association – said the WFV residents support the wastewater collection method in Maravista – said it’s necessary to think about such a large project over its entire duration – said he has environmental and economic concerns over the current proposal – said the Town and the Buzzards Bay Coalition each hired an expert to conduct a study and the results vary – said to back away for a minute and consider environmental risks – said until the wastewater superintendent and the WQMC conclude that there will be an outfall, decisions about land based sites should not be made – need to consider the investment in the context of larger investments that need to be made and to avoid a possible wasteful situation – asked Board to consider health risks to the area habitat and residents, to Old Silver Beach, and possibly to Herring Brook.

Matt Handley, Thomas Landers Rd. – said he has spoken multiple times in objection to this article – said he has provided a plan that would satisfy the opposition – said the Town would have to go through a minefield if the article passes – said no work would happen for 4 years while issue goes through courts – said new information unavailable sooner would be able to be submitted to courts – said the likelihood of discharge beds at 14 and 15 is very minimal – said the permit would be held up for 4-6 years – said the article is not going to pass – said the Town would be paying for septic systems in North Falmouth when East Falmouth is paying to hook into the system – provided details of pipe placement that would reduce costs – said to put the nitrogen back in the area we’re taking it out of - said there is a letter from Susan Moran, saying she is not in favor of this – said we need to protect Old Silver Beach and West Falmouth Harbor.

Chair Taylor said no vote would be taken tonight – that Town Meeting would decide this article.

Report – Beach Committee

Dr. Barbara Schneider began the report by narrating informative screens covering areas such as Beach Committee membership, 2023 accomplishments such as improved staff huts and beach accessibility, instituting a 3-year management plan, and partnering with Water Stewards for water stations at beaches. Trisha Herlihy spoke about staffing successes, improved pay resulting in full staffing, and the value of swimming lessons. She said the committee was again recommending another 3% pay increase and bonuses for those who stay late and past the close of the season. Parking attendants will be CPR and first-aid certified. Dr. Schneider added details concerning the parking attendant hut project saying she hoped they would be at all the beaches next summer. Nancy Quigg, the committee’s liaison for the beach facilities working group, updated the Board on the search for the location of beach department offices, rest room units, and the capital request to investigate the feasibility of options. Heather Burke outlined successful communication strategies. Mark Twitchell detailed approaches to sustainability and coastal resiliency. Dr. Schneider concluded by highlighting the importance of the 3% pay increase, bonuses, CPR training, adult swim lessons, and coastal resiliency strategies.

Report – Edward Marks Building Committee

Barbara Weyand, chair of the committee, after naming other committee members, began the report by explaining the funding sources behind the project - Community Preservation Act, and MA Historical Commission - and the timelines associated with those specific funding cycles. She also explained the details of exterior work connected with Phase 1 and Phase 2, and the difficulties of meshing with interior work. She also included what could be anticipated for a Phase 3 application in 2024. She referred to a need for an extended timeline for the entire project. She passed out materials to the Board at the conclusion of the report.

Report – Joint Base Cape Cod (JBCC) Joint Oversight Group (JOG)

Brigadier General (ret.) Christopher Faux began the report by identifying the 5 military organizations represented at the base – MA National Guard, Army National Guard, Air National Guard, U.S. Space Force, and U.S. Coast Guard. He outlined the vision and mission of the base and the value of the joint oversight group. (The Board realized they would need to appoint a new representative to that group due to the recent death of Ray Jack.) Brig. Gen. Faux also clarified that the conceptual plan that emerged from the initial charette would be further developed to address the need to help the housing situation. Colonel Timothy Gordon provided an overview of the Intelligence Wing, Resources, and People. Lieutenant Colonel Stewart Smith summarized the Space Force component of the report.

Mr. Brown asked Lt. Col. Smith who was going to take responsibility for all the space junk. Lt. Col. Smith said Space Force doesn’t take part in answering that question, but he said many different ideas exist and discussions are

happening related to the problem, and about which government agencies are best suited to address it. There was brief comment regarding possible practices to use.

Commander Mike Miller provided an overview of the Coast Guard Air Station organization. An additional Coast Guard presenter provided more information focusing on services for base members. Colonel Matthew Porter summarized the features, operations, and projects of Camp Edwards Training Site.

Discuss recommended pickleball noise complaint mitigation best practices

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 5 – Discuss Pickleball Noise Complaint Mitigation Measures* in the Select Board packet. The review included a summary of the sport and how tennis courts have been modified to accommodate play. At the conclusion of his summary, Mr. Renshaw recommended removing the existing pickleball court lines at the Lawrence School and Swift Park to mitigate noise complaints from residents within 400 feet of the pickleball courts. He referred to aerial photographs of both sites in the packet to illustrate the reasoning behind his recommendation. He said the information is for discussion purposes only.

Mr. Brown asked about the timeline for the repainting of lines at Swift Park, wondering if coordinating in some way with the new courts at Trotting Park were possible. Mr. Renshaw said that would be a future decision point when more information was available. Mr. Brown said there were also concerns from tennis players about the distraction that pickleball lines create for them while playing. Ms. Scott Price ascertained from Mr. Renshaw that at Swift Park, the building 76 feet away from the courts is a child care facility, not a residence.

Public Comment:

Gerard Cogliano, Precinct 7 – said painting over the pickleball lines is a terrible action to take – said it limits the opportunity to residents and guests to play the sport – said the median age of the Town is 55.8 and this would be neglecting the recreational needs of this population – said the cost of re-painting the lines is a waste of taxpayer dollars – said if Article 11, to construct pickleball courts, is indefinitely postponed, there would be only 4 courts at Nye Park in North Falmouth – said the Town and the recreation department should provide more opportunities to play pickleball and should not be intimidated by the fear of litigation – said other towns provide more courts for their residents – said it is neglectful of an aging population not to provide these courts.

Debbie Carlisle – said we now have 8 courts with 4 at Swift Park – said over 450 people signed a petition in 3 ½ days not to paint the lines at Swift – said a plan to move pickleball to Falmouth high school without engaging the pickleball community was a bad plan – said while sympathetic to the noise complaint at Swift Park, every possible re-location comes with downsides – said the pickleball community wants a good solution – said by next spring, after input from the pickleball community, a viable alternative to Swift Park may be available and funds could be requested at April Town Meeting to re-paint Swift then – asked the Board 1) not to recommend funding for re-painting Swift Park, 2) to direct the town manager and recreation director to work with reps from the pickleball community to find the best overall solution until Trotting Park is built, and 3) to ask the finance committee to change its former recommendation and to approve the \$2.6 million funding request for Trotting Park.

Linda Pogue, West Falmouth – said that the town manager at last week's rec committee meeting said that he thought there were multiple noise complaints – said that there are 750 members on Team Reach, an app for pickleball players – said "try to stretch 750 players out over 4 courts" – said that she would like that data to be included in any decision-making about pickleball court use – asked not to erase Swift Park until more courts are available.

Mr. Zylinski asked if the 750 Team Reach users are Falmouth residents; Ms. Pogue said yes.

Jim Gray, West Falmouth – regarding noise complaints, said we need to recognize that the parks we use are multi-purpose parks – said trying to mix 3-, 5-, and 7-year olds with enthusiastic pickleball players really doesn't work – said having a separate facility for pickleball makes sense – said the available parking at Swift is taken up by pickleball players – asked the Select Board to consider the full interests and needs of the community regarding the use of multi-use parks.

John Rest, East Falmouth – said the people in the app are Falmouth residents – said there are restriction on playing pickleball at Swift Park to 4 days a week – said there is a bigger demand now and getting Trotting Park built is very important – said the winter season will lessen the noise complaints – asked to postpone any decisions on Swift for

the winter— said he feels sorry for nearby residents, but it's been there for 9 years already — said all concerns, the needs of the players and the noise complaints from residents, are legitimate.

Bob Dolan — said to put up sound-proof fencing — said finding an interim policy is needed for the time between erasing Swift and the new courts at Trotting Park — said quieter balls are available also — said these alternative materials are not expensive.

Brit Densmore, Blacksmith Shop Rd. — said his family has owned the house across the street from Swift Park since 1967 with no complaint about noise from tennis — said pickleball is a maddening, noisy sport — said his house is 120 feet away from the courts on a high point and the sound goes directly up to his house — said a decibel level study of the area was in the high 70s — said it is a horrible amount of noise — said he is not against pickleball, only in residential areas — said pickleball players simply want courts and don't seem to care about the noise — said they are a group of very entitled people who have no sympathy for anyone else.

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

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *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* in the Select Board packet.

Michael Borselli, representing the applicant, said they were going before the Conservation Commission on the 25th to get permission to do the maintenance work for coastal bank stabilization at the property, and is seeking permission now to proceed with that plan.

Mr. Brown said this is simply a request to do maintenance that was not clearly outlined in the original license.

Motion by Mr. Brown: To approve the applicant's request to submit a Notice of Intent to the Conservation Commission to perform sediment nourishment and maintenance Second: Ms. Scott Price
Vote: Yes – 5 No - 0

Chair Taylor said she was now going to take an agenda item out of order.

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

Mr. Renshaw introduced Jen Lincoln, conservation administrator, who outlined the reasons for the request, including an increase in permit applications and high turnover in the part-time position. The funding would come from a reserve fund transfer of \$14,092 to supplement the FY24 budget.

Mr. Brown noted that the request has been in the works for a number of years but never acted upon, as well as the amount of land needing management.

Motion by Mr. Brown: To reclassify the part-time conservation agent position to full-time status
Second: Mr. Zylinski

Mr. Johnson-Staub then clarified that the motion would have to include the creation of a new full-time position in the conservation department requiring a four-fifths vote of the Board. Mr. Mascali asked if the part-time position would remain. Mr. Johnson-Staub said the intent is to replace the part-time position with full-time; it is not in addition to the part-time position.

Amended Motion by Mr. Brown: To create a new full-time position in the conservation department to replace the part-time position that we currently have Second: Mr. Zylinski Vote: Yes – 5 No - 0

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

Edit: Chair Taylor proposed changing language on p. 9, Health and Public Safety, 5th bullet point under “ongoing goals” to the following: **Commit to staffing the West Falmouth fire station. All other language under that bullet point would be omitted.**

Board comment on this change included these points:

- Our policy says we staff 6 stations.
- If we can't staff 5 stations now, that is a concern.
- There has been no real discussion of a replacement fire station for the N/W quadrant.
- The new police station is now a priority.
- Constituents have concerns regarding staffing at existing stations.
- There is currently no site chosen for the N/W section of town.
- We also have an outfall project to consider.

Edit: Chair Taylor suggested an additional edit on p. 9, last bullet point: **To commit to a 6-fire station model. Delete the rest of the language. Mr. Brown amended this change: To commit to a full-time 6-fire station model. Omit remaining language.**

Mr. Renshaw, by way of informing the Board, said it would be a challenge to keep Station 4 until the staffing issues are addressed, such as minimum staffing levels. He said he and Mr. Johnson-Staub continue to work with Chief Small to address these issues. Chair Taylor said the Board would need to see the plan to assure that the station stays open. Mr. Zylinski said that it is a public safety issue to keep that station open, and there must be a way to solve the problems that exist.

Edit: Ms. Scott Price noted the misspelling of her name on the first page.

Mr. Mascali commented that under the first section, Housing, there should be focus not just upon affordable or workforce housing, but on the need for housing available to all income levels.

Edit: P. 4, paragraph one, second sentence: **Prioritizing creation of housing that is available to and attainable by all different income levels including affordable, workforce, and market rate rentals...**

Mr. Mascali reiterated the importance of focusing not just on the word “affordable” when talking about housing.

Mr. Mascali next called attention to P. 4, under “specific actionable goals,” first bullet. He suggested the following: **Add 100 more deed-restricted affordable rental units. Omit remaining language.**

Board discussion focused on whether to include a time frame for this goal, and what it should be. They questioned whether “per year” was attainable. They agreed it should be over the life of the strategic plan. They also agreed to add the phrase “a minimum of” at the start of the goal.

Additional edit: P. 4, under “specific actionable goals,” first bullet: **Add a minimum of 100 more deed-restricted affordable rental units over the life of the plan. Omit remaining language.**

Mr. Mascali next moved to Water, Wastewater, and Solid Waste Management (p.16) and asked if the Board should mention looking into the feasibility of urine diversion, or nitrogen reducing septic systems. The Board agreed to revisit this issue after Town Meeting to see how the community feels about it.

Motion by Ms. Scott Price: To accept the Strategic Plan with the addition of edits Second: Mr. Zylinski
Vote: Yes – 5 No – 0

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

Motion by Ms. Scott Price: To approve the Consent Agenda

Second: Mr. Zylinski

Vote: Yes – 5 No - 0

MINUTES

Review and Vote to Approve Minutes of Meetings

Public Session – January 30, 2023 – Mr. Brown noted on bottom of p. 2, the Vote should be 3 yes and 1 recused. (Mr. Patterson was not present at that meeting.)

Motion by Mr. Brown: To approve the minutes of the January 30, 2023 minutes

Second: Ms. Scott Price **Vote: Yes – 4 No – 0 Abstain – 1 (Mr. Mascali)**

Public Session - September 11, 2023 (not taken up by chair)

Executive Session – September 11, 2023 –

Motion by Mr. Zylinski: To accept and release

Second: Mr. Mascali **Vote: Yes – 4 No – 0 Abstain: 1 (Ms. Scott Price)**

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Renshaw orally presented his report to the Board, referring the document entitled *Supplemental Report* in the Select Board packet. Sections included Establishment of Town Core Values, Updates on Recent Projects and Initiatives (Steamship Authority and Entertainment License Review and Approval Policy), and Upcoming Meetings.

SELECT BOARD REPORTS

Chair Taylor reported on the following:

- The opening of a culturally sensitive care Falmouth recovery support center at Kenyon's Corner on Dec. 1 on East Falmouth Highway
- Possibility of a workshop on current issues such as short term rentals, sober houses, upcoming rail trail

Mr. Zylinski reported on the following:

- Will attend ZBA workshop on Oct. 28

Mr. Mascali reported on the following:

- Attended the *Postcards From the Past* exhibit at the Falmouth Historical Society

Mr. Brown reported on the following:

- Had a good meeting at Woods Hole Library regarding Steamship Authority issues
- Attended the WQMC meeting, asking the Town Manager's office to send out the 3 letters from tonight's meeting packet to Town Meeting members, if appropriate
- Attended the urine diverting subcommittee meeting

Ms. Scott Price reported on the following:

- To address precinct meeting assignments at the next meeting

ADJOURN

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

Respectfully submitted,
Carole Sutherland, Recording Secretary

OPEN SESSION

TOWN MANAGER'S SUPPLEMENTAL REPORT



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
SUBJ: Supplemental Report
DATE: October 30, 2023

Housing Production Plan Updates

Our Housing Coordinator and Town Planner continue to work diligently with the consultant, Horsley Witten Group, on remaining elements of the Housing Production Plan update. The HPP is a five-year strategy for planning and developing affordable housing in a municipality. As Falmouth's current plan, approved in 2018, is due to expire in January 2024, an update is needed.

Because public input is a key component of the process, over the next few months the Town will be providing numerous ways for the public to learn more about the project and provide their comments and feedback. The first of these public meetings is scheduled for Thursday, November 8 at Falmouth High School's Cafeteria A from 6:30-8:00 PM. This first meeting will kick off with a presentation from 6:30-7:00 PM concerning key findings on housing data, housing needs, and the challenges for development. Following this presentation, small group discussions will be conducted from 7:00-8:00 PM. The discussions in these small groups will focus on how the Town can better meet the community's housing needs and where is affordable housing development most appropriate.

Comprehensive Review of Town Parcels:

The Planning Department is leading a comprehensive review of all Town-owned parcels to determine suitability for affordable housing and other municipal uses, including potential sites for a new Police Station and Beach Department offices. The Town owns over 400 parcels, most of which are protected or otherwise unsuitable for development. There have been prior efforts to identify parcels suitable for affordable housing but this

review will be much more comprehensive and will document the specific criteria that limit potential uses of each parcel so the Town will have a database that can be accessed and updated for future use. Given the number of parcels, it will take many months to complete this review with input from multiple departments.

Update on Barnstable County Correctional Facility Library Outreach:

Brian Stokes, our Acting Library Director, met with Sheriff Donna Buckley and her education team in May concerning potential partnership opportunities. Brian reports that the Sheriff's Office was extremely enthusiastic about a partnership and some of the ideas he had for collaboration. In July, Brian started visiting the County Correctional Facility's library to weed and organize their collection.

Currently, Brian is visiting on Wednesdays and Fridays on alternating weeks, with a group of male inmates coming to the library at the Correctional Facility on Wednesday and female inmates visiting on Friday. For now, Brian is continuing his work focused on organizing the library collection while also taking requests for specific titles and subjects from inmates and filling those requests with donated materials from the Friends of the Falmouth Public Library. In the future, Brian hopes to expand his collaboration with the education department to roll out book discussion groups structured like college-level literature courses, as well as offering instruction for incarcerated parents on how to effectively read to their children.

Recently Attended Meetings:

On October 17 I was invited to tour the entire Marine Biological Laboratory campus to get a better understanding of the MBL facilities, history, and capabilities. The tour was facilitated by Dr. Patel, Director of the Marine Biological Laboratory.

On October 20 I was given a tour of the Upper Cape Regional Transfer Station (UCRTS) by Peter McConarty and Carl Cavossa, and had an opportunity to speak with the current

Board of Managers in order to better understand the important role that the facility plays both locally and regionally with our current partner communities of Sandwich and Mashpee.

On October 24, I had the honor of assisting in the dedication and ribbon cutting of the Resilient Woods Hole Climate Walking Trail. The interactive trail consists of 12 stations, each with its own narrative regarding the importance of coastal resiliency and the impact of climate change and sea level rise on our community now and through 2070.

Also on October 24, I attended a tour of the Woods Hole Oceanographic Institution's Quissett Campus. The purpose of the tour, facilitated by Senior Advisor Colin Reed, was to two-fold. First, we discussed the impact which the lack of affordable, workforce housing is having on the Institution's employees, specifically among the ranks of the support staff. Secondly, I had the chance to tour the majority of the campus facilities to get a better understanding of the activities and functions performed on this campus.

Upcoming Meetings:

- November 6
- November 13 Town Meeting, 7:00 PM at Lawrence School
- November 20
- December 4
- December 18