

TOWN OF FALMOUTH
SELECT BOARD

AGENDA

MONDAY, NOVEMBER 20, 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: Firefighters Union

6:30 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamation – Falmouth Peer Recovery Support Center Grand Opening Day – December 1, 2023
4. Recognition
5. Announcements
6. Public Comment

6:45 p.m. PUBLIC HEARINGS

1. Shade Tree Hearing – on application of James Clarke for the removal of one (1) Norway maple tree at 78 Sliver Beach Avenue, North Falmouth (10 minutes)

6:55 p.m. BUSINESS

1. Discuss interaction between the Select Board and the Falmouth Housing Authority (10 minutes)
2. Report – Veterans Council Committee (15 minutes)
3. Report – Agricultural Commission (15 minutes)
4. Report – Waterways Committee (15 minutes)
5. Application for a Change of Manager of an All-Alcoholic Beverages Restaurant License – Rose M Corp. d/b/a Soprano's Casino by the Sea, located at 286 Grand Avenue, Falmouth (5 minutes)
6. Designate member of the Select Board to seek input on the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo (5 minutes)
7. Approve annual license renewals for 2024 (5 minutes)

**ALL ALCOHOL RESTAURANT and
COMMON VICTUALLER LICENSE**

99 Restaurant & Pub, 30 Davis Straits
Captain Kidd, 77 Water Street
Ristorante Avellino, 339 East Falmouth Highway

Garrett's Family Market, 435 Palmer Avenue
Holly Park Variety, Inc., 580A Route 28A
Intergas, 607 Main Street
Wild Harbor General Store, 200 Old Main Road

ALL ALCOHOL PACKAGE STORE LICENSE

Falmouth Wine & Spirits, 322 Palmer Avenue
John's Liquor Store, 729 Main Street
Kappy's Fine Wine & Spirits, 21 Spring Bars Road
North Falmouth Liquors, 362 North Falmouth Highway
Teaticket Market, Inc., 125 Teaticket Highway

COMMON VICTUALLER LICENSE

Betsy's Diner, 457 Main Street
Coonamessett Farm, 277 Hatchville Road
Talk of the Town Diner, 362 North Falmouth Highway

INNHOLDER LICENSE

Admiralty Inn, 51 Teaticket Highway
Falmouth Inn, 824 Main Street

WINE & MALT PACKAGE STORE LICENSE

ENTERTAINMENT LICENSE

Captain Kidd, 77 Water Street
Coonamessett Farm, 277 Hatchville Road
West Falmouth Library, 575 West Falmouth Highway

SUNDAY ENTERTAINMENT LICENSE

Captain Kidd, 77 Water Street
Coonamessett Farm, 277 Hatchville Road
West Falmouth Library, 575 West Falmouth Highway

USED CAR DEALER LICENSE

(MOTOR VEHICLE CLASS I, II & III)

Costa's Auto Body, 222 Carriage Shop Road

Falmouth Auto Works, 151 Worcester Court
Falmouth Motorcar, Inc., 716 Teaticket Highway
Falmouth Pier 37, 64 Scranton Avenue
Falmouth Salvage, 9 Hayway Road
Flying Bridge Marina, 250 Scranton Avenue
Intergas, Inc., 10 North Main Street
O'Hara's Motors, 50 Spring Bars Road
Reine Trucking, 9 Hayway Road
Route 28 Auto Center, 550 East Falmouth Highway
Sandi's Auto Sales, 45 Simpson Lane
Savon Hatem, LLC, 561 Thomas B Landers Road

8. Discuss and vote 2024 Select Board meeting calendar (5 minutes)

8:10 p.m. CONSENT AGENDA

1. Licenses

- a. Application for three Special One-Day All Alcoholic Beverages Licenses – Falmouth Theatre Guild – Highfield Theater – 58 Highfield Drive, Falmouth – Friday, Saturday, and Sunday, December 1–3, December 8–10, and December 15–17, 2023. Friday hours 6:30 p.m. to 10:00 p.m. Saturday and Sunday hours are 3:30 p.m. to 7:00 p.m.
- b. Application for a Special One-Day All Alcoholic Beverages License – West Falmouth Library Christmas Tree Lighting – 575 West Falmouth Highway – Friday, December 1, 2023, from 6:00 p.m. to 8:00 p.m.
- c. Approve Request to Extend Seasonal All Alcoholic Common Victualler License until January 2, 2024 – Landfall Restaurant, 9 Luscombe Avenue, Woods Hole
- d. Vote to approve the administrative Change of Address of an All-Alcoholic Beverages Club License – Falmouth Rod & Gun Club, Inc., located at 25 Sportsman Lane

2. Administrative Orders

- a. Authorize Friends of Cedar Lake to file Notice of Intent (NOI) with Conservation Commission to conduct invasive species removal at Cedar Lake
- b. Approve request from The 300 Committee for a Conservation Restriction for the Gerald W. Sylvia 1.023-acre parcel at Lot 4, Millstone Street, North Falmouth
- c. Approve appointment of Carissa April as the Joe Q Veteran Coffee Break representative to the Veteran's Council Committee
- d. Approve fourth amendment and extension of existing parking lot lease agreement with the Steamship Authority
- e. Accept award under the FY2024 Municipal Road Safety Grant Program (MRS) in the amount of \$39,950.00 to use for traffic enforcement

8:15 p.m. MINUTES

1. Review and Vote to Approve Minutes of Meetings

- a. Public Session – August 28, 2023; November 6, 2023; November 13, 2023
- b. Executive Session – October 30, 2023

8:20 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT

8:25 p.m. SELECT BOARD REPORTS

8:35 p.m. ADJOURN

Nancy Robbins Taylor, Chair
Select Board

OPEN SESSION

3. Proclamation – Falmouth Peer Recovery Support Center Grand Opening Day – December 1, 2023



PROCLAMATION

WHEREAS, The mission of the Falmouth Commission on Substance Use (FCSU) is to prevent substance abuse among Falmouth's citizens, provide information and education to the community and to promote the development and availability of a continuum of substance use services for all Falmouth residents; and

WHEREAS, the Falmouth Peer Recovery Support Center welcomes all people in recovery from substance misuse and those affected by substance misuse offering a variety of free services and providing peer-to-peer supports including peer facilitated groups, relapse prevention and tobacco cessation support groups; social events; access to computers for job readiness/job search activities; and advocacy and recovery coaching; and

WHEREAS, the Falmouth Peer Recovery Support Center commitments are to respect and promote the human and civil rights of all individuals we serve; and

WHEREAS, we provide the highest quality services, assure continuous improvement and fully value the diversity of individuals as well as meeting the changing needs of individuals we serve; and

WHEREAS, to help achieve this goal, the Department of Public Health, Bureau of Substance Addiction Services, Gándara Mental Health Center; and Falmouth Peer Recovery Support Center invite all residents of town of Falmouth, to recognize Gándara Center's new and sixth Recovery Support Center in the Commonwealth.

NOW, THEREFORE, WE, Nancy Robbins Taylor, Edwin P. Zylinski II, Douglas C. Brown, Onjalé Scott Price and Robert P. Mascali, as the Select Board of the Town of Falmouth, by virtue of the authority vested in us by the laws of the United States, do hereby **PROCLAIM, December 1, 2023** as **Falmouth Peer Recovery Support Center Grand Opening Day** in Falmouth and call upon the people of Falmouth to observe this day.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Great Seal of the Town of Falmouth to be affixed this day, Monday, November 20, 2023.

Nancy R. Taylor, Chair

Onjalé Scott Price

Edwin P. Zylinski II, Vice Chair

Robert P. Mascali

Douglas C. Brown

SELECT BOARD

Diane Davidson

From: Damaris Perez Pizarro <dperezpizarro@gandaracenter.org>
Sent: Thursday, November 9, 2023 3:09 PM
To: Falmouth Town Manager
Subject: Proclamation for Gándara Center
Attachments: A proclamation (003).docx

Good afternoon All

I hope this email finds you all well today and that you're ready for the long weekend!

Attached please find a proclamation request from our organization Gándara Center

Thank you so much for you all your help.

Ps,
if there anything else that you need from us please let me know

Damaris Pérez Pizarro
Communications & Development Coordinator
933 East Columbus Ave | Springfield, MA | 01105
Office: 413.507.0694
dperezpizarro@gandaracenter.org



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OPEN SESSION

PUBLIC HEARINGS

1. Shade Tree Hearing – on application of James Clarke for the removal of one (1) Norway maple tree at 78 Silver Beach Avenue, North Falmouth **(10 minutes)**

NOTICE OF A PUBLIC HEARING

Removal of Public Shade Trees

Town of Falmouth, Department of Public Works

In accordance with Massachusetts General Laws Chapter 87, Sections 3 and 4, a public hearing will be held on Monday, November 20th at 6:45 PM in the Selectmen's Office at 59 Town Hall Square, Falmouth, MA to consider the removal of the following public tree(s):

Locations:

1. 78 Silver Beach Ave – Removal of 1 *Acer platanoides* (Norway maple)

Size (DBH 31").

Reason: Past storm breaks and trees proximity to house and wires

The tree(s) identified above have been posted for public inspection. Any objections to their removal must be submitted in writing to the Tree Warden prior to or during the hearing. The mailing address for the Tree Warden is Department of Public Works, Town of Falmouth, 416 Gifford Street, Falmouth, MA 02540. Email:

jeremiah.pearson@falmouthma.gov, Phone: 508-457-2543 x3008





AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearing 1.

ITEM TITLE: Public Hearings- Shade Tree Hearing- on application of James Clarke for the removal of one Norway Maple tree at 78 Old Silver Beach Avenue, North Falmouth

MEETING DATE: 11/20/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Parks and Forestry Division Investigation and Recommendation Letter, Notice of Public Hearing, Application for Hearing and removal of Town Shade Tree

PURPOSE:

A Public Hearing is being held, in accordance with M.G.L Chapter 87, for the purpose of considering the removal of a Norway Maple tree located at 78 Old Silver Beach in North Falmouth.

BACKGROUND/SUMMARY:

- The applicant, Mr. James Clarke, submitted the attached Application for hearing and Removal of Town Shade Tree on October 27, 2023.
- In his application, the applicant stated that falling branches are creating a hazardous condition.
- The Town Tree Warden inspected the tree and observed that it has a very unbalanced crown from previous utility line clearance, but is in overall fair health; however, due to the fact that the tree is positioned very close to the applicant's house and utility lines, and that the tree has experienced

past damage and was responsible for a large power outage in 2021, he is recommending that the Select Board allow the tree to be removed.

- Removal should be done at the expense of either the homeowner or Eversource.

DEPARTMENT RECOMMENDATION:

The Department of Public Works/ Parks and Forestry Division recommends that permission be granted to remove the tree with the condition that the cost of removal be borne by the owner or Eversource.

OPTIONS:

- Motion to grant permission to remove the tree with the condition that the cost of removal be borne by the owner or by Eversource.
- Motion to grant permission to remove the tree with other conditions specified.
- Motion to deny permission to remove the tree.

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 grant permission to remove the tree with the condition that the cost of removal be borne by the owner or Eversource.

Michael Renshaw

Town Manager

11/15/2023

Date

**NOTICE OF A PUBLIC HEARING
Removal of Public Shade Trees
Town of Falmouth, Department of
Public Works**

In accordance with Massachusetts General Laws Chapter 87, Sections 3 and 4, a public hearing will be held on Monday, November 20th at 6:45 PM in the Selectmen's Office at 59 Town Hall Square, Falmouth, MA to consider the removal of the following public tree(s):

Locations:

1. **78 Silver Beach Ave** – Removal of 1 Acer platanoides (Norway maple)
Size (DBH 31").

Reason: Past storm breaks and trees proximity to house and wires

The tree(s) identified above have been posted for public inspection. Any objections to their removal must be submitted in writing to the Tree Warden prior to or during the hearing. The mailing address for the Tree Warden is Department of Public Works, Town of Falmouth, 416 Gifford Street, Falmouth, MA 02540. Email: jeremiah.pearson@falmouthma.gov, Phone: 508-457-2543 x3008

November 3, 2023



Town of Falmouth

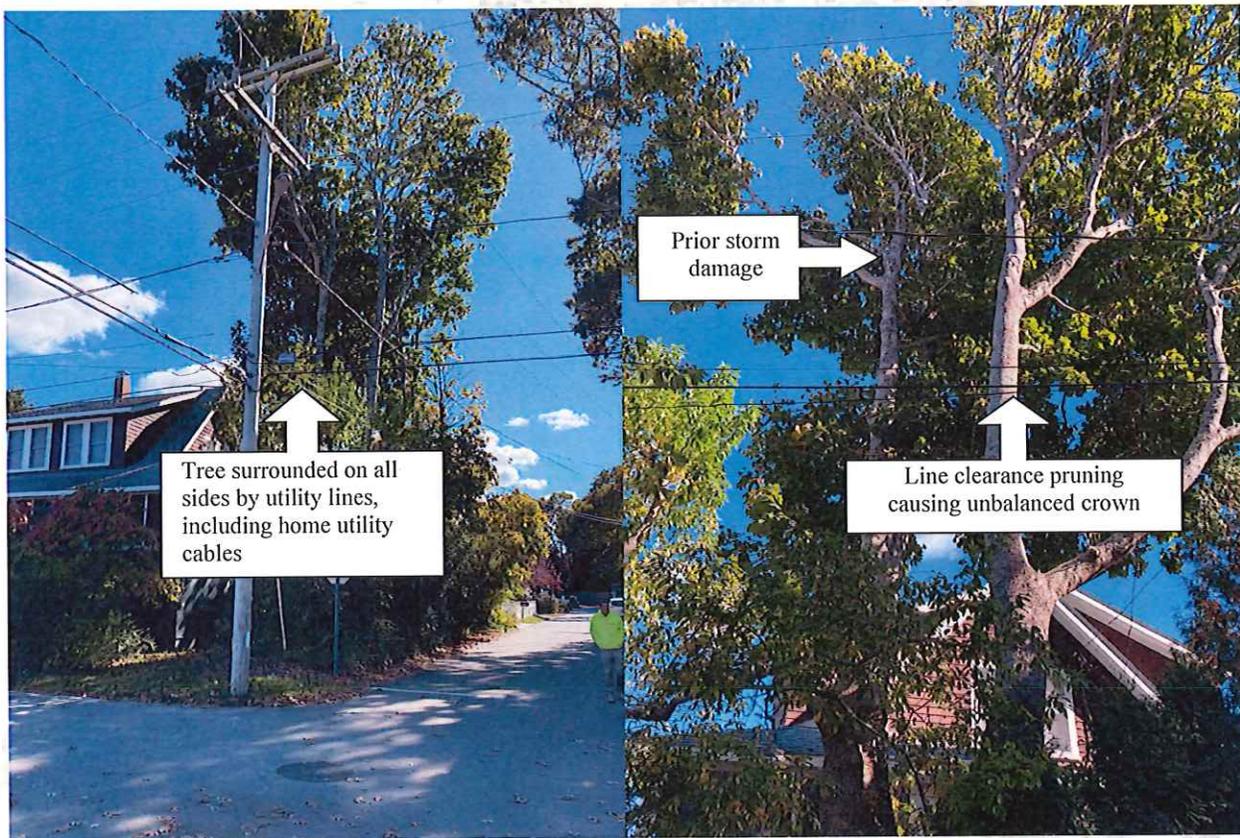
Department of Public Works

Parks & Forestry Division

416 Gifford Street
Falmouth, MA 02350

Telephone: (508) 457-2543
Fax: (508) 548-1537

Tree Wardens opinion for the removal of one (1) Norway maple located at 78 Silver Beach Ave North Falmouth.



The homeowner of 78 Silver Beach Ave is very concerned with this Norway maple tree causing property damage and harm if likely failures were to happen in the future.

After performing a tree risk evaluation, I have concluded that this tree's crown is unbalanced from line clearance, but is in overall fair health. In most circumstances I would not have concern with failure. Unfortunately, this large maple tree is situated in a very tight area between a house and high tension utility lines allowing for many different risk targets. This tree has caused a large outage in October of 2021. My concern is mainly due to the trees unbalanced crown, location, species and past damage. If future likely damage were to occur there would be property damage to the resident.

My recommendation is for allowing the removal of this tree with the burden of cost on the resident or Eversource.

Submit In Duplicate

Town of Falmouth



Application for Hearing & Removal of Town Shade Tree

To: Falmouth Board of Selectmen

(To be filled out by applicant)

Name of Applicant (Owner): James Clarke

Street Address: 78 Silver Beach Ave, North Falmouth Ma. 02556

Section of Town: North Falmouth - Silver Beach

Telephone Number: [Redacted]

Reason for Tree Removal Request: Hazardous - falling branches etc.

Legal Advertising Fee to be paid by applicant: \$25.00

Signature of Applicant: James P. Clarke

(To be filled out by DPW Tree Warden)

Variety of Tree [Redacted] Condition of Tree [Redacted]

Approximate Height [Redacted] Diameter of Tree [Redacted]

Can Tree be Removed [Redacted] Estimated Cost/Moving [Redacted]

Estimated Cost/Removing [Redacted]

Recommendation of DPW Tree Warden [Redacted]

Action Taken by Board of Selectmen [Redacted]

[Redacted signature boxes for Board of Selectmen]

Board of Selectmen

Date of Posting of Tree [Redacted]

Date of Legal Advertising in Newspaper [Redacted]

Date of Removal of Tree [Redacted]

OPEN SESSION

BUSINESS

1. Discuss interaction between the Select Board and the Falmouth Housing Authority **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 1.

ITEM TITLE: Discuss interaction between the Select Board and the Falmouth Housing Authority

MEETING DATE: 11/20/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Memorandum from the Office of Town Counsel

PURPOSE:

The Select Board will discuss the level of oversight or authority it has as a governing body over the Falmouth Housing Authority.

BACKGROUND/SUMMARY:

- Town Counsel was requested by the Town Manager to prepare a memorandum outlining the statutory framework and organization of the housing authorities in general, and supervision and oversight of these authorities at the state level, and the role of the Select Board in terms of the appointment and removal of Housing Authority board members.
- The purpose of this memorandum is educational and to provide some context for a discussion on the matter of how the Select Board interacts with the Housing Authority.

DEPARTMENT RECOMMENDATION:

This item is for discussion purposes only; no action is being requested or anticipated.

OPTIONS:

N/A

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

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

Michael Renshaw

Town Manager

11/17/2023

Date

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

TO: MIKE RENSHAW, TOWN MANAGER AND
MEMBERS OF THE SELECT BOARD

FROM: MAURA O'KEEFE, TOWN COUNSEL 

SUBJECT: RELATIONSHIP BETWEEN THE TOWN AND THE HOUSING
AUTHORITY

DATE: NOVEMBER 17, 2023

1. Question Presented:

What level of oversight or authority over the Falmouth Housing Authority does the Select Board have?

2. Statutory Framework:

Towns are authorized to create a local housing authority (“LHA”) upon a determination by Town Meeting that such an organization is required for the purpose of clearing substandard, blighted areas and providing low-income housing for families and seniors. M.G.L. c. 121B § 3. For Towns, the LHA is composed of three members elected by registered voters of the Town, one tenant member appointed by the Select Board in accordance with statutory procedures, and one member appointed by the Commonwealth’s Executive Office of Housing and Livable Communities (“EOHLC” formerly DHCD). Members serve for a term of five years. The purpose of an LHA is to eliminate unsafe and unsanitary dwellings by providing low-rent housing to relieve an acute shortage of housing throughout the municipality. Collins v. Selectmen of Brookline, 325 Mass. 562, 564 (1950).

An LHA is organized as a public body politic and corporate, meaning that it is a political subdivision of the state, with the power to operate as a government. It can sue and be sued, enter into contracts, receive loans and grants, enter into agreements with the federal government, exercise the power of eminent domain and acquire, transfer, sell or

lease any interest in real property it may obtain by gift or bequest, among others. M.G.L. c. 121B § 11. It is empowered with any necessary authority required to carry out its essential purpose: the financing, construction, maintenance and day-to-day management of low-rent housing projects. Fairhaven Housing Authority v. Comm., 220 N.E.3d 111, 117 (2023). This power is neither absolute, nor independent, for the authority of an LHA is subject not only to supervisory oversight by the EOHLC, but municipalities also possess the ability to remove the members of an LHC under certain circumstances. M.G.L. c. 121B §§ 6; Comnesso v. Hingham Housing Authority, 399 Mass. 805, 807 (1987).

3. Supervision and Oversight by the Commonwealth:

The power of an LHC to provide low-rent housing under chapter 121B is subject to the broad administrative supervision and oversight of the Commonwealth through the EOHLC. M.G.L. c. 121B: §§ 1, 11, 29, 30-32, 34, 35 and 37; West Broadway Task Force, Inc. v. Comm’r. of Dept. of Community Affairs, 363 Mass. 745, 748 (1973). Any decision that a housing authority can make falls under EOHLC’s supervision. Comm’r. of Dept of Community Affairs v. Medford Housing Authority, 363 Mass. 826, 865 (1973); Fairhaven 220 N.E.3d 111 at 117. For example, LHAs are able to create their own operating rules, but they are ineffective unless approved by the EOHLC. Medford 363 Mass. at 866.

The EOHLC is tasked with promulgating rules and regulations for all LHAs to follow. Comnesso, 399 Mass. at 808. The rules and regulations establish governing principles to which the LHAs must adhere for the planning, construction, maintenance and operation of all LHA projects. Id. Additionally, following a scandal of public corruption involving the executive director of an LHC in the 2010’s, the state legislature incorporated an additional layer of oversight by the EOHLC in the form of mandatory training, contract review, and a performance-based monitoring system. M.G.L. c. 121B §§ 5B; see An Act Relative to Local Housing Authorities, Chapter 235 of the Acts of 2014; Fairhaven 220 N.E.3d at 117. Since 2014, new members of an LHA must complete the training within 90 days of assuming office, and thereafter, all members must repeat the training every two

years. M.G.L. c. 121B § 5B. Failure to complete the required training¹ may subject a member to removal from office. Id.

4. Limited Role of the Town in the Operations of the Falmouth Housing Authority:

The role of the Town in the operations of the Falmouth Housing Authority (“FHA”) is limited because the FHA is not a department of the Town. Collins 325 Mass. at 567. Chapter 121B allows for the Town to provide some financial support, even though the Town has no primary or affirmative responsibility for the finances or financial obligations of the FHA. M.G.L. c. 121B § 17. The Town may appropriate municipal funds to defray the initial costs and annual administrative expenses of the FHA. M.G.L. c. 121B § 19. The Town may also appropriate or borrow funds to defray the costs to develop, acquire or operate low-rent housing, subject to some repayment requirements and borrowing restrictions. M.G.L. c. 121B §§ 20, 21. The Town may also convey or lease an interest in real property to the FHA with or without consideration. M.G.L. c. 121B § 23.

5. The Role of the Select Board:

There are two significant roles dedicated specifically to the Select Board regarding the FHA: appointment and removal. The Select Board, along with the members of the FHA, are required to make an appointment to fill vacancies created by elected members of the FHA board. M.G.L. c. 121B § 5. Additionally, the Select Board may make or act upon charges against any member of the FHA who is elected by the voters or who is appointed by the Select Board,² and may remove such member of the Board after a hearing.³ M.G.L. c. 121B § 6.

¹ The required training covers the following subjects: Open Meeting law, public records, procurement, conflict of interest, financial procedures under M.G.L. c. 29, fiduciary responsibilities, fraud prevention, Fair Housing laws, tenant occupancy and tenant participation policies, housing discrimination, and best practices for inspections and maintenance. M.G.L. c. 121B § 5A.

² The provisions of the Open Meeting law may allow the Select Board to consider complaints or charges in executive session under Purpose 1, with certain caveats. M.G.L. c. 30A § 21(a)(1). This office will provide additional counsel on this matter as needed.

³ Complaints or charges against the member appointed by the State should be referred to EOHLC, who has independent authority to remove that member. Miller 878 F.2d at 525.

Removal may only be done for “insufficiency or neglect of duty, or misconduct in office.” Miller v. Town of Hull, 878 F.2d 523, 525 (D. Mass. 1989). In order for misconduct rise to the level to warrant removal from office, the supporting evidence must be “significant rather than unsubstantial or trivial.” Bunte v. Mayor of Boston, 361 Mass. 71, 76 (1972). There must be a finding that the member violated a known rule or duty that has some essential connection to the administration of the public office. Id. Removal must only ever be done for a serious breach of duty. Miller at 878 F.2d at 531. Removal for anything less could potentially jeopardize the right of the voters to their determination through a free and fair election and this standard of removal further protects elected officials from being removed for political motives. Id.

If charges against a member of the FHA warrant a hearing, the member must be provided with a certain level of due process. M.G.L. c. 121B § 6. The member must be provided with at least fourteen (14) days notice prior to a hearing, an opportunity to be represented by counsel, and must be allowed to present evidence at the hearing in their defense. Id. The Select Board may suspend the member during the pendency of the hearing and issuance of a decision. Id. The Select Board may appoint a temporary member to the FHA to serve during the suspension. Id.

6. Conclusion:

The relationship between an LHA and its municipality is clearly proscribed by the provisions of chapter 121B. An LHA operates independently from the municipality, but under the supervision and oversight of the EOHLC. The municipality may electively provide some financial support, and there is an important role for the Select Board to play in the case of significant neglect or wrongdoing by the members of an LHA board.

OPEN SESSION

BUSINESS

2. Report – Veterans Council Committee **(15 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 2.

ITEM TITLE: Report- Veterans Council Committee

MEETING DATE: 11/20/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Presentation

PURPOSE:

The Veterans Council Committee Chairperson Carissa April will present the annual report to the Select Board.

BACKGROUND/SUMMARY:

- The mission of the Veterans Council is to represent the Town of Falmouth in supporting our Veterans by providing awareness, resourcing and collaboration that enables successful outcomes for our community's Veteran activities.

DEPARTMENT RECOMMENDATION:

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

OPTIONS:

N/A

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

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

Michael Renshaw

Town Manager

11/15/2023

Date

OPEN SESSION

BUSINESS

3. Report – Agricultural Commission **(15 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 3.
ITEM TITLE: Report- Agricultural Commission
MEETING DATE: 11/20/2023
WORK SESSION **REGULAR MEETING** **PUBLIC HEARING**
SUBMITTED BY: Mike Renshaw, Town Manager
ATTACHMENTS: Presentation

PURPOSE:

The Agricultural Commission will present its annual report to the Select Board.

BACKGROUND/SUMMARY:

- The mission of the Agricultural Commission is to represent the Town of Falmouth's agricultural community and interests.
- The Agricultural Commission's activities include:
 - Acting as mediators, advocates, educators, and/or negotiators in an advisory capacity on farming issues for established Town Committees and Departments.
 - Promoting agriculture-based economic opportunities for the Town.
 - Pursuing all initiatives appropriate to creating a sustainable agriculture community.
 - Serving as facilitators for encouraging the pursuit of agriculture in Falmouth.
 - Working for the preservation of agriculture lands owned by the Town.

DEPARTMENT RECOMMENDATION:

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

OPTIONS:

N/A

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

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

Michael Renshaw

Town Manager

11/15/2023

Date

OPEN SESSION

BUSINESS

4. Report – Waterways Committee **(15 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 4.

ITEM TITLE: Report- Waterways Committee

MEETING DATE: 11/20/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Presentation

PURPOSE:

The Waterways Committee will present its annual report to the Select Board.

BACKGROUND/SUMMARY:

- The mission of the Waterways Committee is to protect, maintain, develop and improve the navigable waterways and public resources of the Town of Falmouth through transparent and environmentally sound means.
- The Waterways Committee activities include:
 - Advocate for all waterway users.
 - Develop rules, regulations and leases that regulate the waterways facilities.
 - Endeavor to pro-actively create new waterways resources and oversee the construction of such projects.
 - Maintain, protect and improve the quality of existing waterways resources.

- Vigorously pursue financial resources from town, county, state, and federal sources.

DEPARTMENT RECOMMENDATION:

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

OPTIONS:

N/A

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

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

Michael Renshaw

Town Manager

11/15/2023

Date

Waterways Committee

On behalf of the Committee comprised of: Joe Voci, Chair Kevin King Vice Chair, Mike Kinney, Chuck Eastman, Chuck Martinsen, Rocky Geyer, Rick Hill. Non-Voting member Harbormaster Gregg Fraser, I present this report for 2023. The harbormaster has been extremely helpful with his knowledge, expertise and experience guiding the Committee through many obstacles pertaining to waterway issues.

Falmouth is very fortunate to have 20 estuaries directly connect to the Atlantic Ocean. With this comes great responsibility to maintain these for the public's benefit. The following is an update on the Waterways Committee involvement with some of these estuaries.

Megansett Harbor Dredging:

This harbor has required a great deal of attention due to the complexity of issues. Not the least of which being the Approach, Harbor & Current River (to Squeteague harbor) are shared with the Town of Bourne. I believe the WWC report of 2022 included the complexity of the area. This year the WWC has had several meetings with representatives of the MSA (Megansett Squeteague, Association) to discuss the needs, requirements & plans for the waterways.

Following several of these meetings it was agreed to have our Town Manager enter into a Memorandum of Understanding between MSA & the Town. Basically, it outlines who would seek & pay for design, engineering & permitting and that the permits would be in the Town of Falmouth name.

As a result of the MOU the WWC agreed the most pressing problem is the approach/channel to the harbor and has put it on our priority list as part of the 10-year comprehensive dredging permitting process. It becomes more complex as the approach channel is shared with the Bourne. We have been in contact with our counterparts from Bourne.

The Woods Hole Group conducted an extensive survey of the Approach and submitted their findings in a January 2023 report. Highlights of the report are, remove approximately 2000-3000 Cu Yds to reach the desired depth of -8ft at MLW over 1.8 acres. The critical component is where do the spoils go? The report does state the spoils are beach renourishment compatible, however, beach renourishment at Megansett is not allowed under the OOC. Our Harbormaster is waiting for updates from the WHG. Most of the approach is in Bourne and we have not finalized an intergovernmental agreement. Although we have been working closely with Bourne, we don't know if we will file jointly or individually. We will not file until the 10-year comprehensive permit is finished. (Estimate for issuance now is Nov 15, 2023)

Wild Harbor:

A new float system was designed, permitted & installed along the South Bulkhead along with a ramp to allow easy access from West Ave down to the floats. This is a huge welcomed upgrade for the benefit of the many small boats that make up the majority of boats in this harbor.

West Falmouth Harbor:

The old ramp has been dismantled & the new launching ramp has been designed, permitted and installed. The installation was completed the 2nd week of October. The Tech School will be constructing new floats (same as Harrington St) and will be installed in the Spring.

Great Harbor Woods Hole:

The committee requested funding for the new ramp in the November 2023 capital budget.

Water Quality Estuaries:

Trunk River – Salt Pond – Fresh Pond – Little Pond are the 4 estuaries that require dredging periodically (storm related) under the 10 yr. Comprehensive permit. Most can be dredged by land based, equipment rented from Plymouth County. Currently on hold no permit.

Falmouth inner Harbor:

Entrance channel was dredged under the old permit with the spoils pumped to surf drive beach. Simpsons Landing bulkhead permits being finalized. Grant for construction funding filed with the Seaport Economic Council in September. New floats were installed alongside the charter boats. The electrician notified the Town we will need to upgrade the electrical pedestals in the Town Marina to GFCI compliant ones. A Capital budget line has been submitted for the 2024 budget and additional funding has been requested in the FY25 budget for this purpose.

Great Pond/Green Pond:

Both of these are in need of dredging, but due the fact the 10 yr. comp. permit has yet to be issued. Best estimate at this time for the permit is mid - November, which leaves little time to dredge before the Time of Year (TOY) restriction kicks in January 15th. To dredge North of the bridge at Great Pond, the dredge needs to be dismantled, towed under the bridge then re-assembled.

Eel River:

This estuary, like Megansett, is very complex and has required a large amount of time to digest all the factors/issues. In June of 2022 SCS submitted a 72-page feasibility report outlining the history and many issues facing Eel River. They listed 4 alternatives.

- **No action:** The combination of increased coastal erosion, increased public hazards risks related to navigation safety, and likely degradation in estuarine water quality indicate that the “do-nothing” alternative is **not viable**.
- **Dredge the existing channel (the “status quo”):** At present, the Town is waiting for the 10-Year Comprehensive Permit that allows dredging as needed. Since this alternative would not meet the goals of the project by mitigating erosion of the western shoreline and also would require frequent maintenance dredging, this alternative was eliminated from further consideration. This approach has been used in the past only to have it fill back in during the next big storm
- **Shortening of the Washburn Island spit:** In addition to dredging the channel to the specifications delineated in the 10-Year Comprehensive Permit, dredging the western tip of the Washburn Island spit will create a wider tidal inlet to increase hydraulic efficiency and redirect tidal currents away from the western shoreline of the inlet. By far the most viable action. This option would require extensive and costly permitting and likely require a CZM Coastal Resiliency Grant application in 2024.
- **“Hard” structures Sand trapping structures on the beach (i.e., groins):** Shore stabilization structures (e.g., revetments or seawalls.) **Also, not a Viable Option**

The Unanimous Opinion of the WWC: No Action was NOT an option. Major WWC concern was the safety of the large number of boaters using the entrance, due to the very high velocity (>6 knots.) of water flowing between Menauhant YC & Washburn Island spit. After much discussion, the WWC committee chose to seek guidance from the Falmouth Con Com. Once the Con Com heard all the facts, they voted to

support the removal of over 300 ft of the spit. At the meeting of Nov.1, 2023 the WWC voted to recommend the town proceed with filing of a CZM grant for engineering and permitting funding for this purpose. The application would be filed in May or 2024. A 25% town match in funding will be required and likely will be in the November 2024 capital budget.

Waquoit Bay:

A spoil analysis has been funded and the Woods Hole Group has been given a limited contract to identify possible disposal options for the dredge spoils. Once the committee receives this information they will decide if it is cost effective to continue the engineering and permitting of the full project.

Whites Landing: Work has begun on the parking lot. Mitigation of storm water runoff, along with Re grading the entire lot. Ultimately, paving & lining to maximize available for parking. It's one of the most used lots especially for kayakers .

Dredge Priority List:

The WWC has working to develop a priority list over the past several months. Using a set of criteria, each member prioritized the estuaries needs for dredging.

Some of the criteria were:

- # of boaters impacted - Navigation - Water quality - Already permitted - Feasibility of getting permits
- # of Docks - Community support - Discharge access – Commercial Traffic

Location	JEFF	KEVIN	MIKE	GREGG	JOE	ROCKY
Eel River Approach	H	L	H	M	H	H
Eel River West Embayment	H	L	M	M	H	H
Falmouth Harbor Inlet	H	H	H	H	H	H
Great Pond Embayment	H	M	H	H	H	H
Great Pond Inlet	H	M	H	H	H	H
Green Pond Embayment	M	M	M	M	M	H
Green Pond Inlet	H	M	H	H	H	H
Megansett Approach	H	H	H	M	H	M
Megansett Embayment	L	L	L	L	L	L
Megansett/Bourne Channel	L	L	L	L	L	L
Waquoit Bay Embayment	L	L	L	L	L	L
Waquoit Bay Inlet	M	M	M	M	H	M
West Falmouth Inlet	M	M	M	L	M	M

H= High M = Medium L =Low

Not included on this list are the Water Quality Estuaries

Permitting:

It has become increasing more complex with each passing year. From local regulatory boards/committees/groups i.e., Con Com Coastal Resiliency, Local Shell fishermen To State agencies i.e., DEP- DNR – WBNERR – CZM – DMF Federal agencies i.e., ACOE – NOAA – EPA –

Funding;

Town Capital Improvement Funds
Grants from CZM
Massworks Grants
Seaport Economic Council Grants
To name a few

Dredge Spoils;

Continues to be a major issue on any dredge project.

2 Dredge Methods commonly used

- A. **Hydraulic** - use of County Dredge shared with other Cape Towns.
Most cost effective if compatible the spoils can be pumped to a nearby beach.
If not compatible, spoils would be loaded onto a vehicle & disposed of site.
- B. **Shovel** – Rented from Plymouth County with 70 ‘ reach used to dredge
Trunk River -Salt Pond - Fresh Pond

How to dispose of the spoils depends on many factors;

- A. **Composition** – what’s it composed of? grain size – silty – chemicals
- B. **Amount** - # of cubic yards - Contents –
- C. **Where to Dispose** depends on A & B. beach – marsh – upland very expensive

Fees;

Voted to recommend 2024 slip fees to Select Board 9/6/23

DRAFT ONLY
Memorandum of Understanding
July 25, 2023

WHEREAS, The residents of the Megansett Squeteague Association (MSA), as represented by Molly Kammerer and Alison Ferrante, seek to have dredging permitted and completed in Megansett Harbor and Current River; and,

WHEREAS, The residents of the MSA have raised a significant amount of money to pay for design, engineering and permitting of dredging in these two areas; and,

WHEREAS, the MSA is not a legal entity and cannot hold permits without incorporating; and,

WHEREAS, There are some challenges to obtaining permits for these dredging projects related to disposition of dredge materials and dredge obstacles within the Megansett Harbor mooring field. The beaches in the area are accreting and deposit of dredge materials to the closest beach areas may be detrimental. Finding a suitable location to dewater dredge materials, and finding a suitable location to which dredge materials could be transported, without posing a threat to drinking water and environmental resources, may be difficult; and,

WHEREAS, The cost of completing the dredging is expected to be high relative to the size of the area dredged due to the added cost of dewatering and trucking dredge materials, and because of the obstacles on the floor of Megansett Harbor accumulated over decades of use as a mooring field. The Barnstable County dredge does not typically operate in mooring fields due to potential damage caused by these obstacles on the ocean floor; and,

WHEREAS, the Town of Falmouth (hereafter "Town") is pursuing permitting and design for dredging *the approach* to Megansett Harbor but has not committed any funding toward the design, engineering, and permitting of Megansett Harbor or Current River; and,

WHEREAS, only a portion of Megansett Harbor and a small portion of Current River are within the Town of Falmouth and other portions are within the Town of Bourne;

NOW THEREFORE, The Town and the MSA agree as follows:

1. The MSA will pay all costs associated with design, engineering and permitting -- including site selection for dewatering and disposal site selection -- of dredging Megansett Harbor and Current River as depicted in Exhibit A attached (hereafter "Dredging Projects");
2. The MSA will select the firm performing the design, engineering, and permitting work for these Dredging Projects and execute a contract with said firm;

3. All studies and work product received by the MSA from this firm will be shared with the Town of Falmouth and said information will be a public record subject to disclosure under applicable public records law;
4. The permit application for the portion of these Dredging Projects that lie within the Town of Falmouth will be filed under the name of the Town of Falmouth as the applicant;
5. The approval of the Town of Bourne will be required to obtain any permits for work to be performed within the Town of Bourne;
6. In the event all local, state and federal permits required for these Dredging Projects are obtained, at the sole expense of the MSA, the Town shall not be obligated to pay for the cost of completing these Dredging Projects. The Town may or may not choose to fund a portion of these Dredging Projects based on an evaluation of the costs and benefits relative to other dredging needs, availability of funds, environmental impacts, and any other criteria the Town may deem appropriate.
7. This Memorandum of Understanding does not apply to any dredging being considered for Squeteague Harbor or the approach to Megansett Harbor.

Exhibit A



DREDGE PRIORITY LIST

Location	JEFF	KEVIN	MIKE	GREGG	JOE	ROCKY
Eel River Approach	H	L	H	M	H	H
Eel River West Embayment	H	L	M	M	H	H
Falmouth Harbor Inlet	H	H	H	H	H	H
Great Pond Embayment	H	M	H	H	H	H
Great Pond Inlet	H	M	H	H	H	H
Green Pond Embayment	M	M	M	M	M	H
Green Pond Inlet	H	M	H	H	H	H
Megansett Approach	H	H	H	M	H	M
Megansett Embayment	L	L	L	L	L	L
Megansett/Bourne Channel	L	L	L	L	L	L
Waquoit Bay Embayment	L	L	L	L	L	L
Waquoit Bay Inlet	M	M	M	M	H	M
West Falmouth Inlet	M	M	M	L	M	M

Red H = High Priority Orange M = Medium Priority Yellow L = Low Priority

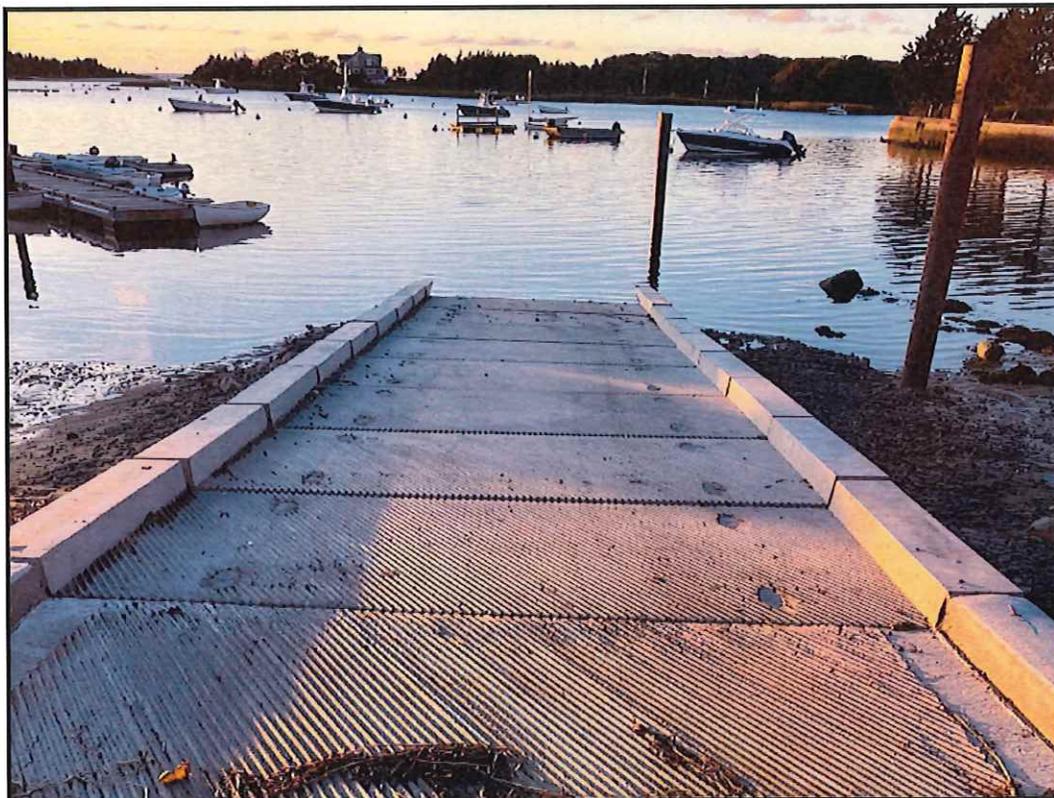
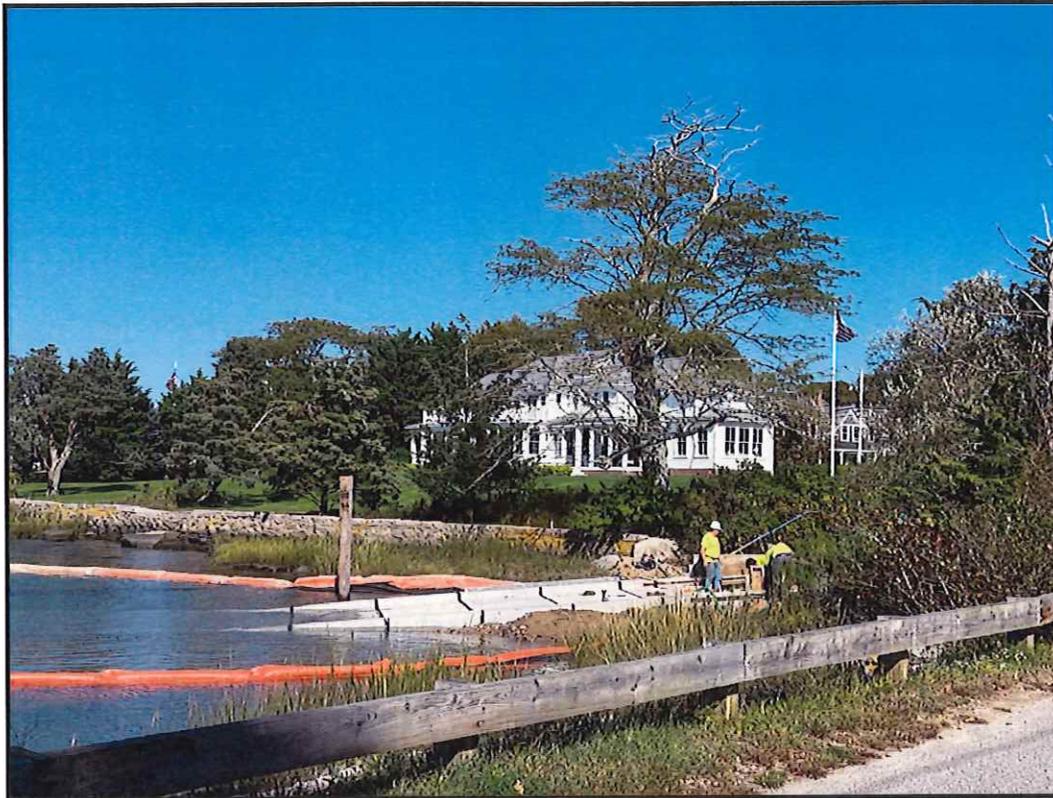
Wild Harbor Float & Ramp Installed 2023

10/24/23, 5:02 PM

IMG-6413.jpg



West Falmouth Boat Ramp, rebuilt October 2023



**CZM COASTAL RESILIENCE GRANT PROGRAM
FEASIBILITY ASSESSMENT FOR
ADDRESSING INCREASED EROSION ALONG THE
EEL RIVER INLET SHORELINE DUE TO BARRIER BEACH MIGRATION**



Prepared for:

Town of Falmouth, MA



Prepared by:

Sustainable Coastal Solutions
107A County Road
North Falmouth, Massachusetts 02556

June 2022

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1 INTRODUCTION

The Town of Falmouth received funding assistance through the Massachusetts Office of Coastal Zone Management (MCZM) *FY22 Coastal Resilience Grant Program* to develop an alternatives analysis for mitigating recent erosion of the section of the shoreline along the western side of the Eel River entrance channel. Specifically, Westerly growth of the Washburn Island barrier spit has continued to narrow the tidal channel between the 'hardened' shoreline at the Manauhant Yacht Club, along the western side of the inlet, and the Washburn Island barrier spit to the east. The narrowing of the inlet channel has led to a substantial increase in tidal current velocities that initially led to navigation safety concerns, but now has extended to accelerated erosion along the western shoreline of the inlet, including nearly the complete loss of fringing salt marsh. As the growth and migration of the barrier spit continues to evolve, it is anticipated that increased coastal erosion and constriction of the inlet channel will occur if proactive mitigation efforts are not taken.

Eel River Inlet, located on the south shore of Falmouth, MA, provides a hydraulic connection and tidal exchange between Nantucket Sound and the Eel River estuary (a sub embayment of the larger Waquoit Bay system that is directly linked via the Seapit River; Figure 1.1). The inlet is bounded on the western edge by the armored revetment fronting Manauhant Yacht Club and on the eastern edge by the terminus of the natural barrier beach on Washburn Island. Changes in inlet geometry, experienced by Eel River Inlet, are governed as a response to the growth and migration of the Washburn Island barrier beach.

Barrier beaches are typically long, and narrow landforms separated from the mainland by a body of water or wetland. They are extremely dynamic coastal mechanisms that act as a buffer, protecting low-energy marine environments and the mainland coast by damping wave energy propagating from the open ocean. Barrier beaches evolve both laterally along the coast and transversely shoreward or seaward. Lateral evolution of a barrier spit is governed by longshore sediment transport (also known as littoral drift), growing or receding depending on direction of local transport in relation to the source of sediment. Transversal migration of the barrier beach is caused by cross-shore erosion and/or overwash as a function of incident wave energy and water levels, such that the barrier beach system migrates shoreward in high energy waves with increased water levels and may migrate offshore during low water levels and in low energy wave climates when runup levels are less significant and sediments are deposited near the still water line. Additionally, aeolian transport has the ability to gradually move sediment towards the ocean under dry conditions while winds are blowing offshore, however, the influence of aeolian transport is relatively negligible in comparison to hydrodynamic forcing.

In general, inlets to tidal estuarine systems exist as a result of the balance between the littoral drift and tidal flushing. Wave-induced currents along the open coast transport sediment along the shoreline causing inlet shoaling and/or migration in the direction of the dominant littoral drift. Water elevation differences between the ocean and the estuarine system create tidal flows that prevent inlet closure by providing sufficient water velocity to scour sediments from the main channel. For many natural inlet systems, a period of barrier spit elongation is followed by episodic breaching of the barrier beach, resulting in a more hydraulically efficient inlet channel.

Washburn Island barrier spit is a natural barrier beach peninsula that has maintained a westerly growth trend since its formation more than 80 years ago. Due to the low-lying nature of the natural barrier beach system fronting the Waquoit Bay/Eel River estuarine system, overwash and on-going episodic erosion of the barrier beach spit and subsequent northwestern migration can be anticipated. Additionally, as the spit continues to elongate, the barrier beach becomes narrower and increased hydraulic head between the tide in the ocean and the estuary, due to a lack of efficiency afforded by constricted flow through the inlet, will likely influence a future breach at a narrow “weak” point in the spit (as was previously experienced during Hurricane Bob in 1991).

To address these concerns, information developed from other regional coastal processes analysis efforts, including previous evaluations of water quality and beach erosion studies was utilized to develop an alternatives analysis to evaluate appropriate measures to both mitigate coastal erosion and stabilize the tidal inlet to Eel River. The quantitative analysis of coastal processes builds off of existing data and modeling tools. However, updated bathymetric data, orthoimagery, and expanded numerical modeling methods that incorporate tidal hydrodynamics, waves, and sediment transport were required to provide appropriate analysis tools for evaluating management options. The overall goal of the planning analysis was to improve long-term resiliency along the shoreline immediately west of Eel River Inlet as well as increase navigational safety within the inlet channel.

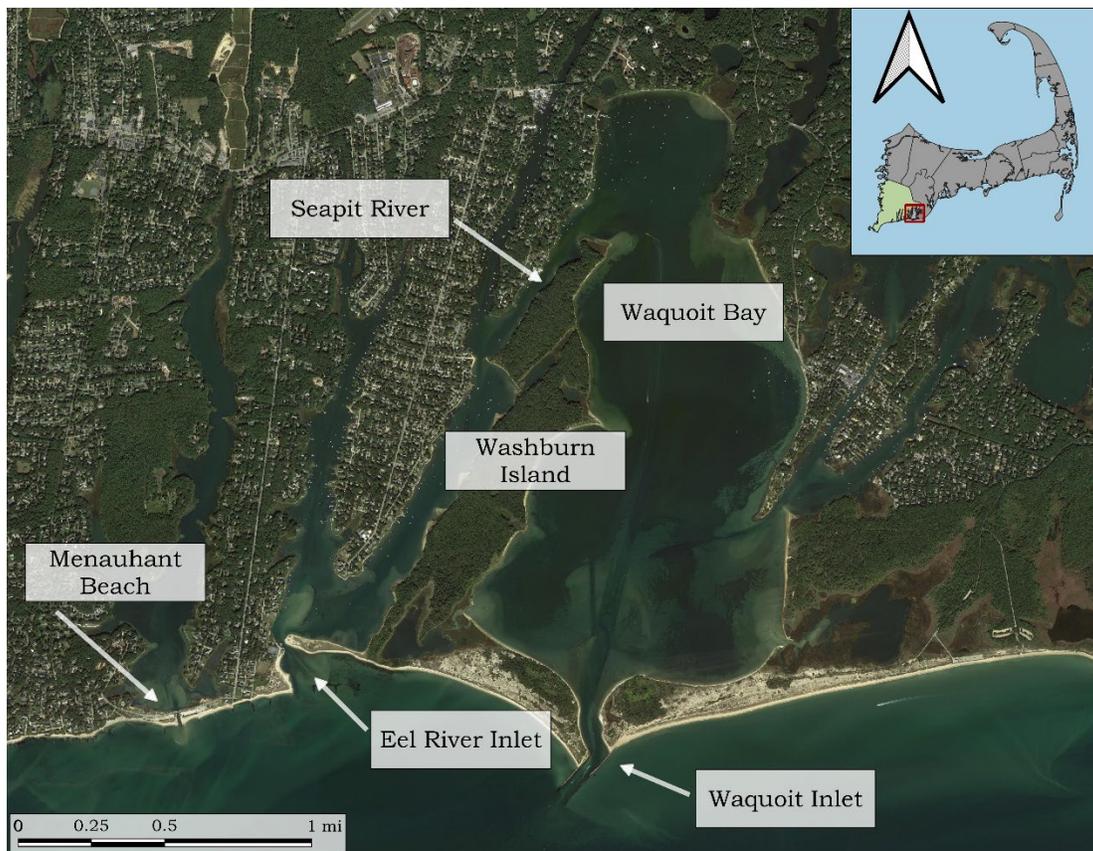


Figure 1.1 Aerial image of the Waquoit Bay system (credit: Google, 2016)

2 EVOLUTION OF THE COAST AND ENVIRONMENTAL CONDITIONS

The Eel River Inlet is located on the south shore of Falmouth, MA, between the eastern edge of Menauhant Beach and the distal end of the barrier beach on Washburn Island (Figure 1.1). The inlet allows tidal exchange between Nantucket Sound and the Eel River estuary (a sub embayment of the larger Waquoit Bay system). The Eel River estuary is directly linked to Waquoit Bay through the Seapit River, allowing for additional tidal flushing of the upper reaches of the system.

2.1 Site History

The south-facing coast of the Upper Cape was formed from marine deposits in an outwash plain as the Laurentide ice sheet receded after the Wisconsin glacial stage. Due to the low-lying nature of glacial out wash plains, the south-facing coast of Cape Cod is comprised of many estuaries and lagoons that have been formed by flooded erosion furrows, kettle holes and ground water sapping. Naturally these bodies of water are protected by baymouth beaches and barrier islands. The littoral sediments between Falmouth Heights and the Waquoit Bay inlet are generally medium and fine grain sands eroded from glacial till and sandy deposits from littoral currents. Conversely, the shoreline sediments from Nobska Point eastward to Falmouth Harbor are morainal due to the proximity of the Buzzards Bay Moraine and generally consist of mixed cobbles and more coarse sands.

Originally, the Waquoit Bay system consisted of a single inlet at the southern end of Waquoit Bay and tidal exchange in the western bay (Eel River) was governed solely by flows passing through the Seapit River due to a thin barrier beach spanning from Menauhant Beach to Washburn Island separating it from Nantucket Sound (Figure 2.1a). However, extreme tides and storm waves during the storm of 1938 washed over the barrier beach and created an inlet directly south of the Menauhant Yacht Club. The newly formed breach remained open naturally until it was filled with material and closed off by the United States Army Corps of Engineers (USACE) in 1941 to provide access to Washburn Island, which was utilized as a military training facility at the time (Figure 2.2). The barrier beach was stabilized by the implementation of several shore-perpendicular groins and jetties. Following the end of the war, the barrier beach was dredged to reopen the inlet to Eel River (Figure 2.1b). Following the reopening of Eel River Inlet, a deficit in sediment supply caused by groins and jetties to the west as well as the northerly migration of the Washburn Island spit has resulted in the eastern groins becoming 'flanked', or separated from the beach. Once detached, the groins are unable to provide proper function stabilizing the shoreline causing the rate of retreat of the spit to increase as shown in Figure 2.1c.

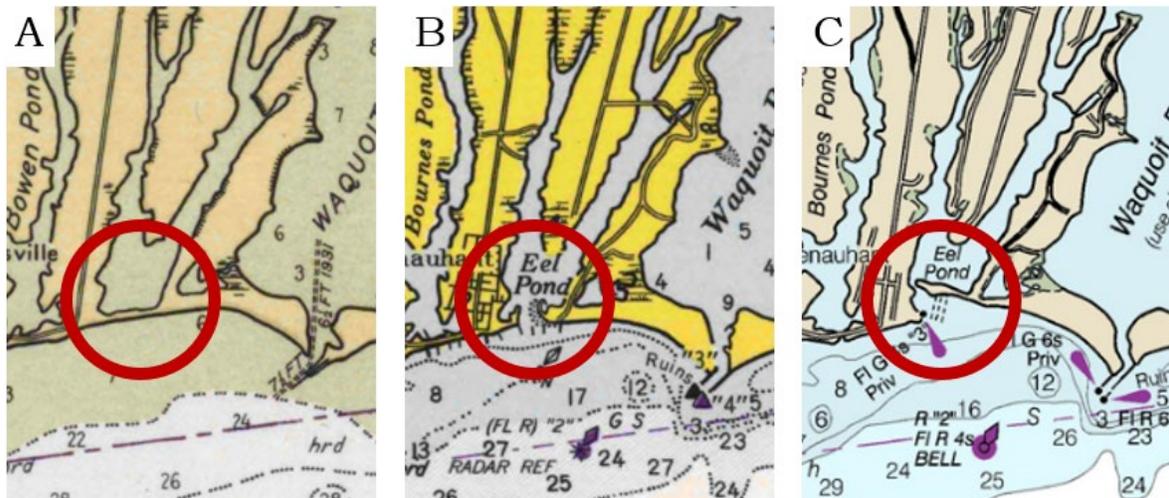


Figure 2.1 Historical Nantucket Sound and Approaches nautical charts (chart number: 1209) from the National Oceanic and Atmospheric Administration (NOAA), formerly the United States Coast and Geodetic Survey (USC&GS), showing the shoreline change between the years (a) 1933, (b) 1966, and (c) 2019.



Figure 2.2 Beach landing training on Washburn Island (credit: CapeNews.net)

2.2 Shoreline Change

The southern coast of Cape Cod is a dynamic coastal region, where natural wave and tidal forces continue to reshape the shoreline. Due to the protection afforded by the islands of Marthas Vineyard and Nantucket, the south shore of Cape Cod is protected from the influence of long period open ocean wave conditions. Similar to many portions of the Massachusetts coast, the available sediment supply influences the migration and/or stability of tidal inlets and their associated barrier beach systems. Tidal inlets can become overwhelmed by the gradual wave-driven migration of a barrier beach separating the estuaries from the ocean. In addition to these natural coastal processes, man-made structures often can influence the stability of a barrier/inlet system.

Typical of many shorelines in the region, the shorelines of Menauhant and Washburn Island were strongly influenced by anthropogenic development to improve navigation and protect upland infrastructure (Figure 2.3). Shoreline stabilization structures provide protection from erosion to upland areas but by doing so, they trap littoral sediments creating a deficit in longshore transport to down drift beaches. The discontinuity in littoral drift increases the rate of erosion on unprotected beaches down-stream. The dramatic retreat of the Washburn Island spit due to the lack of sediment supply and abandoned stabilization structures can be seen in the over the 150-year shoreline position record, shown in Figure 2.4. Originally anchored with a series of three shore-perpendicular stone groins, Washburn Island spit has retreated landward (to the north) over 1000 feet near the distal end of the spit subsequent to the groins becoming flanked and were no longer able to provide structural function in maintaining the position of the barrier beach. The eastern end of the barrier spit remains attached to Washburn Island, held in place by the natural protection of mixed cobble glacial deposits that make up the geologic composition of the island (Figure 2.5). Increased stabilization provided by the cobble along this region of the beach has caused the landward retreat of the shoreline to be much less dramatic than the distal end of the spit; thereby creating a gradient in shoreline change between the island and the western end of the spit that has caused the barrier beach to have a quasi-rotational growth to the northwest (Figure 2.6).



Figure 2.3 Public and Private shoreline stabilization structures, inventoried in 2009 and 2013, respectively. (Inventory Source: Mass GIS).

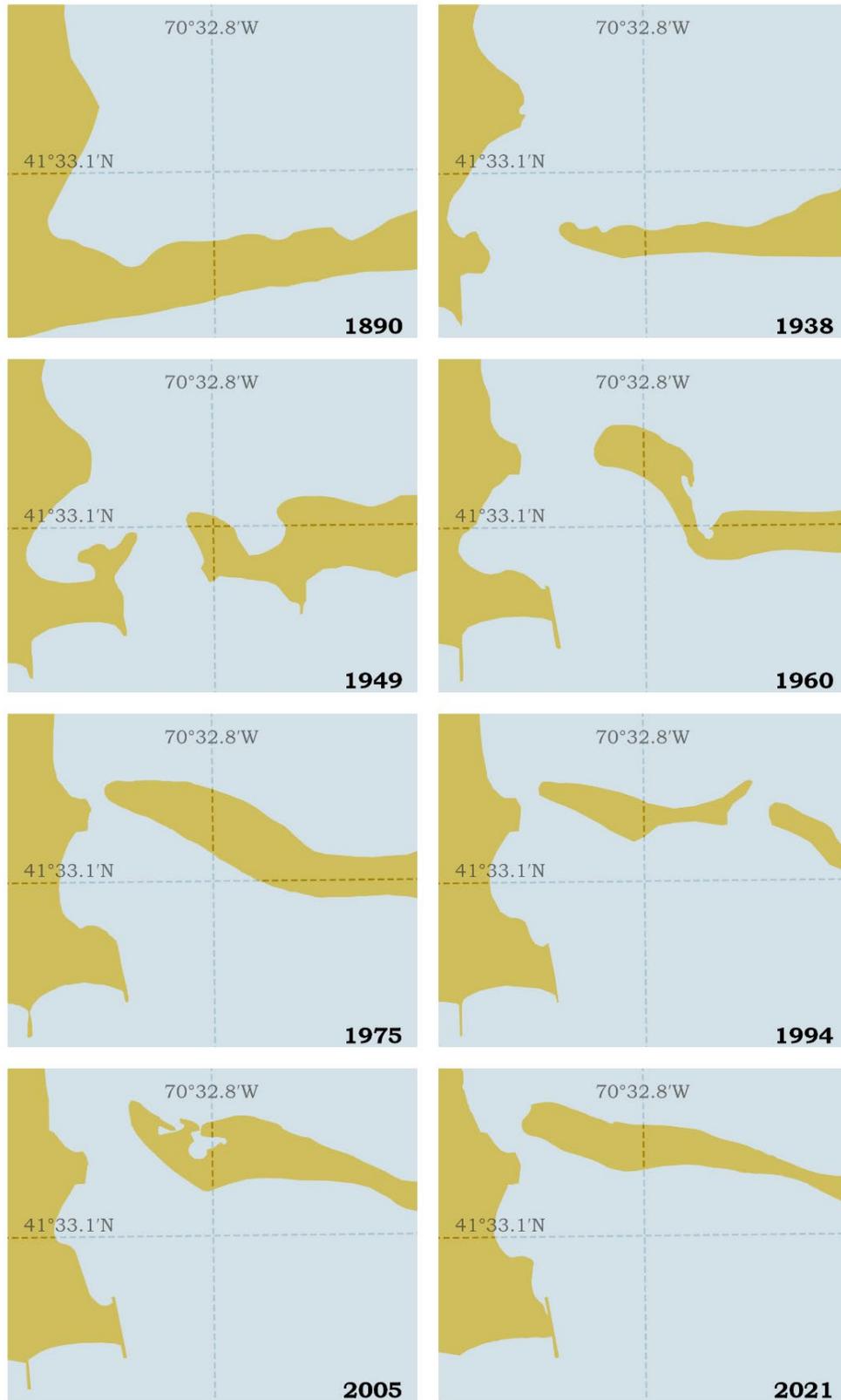


Figure 2.4 Morphological change of Eel River Inlet and Washburn Island spit from 1890 to 2021.



Figure 2.5 Mixed cobble sediments anchoring the barrier spit to Washburn Island.

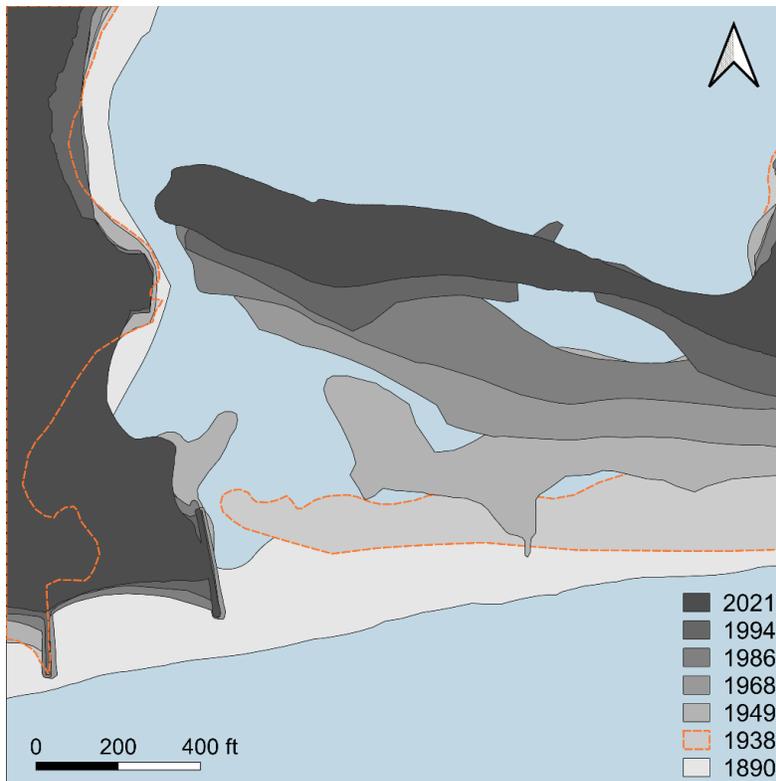


Figure 2.6 Comparison of the evolution of the distal end of the barrier spit relative to the main shoreline of Washburn Island from 1890 to 2021.

Eel River Inlet is bounded by an armored stone revetment on the western edge and the terminus of the barrier spit on the eastern edge. The stone revetment fronting the Menauhant Yacht Club on the western shoreline of the inlet has contributed to anchoring the inlet location in place as well as helping it remain relatively stable. Although constricted, the inlet allows for effective tidal circulation due to the stability of the inlet opening maintained during ebb flows by the back pressure of the embayment system. However, north-westerly elongation of the barrier spit has altered the direction of tidal flows and increased flow velocity due to inlet constriction, effectively creating increased hydraulic stress on the shoreline north of the Menauhant Yacht Club. The redirected influence of the tidal flow has caused an increased rate of erosion as well as scarping and slumping of the existing fringe marsh along the shoreline (Figure 2.7). Notably, this increased rate of erosion was observed over the past 10-15 years. Before then this section of shoreline has remained relatively stable (Figure 2.8). Specifically, Figure 2.8 illustrates the rather negligible change along the shoreline north of Menauhant Yacht Club during the 41-year span between 1968 and 2009, compared to the much more appreciable change observed during the 12-year span between 2009 and 2021.

Use of shoreline change information allows quantification of coastal processes by providing a measure of nearshore accretion or erosion. In general, accurate shoreline data sets cover a significantly longer period of time than bathymetric data sets. While the U.S. Coast & Geodetic Survey historically collected detailed bathymetry information, the spatial coverage is sparse relative to contemporary surveying methods and data sets. Therefore, these older data can produce inaccurate results when utilized for small-scale coastal change assessments. For the shoreline in the vicinity of Eel River Inlet, high quality shoreline data sets are available dating back to the mid-1800s. This 150+ year time period covers the evolution of shoreline response from unaltered natural beach/dune system to the armored shoreline that exists today.

Rates of change in high-water shoreline position for the time interval between October 2009 and September 2021 were evaluated from the eastern end of Menauhant beach to the northern extent of the unprotected shoreline north of Menauhant Yacht Club, as well as the shoreline encompassing the Washburn Island barrier spit (Figure 2.9). The 2009 shoreline position was delineated using aerial orthoimagery and corroborated with supplemental topographic LiDAR datasets. The constructed shoreline was then visually compared to a shoreline of the same year produced by the U.S. Geological Survey (USGS) in cooperation with the Massachusetts Office of Coastal Zone Management (MA CZM) for quality assurance. The 2021 shoreline was measured using a Leica Viva C515 RTK GPS. The location of the survey points collected by the GPS was determined visually from morphologic features present on the beach and/or from a debris line when available.

Cross-shore transects used to calculate the rate of change were made at 25-foot intervals using SMS Aquaveo. The shore-normal transects were developed using average shoreline angles determined at each analysis point. All transects used for determining change rates were visually inspected to ensure suitability for analysis and shoreline structure avoidance. The data output is a table of shoreline change magnitudes and rates for each transect where shoreline change denoted with a minus sign represents erosion.

The computed change rate transects, shown in Figure 2.9, show that the maximum erosional rates were experienced along the shoreline north of Menauhant Yacht Club and the south-facing shoreline of the Washburn Island Spit with rates of 6.5 and 6.6 feet per year, respectively. The large rates of erosion observed on the spit are likely due to the

'bulb' of sand dissipating westward illustrated by the adjacent area of accretional transects. The general evolution of the spit shows a narrowing and westward elongation trend towards the distal end. This migration of sediment may indicate a strong westward flow during flood tide cycles due to the orientation of the inlet. This postulation is further exhibited by the area of maximum erosion on the western shoreline, where it is exposed to flood tide currents which have increased overtime due to channel constriction.



Figure 2.7 (A) 2021 aerial image of the shoreline immediately north of Menauhant Yacht Club. (B) Erosional scarp on the northern region of the shoreline, photo oriented to the north. (C) Complete loss of the beach and continual degradation of fringing marsh and wetland vegetation, photo oriented to the south.

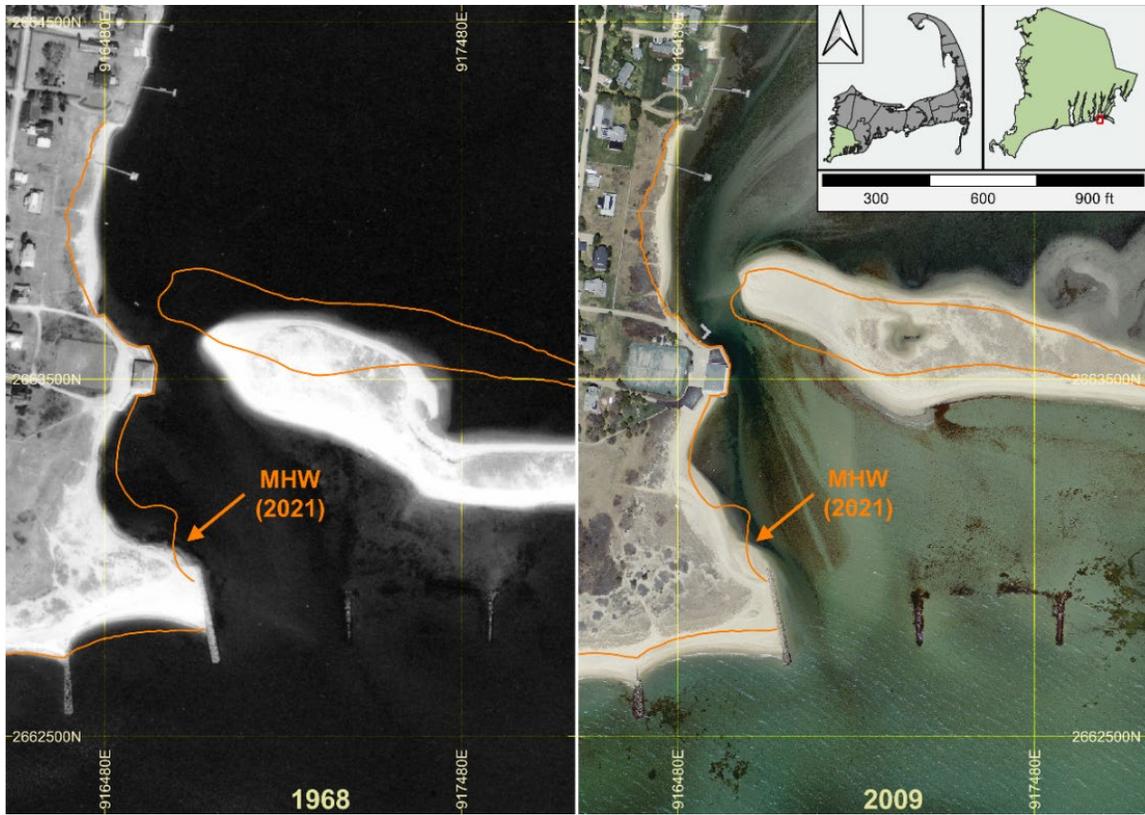


Figure 2.8 Aerial Imagery comparison of Eel River Inlet in 1968 (left) and 2009 (right). The orange line denotes the MHW shoreline surveyed in September 2021.

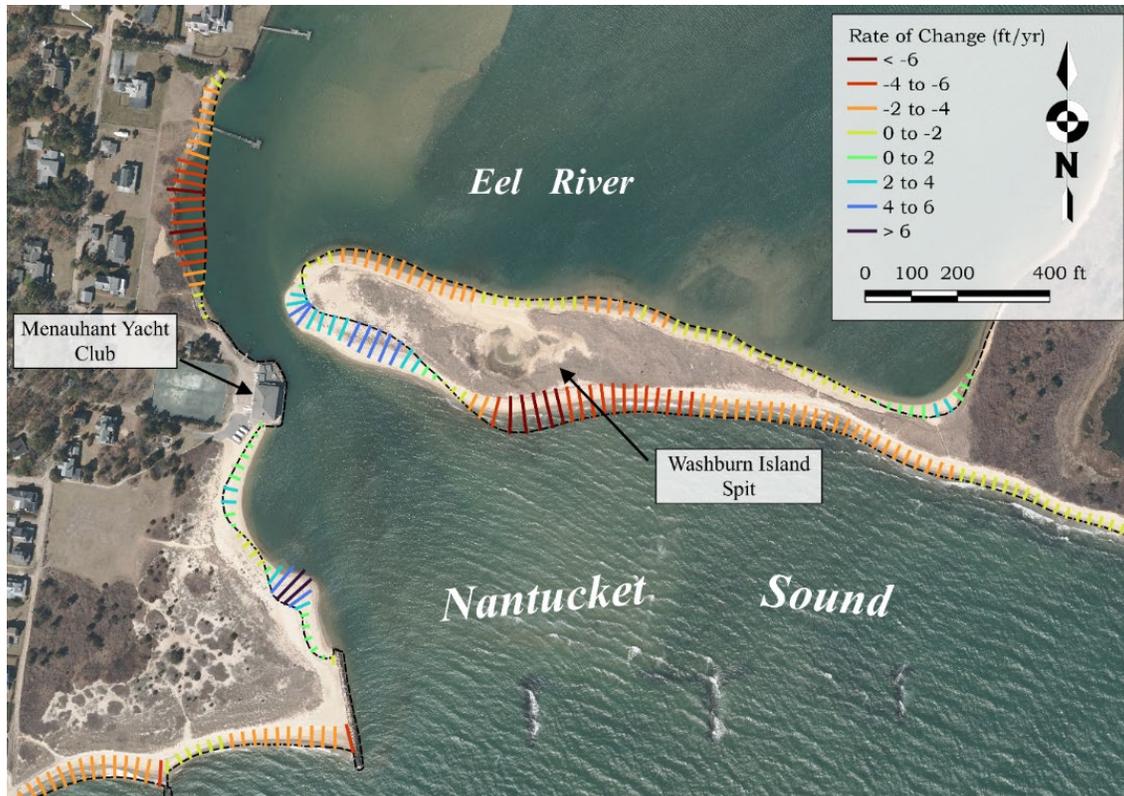


Figure 2.9 Shoreline change transects for Washburn Island barrier beach and the western shoreline adjacent to Eel River Inlet, between October 2009 and September 2021, plotted on USGS Color Ortho Imagery (3/24/2019 to 4/25/2019). Transect lengths indicate the linear change magnitude between shorelines, while the color scale represents the average annualized rate of change, as indicated by the legend. The 2009 shoreline is denoted by the black dashed line.

2.3 Bathymetric Change

Bathymetric and topographic data collected from Light Detection and Ranging (LiDAR) were used to provide three dimensional surfaces of topographic, as well as limited nearshore bathymetric, information that could be evaluated within appropriate mapping software. Ideally, multiple LiDAR datasets could be examined sequentially to look at bathymetric change over areas of overlapping survey coverage. However due to a lack of abundant LiDAR data in the area, a comparison between only two survey years could be made. Specifically used were data from the New England District of the USACE made available from surveys flown in spring, 2010 and 2018. These data were used to calculate evolutionary changes of physical features identified in aerial imagery (Figure 2.10). The changes, shown in Figure 2.11, denote significant erosion and bottom scouring along the western shoreline north of Menauhant Yacht Club, as well as sediment deposition resulting in farther expansion of the barrier spit into the inlet. Accretion of the flood and ebb shoals denotes the relative changes in inlet location and hydrodynamics over the eight-year span between bathymetric datasets. Other features that indicate the historical evolution of the barrier system, such as the overwash fan and secondary inlet scar, have remained relatively in place indicating the short term (~ 10 years) stability of the spit.



Figure 2.10 Map of Eel River Inlet and Washburn Island spit, as well as specific physical features created by the historical evolution of the barrier system.

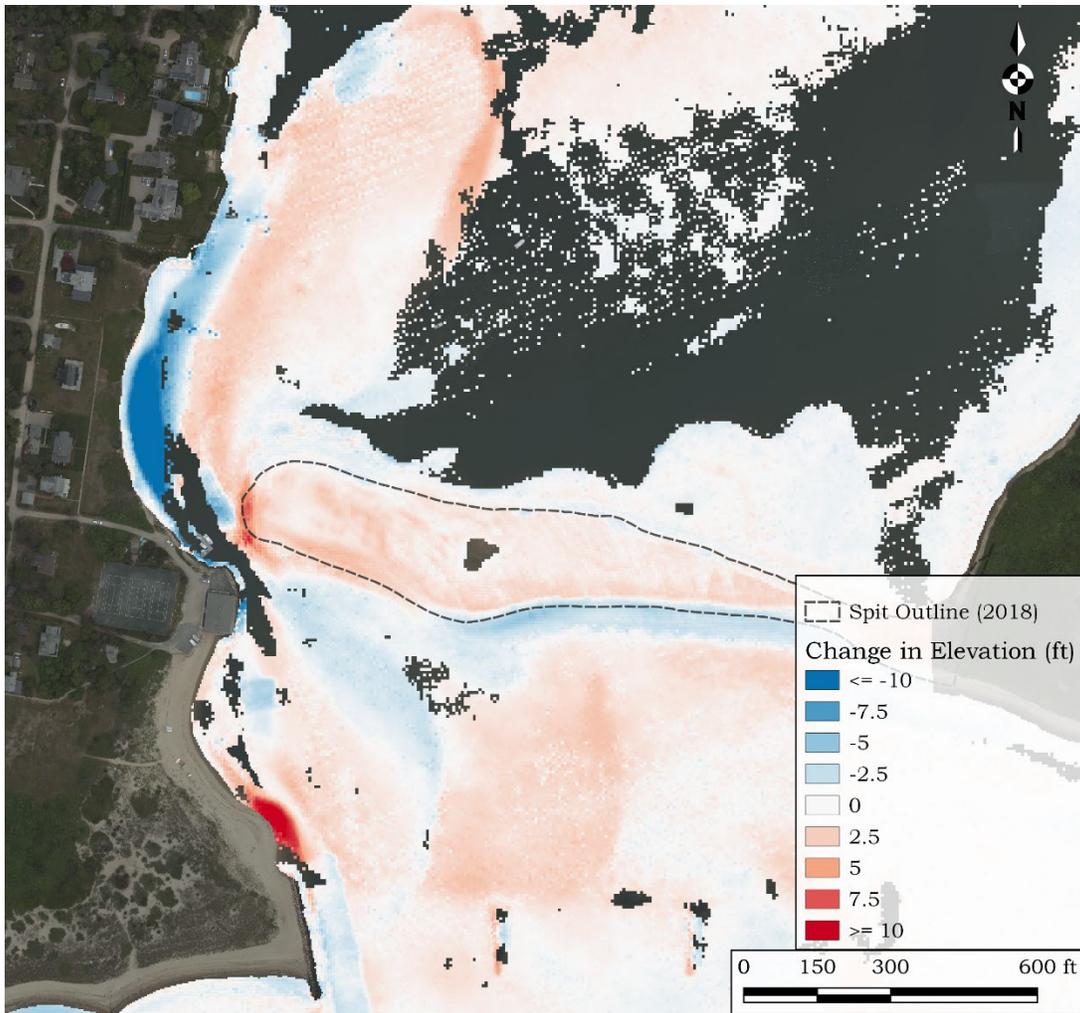


Figure 2.11 Bathymetric change from 2010 to 2018 for the nearshore area in the vicinity of Eel River Inlet. Topographic change for the Washburn Island spit is included also, outlined by the black dashed line. Colors indicate amount of change, where blues denote erosion and reds denote accretion.

3 COASTAL PROCESSES

A fundamental understanding of the existing environment and coastal processes surrounding the Eel River estuary is critical to evaluating potential management strategies. Assessment of current bathymetric and hydrodynamic conditions will control the feasibility of the proposed alternatives as well as aid in the estimation of hydrodynamic and morphological response to any alterations made to the inlet channel or adjacent shorelines.

3.1 Tide Analysis

Tide data records used in this study were measured at six stations in the Waquoit Bay system: 1) offshore Eel River Inlet, 2) Eel River West, 3) Childs River, 4) Waquoit Bay, 5) Hamblin Pond, and 6) Great River. The locations of the tide collection stations are shown in Figure 3.1. The gauges used to record the tide data were deployed between January 18, 2002 and February 19, 2002. All gauges were deployed longer than the 29-day minimum required to record the monthly maximum and minimum astronomical tide ranges, and also to provide a record of sufficient length to perform a harmonic analysis to determine the 23 main tidal constituents at the gauge locations. The elevation of each gauge was surveyed relative to NGVD29 and converted to NAVD88 using NOAA's VDATUM. Data from the offshore record were used to develop the open boundary condition of the hydrodynamic model. Data from the other five locations were used to calibrate the model.

The tides in the Waquoit Bay system are semi-diurnal, meaning that there are typically two complete tide cycles in a day. Plots of tide data from the six gauges are shown in Figure 3.2, for approximately two 12.4-hour tide cycles, near the spring tide maximum (full moon occurred January 28, 2002). This plot demonstrates the slight variation in the time and elevation of the high and low tides across the measurement stations. These tidal phase (delay) differences provide potential for flow through the Waquoit Bay system, in addition to the potential supplied by the rise and fall of the tide offshore.



Figure 3.1 Tide gauge locations used in the MEP water quality report for the Waquoit Bay and Eel River embayment systems.

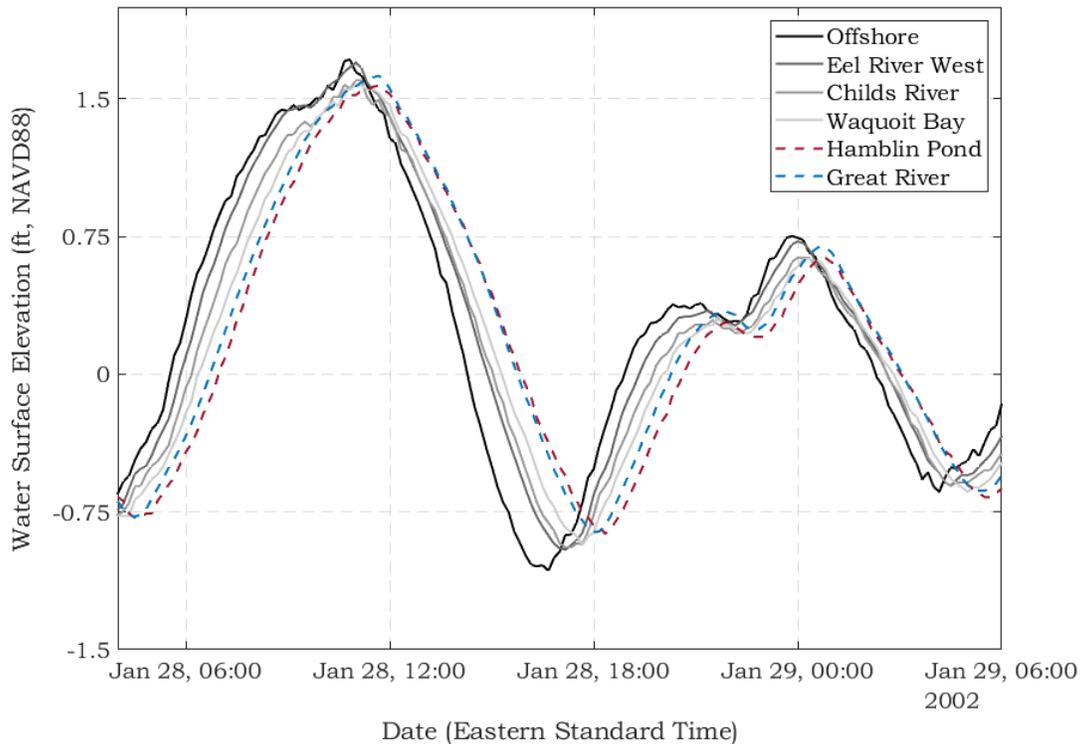


Figure 3.2 Plot showing two tide cycles at the six tide gauge locations in Waquoit Bay system plotted together. Demonstrated in this plot is the tidal phase and amplitude differences across the system. The time lag of low tide from the offshore gauge and the gauge located in Hamblin Pond, from this plot, is approximately 1 hour and 40 minutes.

Standard tide datums were computed from the tide records. These datums are presented in Table 3.1. For most NOAA tide stations, these datums are computed using 19 years of tide data, the definition of a tidal epoch. For this study, a significantly shorter time span of data was available, however, these datums still provide a useful comparison of tidal dynamics within the system. The Mean Higher High Water (MHHW) and the Mean Lower Low Water (MLLW) levels represent the mean of the daily highest and lowest water levels, respectively. The Mean High Water (MHW) and Mean Low Water (MLW) levels represent the mean of all high and low tides of a record. The mean Tide Level (MTL) is simply the mean of MHW and MLW. The MTL, MLW, and MLLW levels at the Hamblin Pond and Waquoit Bay stations show that maximum attenuation of the tide occurs in the inner regions of the embayment system where tidal exchange is typically less efficient.

In addition to computing the standard tide datums, a more thorough harmonic analysis of the six tidal data sets was performed to produce the tidal amplitude and phase of the major tidal constituents. This analysis also yielded quantitative assessment of the relative influence of non-tidal, or residual, processes (such as wind forcing) on the hydrodynamics of the system. Harmonic analysis is a mathematical procedure that fits sinusoidal functions of the known frequency to the measured signal. The observed astronomical tide is therefore the sum of several individual tidal constituents, with a

particular amplitude and frequency. For demonstration purposes a graphical example of tidal constituents add together is shown in Figure 3.3, where the observed tide is equal to the superposition of the various constituent curves shown. The amplitudes and phase of the 23 known tidal constituents result from this procedure. Table 3.2 presents the amplitudes of eight constituents at the six tide gauge stations in the Waquoit Bay system.

Table 3.1 Tide datums computed from data records collected offshore of the Eel River inlet entrance channel and in the upper regions of Eel River West, Child's River, Waquoit Bay, Hamblin Pond, and Great River (January 18, 2002 to February 19, 2002). Datum elevations are given relative to NAVD88.

Tide Datum	Offshore	Eel River West	Child's River	Waquoit Bay	Hamblin Pond	Great River
Maximum Tide	1.86	1.86	1.73	1.70	1.71	1.74
MHHW	1.15	1.14	1.10	1.07	1.06	1.09
MHW	0.79	0.76	0.74	0.72	0.71	0.74
MTL	-0.07	-0.06	-0.06	-0.05	-0.04	-0.06
MLW	-0.92	-0.88	-0.86	-0.83	-0.79	-0.86
MLLW	-1.15	-1.06	-1.06	-0.98	-0.92	-1.02
Minimum Tide	-1.88	-1.52	-1.78	-1.35	-1.45	-1.56

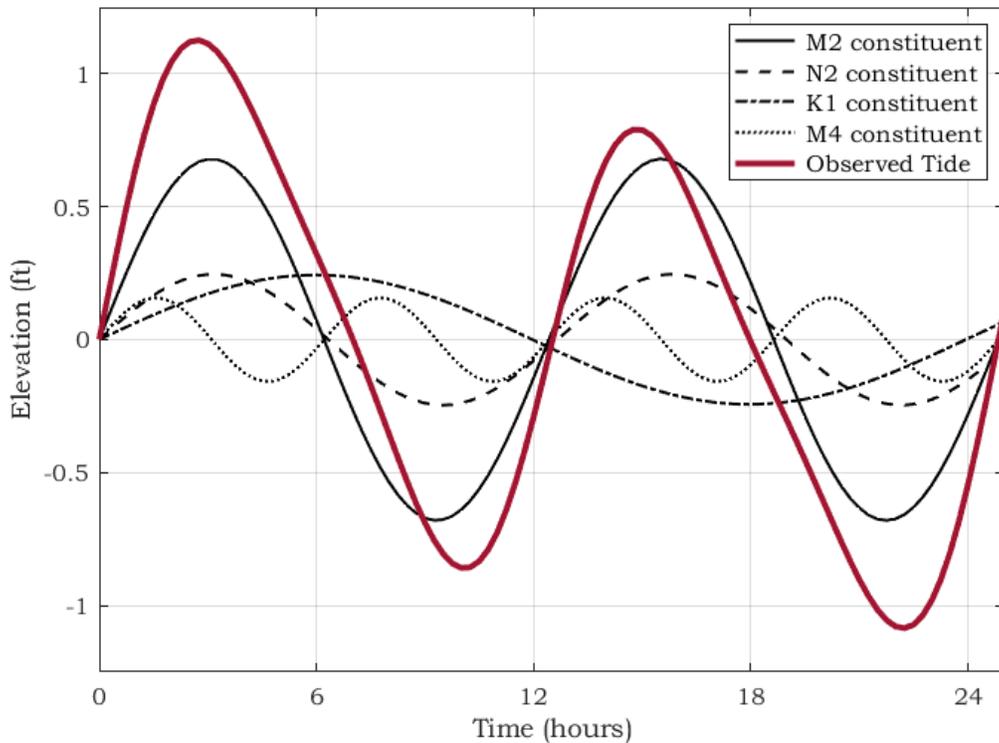


Figure 3.3 Example of an observed astronomical tide as the sum of its primary constituents.

Table 3.2 Major tidal constituents determined for gauge locations in the Waquoit Bay system (January 18, 2002 to February 19, 2002)								
Constituent	Amplitude (feet)							
	M ₂	M ₄	M ₆	S ₂	N ₂	K ₁	O ₁	M _{sf}
Period (hours)	12.42	6.21	4.14	12.00	12.66	23.93	25.82	354.61
Offshore	0.68	0.16	0.05	0.07	0.25	0.24	0.24	0.03
Eel River West	0.66	0.13	0.06	0.06	0.23	0.26	0.24	0.02
Child's River	0.64	0.11	0.05	0.06	0.22	0.24	0.24	0.02
Waquoit Bay	0.64	0.09	0.04	0.06	0.22	0.24	0.24	0.02
Hamblin Pond	0.63	0.07	0.05	0.06	0.21	0.24	0.24	0.03
Great River	0.65	0.09	0.05	0.06	0.22	0.24	0.24	0.04

The M₂, or the familiar twice-a-day lunar semi-diurnal tide, is the strongest contributor to the signal with an offshore amplitude of 0.68 ft. The total range of the M₂ tide is twice the amplitude, or 1.36 ft. The M₄ and M₆ tides are higher frequency harmonics of the M₂ lunar tide (exactly half the period of the M₂ for the M₄, and one third of the M₂ period for the M₆), and result from frictional attenuation of the M₂ tide in shallow water. The other major tide constituents show little variation across the system. The S₂ is the largest solar constituent and is related to the gravitational forces of the Sun on the tides. Like the M₂, the S₂ (12.00-hour period) is a semi-diurnal tidal constituent; however, because the sun is much farther from the Earth the amplitude of the S₂ is usually much smaller than the M₂. The effects of the S₂ are most commonly seen in spring tides and neap tides, during which the Sun and Moon are either aligned or perpendicular, respectively, creating a beat phenomenon. The amplitude of the S₂ provides a relatively small contribution (0.06 feet) to the tidal fluctuation and is consistent across all of the regions in the Waquoit Bay system. The M_{sf} is a lunarsolar fortnightly constituent with a period of approximately 14 days, and is the result of shallow water interactions occurring from the periodic conjunction of the sun and moon. The M_{sf} has an offshore amplitude of 0.03 feet. The other semi-diurnal tide, the N₂ (12.66-hour period) tide, contributes across the system to varying degrees offshore amplitudes of 0.25 feet. The variation of the N₂ is often related to the variation observed by the M₂ constituent because the N₂ is a result of the 27-day variation in the Moon's distance to the Earth. The diurnal tides (once daily), K₁ and O₁, both possess amplitudes of approximately 0.25 feet.

Along with the variation in constituent amplitudes throughout the system, the phase change of the tide is seen from the results of the harmonic analysis. Table 3.3 shows the delay of the M₂ at different points in the Waquoit Bay system, relative to the timing of the M₂ constituent offshore of the Eel River inlet entrance channel. The greatest delay is at the Hamblin Pond gauge station, which also showed the largest reduction of the M₂ amplitude (Table 3.2). Compared to other locations instrumented in this study, the Hamblin Pond station shows the greatest tidal attenuation compared to the tide offshore.

Table 3.3 M_2 tidal constituent phase delay (relative to tides immediately offshore Eel River Inlet) for gauge locations in the Waquoit Bay system, determined from measured tide data.	
Station	Delay (minutes)
Eel River West	23.4
Child's River	33.6
Waquoit Bay	46.7
Hamblin Pond	72.8
Great River	64.6

In addition to the harmonic analysis, the tide data were further evaluated to determine the importance of tidal versus non-tidal processes to changes in water surface elevation. These other processes include wind forcing (set-up or set-down) within the estuary, as well as sub-tidal oscillations of the sea surface (e.g., caused by large scale weather systems). Variations in water surface elevation can also be affected by freshwater discharge into the system, if these volumes are relatively large compared to tidal flow.

The results of the analysis to determine the energy distribution (or variance) of the original water elevation time series for the Waquoit Bay system is presented in Table 3.4, and is compared to the energy content of the astronomical tidal signal (recreated by summing the contributions from the 23 constituents determined from the harmonic analysis). Subtracting the tidal signal from the original elevation time series (measured data) resulted with the non-tidal, or residual, portion of the water elevation changes. The energy of this non-tidal signal is compared to the tidal signal, and yields a quantitative measure of how important these non-tidal physical processes can be to hydrodynamic circulation within the estuary. Figure 3.4 shows the comparison of the measured tide from outside Eel River Inlet, with the computed astronomical tide resulting from the harmonic analysis, and the subsequent non-tidal residual. Atmospheric contributions on the tides that may seem small in other areas of New England can influence rather large impacts in the Waquoit Bay system due to the relatively small tidal range in the vicinity of Eel River Inlet. The tidal residual is seen to be generally less than 1 foot throughout the deployment period; however, in many instances the magnitude of the residual tide is larger than the predicted tide.

Table 3.4 shows that there is a reduction in tidal energy in areas farther from the inlet. This is another indication of the tidal attenuation through the system. The analysis also shows that tidal processes are responsible for approximately 64% of the water level changes in the Waquoit Bay system. The remaining 36% was the result of atmospheric forcing, due to winds or barometric pressure gradients. The small contribution of the residual to the complete tide signal provides confidence that the system can be adequately modeled using tide data series.

Table 3.4 Percentages of Tidal versus Non-Tidal Energy for the Waquoit Bay system, January 18 to February 19, 2002			
Tide Gauge Location	Total Variance (ft ² ·sec)	Tidal (%)	Non-tidal (%)
Offshore Eel River Inlet	0.502	64.5	35.5
Eel River West	0.484	63.5	36.5
Child's River	0.450	63.4	36.6
Waquoit Bay	0.438	63.5	36.5
Hamblin Pond	0.416	64.2	35.8
Great River	0.452	63.5	36.5

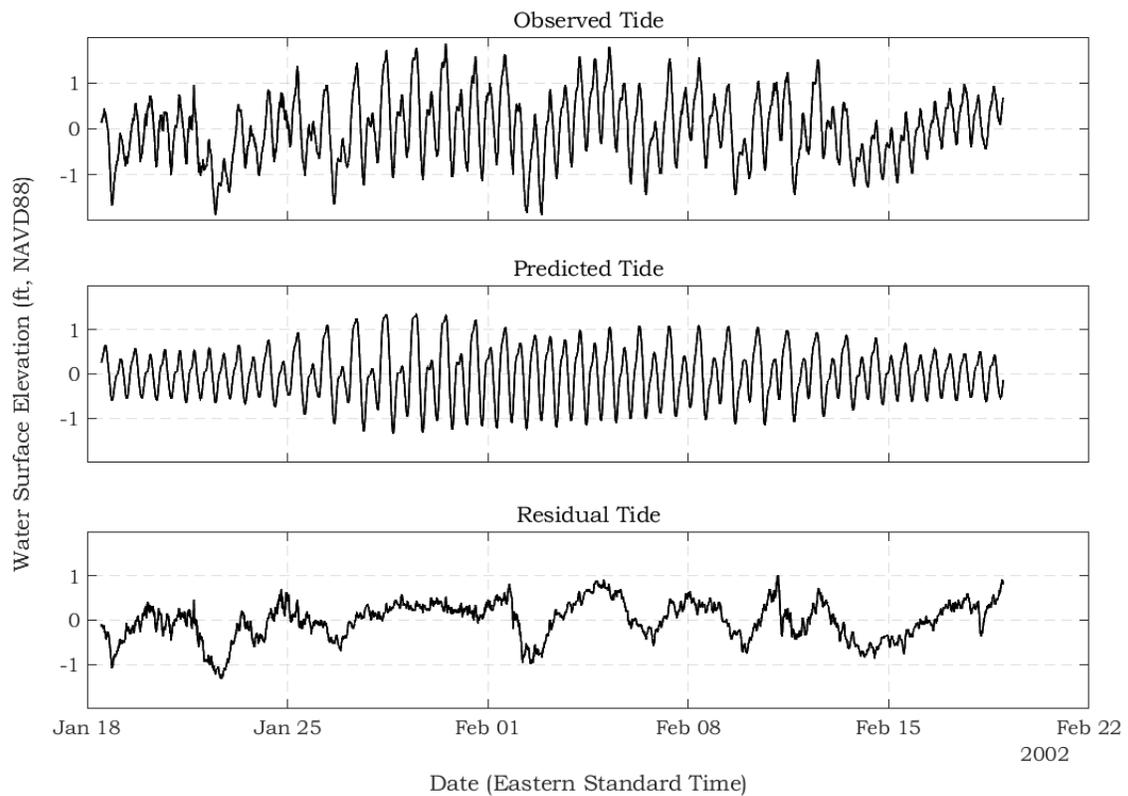


Figure 3.4 Plot showing the comparison between the measured tide time series (top plot), and the predicted astronomical tide (middle plot) computed using the 23 individual tide constituents determined in the harmonic analysis of the Waquoit Bay system gauge data. The residual tide shown in the bottom plot is computed as the difference between the measured and predicted time series.

3.2 Offshore Wind and Wave Data

Wave and wind conditions were generated using the data available from the USACE WIS hindcast database from station 63082 and the Buzzards Bay C-MAN Station (BUZM3), respectively (Figure 3.5). The WIS station is located approximately 13 miles southwest of Nantucket and has a record that spans the 38-year period between January 1980 and December 2019 (Figure 3.6). Each hourly WIS time step includes parameters that describe the wave characteristics (e.g., swell direction θ ; significant wave height, H_s ; and corresponding mean wave period, T_m). The C-MAN station is a meteorological platform operated by NOAA's National Data Buoy Center (NDBC) located approximately 4 miles west-southwest of Cuttyhunk Island and has an hourly wind record spanning 35 years from August 1985 to present as well as continuously wind data records spanning from May 1997 to present (Figure 3.7).

For the wave data of the WIS hindcast, south is the predominant sector. Waves propagate from this direction 19.3% of the time. 86.8% of waves from this sector have a height less than 6 feet. Due to the protection afforded by Marthas Vineyard, Eel River is most vulnerable to waves propagating from the southeast to east sectors. Waves from these sectors contribute to a combined 28.6% of the wave record with more than half of that coming from the southeast alone. It should be noted that the WIS station represents measurements south of the Muskeget Channel that are generally more protected from waves propagating from the ENE to WNW sectors by the islands of Nantucket, Marthas Vineyard, and Cape Cod, likewise the vicinity of Eel River Inlet is also protected against wave forces from these directions. Additionally, waves from the WSW to the SSW sectors typically consist of higher percentages of waves larger than 6 feet, however, the Falmouth shoreline and entrance Eel River Inlet are generally sheltered from wave events from these directions. Furthermore, nearshore wave heights often vary from those measured offshore, in deep water, due to shallow water bathymetry and bottom effects changing the physical shape of the waves.



Figure 3.5 Map showing the locations of NDBC station BUZM3 and WIS hindcast station 63082.

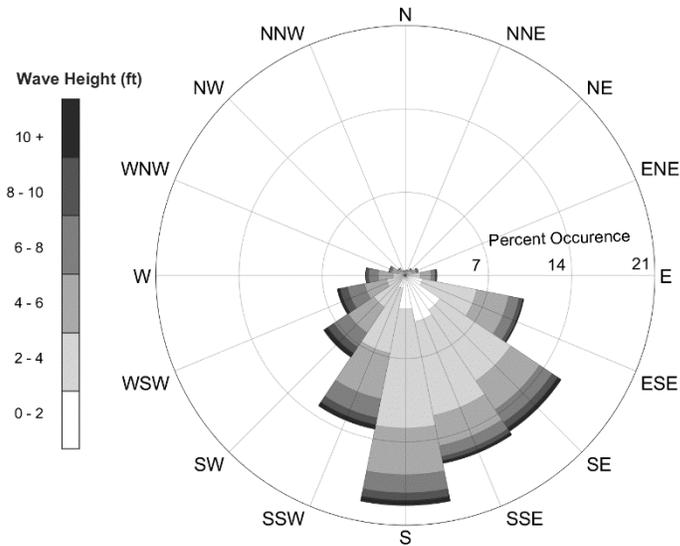


Figure 3.6 Hourly wave data collected from the WIS hindcast station 63082 (southwest of Nantucket) for the 40-year period between January 1980 and December 2019. Direction indicates from where the waves were propagating. Wind speeds are color coordinated such that larger magnitudes correspond to darker gray tones. Combined length of segments in each sector indicates percent occurrence of all wave heights from that direction.

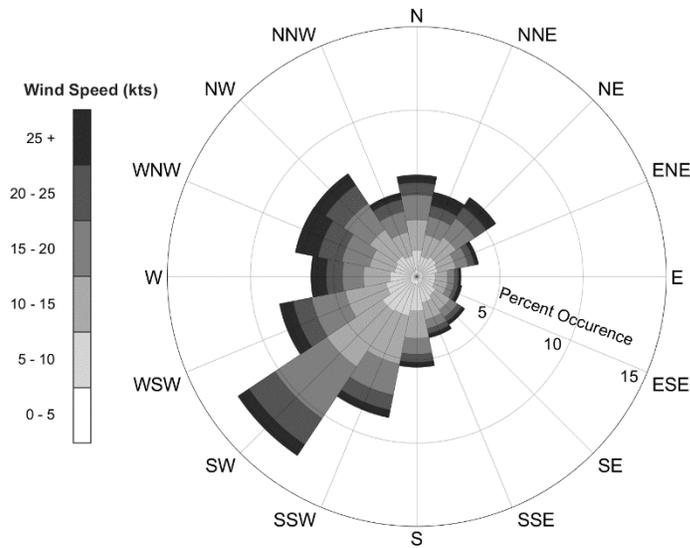


Figure 3.7 Continuous wind data collected from the NDBC C-MAN station BUZM3 (southwest of Cuttyhunk Island) for the 24-year period between May 1997 and present. Direction indicates from where the wind was blowing. Wind speeds are color coordinated such that larger magnitudes correspond to darker gray tones. Wind speeds are color coordinated such that larger magnitudes correspond to darker gray tones. Combined length of segments in each sector indicates percent occurrence of wind speeds from that direction.

3.3 Historic Storms and Sea Level Rise

Historical water level data were obtained from the National Oceanic and Atmospheric Administration (NOAA) water level and tide station in Woods Hole (Station 8447930), located approximately 7 miles southwest of Eel River Inlet. Tide datums (Table 3.5) and mean tide range (1.79 feet) for the Woods Hole gauge station show strong similarity to the datums and mean tide range measured at the offshore tide gauge for Eel River Inlet (1.71 feet), providing a comparable source of historical water levels that have been experienced in the area. The Woods Hole water level dataset includes 90 years of water level data, spanning the time period between 1932 and the present date (Figure 3.8a). Major tropical storms such as the hurricanes of 1938, 1944, 1954 (Carol), and 1991 (Bob) exhibit a much stronger influence on extreme water levels rather than extra-tropical storms (nor'easters). Typically, tropical storms pass through the area over a period of less than 6 hours and can generate modest short-period storm waves and relatively large storm surge. The aforementioned tropical storms all produced storm-driven water levels exceeding the calculated benchmark for a 10-year return period storm, whereas even severe extra-tropical storms have all recorded water levels with return periods below the 10-year event. A full depiction of the annual exceedance probability curve for the Woods Hole tide gauge is shown in Figure 3.8b.

Although the return period storm surge levels provided in the most recently revised Flood Insurance Study for Barnstable County (FEMA, 2021) correspond well with the statistical analysis calculated using the water elevation record from Woods Hole, an increasing deviation in values can be seen for decreasing storm return probability (Table 3.6). Specifically, the recorded data suggest storm surge levels for the 50- and 100-year storms are less than predicted by FEMA by 1.2 and 2.8 feet, respectively.

While return period water levels calculated based on the tide gauge record correspond relatively well with those predicted by FEMA, they do not include wave runup or the movement of water up a slope. Therefore, resulting in lower values than the Base Flood Elevations (BFE) defined by FEMA which are the basis for the National Flood Insurance Program (Figure 3.9). However, the 100-year surge levels predicted by FEMA and those calculated from the Woods Hole tide gauge are still capable of washing over the low-lying barrier spit adjacent to Eel River Inlet as well as inundating nearby coastal properties. Figure 3.10 shows water depths in the vicinity of Eel River Inlet caused by a 100-year storm surge predicted by FEMA.

Table 3.5 Tide datums for the Offshore tide gauge at Eel River	
Tide Datum	Offshore (ft, NAVD88)
Maximum Tide	9.42
MHHW	0.84
MHW	0.56
MTL	-0.33
MLW	-1.23
MLLW	-1.36
Minimum Tide	-4.63

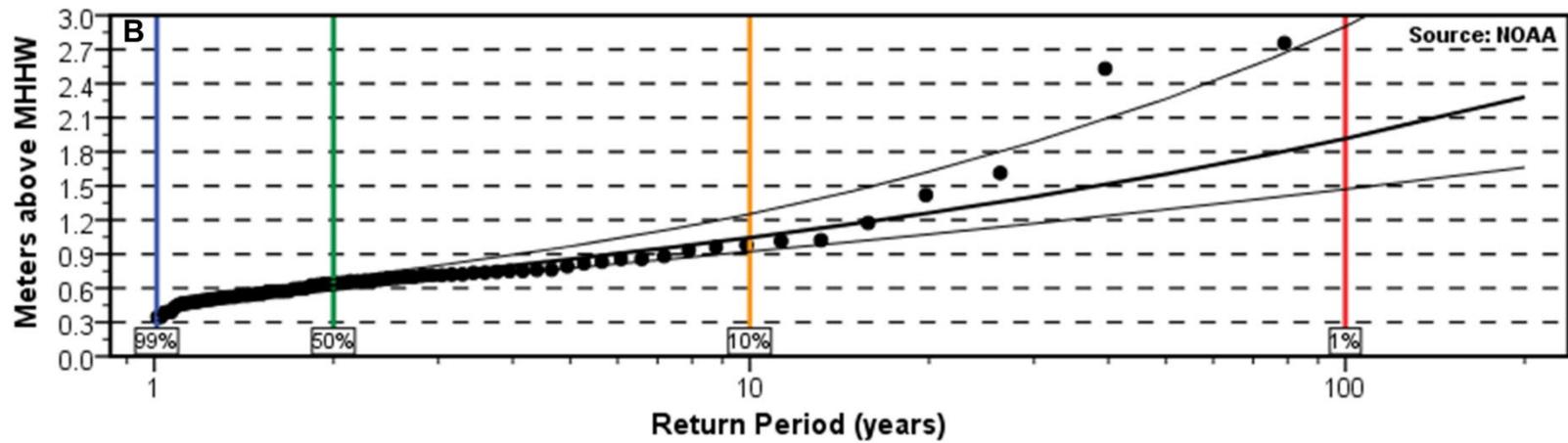
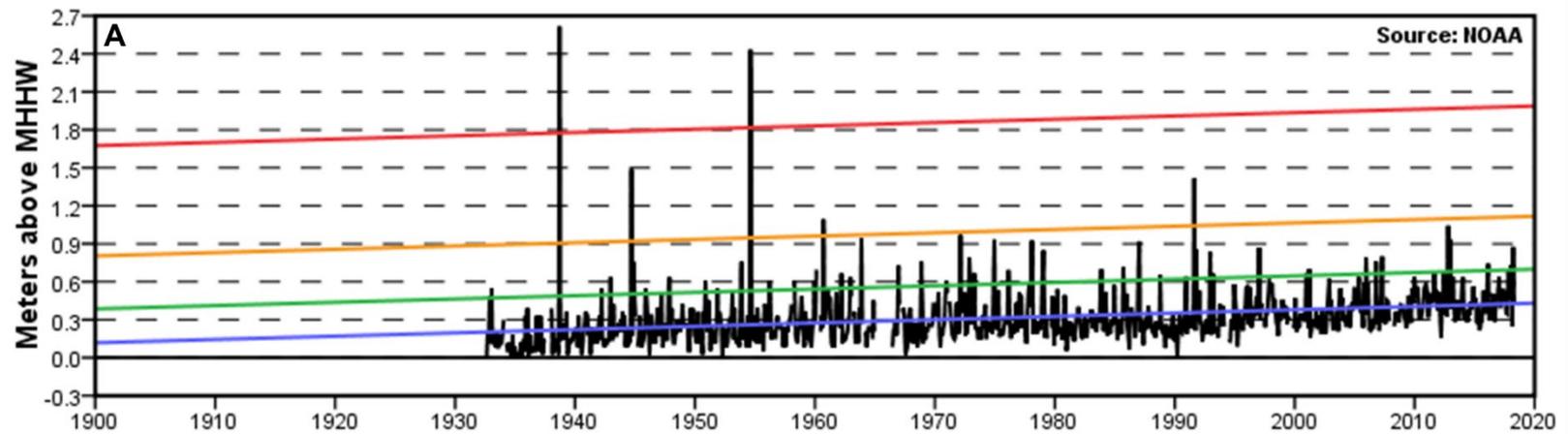


Figure 3.8 Extreme water levels (A) and annual exceedance probability (B) recorded from the Woods Hole tide gauge (Station 8447930). (Credit: provided by NOAA CO-OPS)

Table 3.6 Return period stillwater elevations predicted by FEMA and calculated from data record for NOAA Woods Hole tide gauge station.		
Return Period	FEMA Predicted Stillwater Elevation (ft, NAVD88)	NOAA Recorded Stillwater Elevation (ft, NAVD88)
10-Year (10-percent annual chance flood)	4.5	4.5
50-Year (2-percent annual chance flood)	8.1	6.9
100-Year (1-percent annual chance flood)	10.1	7.3
500-Year (0.2-percent annual chance flood)	14.9	NA

*The Effective FEMA Flood Insurance Study and Maps for Barnstable County were revised on July 6, 2021

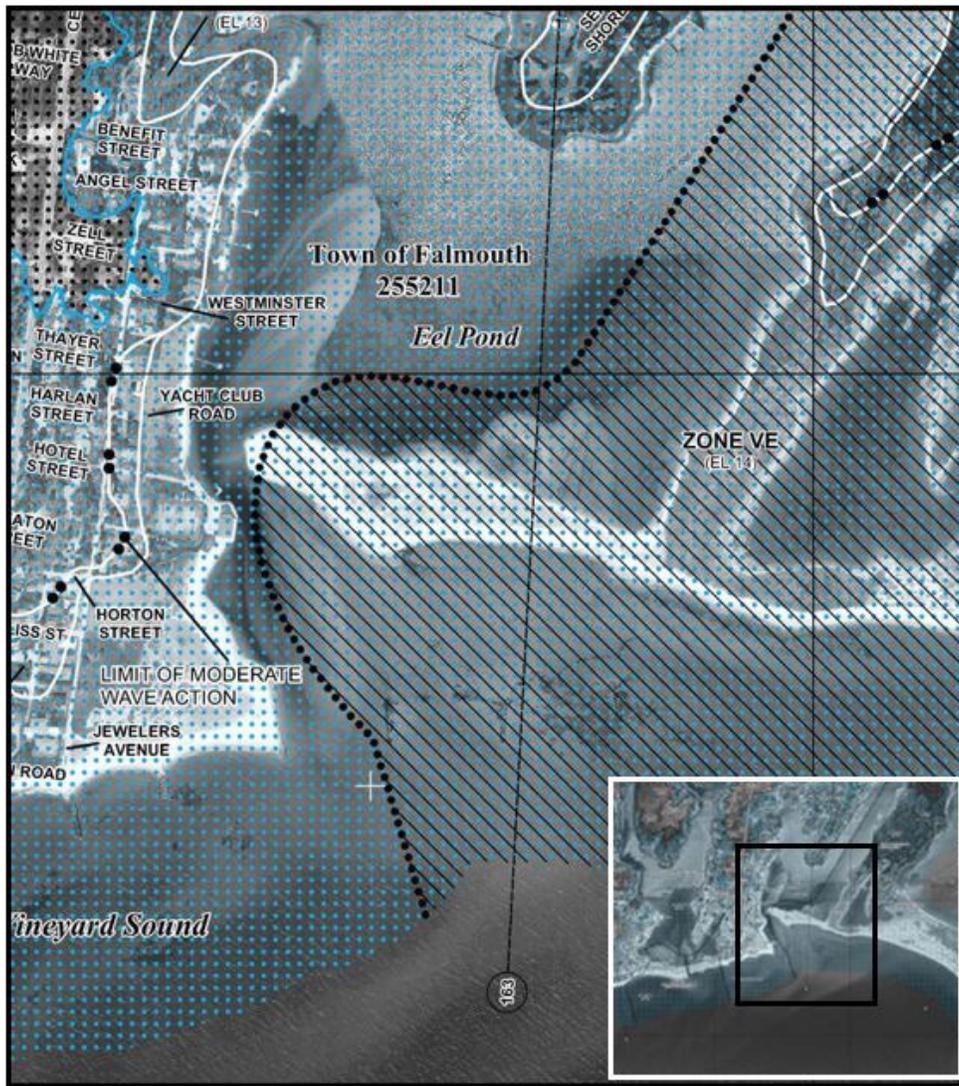


Figure 3.9 FEMA Flood Insurance Rate Map (FIRM) for the vicinity of the project area (inset: FEMA sheet 25001C0741J).

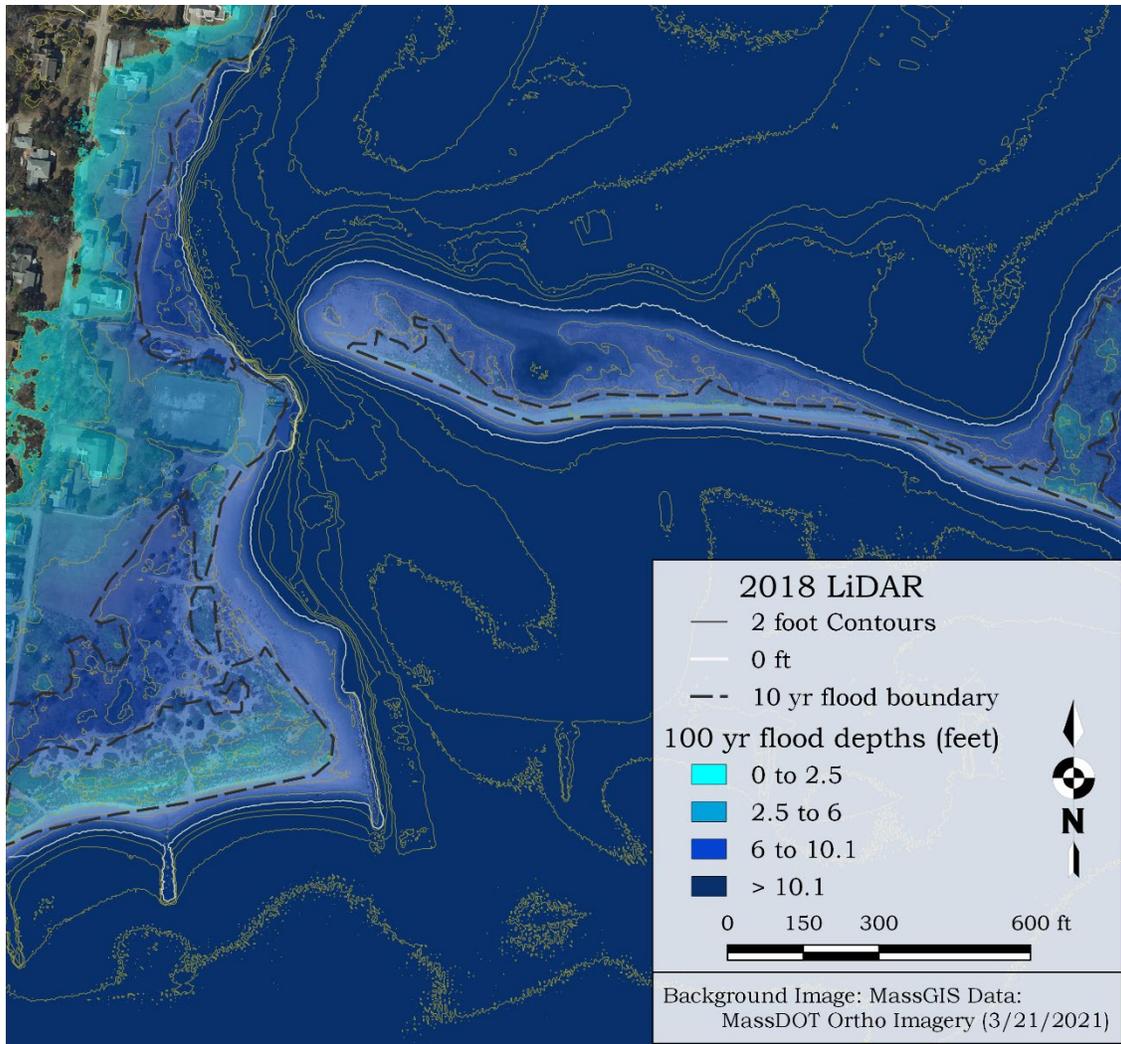


Figure 3.10 Map of the Eel River inlet entrance channel and Washburn Island barrier spit impacted by a FEMA 100-year storm with still water levels of over 10.1 feet NAVD88. With sea-level rise, a flooding event equivalent to the 100-year flood will occur more frequently. The significant storm elevation of 4.5 feet was determined by FEMA to be the elevation of the 10% annual chance flood elevation.

Most of the barrier beaches on Cape Cod are “transgressive,” i.e., migrating landward and upward (in the long-term) to cover the water body or salt marsh that lies behind it. This process is driven by sea level rise and overtopping due to infrequent large storm events; the barrier beach migrates to maintain equilibrium with the changing environment. While the rapidly changing inlet and barrier beach morphology is the primary driver to erosion problems along the shoreline adjacent to Eel River Inlet, sea level rise and associated impacts of higher storm surge levels will exacerbate evolution of the barrier beach system and increase potential risks to public safety, coastal infrastructure, and natural resources.

Separate from the daily rise and fall of the tide, the average elevation of the ocean changes over time with respect to the land. This average position is called relative sea level and different geologic and atmospheric processes contribute to changes in relative

sea level. Some of the causes include glacial ice melt, thermal expansion of the ocean as the global temperature increases, the velocity of the offshore Gulf Stream current, and the rising or sinking of the earth's crust itself. While the specific causes and future amounts of relative sea level rise (SLR) are the topic of much scientific debate, historical and present rates of SLR are well known for the region. Historical evidence indicates that over the past 90 years the relative sea level in Woods Hole, Massachusetts has been rising generally in a linear fashion, with an average rate of approximately 0.118 inches per year or 0.98 feet per century (Figure 3.11).

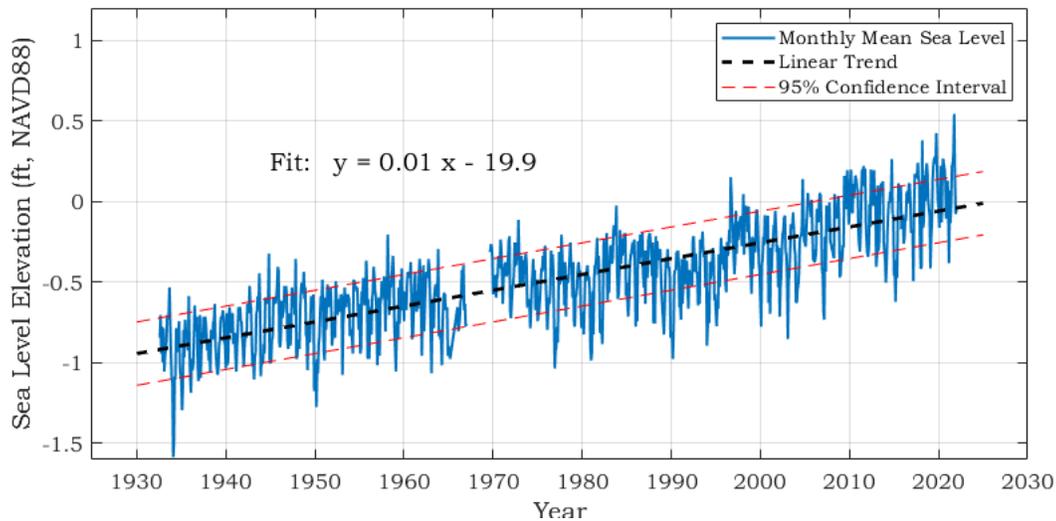


Figure 3.11 Monthly mean water levels recorded in Woods Hole between 1932 and 2021 indicate a linear trend in sea level rise over the past 90 years of approximately 0.01 feet per year.

While long-term tide records (e.g. Woods Hole) provide valuable insight into historical changes over the past century, they do not necessarily dictate future response of sea level rise due to changing environmental and anthropogenic conditions. Predictive models have been developed and calibrated to forecast the effects of climate change on relative sea level rise in coming decades. New and existing models used to predict sea level rise are continually refined with augmented datasets to reduce output uncertainty, however there still exists a large range of potential sea level rise scenarios.

Based on the Massachusetts Sea Level Assessment and Projections technical memorandum (DeConto and Kopp, 2017) regarding local mean sea level rise, plots were developed for the Commonwealth of Massachusetts to provide guidance regarding future predictions of sea level rise in Woods Hole (Figure 3.12). The range of varying projections are determined based on the probability of exceedance given two future atmospheric greenhouse gas concentration pathways, medium (RCP4.5) and high (RCP8.5; Van Vuuren et al., 2011), and for two methods of accounting for Antarctic ice sheet projections: one based on expert elicitation (Kopp et al., 2014) and one where Antarctic ice sheet projections are driven by new, process-based numerical ice sheet model simulations (DeConto and Pollard, 2016; Kopp, 2017). These localized projections are downscaled from regional and international projections, where the intermediate SLR estimates were consistent with the International Panel on Climate Change (IPCC), the 2017 National Climate Assessment, and the Global and Regional Sea Level Rise Scenarios for the

United States (NOAA). A brief description of the probabilistic projections is provided in Table 3.7.

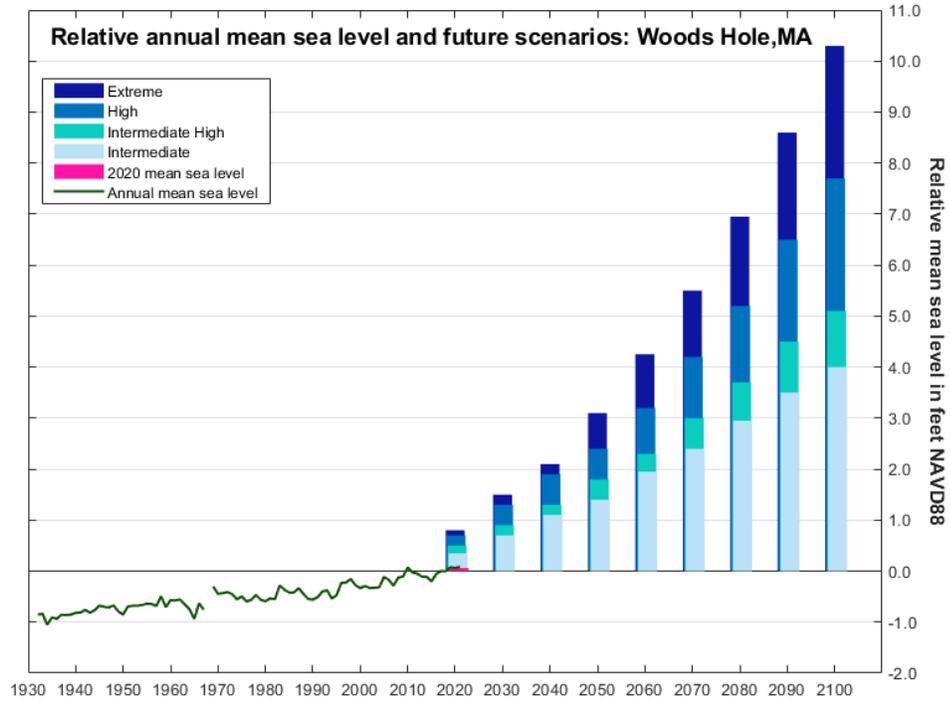


Figure 3.12 Relative mean sea level projections for the Woods Hole, MA tide station based on four National Climate Assessment global scenarios with associated probabilistic model outputs from the Northeast Climate Science Center. The probabilistic projections are listed in Table 3.7. The pink bar denotes the 2020 recorded mean sea level in Woods Hole. The green curve represents the annual mean sea level calculated from the data record presented in Figure 3.11.

Table 3.7 Relative mean sea level (feet, NAVD88) projections for Woods Hole, MA					
Scenario	Probabilistic projections	2030	2050	2070	2100
Intermediate	Unlikely to exceed (83% probability) given a high emissions pathway (RCP 8.5)	0.6	1.3	2.3	4.0
Intermediate - High	Extremely unlikely to exceed (95% probability) given a high emission pathway (RCP 8.5)	0.8	1.7	2.9	5.1
High	Extremely unlikely to exceed (99.5% probability) given a high emission pathway (RCP 8.5)	1.1	2.4	4.2	7.7
Extreme (Maximum physically plausible)	Exceptionally unlikely to exceed (99.9% probability) given a high emissions pathway (RCP 8.5)	1.3	3.1	5.4	10.3

Accurate projections of sea level rise are critical for engineers and coastal managers developing future coastal hazard mitigation and improvement alternatives. Enhanced precision in the prediction of future storm driven flood and tidal elevations ensures the consideration of sufficient safety measures while also maintaining economic feasibility and reducing the potential of adverse environmental impacts. Using the recorded water elevations measured in Woods Hole for 2020, a direct comparison between measured and projected relative sea level can be evaluated to assess the accuracy of the most up-to-date modelling projections (Figure 3.13). The results of this assessment indicate that sea level projections over the first decade, when utilizing the recommended “high scenario”, are overestimated by approximately an order of magnitude. Figure 3.14 shows annual mean levels and future sea level rise projections for Boston Harbor used as an example to refine the scope of possible sea level rise scenarios. The ‘extreme’ projection was adjusted to account for the calculated offset between the 2020 projection and the recorded annual mean sea level. Additionally, predictions published by the Intergovernmental Panel on Climate (IPCC, 2013), modified to account for estimates of sea level rise acceleration contributions from Greenland and Antarctic ice sheets based on data collected between 1992 and 2009 (Rignot et al., 2011), were used to corroborate the probabilistic predictions made by DeConto and Kopp (2017; Figure 3.14). Understanding that sea level rise predictions over the next 80 years, with a reasonable probability, range from a linear increase of 0.8 feet (low approximation) to a more rapid exponential increase of 9.5 feet (adjusted ‘extreme’ approximation), flood mitigation strategies should be determined based on the anticipated design life and relative importance and functionality of the infrastructure subject to improvement.

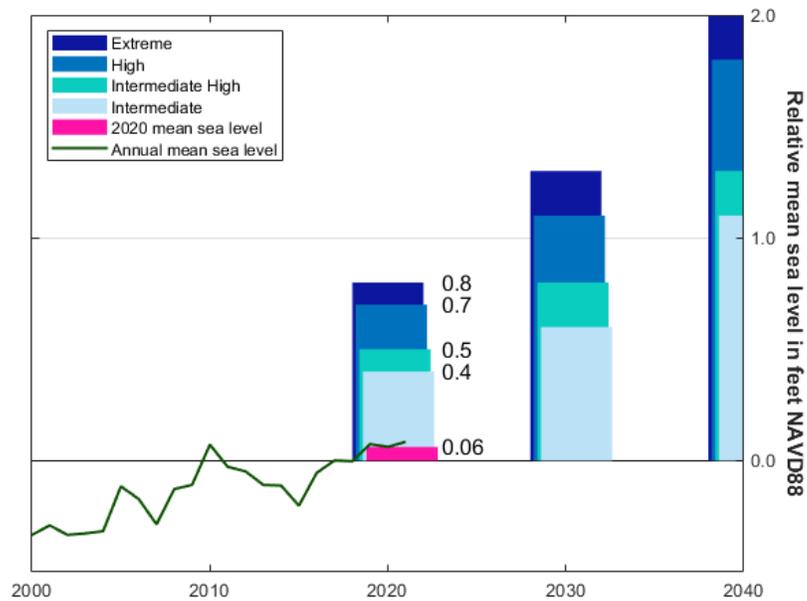


Figure 3.13 Comparison of probabilistic sea level rise projections and measured annual mean sea level for Woods Hole, Massachusetts.

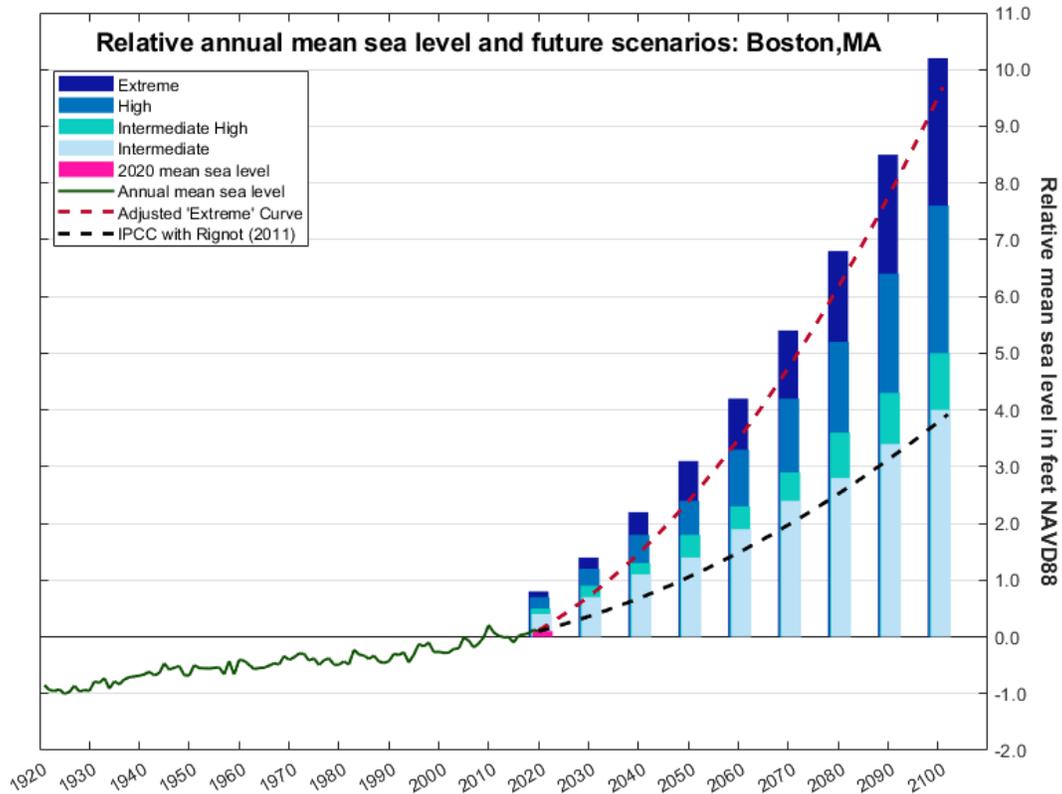


Figure 3.14 Sea level rise predictions with a curve fit to the 'extreme' scenario (adjusted to account for current mean sea level; dashed red line) and a curve representing flood predictions from the IPCC augmented by sheet ice contributions determined by Rignot et al. (2011; dashed black line).

4 HYDRODYNAMIC MODEL

A hydrodynamic model of the Waquoit Bay system was developed and calibrated using tidal data available from the 2013 Massachusetts Estuaries Project (MEP) water quality report for the Waquoit Bay and Eel River embayment system (Howes et al., 2013) in order to investigate the change in hydrodynamic conditions that may result from the proposed alternatives. These data include tidal elevations from 2002 and updated 2018 bathymetric LiDAR data used in conjunction with bathymetric survey data used in MEP water quality report.

4.1 Model Development

For modelling of the Waquoit Bay system, Sustainable Coastal Solutions utilized a state-of-the-art computer model to evaluate tidal circulation. The particular model employed was the Delft 3D Flow FM hydrodynamics model. Flow FM is a flexible mesh, finite volume code that includes a morphologic model than can simulate tidally driven sediment transport and morphology change. Flow FM is an advanced code that can solve

three-dimensional hydrodynamics and sediment transport. The model utilizes a grid mesh that can be constructed using a variety of polygonal elements, with up to six sides. This allows for easy construction of model grids that conform well to complex shorelines and sinuous channels and that can include high degrees of mesh resolution in areas only where it is desired. Sub-grid-scale flow modifying structures such as weirs and thin dams can be specified for the model runs. Combined with Delft 3D Wave, it can be implemented as a fully integrated wave, hydrodynamic, and morphological model.

A flexible mesh grid was generated to cover the entire Waquoit Bay system to ensure flow dependencies between Waquoit Bay and the Eel River estuary via the Seapit River are considered, as well as providing adequate coverage to include all of the significant tidal collection locations used in the 2013 MEP analysis. The full extent of the complete hydrodynamic model grid is represented in Figure 4.1. The model includes tidal open boundaries offshore of the Eel River and Waquoit inlets. The offshore lateral boundaries are configured as Neumann gradient boundaries that allow the development of longshore currents in the offshore area of the grid.

The flexible mesh grid was utilized to increase the model resolution within confined waterways and particular areas of interest such as Eel River Inlet. A close up of the grid focused on the Eel River Inlet and Washburn Island spit is shown in Figure 4.2. The minimum grid cell edge length is approximately 10 feet, with grid cell dimensions increasing offshore and into more wide regions of the embayment system.

A composite bathymetry dataset was interpolated to the model mesh (Figures 4.3 and 4.4). This bathymetry dataset is primarily based on the 2018 USACE Topobathy LiDAR survey for the East Coast. Bathymetric transects surveyed for the MEP water quality project were used to supplement gaps in the LiDAR located in some of the upper regions of the embayment system and NOAA historical GEODAS survey data were used in the offshore region beyond the extent of the LiDAR surveys.

The model was run using a variable time step that is determined based on the metrics of the model stability (courant number, based on velocity, water depth and grid cell size). The maximum model time step was set at 30 seconds, but could be reduced at times when the courant number calculated for the grid cells exceeds the threshold value of 1.

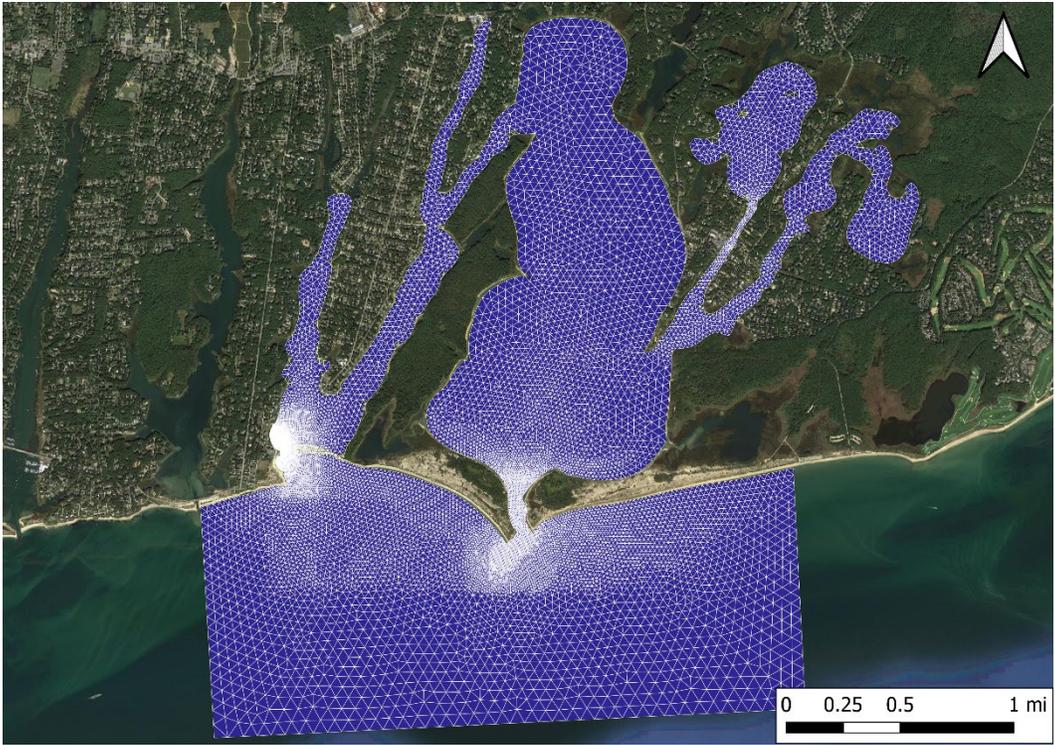


Figure 4.1 Hydrodynamic model mesh of the Waquoit Bay system.

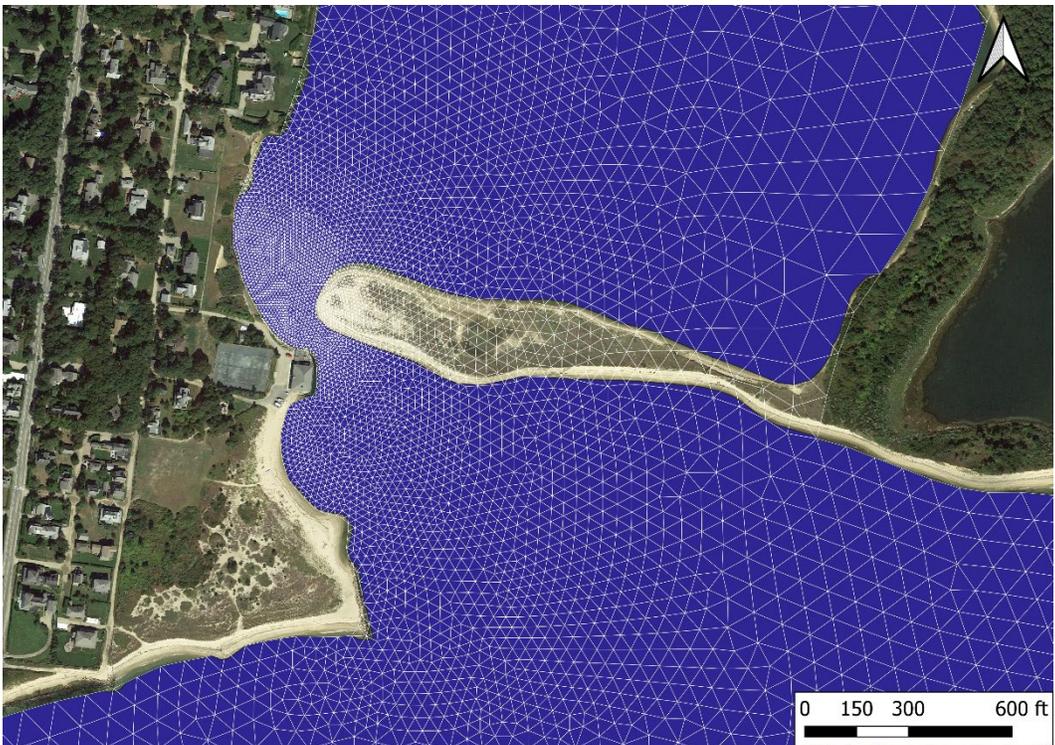


Figure 4.2 Detail of the inlet and the Washburn Island region of the Waquoit Bay hydrodynamic model grid.

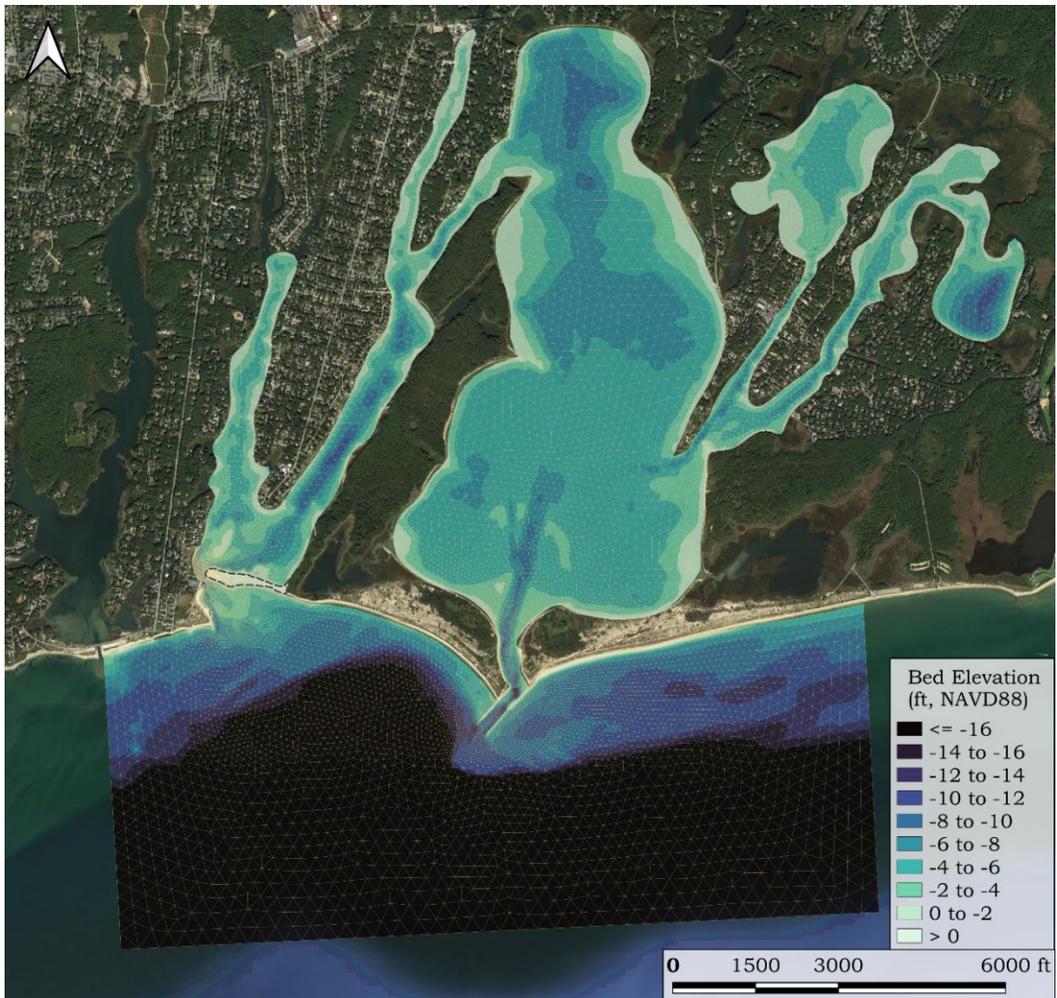


Figure 4.3 Full coverage of the model mesh of the Waquoit Bay system, with color contours of grid bathymetry.

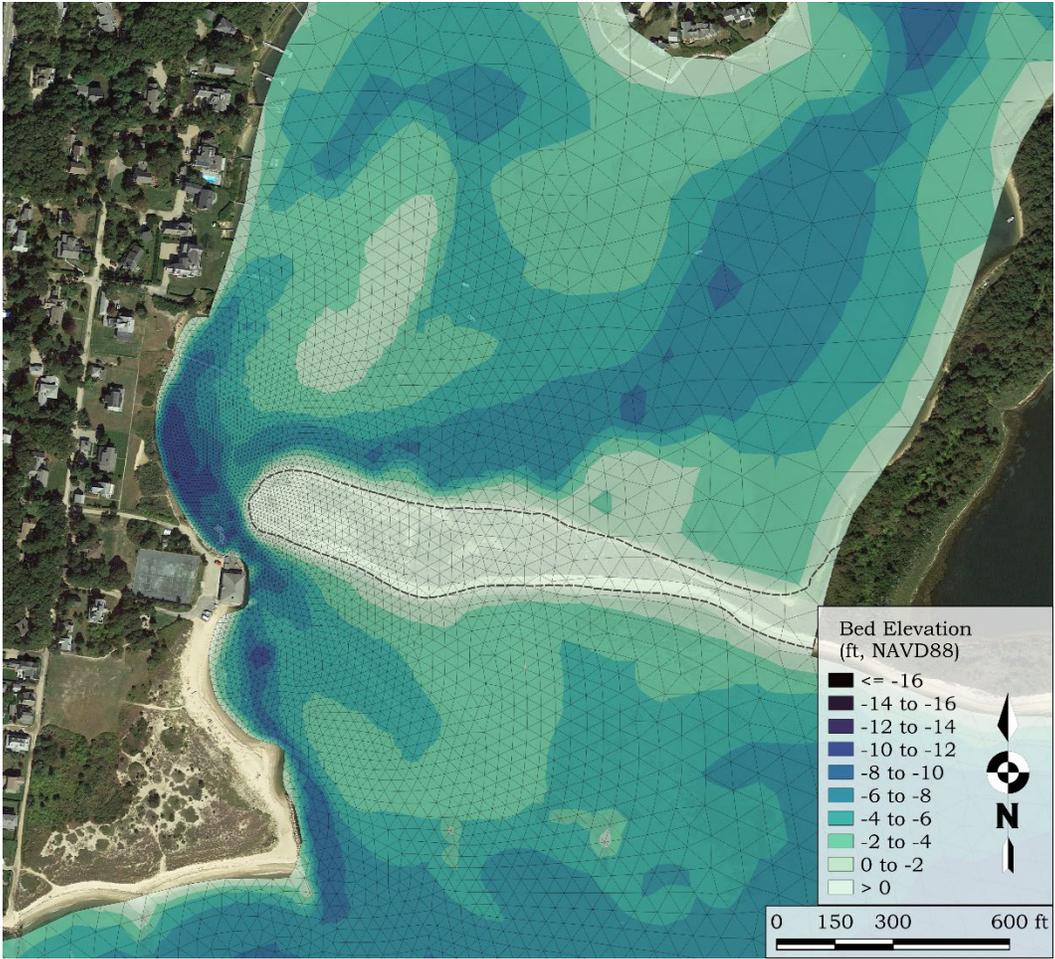


Figure 4.4 Zoomed in bathymetry in the vicinity of Eel River Inlet.

4.2 Model Calibration

After developing the computational grid, and specifying boundary conditions, the hydrodynamic model for the Waquoit Bay system was calibrated. The calibration procedure ensures that the model predicts accurately what was observed in nature during the field measurement period between January 18, and February 19, 2002. Numerous model simulations are typically required for an estuary model, specifying a range of friction and eddy viscosity coefficients, to calibrate the model.

During the process of calibration, values of friction coefficients (Mannings coefficient was used) specified for the entire model domain were varied. Friction inhibits flow along the bottom of estuary channels or other flow regions where velocities are relatively high. Friction is a measure of the bottom roughness and can cause both significant amplitude attenuation and phase lags of the tidal signal. The varied friction coefficients were chosen to replicate the values used in the MEP, and are summarized in Table 4.1. The extents of the different regions of the Waquoit Bay system within the model domain are shown in Figure 4.5.

Table 4.1 Mannings Roughness coefficients used in simulations of modeled embayment system. These embayment delineations correspond to the primary regions denoted in the MEP Water Quality Report.	
System Regions	Bottom Friction
Offshore	0.025
Eel River West	0.027
Childs River	0.026
Seapit River	0.027
Waquoit Bay	0.027
Hamblin Pond	0.035
Great River	0.035

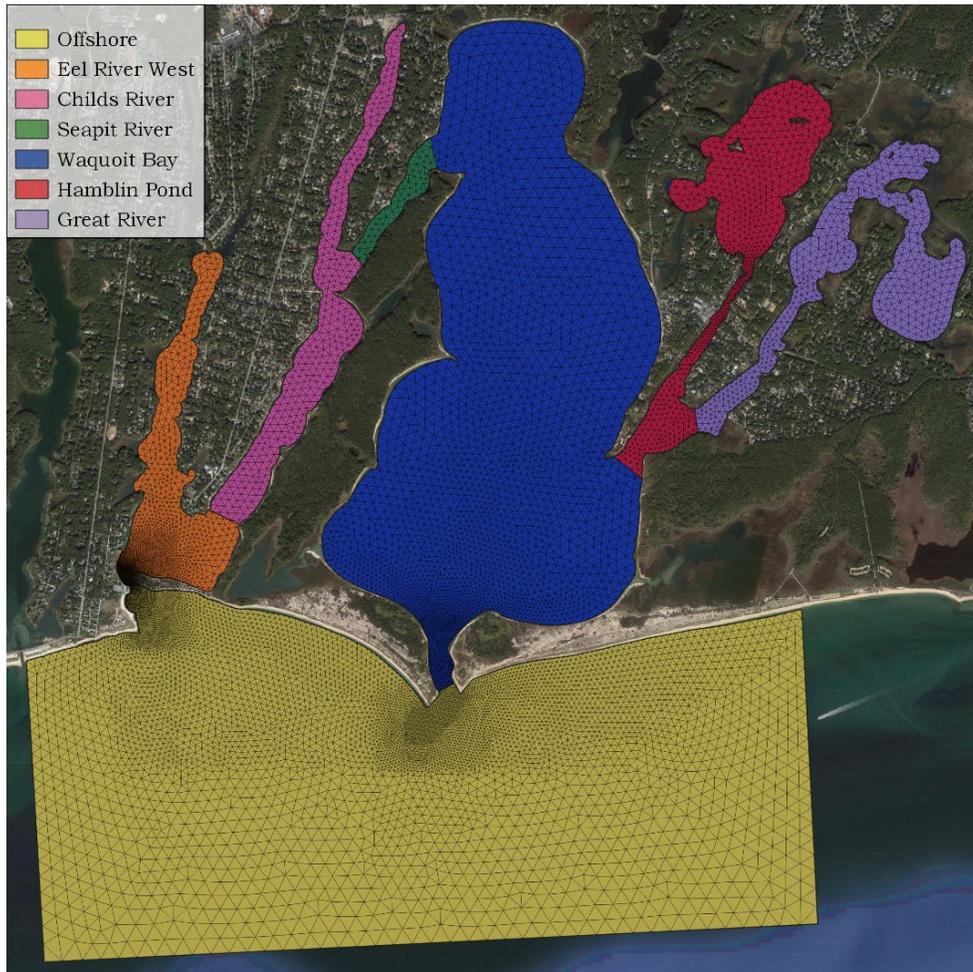


Figure 4.5 Extent of the regions listed in Table 4.1 with the hydrodynamic model grid.

Calibration of the hydrodynamic model required a close match between the modeled and measured tides in each of the embayment regions where tides were measured. Initially, the model was calibrated to obtain visual agreement between modeled and measured tides. Once visual agreement was achieved the model output was evaluated and compared to the measured tide data through the tidal constituent analysis discussed in Section 3.1. Tide constituents for both modeled and measured tides were evaluated to ensure proper phasing and amplitude of tide across the Waquoit Bay system. The comparison of modeled and measured tides is presented in Figures 4.6 and 4.7, and in Table 4.2. The calibration shows the considerable skill of the model with constituent amplitude errors that of the order of 10^{-2} feet, and phase errors that are generally (with the exception of Hamblin Pond) equal to the magnitude of the time step associated with the measured tide data (approximately 10 minutes). The relatively large phase errors observed in Hamblin Pond were expected due to coarsely resolved grid spacing in Little River and the lack of consideration for supplemental flushing through the creek north of Seconsett Island. due to the negligible effects this region of the system would have on the hydrodynamics of Eel River Inlet.

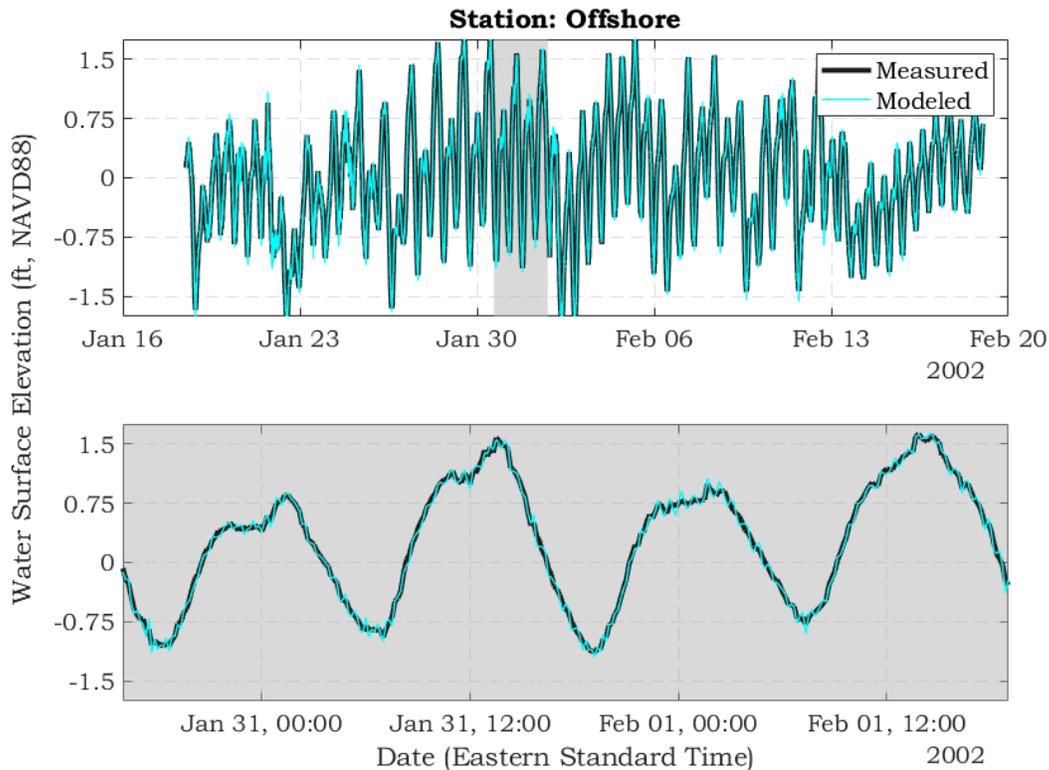


Figure 4.6 Comparison of measured and modeled tides at the Offshore station of the Waquoit Bay system. The lower figure represents a zoomed in view of the gray-shaded area from the upper figure.

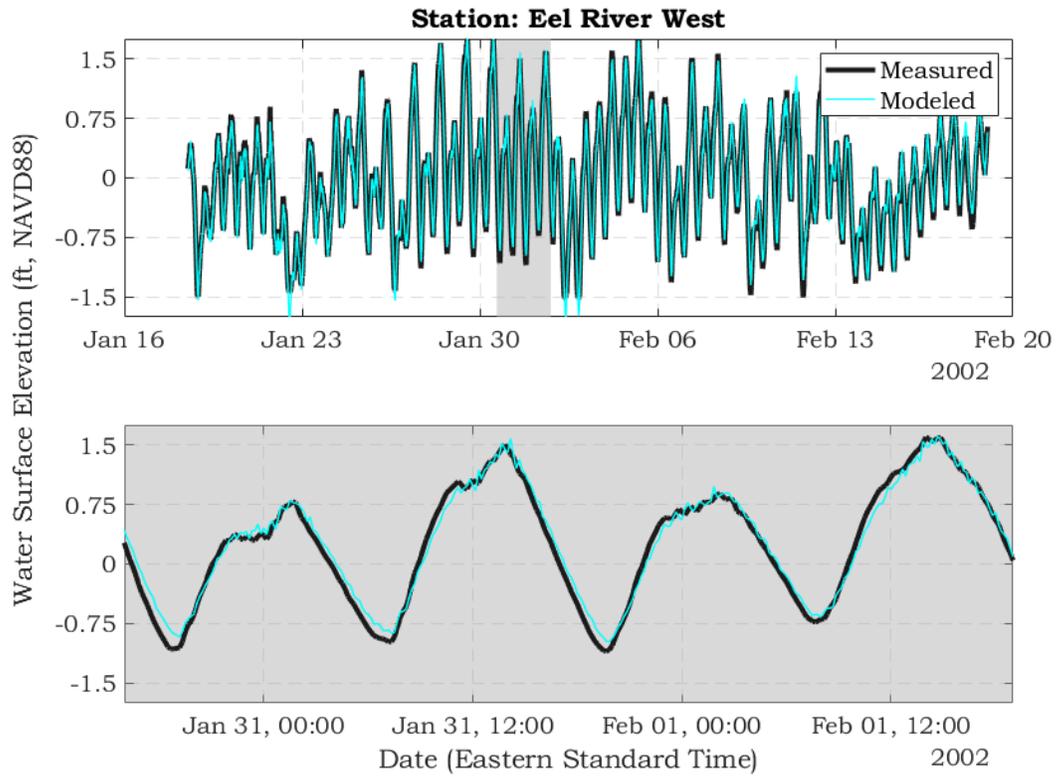


Figure 4.7 Comparison of measured and modeled tides at the Eel River West station of the Waquoit Bay system. The lower figure represents a zoomed in view of the gray-shaded area from the upper figure.

Table 4.2 Tidal constituents for measured water level data and calibrated model output, with model error amplitudes, for the Waquoit Bay system.						
Measured Tide						
Location	Constituent Amplitude (ft)				Phase (deg)	
	M ₂	M ₄	M ₆	K ₁	φM ₂	φM ₄
Offshore	0.68	0.16	0.05	0.24	82.40	-59.95
Eel River	0.66	0.13	0.06	0.26	93.72	-36.39
Childs River	0.64	0.11	0.05	0.24	98.62	-25.87
Waquoit Bay	0.64	0.09	0.04	0.24	104.95	-12.80
Hamblin Pond	0.63	0.07	0.05	0.24	117.57	22.14
Great River	0.65	0.09	0.05	0.24	113.59	11.01
Modeled Tide						
Location	Constituent Amplitude (ft)				Phase (deg)	
	M ₂	M ₄	M ₆	K ₁	φM ₂	φM ₄
Offshore	0.68	0.16	0.05	0.24	82.59	-60.21
Eel River	0.63	0.11	0.05	0.24	98.89	-28.94
Childs River	0.63	0.09	0.05	0.24	103.75	-17.29
Waquoit Bay	0.61	0.07	0.04	0.23	109.88	-8.40
Hamblin Pond	0.58	0.02	0.03	0.23	129.37	60.41
Great River	0.61	0.05	0.04	0.23	118.64	18.06
Error (measured - modeled)						
Location	Amplitude Error (ft)				Phase Error (minutes)	
	M ₂	M ₄	M ₆	K ₁	φM ₂	φM ₄
Offshore	0.00	0.00	0.00	0.00	-0.40	0.26
Eel River	0.03	0.02	0.01	0.02	-10.70	-7.72
Childs River	0.02	0.03	0.00	0.00	-10.61	-8.88
Waquoit Bay	0.03	0.02	0.00	0.01	-10.21	-4.56
Hamblin Pond	0.05	0.05	0.01	0.01	-24.42	-39.62
Great River	0.04	0.04	0.01	0.01	-10.46	-7.30

The final calibrated model serves as a useful tool in investigating the circulation characteristics of the system. Using model inputs of bathymetry and tide data, current velocities and flow rates can be determined throughout the model domain. This is a very useful feature of a hydrodynamic model, where a limited amount of collected data can be expanded to determine the physical attributes of the system in areas where no physical data record exists.

Evaluation of the results from the model run of the Waquoit Bay system shows the maximum flow velocities occur in the inlet channels to Waquoit Bay and Eel River. Ebb velocities in Eel River Inlet are slightly larger than velocities during the maximum flood, with an average maximum velocity of 4.82 feet/sec during ebb cycles and 4.26 feet/sec during flood cycles. Whereas in the Waquoit Bay inlet the flood tide velocities are dominant, although the difference between the ebb and flood cycles is less pronounced with average maximum velocities of 2.97 and 2.87 feet/sec during flood and ebb cycles, respectively. A close-up of the model output is presented in Figure 4.8, which shows color-coded velocity magnitude contours along with velocity vectors, which indicate the direction of flow, for a single model time-step, at the portion of the tide where maximum flood velocities occur.

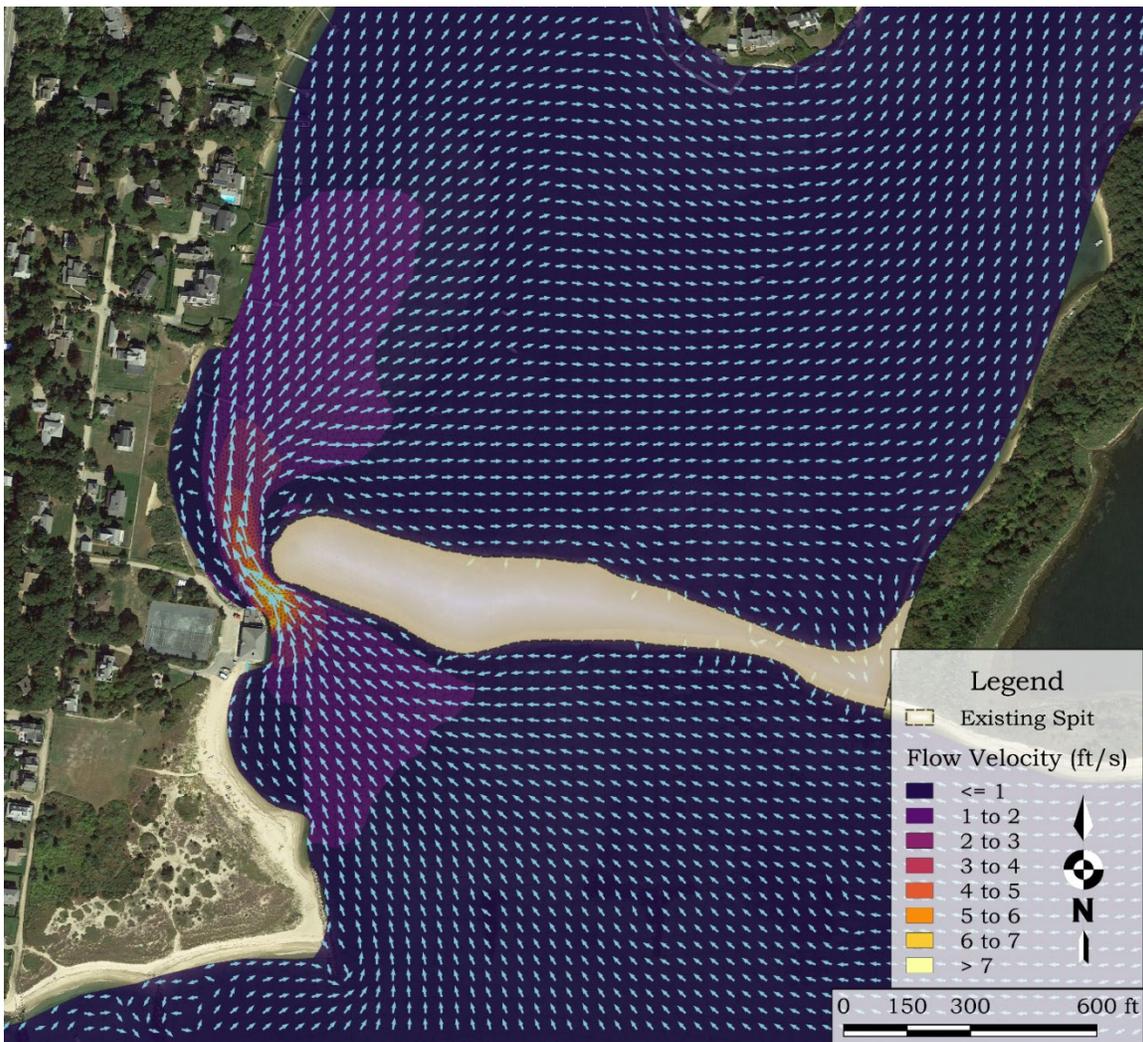


Figure 4.8 Example of hydrodynamic model output with existing conditions for a single time step where typical maximum flood velocities occur. Color contours indicate flow velocity, and vectors indicate the direction and magnitude of flow.

5 WAVE MODEL

As waves propagate into shallower water near shore, the height of the shoaling waves will change, and they will gradually change direction to conform to the bathymetry in that area. In addition, the geography of Nantucket Sound tends to directly block a much of the wave energy propagating from the south due to Marthas Vineyard and Nantucket, which increases the complexity of identifying the specific combination of conditions that influence different regions of the South Cape shoreline. In order to estimate how waves evolve as they propagate toward the south-facing shorelines of the Waquoit Bay system under the influence of winds blowing across the surface of Nantucket Sound, a previously developed two-dimensional wave transformation model, SWAN, was used. Wind data from the BUZM3 NDBC offshore platform and wave data from the WIS hindcast were used as boundary input to the runs of SWAN.

5.1 Model Grid Development

SWAN (an acronym for Simulating Waves Nearshore) is a steady state, spectral wave transformation model developed at the Delft University of Technology of the Netherlands (Booij et al., 1999). Two-dimensional (frequency and direction vs. energy) spectra are used as input to the model. SWAN is able to simulate wave refraction and shoaling induced by changes in bathymetry and by wave interactions with currents. The model includes a wave breaking model based on water depth and wave steepness. Model output includes significant wave height H_s , peak period T_p , and wave direction θ .

SWAN is a flexible and efficient program based on the wave action balance equation that can quickly solve wave conditions in a two-dimensional domain using the iterative Gauss-Seidel technique. For this study, the model was implemented using a steady state finite-difference scheme, on a regular Cartesian grid (computational cell dimensions in the x and y directions are equal), though other options are available (including a finite difference formulation using an unstructured mesh). A great advantage of the iterative technique employed in SWAN is that it can compute spectral wave components for the full 360-degree compass circle.

In addition to the spectral wave boundary conditions specified for each of the wave cases, bathymetry and several model parameters must be specified. The model parameters describe the extent and resolution of the computational mesh (separate from the bathymetry grid) including nested grids, the directional and frequency resolution of the wave spectrum, and wave physics (e.g., breaking, wave-wave interactions).

The SWAN model developed for Eel River Inlet used a coarse grid with 100-meter spacing for the region including the extents of Nantucket Sound and offshore region beyond Marthas Vineyard, Nantucket, and Monomoy Island (Figure 5.1), and a fine nested mesh with a 10-meter spacing that covers the study area around the Eel River and Waquoit Bay inlets (Figure 5.2). The x - and y -axis of the large-scale regional grid are approximately 55 and 35 miles (or 885 and 561 cells) long, respectively. The x -axis is oriented to the east. The greatest depth in the coarse grid domain is -138 feet NAVD88, which occurs at the open boundary. The National Ocean Service (NOS) was the main source of bathymetric data used to create the coarse grid (NOS, 1998). The small-scale grid encompassing Eel River Inlet is made up of 37,901 computational cells spanning approximately 1.5 miles east-to-west and 0.9 miles south-to-north. The bathymetry used

for the nested grid was collected during the 2018 USACE Topobathy LiDAR survey for the East Coast.

The coarse grid was used to propagate offshore waves developed from the analysis of the WIS hindcast record (through Muskeget Channel and over Monomoy shoals), and also generate wind-waves in Nantucket Sound. The nested fine mesh serves to provide detailed wave information at Eel River entrance channel as well as the shorelines north of Menauhant Yacht club and along the southern end of Seacoast Shores. The fine grid model utilizes wave output from the coarse model grid for boundary conditions. As executed, spatially varying model output from the coarse grid (at points that corresponding to nodes along the fine grid open boundary) is used as the boundary condition for the fine grid model runs, therefore the fine grid results are truly nested within the coarse grid simulations.

The wave spectrum resolution specified for the model runs of both coarse and fine model meshes included the full 360-degree compass circle divided into 72, five-degree segments, with 40 discrete frequencies, between 0.05 and 1.00 Hz (corresponding to periods of between 20 and 1.0 seconds).

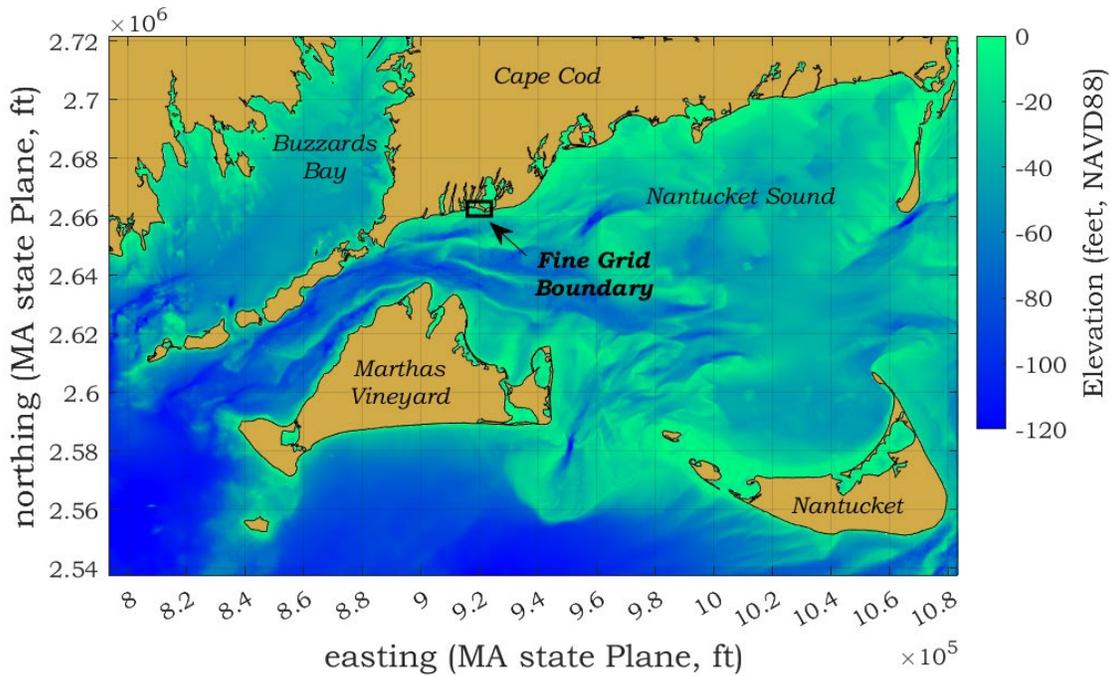


Figure 5.1 Extent of the 2D SWAN wave model grid used to determine wave conditions in Nantucket Sound. The location of the fine model grid for Eel River Inlet is outlined by the black rectangle.

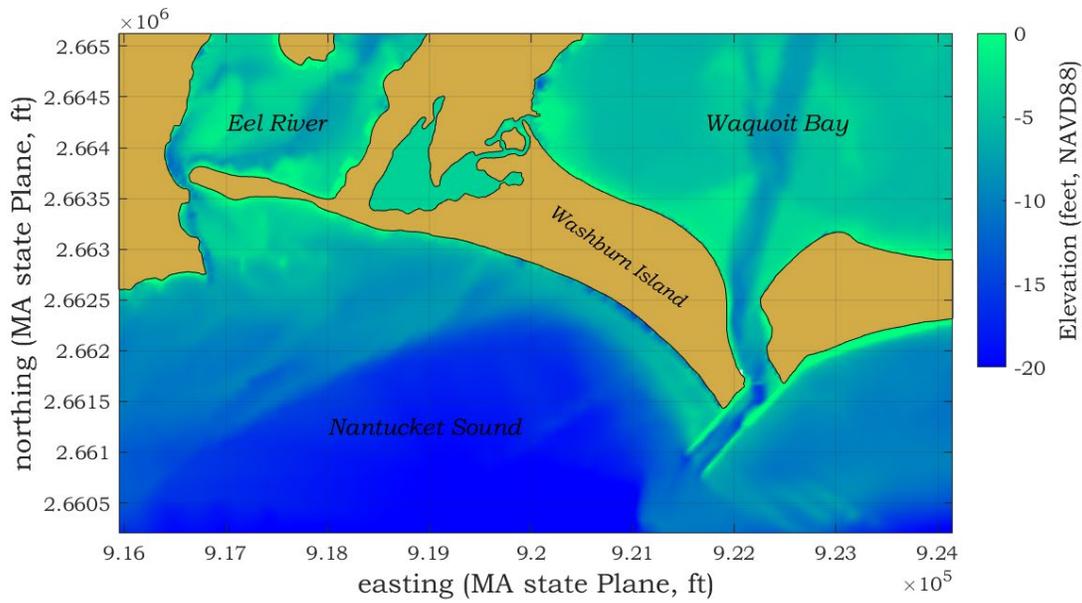


Figure 5.2 Color contour plot showing the limits of the high-resolution fine grid used to model waves approaching Eel River Inlet.

5.2 Model Run Cases Development

Due to the orientation of Eel River Inlet and the focus shorelines, wind waves that have the capability to create potential storm impacts and transport sediment are restricted generally to the south-to-east compass sectors. From this quadrant, three different wind directions (east, southeast, and south) were inspected based on three return periods (1-, 10-, and 100-year return periods). Return periods are used to describe the probability that a particular event will occur in any given year. For example, a 100-year wind speed has a one percent (1/100) probability of occurring this year or any other year. Similarly, a 10-year wind would have a ten percent (1/10) chance of occurring during any year.

The extreme wind speeds and wave parameters used for this analysis were determined by a statistical analysis of the NDBC Buzzards Bay C-MAN station and the USACE WIS hindcast station 63082. These stations were used because they have the longest available data records in the region. The time period covered by these records is long enough to allow their use in the calculation of low frequency of occurrence events such a 100-year storm. The resulting return period wind speeds, wave heights, and mean wave period for the three evaluated sectors are presented in Table 5.1.

Table 5.1 Return period wind speeds (U), significant wave heights (H_s), and corresponding mean wave period (T_m) for east, southeast and south sectors. Wind speeds were determined using BUZM3 wind record and wave data was obtained from USACE WIS hindcast (Station 63082)			
	U (kts)	H_s (ft)	T_m (s)
East			
1-year	32.9	8.2	6.9
10-year	47.1	16.7	9.9
100-year	57.8	23.2	12.6
Southeast			
1-year	33.6	9.2	7.2
10-year	43.9	16.7	9.9
100-year	51.7	22.4	11.9
South			
1-year	34.0	9.7	7.4
10-year	45.7	20.2	11.1
100-year	54.6	28.1	13.9

Although winds from the east exhibit the longest fetch (i.e. overwater distance the wind waves are generated), the shoals just inside Monomoy Island reduce much of the energy within the eastern portion of Nantucket Sound and waves do not propagate directly toward Eel River Inlet. Waves propagating from the east without a directional component from the south are generally blocked by the Waquoit Bay inlet breakwaters, resulting in attenuated wave energy as passing waves diffract around the structures. Prior to analyzing the wave model results, it should be noted that significant storms experienced along the Falmouth shoreline (e.g. storms with a surge in excess of the 10-year event) are tropical storms; therefore the wave conditions evaluated from the southeast are highly unlikely to occur during the water level conditions evaluated in the model domain. Regardless, the Southeast 100-year condition coupled with FEMA predicted 100-year flood elevation of 10.1 feet was chosen to represent the ‘worst-case’ scenario due the increased exposure of the inlet’s western shoreline and the interior of the Eel River Embayment. Additionally, since storms with substantial tidal surges along the south coast of Cape Cod are tropical storms, the duration of the surge is typically just a few hours.

5.3 Wave Model Results

Examples of wave model output are presented in Figures 5.3 and 5.4, from the coarse and fine grids, for the 100-year SE conditions discussed in the previous section. In these plots the color contours indicate wave height and vectors are used to indicate the direction of wave propagation. Specific nearshore wave heights were examined at discrete locations along two shore-parallel transects that run along the shoreline north of Menauhant Yacht Club and around the southern point of Seacoast Shores spanning 225

feet and 175 feet, respectively (Figure 5.5). The results are plotted in Figures 5.6 and 5.7 for the southeast sector model run case.

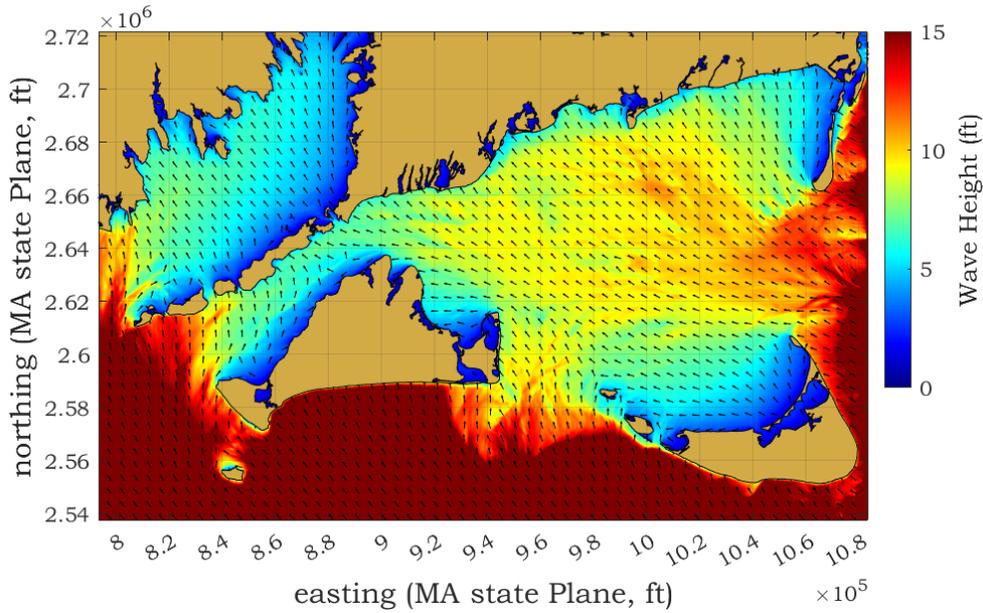


Figure 5.3 Output wave heights from the 2D SWAN wave model for the Nantucket Sound large-scale regional grid, for 100-year (1%) Southeast wind (43.7 kts) and offshore wave conditions (22.4 ft and 11.9 s). Color contours represent significant wave height (H_s), while vector arrows indicate mean wave direction.

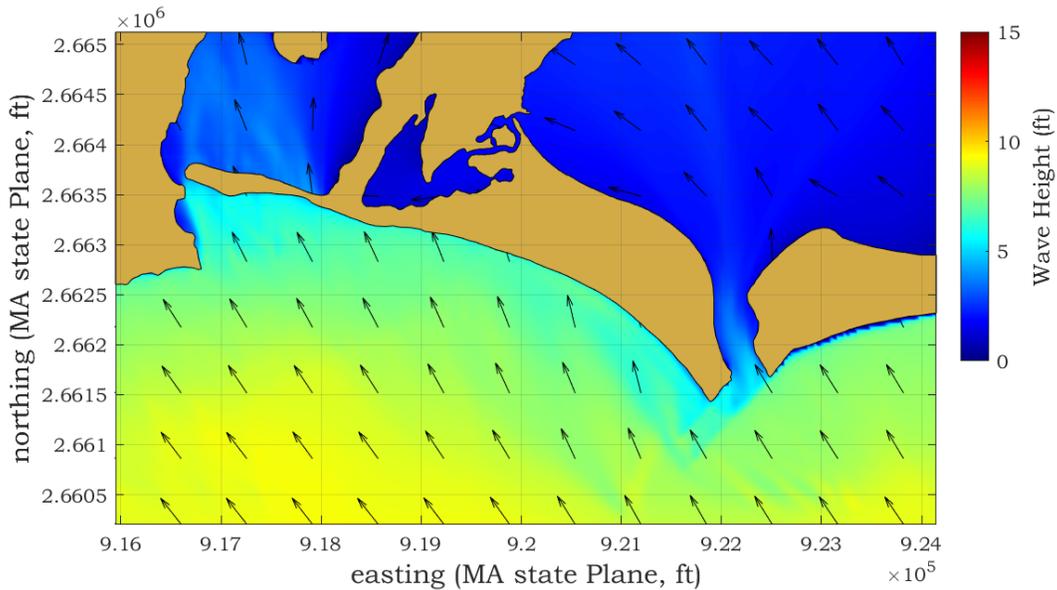


Figure 5.4 Output significant wave height from the 2D SWAN model for the Eel River nested grid, for 100-year (1%) Southeast wind and offshore wave conditions. Wave heights prescribed at the seaward limit of the grid were on average 8.2 feet, based on outputs from the large-scale regional grid.

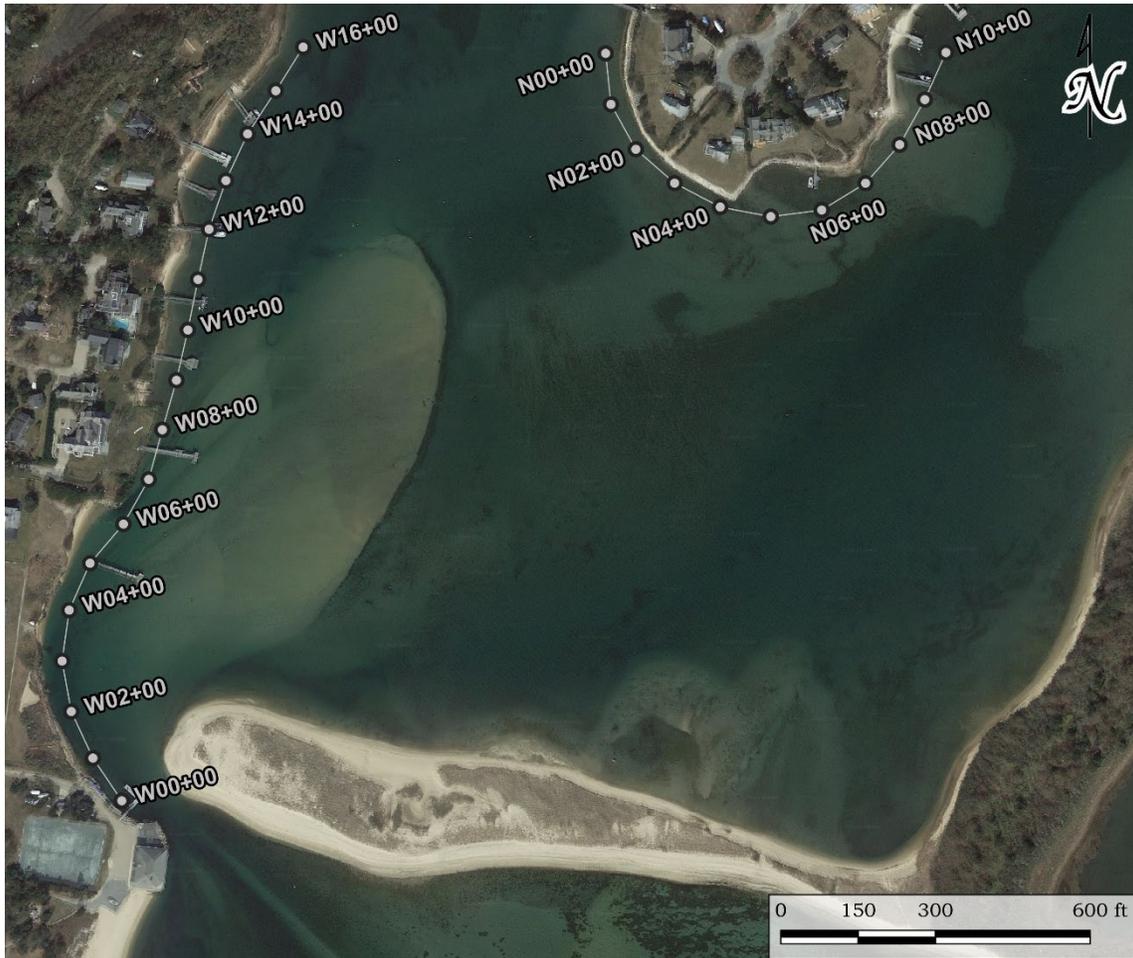


Figure 5.5 2021 aerial of Eel River Inlet, with shore-parallel transect (with 25-foot stationing) used as the reference line for the plots of wave model results.

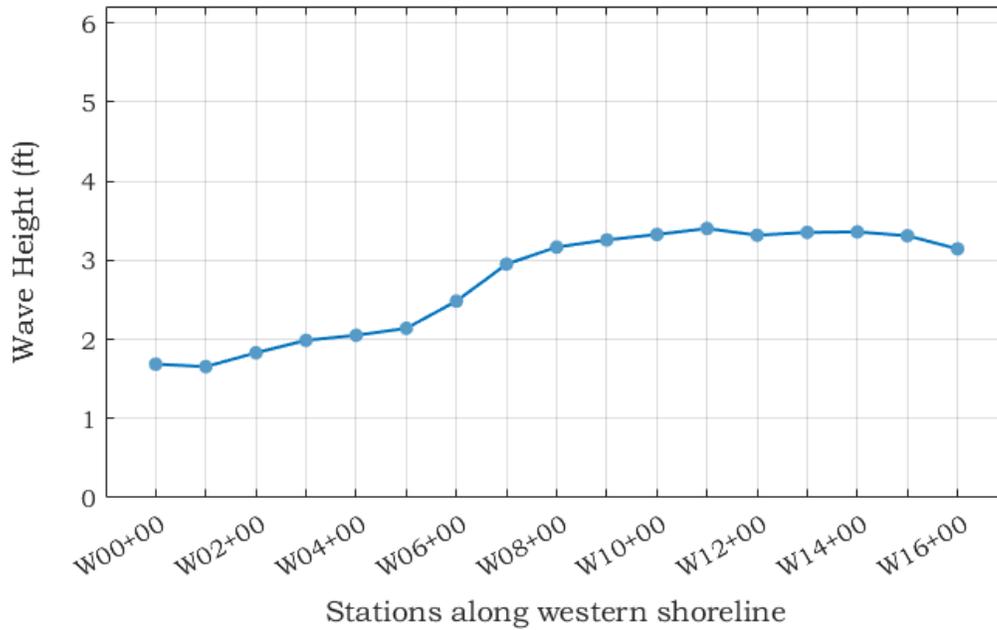


Figure 5.6 Wave model results of the existing conditions along the western shoreline of Eel River Inlet during 100-year storm winds blowing from the Southeast.

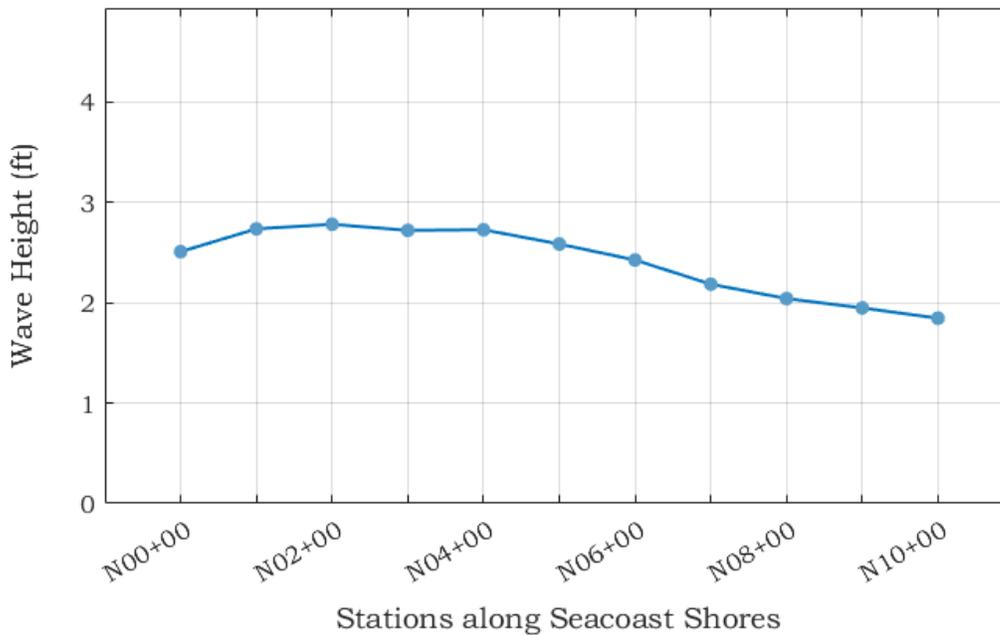


Figure 5.7 Wave model results of the existing conditions along the southern edge of Seacoast Shores during 100-year storm winds blowing from the Southeast.

6 ALTERNATIVES ANALYSIS

Once baseline existing conditions were evaluated and the coastal processes analysis was completed, an alternatives analysis was performed to evaluate potential strategies to mitigate shoreline erosion and enhance navigation safety in Eel River Inlet and the surrounding nearshore areas. The analysis provides site-specific quantitative information for the potential strategies described below to ensure that the most appropriate options are recommended and to support the Town decision-making process. The primary emphasis of the alternative selection process is screening, where the process is to identify the most appropriate alternative(s) based upon a series of criteria. There are no numerical thresholds that identify the best alternative; rather, the screening process is designed to assess a wide range of potential alternatives, and through comparative analysis of various rating criteria, narrow the list of options until only the appropriate remain. While the alternatives are evaluated separately, the recommended solution may include one or more of the appropriate alternatives.

For this analysis, screening criteria focused on the ability of a specific alternative to achieve the project goals: reduction of erosion along the mainland shoreline along the western side of the inlet and ensuring navigation safety. Within the context of meeting project goals, criteria for assessing each alternative included, but were not limited to, design-life, environmental regulatory concerns (i.e. whether an option can be permitted), environmental impacts, and generalized cost (both construction and maintenance).

The project includes three areas of concern (Figure 6.1) that were identified based on their relative impact and/or role in the local coastal processes of the Eel River system. These areas were identified as being dynamic barrier beach areas and/or as areas with unstable shorelines susceptible to erosion that could further expose or threaten existing wetland resource areas and residential property. The primary focus area is along the western shoreline of the inlet, immediately north of the Menauhant Yacht Club. This segment of shoreline is experiencing rapid and ongoing erosion and subsequent loss of the adjacent fringing salt marsh as a direct result of increased tidal currents caused by the evolution of the Washburn Island barrier spit. The western and northern evolution of the spit redirects and constricts tidal flows, thereby increasing the velocity of nearshore currents along the western shoreline of the inlet. Continued elongation and narrowing of the spit also promote further risk of a potential future breach near Washburn Island, where the spit is most susceptible to overwash. In addition, the low-lying nature of the Washburn Island spit indicates that future sea level rise likely will exacerbate breaching of the barrier beach system and increase erosion rates in the future.

Over the next several decades, rapid changes to the barrier beach system and associated inlets/tidal channels likely will create conditions that exacerbate coastal erosion and tidal flooding to areas that may appear well-protected at the present time. At present, overall management of the mainland shoreline is being performed in a reactive manner, based on response to various coastal erosion issues. However, the Town is focused on developing a proactive approach to overall shoreline management, rather than continuing the piece-meal approach to erosion mitigation. With this in mind, the analysis focuses on engineering alternatives that not only address present concerns, but also include potential future issues related to storm overwash and erosion hazards, as well as climate adaptation techniques for the next 20-to-30 years. An assessment of mitigation options ranging from the “do-nothing” alternative to non-structural, structural, and combination structural/non-

structural alternatives was performed utilizing the screening criteria. A comprehensive list includes:

- No action
- Dredge the existing channel (the “status quo”)
- Shortening of the Washburn Island spit
- “Hard” structures
 - Sand trapping structures on the beach (e.g. groins)
 - Shore stabilization structures (e.g. revetments or seawalls)
- “Soft” shore protection measures (e.g. coir logs)
- Combinations of the above options



Figure 6.1 Oblique aerial of Eel River Inlet with specific areas of concern: (1) eroding shoreline and fringe marsh; (2) westerly growth and northerly migration of Washburn Island spit; (3) narrow region of Washburn Island spit susceptible to near future breach.

6.1 Description of Alternatives

As described above, potential mitigation strategies were based on the site-specific nature of the problem (e.g., erosion, tidal currents, local morphology, etc.) in combination with the screening criteria used to determine the most appropriate approach for addressing the ongoing coastal erosion and navigation safety concerns.

6.1.1 No Action Alternative

The no action or do-nothing alternative assumes that the Town will allow natural evolution of the inlet/barrier beach system without mitigation efforts. As a management

tool, it is instructive to evaluate the no action alternative to assess whether proactive management activities are necessary from both a short-term and long-term perspective. Evaluation of coastal processes described in Section 3 and the modeling in Sections 4 and 5, indicate that while Menauhant Yacht Club and other armored properties north of the inlet are relatively stable, continued western growth of the Washburn Island spit across the Eel River entrance will likely accelerate erosion along the western unarmored shoreline of the inlet and threaten private dwellings, as well as cause adverse impacts to wetland resource areas and create additional navigation safety concerns. Based upon the acceleration of erosion rates experienced along the unprotected western bank of the inlet over the last 10-12 years, private infrastructure may be directly impacted within the next 15 years. Alternatively, elongation of the barrier beach will cause additional tidal attenuation, which has been shown to degrade water quality and compromise fisheries and wildlife habitats, unless a new breach forms similar to the conditions experienced prior to Hurricane Bob in 1991. The combination of increased coastal erosion, increased public hazards risks related to navigation safety, and likely degradation in estuarine water quality indicate that the “do-nothing” alternative is not viable.

6.1.2 Dredge Existing Channel

At present, the Town has an active 10-Year Comprehensive Permit that allows dredging as needed within the footprint of the channel outlined by the permit (Figure 6.2; channel dimensions and soundings presented in Appendix A) to maintain navigable waterways. Due to changes in depth and width, the permitted channel consists of three sections: Eel River Entrance Channel, Eel River Channel, and Eel River Extension Channel. The entrance channel has a footprint that is 60 feet wide and a dredge depth of -6 feet relative to MLW. The main channel and extension both have a footprint width of 50 feet, however, their depths are -5 and -4.5 feet MLW, respectively. Dredging of the channel to meet plan specifications listed in the Comprehensive Permit and maintain the “status quo” would require the removal of approximately 8500 cubic yards of material including 85 linear feet of the barrier spit’s distal end.

Results from the hydrodynamic model using adjusted bathymetry to represent this improvement (Figure 6.3) exhibit a reduction in average maximum ebb and flood velocities of 0.80 and 0.76 feet per second (from 4.82 and 4.26 feet per second to 4.02 and 3.50 feet per second), respectively. Although maintaining the “status quo” allows for a reduction in tidal currents and improves navigational safety, this alternative does not provide sufficient redirection of the flow away from the western shoreline of the inlet and may not afford adequate mitigation of future erosion. Additionally, western growth of the spit will continue and frequent (potentially annual) maintenance dredging will be necessary to maintain a navigation channel through the inlet. Since this alternative would not meet the goals of the project by mitigating erosion of the western shoreline and also would require frequent maintenance dredging, this alternative was eliminated from further consideration.



Figure 6.2 Eel River channel location and channel sections as delineated in the 10-Year Comprehensive Permit.

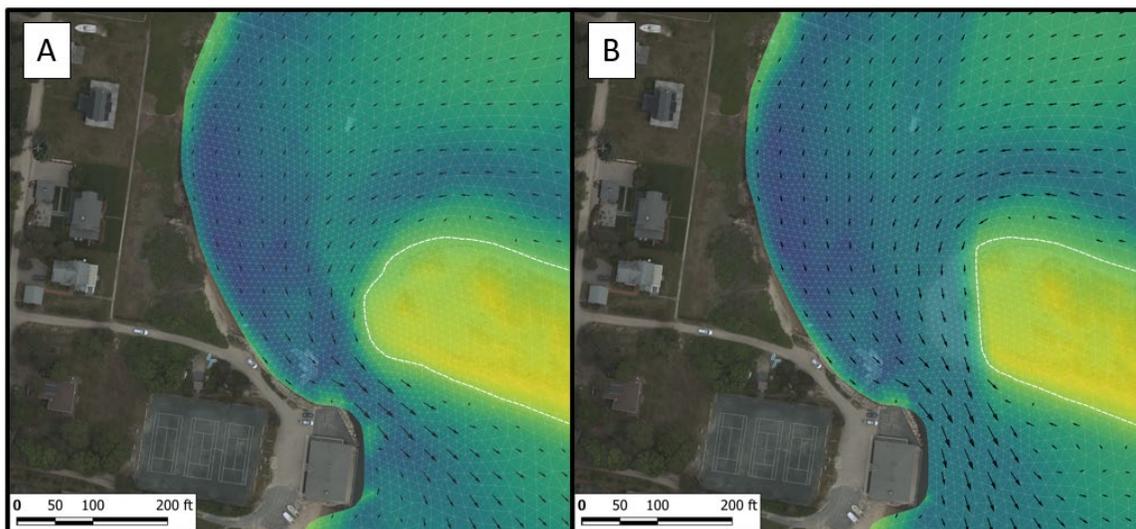


Figure 6.3 Comparison of hydrodynamic model outputs between (A) existing conditions and (B) dredging to meet the channel dimensions and specifications outlined in the 10-Year Comprehensive Permit. Bathymetry is represented by the gradient in color and flow direction and velocities are represented by orientation and size of vector arrows.

6.1.3 Shortening of the Washburn Island Spit

In addition to dredging the channel to the specifications delineated in the 10-Year Comprehensive Permit, dredging the western tip of the Washburn Island spit will create a wider tidal inlet to increase hydraulic efficiency and redirect tidal currents away from the western shoreline of the inlet. In general, the proposed widening of Eel River Inlet extends approximately 350 feet to the historically located terminus of the spit that existed in the early 2000s, as shown in Figure 6.4, and would require the dredging of approximately 31,000 cubic yards of material. Therefore, the shorelines inside the Eel River embayment have experienced both wave and tidal conditions resulting from this alternative at some point in the last few decades; however, a more detailed analysis of potential changes to the local coastal dynamics is warranted.

To simulate the tidal elevations and flow characteristics of the estuary, the same model boundary conditions used to model the existing conditions were used to drive the model with modified “dredged” bathymetry so that a direct comparison of pre- and post-dredge conditions could be made. For the model of proposed post-dredge conditions, the inlet was opened by dredging the spit to a depth of -6 feet MLW within the footprint of the existing channel as specified by the 10-year Comprehensive Permit, and to -3 feet MLW along the remaining cut east of the channel where the spit has been reduced. During periods of peak flow, the greatest reduction in current velocities will occur at the surface of the channel in the narrowest section of inlet, with decreasing influence the greater the distance from the inlet. Figure 6.5 shows an example of the change in velocity between pre- and post-dredge conditions during peak flooding and ebbing tidal flows. Peak flood and ebb velocities, extracted from the center of the channel northeast of Menauhant Yacht Club and averaged across the 29-day temporal domain of the model simulation, were reduced from 4.26 to 1.32 feet per second (reduction of 2.94 feet per second) and from 4.82 to 1.65 feet per second (a reduction of 2.94 and 3.17 feet per second), respectively. It should be noted that a significant increase in velocities is observed in the plots where the spit has been cut as a result in going from a no flow condition to water moving freely across the dredged portion of the spit. Overall, the maximum tidal velocities achieved in the widened inlet channel is over 3 feet per second, which is sufficient to self-scour the inlet channel.

More importantly, the model output exhibits a reduction in the tidal flow velocity along the western shoreline of the inlet, as well as a reduction in nearshore velocities. For flooding cycles of the tide, nearshore velocities are reduced by approximately 1 foot per second along much of the eroding western shoreline of the inlet. A similar reduction can be observed for ebbing flows, however, the area influenced by this change is focused closer to Menauhant Yacht Club. Figure 6.6 shows a contour plot of the change in flow velocity between pre- and post-dredge conditions during maximum ebb velocities as well as a compass plot of instantaneous ebb velocity vectors showing the individual magnitude and orientation of the flow in the center of the channel. The post-dredge conditions exhibit

an improvement in tidal flow angle of greater than 20 degrees towards the north and south directions, or away from the western shoreline, for both flood and ebb tide cycles.



Figure 6.4 Oblique aerial photograph of Eel River Inlet and Washburn Island spit shows the previously existing conditions of the system in December of 2002.

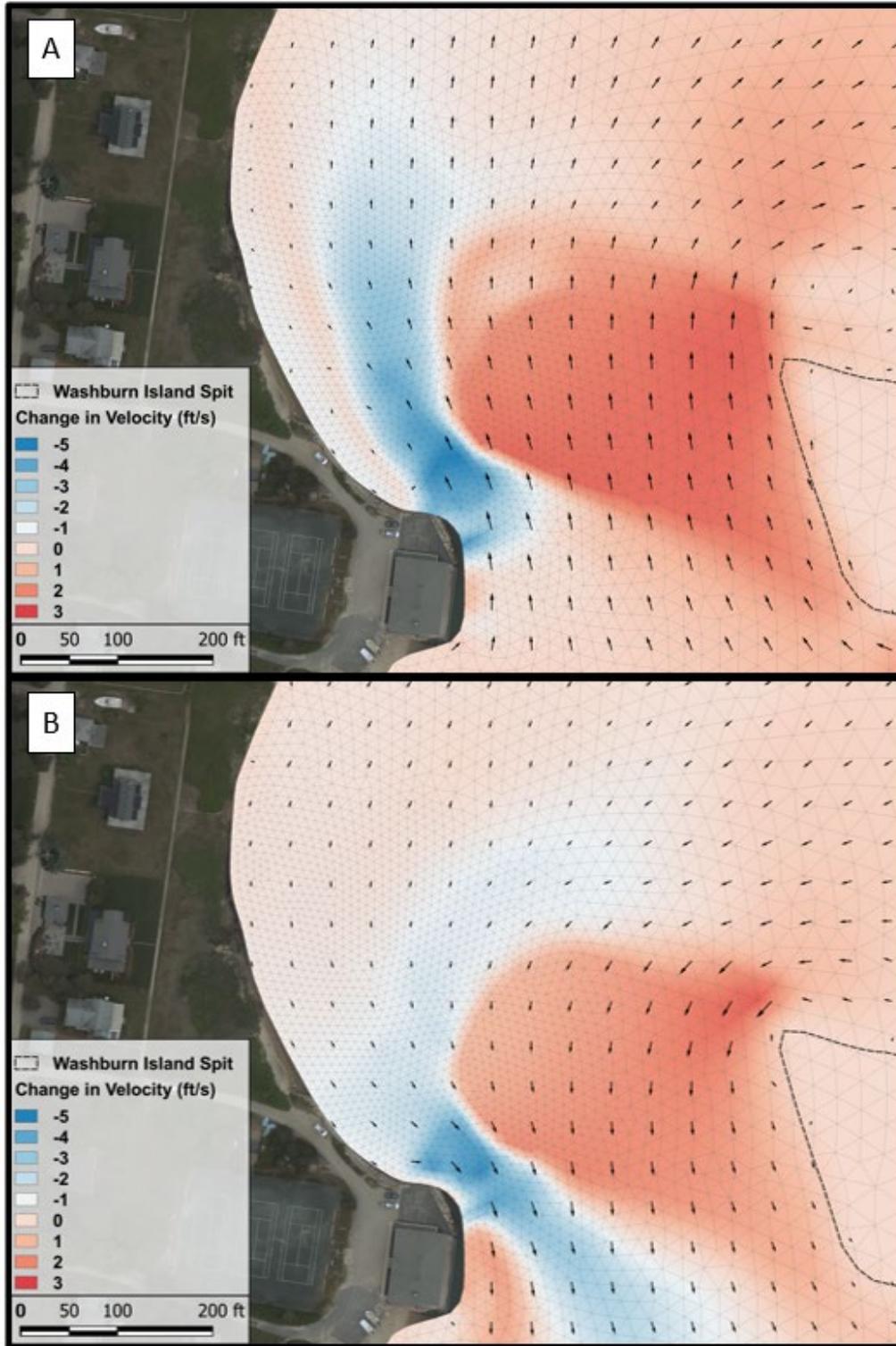


Figure 6.5 Output pre- and post-dredge velocity comparisons from the hydrodynamic model during maximum (A) flooding (B) ebbing tidal flows. Color contours represent change in velocity (where reds indicate an increase in velocity and blues indicate a reduction), while vector arrows represent direction and magnitude of flow of post-dredge condition.

Flow Direction and Magnitude (ft/s)

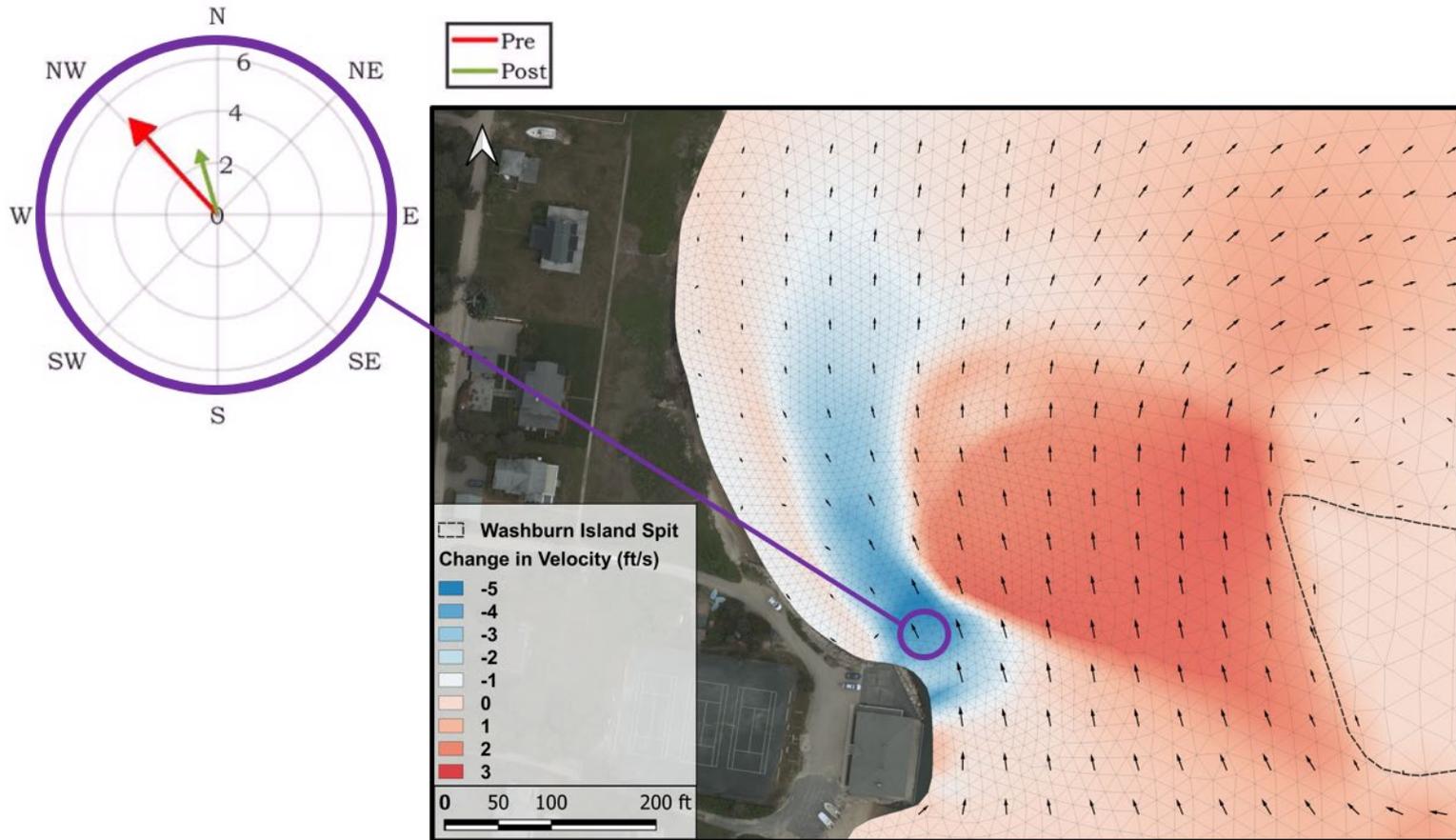


Figure 6.6 Contour plot of change in maximum flooding velocities in the Eel River channel for the post-dredge conditions at Washburn Island. Color contours represent change in velocity where reds indicate an increase in velocity and blues indicate a reduction), while vector arrows magnitude and direction of flow during post-dredge condition. The compass plot in the upper left exhibits pre- (red) and post-dredge (green) velocity magnitudes and direction of flow at a location within the Eel River Entrance Channel.

There is also a potential concern that widening the tidal inlet will allow more wave energy to propagate into the embayment system, causing associated adverse impacts to waterfront property owners north of the yacht club and along the southern point of Seacoast Shores. Using the same post-dredge bathymetry that was used for the hydrodynamic model, the SWAN wave model was rerun for the 100-year southeast storm event (Figure 6.7). Model output of the shows that a portion of the shoreline north of Menauhant Yacht Club will experience higher storm wave energy during the 100-year storm event (Figure 6.8). This area of increased wave energy is generally limited to the region between Thayer Street and Angel Street (approximately between Station 05+00 and Station 11+00 shown on Figure 5.5). Figures 6.9 and 6.10 show each of the modeled wave height observation stations along the western shoreline north of Menauhant Yacht Club and the southern coast of Seacoast Shores for the pre- and

The largest increase in storm wave height is 1.72 feet, observed at Station 06+00 which is the northern most observation location along the focus shoreline along the western bank of the inlet (see Figure 5.5). Therefore, the areas that may experience increased wave heights if the spit is shortened are the same properties that are experiencing rapid erosion from the existing tidal regime. Based on the historical stability of this shoreline when the inlet was wider indicates that the influence of the strong tidal currents on coastal erosion is significantly greater than the influence of increased wave energy from episodic storms.

North of Station 06+00, increases in wave heights become smaller in magnitude and much of shoreline is protected. The shoreline immediately north of the yacht club and south of Thayer Street exhibit an increase in wave heights during a 100-year storm event of 2-5 inches. Figure 6.10 shows the proposed inlet widening would have a negligible effect on wave heights along the southern region of Seacoast Shores. While there is a modest increase in wave heights during a 100-year event, The proposed increase in inlet width and reduction of Washburn Island Barrier spit by 350 feet is not anticipated to have a discernible effect on wave heights on a day-to-day basis.

In general, erosion mitigation and navigational safety are the primary goals, but it also critical to ensure that any potential solution to stabilize the inlet system continues to maintain a healthy littoral system and protect the natural function of the barrier beach. Specifically, potential placement of the dredged material onto the eastern portion of the Washburn Island spit will provide additional width to the barrier beach that may be beneficial coastal wildlife (e.g. nesting shorebird habitat), as well as allowing the beach system to adapt more naturally to relative sea-level rise and the rapidly changing inlet morphology.

Overall, dredging of the existing channel and reduction of approximately 350 feet of the Washburn Island spit affords sustainable and environmentally responsible erosion mitigation of the inlet's shoreline while providing additional protection and improvement to the remaining barrier beach. It is possible that periodic dredging will be required in the long-term to maintain sufficient navigable depths within the channel. Periodic dredging is not a new expense to the Town, as continual dredging to many of the south-facing inlets is needed and is anticipated by the 10-Year Comprehensive Permit. Based on the analysis above, this alternative is likely the most viable option to mitigate shoreline erosion and improve navigation safety within Eel River Inlet and was deemed the preferred alternative.

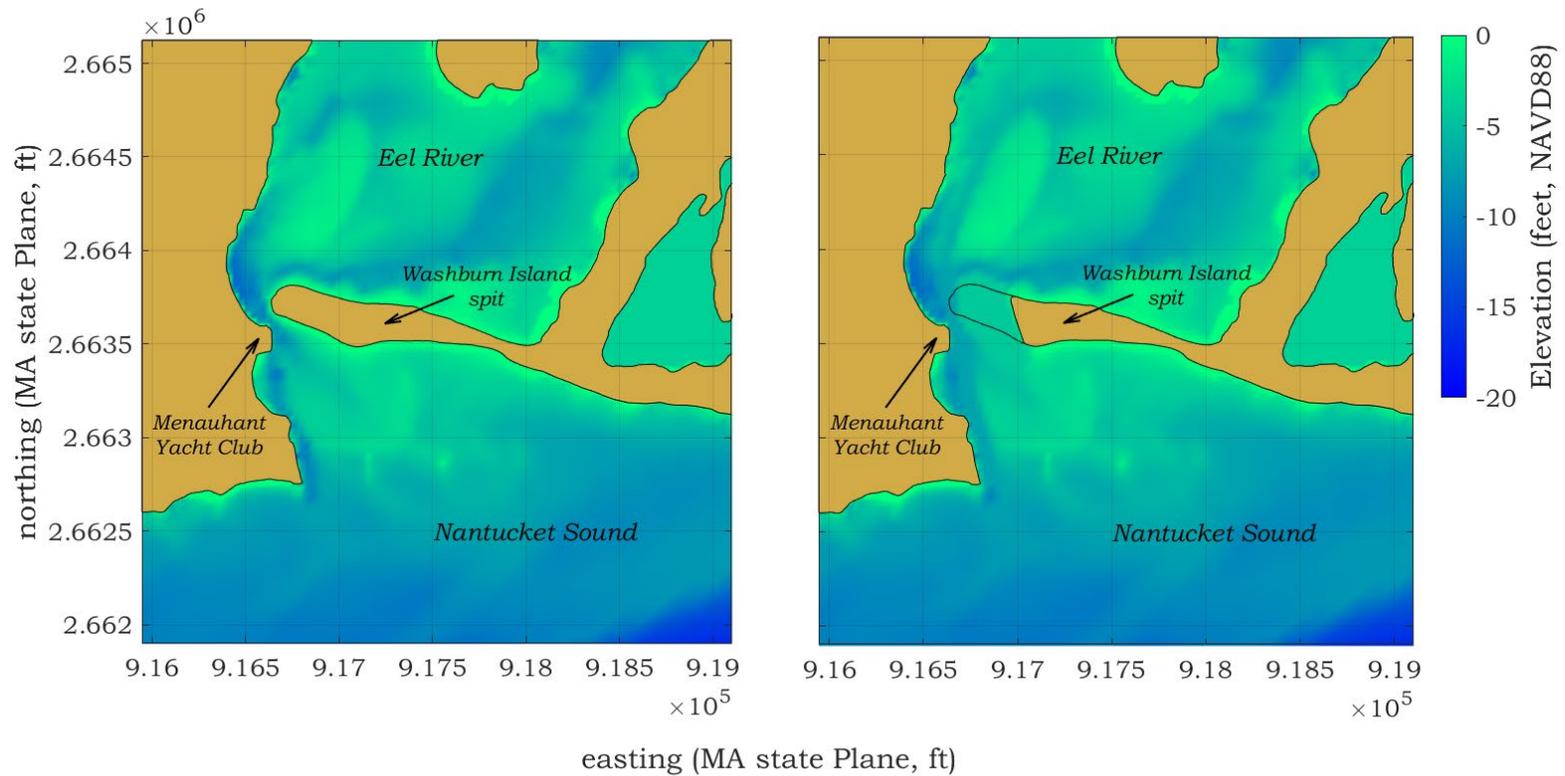


Figure 6.7 Plots of pre- and post-dredge bathymetry in a close-up detail of the Eel River model grid. Post-dredge conditions at Washburn Island include the complete 350-foot proposed cut of the spit. The inlet is dredged to varying depths; -6, -5, and -4.5 ft MLW for the Eel River Entrance Channel, Main Channel, and Extension Channel, respectively; the eastern part of the inlet, in the proposed cut of the spit is dredged to 3 ft MLW.

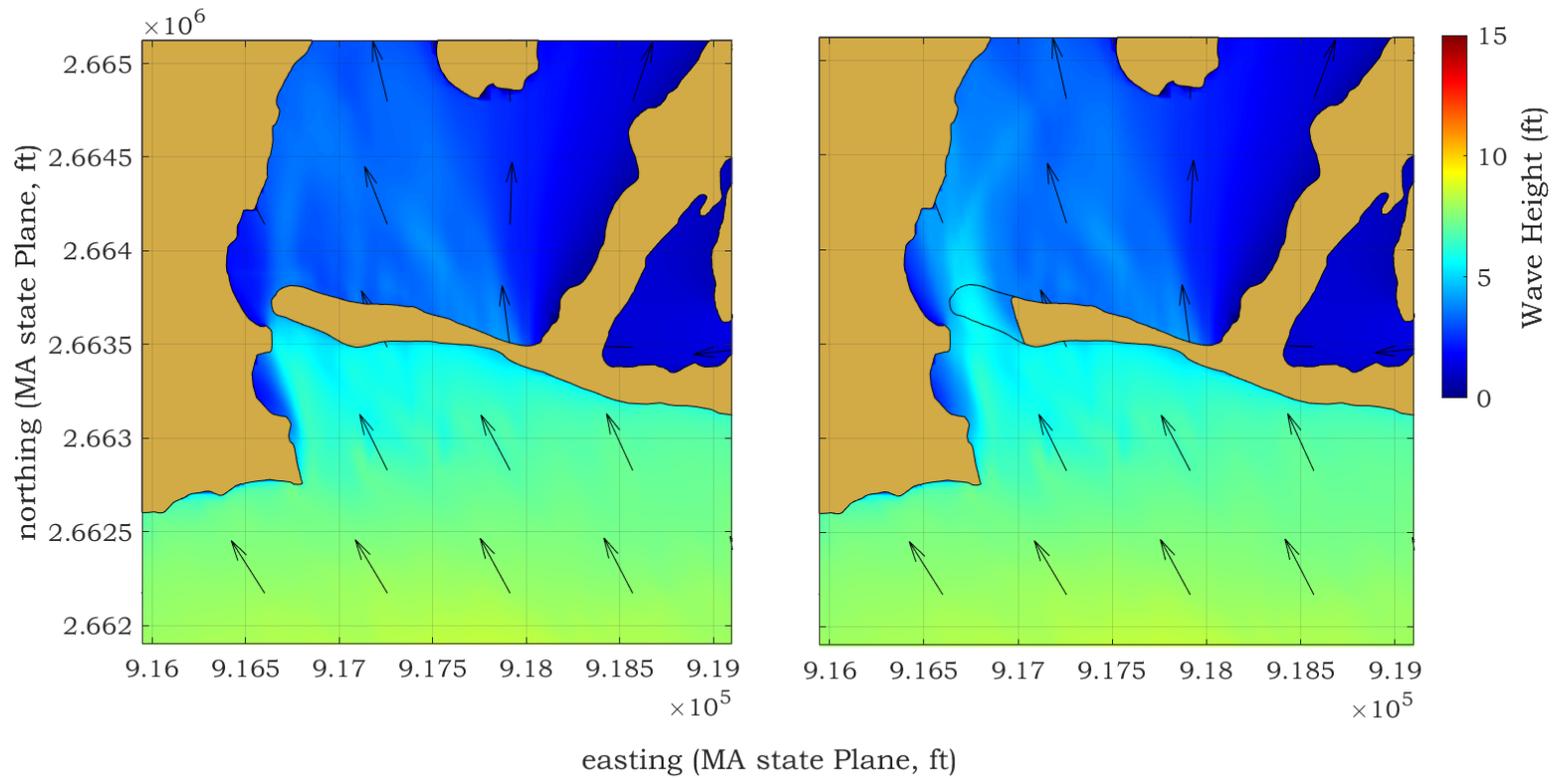


Figure 6.8 Plots of pre- and post-dredge model output significant wave height from the 2D SWAN model for the Eel River nested grid, for 100-year (1%) Southeast wind and offshore wave conditions. Wave heights prescribed at the seaward limit of the grid were on average 8.2 feet, based on outputs from the large-scale regional grid for 100-year (1%) Southeast wind (43.7 kts) and offshore wave conditions (22.4 ft and 11.9 s). Color contours represent significant wave height (H_s), while vector arrows indicate mean wave direction.

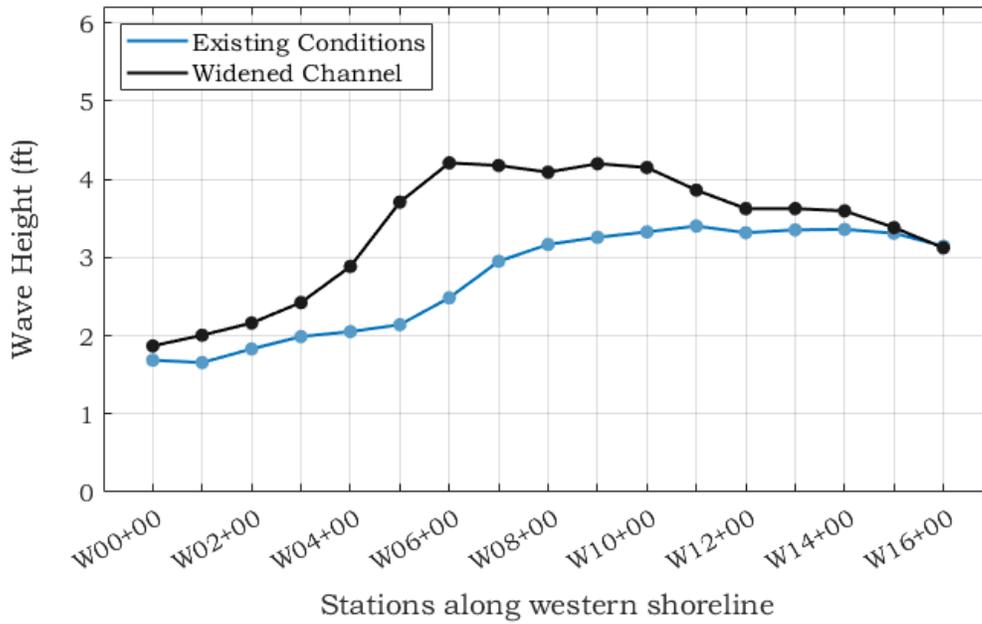


Figure 6.9 Wave model results of the pre- and post-dredge conditions along the western shoreline of Eel River Inlet during 100-year storm winds blowing from the Southeast.

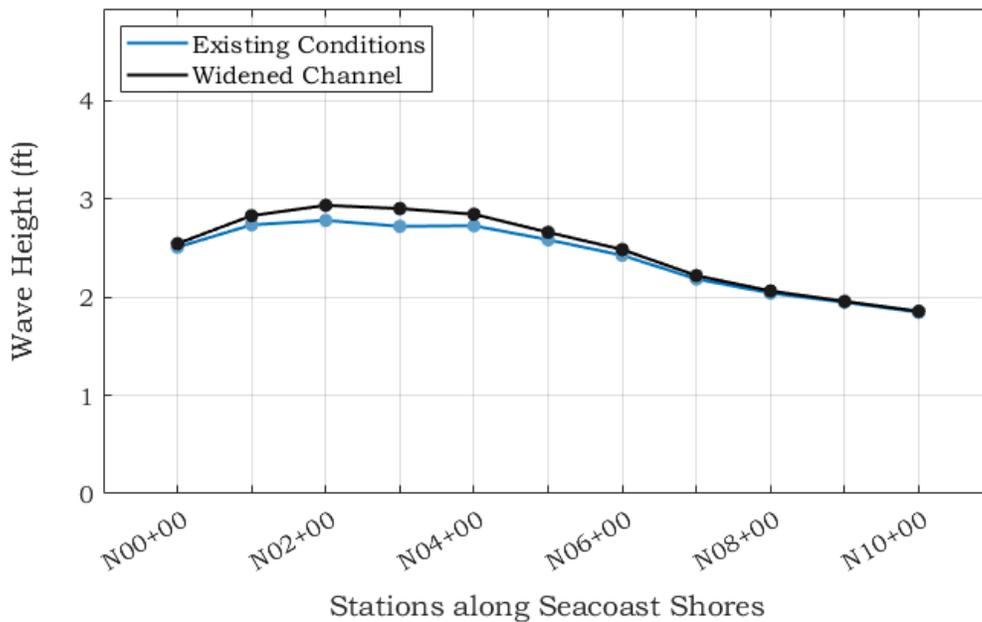


Figure 6.10 Wave model results of the pre- and post-dredge conditions along the southern edge of Seacoast Shores during 100-year storm winds blowing from the Southeast.

6.1.4 “Hard” Structures

The range of “hard” coastal engineering strategies includes methods to directly armor the shoreline (revetments and seawalls), trap sand moving alongshore (groins and jetties), and attenuate wave energy approaching the shoreline (artificial reefs and breakwaters). Overall, these techniques are intended to alter the ability of the natural coastal landforms to respond to coastal erosion processes. Revetments and seawalls directly protect the upland by preventing landward migration of the shoreline. Groins and jetties inhibit, and in some cases prohibit, the alongshore transport of sand. In this capacity, these structures can trap sand

As described previously, numerous coastal engineering structures have been constructed along the south shore of Cape Cod over the past century. The typical purpose for these structures was to stabilize navigation channels or to protect upland infrastructure. A majority of the shore protection structures in this region were constructed during the 30-year period following the 1938 Hurricane. During the two decades that followed, the region was impacted by two more severe hurricanes: the 1944 Hurricane and Hurricane Carol in 1954.

In general, the coastal engineering structures along the Falmouth shoreline performed their intended purpose; however, unanticipated downdrift impacts often occurred to the detriment of both adjacent property owners and environmental resources. The impacts occur as sand is held by the structures thereby starving downdrift areas of sediment. Continued implementation of ‘hard’ coastal engineering measures will continue this trend of exacerbating downdrift impacts associated with the sediment starved condition of the shoreline.

6.1.4.1 Sand Trapping Structures

The focus shoreline for this project is east-facing adjacent to Eel River Inlet. Due to the orientation of the shoreline and proximity to the inlet, tidal currents alternate flowing along the length of the beach in the north and south directions. As a result, dominant longshore sediment transport varies depending on the direction of the tidal current making sand trapping structures (i.e. groins) a relatively ineffective alternative to mitigate sediment loss and reduce erosion. Additionally, the structures are likely to pose a navigation hazard due to the high velocity currents during peak tidal flows.

It should be noted that general regulatory conditions require that any sand trapping structure remain filled to entrapment throughout the life of the structure. Therefore, costs associated with meeting this requirement need to be included within the total long-term cost associated with any scenarios including groins or breakwaters. In these cases, the nourishment component will be a regulatory requirement, rather than the existing situation where nourishment is placed as funds or opportunities (e.g. navigation dredging) become available. In addition, long-term physical and biological monitoring typically are required as part of any permit; therefore, potential costs associated with these efforts also needs to be considered. This monitoring could include detailed physical monitoring of the beach (i.e. both topographic and bathymetric surveys) and biological sampling of potentially impacted resources (e.g. shellfish and/or horseshoe crabs) periodically over the project design life. This monitoring often is tied to permitting conditions that would require mitigation if results indicate adverse impacts.

Historically, environmental regulatory agencies have discouraged construction of new sand trapping structures along coastal beaches, understanding that there are often adverse impacts to adjacent areas. In some compelling cases, limited use of groins has been permitted, typically to protect at risk critical infrastructure. Even with the direct public safety benefits associated with protection of critical infrastructure projects, the regulatory permitting effort can be extensive (both in time and cost) and mitigation/monitoring efforts are often substantial. It should be noted that these alternatives are generally only considered when it has been demonstrated that no other strategy is available to protect 'at risk' infrastructure without causing greater environmental damage.

Understanding the environmental regulatory hurdles, likely ineffectiveness, and site-specific public safety hazards associated with new groins and/or breakwaters, this alternative is not considered a viable option to mitigate the shoreline erosion occurring in the vicinity of Eel River.

6.1.4.2 Shore Stabilization Structures

The location of Menauhant Yacht Club has remained relatively stable for almost a century, largely due to the stone revetment abutting the inlet which anchors the shoreline in place. Much like sand trapping structures, shore stabilization structures impede natural supply of upland and updrift sediments from maintaining coastal transport processes and may accelerate erosion along downdrift beaches. Ideally, the longevity of shoreline position along the inlet could be enhanced by structural modifications intended to 'optimize' coastal stability without adversely impacting the supply of sediments to downdrift beaches, as much of the material being transported is coming from the south-facing side of Washburn Island due to the east-to-west along this portion of Washburn Island. In general, the alongshore sediment transport direction along the south coast of Falmouth is from west-to-east, driven by the dominant southwest waves; however, a reversal occurs from the Eel River Inlet and along a portion of Washburn Island as a result of the long-term shoreline rotation (see Figure 2.6). This rotation of the shoreline causes refracted waves to actually drive wave-induced transport to the west toward Eel River inlet. Therefore, additional armoring will not reduce sediment transport into the inlet or alleviate the ongoing spit growth at Washburn Island.

Additionally, the steep slope in cross-shore profile (Figure 6.11) indicates that any shoreline stabilization structures along the western bank of the inlet would require extensive engineering to ensure proper scour protection, which could lead to a costly and maintenance intensive design. As initial site observations indicate both Coastal Dune and Salt Marsh resources, it is unlikely that direct armoring of this shoreline could meet the Performance Standards associated with these resource area as required by the Wetlands Protection Act (310CMR 10.00). It is important to note, that while the structure may provide adequate stabilization of the shoreline, it does not mitigate the tidal currents occurring in the inlet. In conjunction with the high cost, potential adverse impacts to coastal resource areas and environmental regulatory concerns associated with implementing engineered 'hard' structures for shore stabilization, there is an added risk of creating a navigation safety hazard. Therefore, shore stabilization structures are not considered a viable alternative to mitigate erosion within Eel River Inlet.

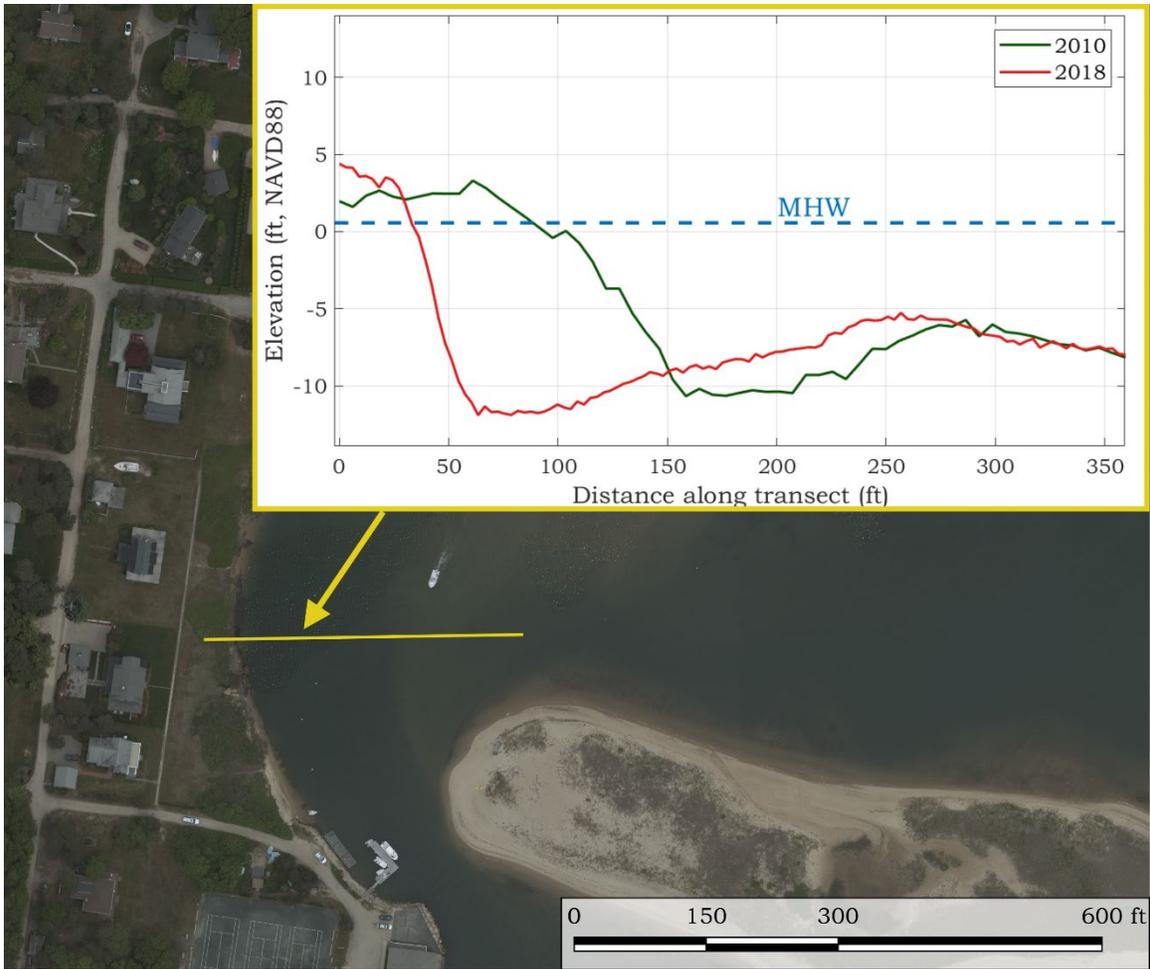


Figure 6.11 Cross-shore profiles for Eel River Inlet from 2010 (green) and 2018 (red).

6.1.5 “Soft” Shore Protection Measures

Over the past few decades, interest in “nature-based” or “soft” engineering approaches for shore protection have become common along shorelines that experience relatively low energy wave conditions. ‘Nature-based’ coastal erosion mitigation alternatives typically involve a combination of durable natural materials to form rolls or bags that can be anchored along the shoreline to prevent erosion of upland areas, where these measures are often combined with appropriate vegetation for additional stabilization. Other ‘soft’ shore protection measures can include various forms of dune fencing constructed to trap wind and/or overwash driven sediment. In general, these measures are well-suited for mild wave climates where shoreline erosion is minor. In addition, sites with more energetic wave climates will require frequent maintenance of nature-based erosion control measures. While the south-facing shoreline of Washburn Island has a moderate wave climate, the shorelines within the shelter of the inlet experience more mild wave conditions. However, the “nature-based” approaches are not suitable for the tidally-driven erosional environment associated with the western shoreline at Eel River Inlet, and could only be considered an interim erosion mitigation measure.

Therefore, nature-based approaches do not provide viable alternatives as a stand-alone option for long-term shoreline stabilization.

7 CONCLUSIONS

Based on discussions with the Town, the long-term consideration for stabilization of the shoreline adjacent to the Eel River inlet is 20-to-30 years. Within this time horizon, a range of potential physical processes were considered that might influence the overall longevity of the project. First, regional relative sea-level rise was reviewed, where this “relative” increase in long-term water surface elevations consists of geologic subsidence and the landmass associated with Cape Cod and increases in the regional water level. Historical trends of relative sea-level rise at Woods Hole are well documented by a NOAA tide gauge that has been in operation nearly continuously since 1932. In addition to the historical data, the analysis also includes recent peer reviewed assessments of both projected sea-level increases and projections specifically relating to sea-level rise in the northeastern U.S. determined from a trend analysis of recent data resulting in potential upper bound of sea level rise ranging from 1 to 3 feet. More frequent overwash and breaching of the barrier spit will likely occur, influencing continued northern recession of the barrier system into the Eel River and Waquoit Bay embayment.

The hydrodynamic, wave, and shoreline change analyses of Eel River and Waquoit embayment system provides insight into the dynamics of the existing conditions for this complex tidal estuary. The models developed for this system are valuable tools that greatly expand the utility of data collected from the physical system. The hydrodynamic model was calibrated and validated with previously collected tidal measurements throughout the embayment system. The combined calibration/validation process provides a high level of confidence that the model simulates actual flow characteristics through the channels and waterways. Based on the bathymetry that was used for the hydrodynamic model, a two-dimensional spectral wave model (SWAN) was utilized to extract nearshore wave parameters during extreme storm events, where a lack of *in situ* measurements exists. The natural evolution of the system was measured using a variety of present and historical data sources (such as aerial orthoimagery, LiDAR surveys, and RTK GPS point measurements) that identify shoreline positions. The shoreline change analysis was used in conjunction with the hydrodynamic and wave models to assess a range of potential erosion mitigation options.

The results of the hydrodynamic and shoreline change analysis illustrate the mechanisms likely responsible for the observed erosion along the western shoreline of the inlet. Western growth of the Washburn Island barrier spit reduces the width of the inlet and shifts the channel closer to the western shoreline of the inlet. The narrowing inlet constricts tidal flow between the embayment and Nantucket Sound resulting in higher velocity currents that continue to scour the shoreline as the channel migrates west in response to the elongating spit. Thus, any efforts to mitigate erosion without alteration to the existing hydrodynamics of the system will likely prove ineffective.

The evaluation of potential mitigation strategies shows that some type alternative of dredging is likely the best course of action to improve the hydrodynamics of the inlet. An analysis of two dredging alternatives (dredging as originally permitted and widening the inlet by shortening the spit to previously existing conditions) was conducted to review the potential impacts and improvements that would result from each alternative. The

results show that maintaining the existing permitted channel will create little to no remediation of ongoing erosion and would require more frequent maintenance dredging. Widening the inlet and shortening the spit by approximately 350 feet will reduce flow velocities as well as redirect currents away from the eroding shoreline, with the additional benefit of improving navigation safety. Therefore, shortening the Washburn Island spit was determined to be the preferred alternative for achieving the long-term project goals. To further pursue this alternative, it would be worthwhile for the Town to set up a MEPA pre-application meeting to present the analysis and discuss additional analyses that may be required to support advancing the project.

REFERENCES

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APPENDIX A

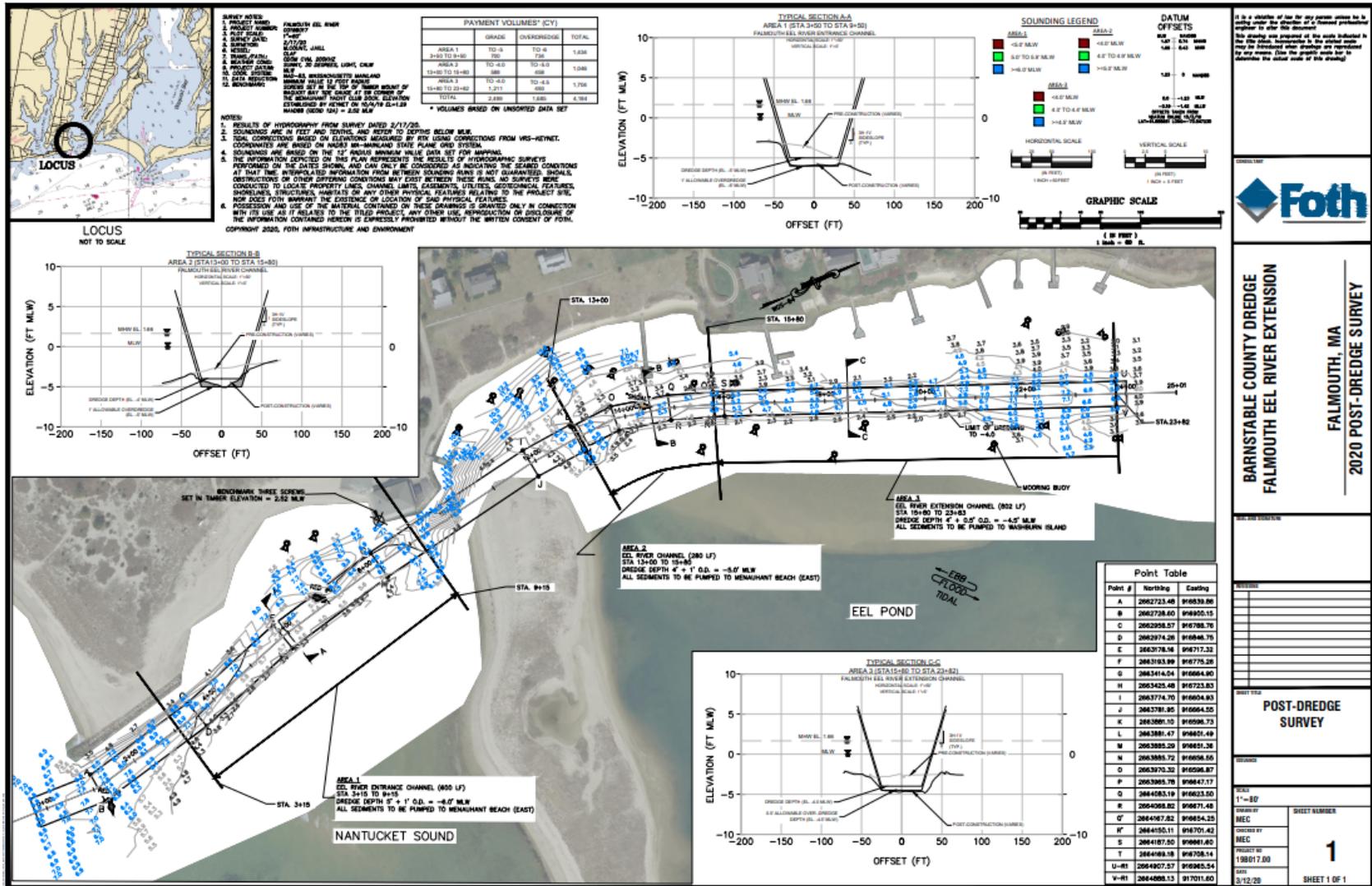


Figure A. 1 Post dredge survey conducted February 17, 2020, included with channel location dimensions as determined by the 10-Year Comprehensive Permit.

MES Proposed Fee Changes for 2024			
Description	Current	Proposed	Change
Transient Wharfage			
30' minimum applies	June-August	May-September	
Max transient nights	unlimited with surcharge	30 nights no surcharge	
Credit Card Processing Fee	\$3.50	\$5.00	\$ 1.50
Power Charge Transient 30A	\$20.00/day	\$25.00/day	\$ 5.00
Wait List Fees Mooring/Slip			
Application	\$ 10.00	\$ 25.00	\$ 15.00
Renewal	\$ 10.00	\$ 25.00	\$ 15.00
Main Marina Seasonal			
Resident	\$ 163.00	\$ 165.00	\$ 2.00
Non-Resident	\$ 186.00	\$ 188.00	\$ 2.00
Charter Section			
Resident	\$ 163.00	\$ 165.00	\$ 2.00
Non-Resident	\$ 186.00	\$ 188.00	\$ 2.00
Green Pond Section			
Resident	\$ 149.00	\$ 151.00	\$ 2.00
Non-Resident	\$ 170.00	\$ 172.00	\$ 2.00
Power Charge Seasonal			
30 Amp	\$ 400.00	\$ 450.00	\$ 50.00
50 Amp	\$ 950.00	\$ 1,000.00	\$ 50.00
100 Amp	\$ 1,950.00	\$ 2,000.00	\$ 50.00

OPEN SESSION

BUSINESS

5. Application for a Change of Manager of an All-Alcoholic Beverages Restaurant License – Rose M Corp. d/b/a Soprano's Casino by the Sea, located at 286 Grand Avenue, Falmouth **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 5.

ITEM TITLE: Application for a Change of Manager of an All-Alcoholic Beverages Restaurant License- Rose M Corp. d/b/a Soprano's Casino by the Sea located at 286 Grand Avenue, Falmouth

MEETING DATE: 11/20/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form, ABCC Licensing Authority Certification Form dated October 19, 2023; ABCC Amendment, Change of Manager Form dated October 18, 2023; Affidavit Liquor License Change of Manager Amendment Form, TIPS Certification

PURPOSE:

The Select Board will review and consider the approval of an application for change of manager of an All-Alcoholic Beverages Restaurant License for Rose M Corp., d/b/a Soprano's Casino by the Sea, located at 286 Grand Avenue, Falmouth.

BACKGROUND/SUMMARY:

- The proposed new manager is John T. Richardi, who is the son of the current manager/owner; John T. Richardi has held the position of Assistant Manager at this location since 2019 and at Soprano's Ristorante from 2016-2019.
- Both the Falmouth Police Department and the Falmouth Fire Rescue Department have reviewed the application and have no concerns or objections for approval.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the Application for a Change of Manager of an All-Alcoholic Beverages Restaurant License as presented.

OPTIONS:

- Motion to approve the Application for a Change of Manager of an All-Alcoholic Beverages Restaurant License for Rose M Corp. d/b/a Soprano’s Casino by the Sea, located at 286 Grand Avenue, Falmouth, as presented.

- Motion to deny approval of the the application for a Change of Manager of an All-Alcoholic Beverages Restaurant License for Rose M Corp. d/b/a Soprano’s Casino by the Sea, located at 286 Grand Avenue, Falmouth, 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 Application for a Change of Manager of an All-Alcoholic Beverages Restaurant License as presented.

Michael Renshaw

Town Manager

11/16/2023

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: Rose M Corp. d/b/a Soprano's Casino by the Sea

Address: 286 Grand Avenue, Falmouth

License Type: _____

New or Transfer of License _____

or

License Change requested Change of Manager

✓ Police No objections

✓ Fire No objections

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

Assessor _____

Tax Collector _____

Wastewater _____

NOTES:

Applicant is the son of the current manager/owner.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth
City/Town

04082-RS-0390
ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

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

Granted under Special Legislation? Yes No
 If Yes, Chapter
 of the Acts of (year)

DESCRIPTION OF PREMISES Complete description of the licensed premises

2 floors with deck. First floor with entrance/exit on Grand Ave. and 2nd entrance/exit off rear deck with a bar, dining room & seasonal exterior seating on the rear deck. 2nd flr. with bar/dining room/seasonal seating on the rear deck.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



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

AMENDMENT-Change of Manager **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Rose M Corp., d/b/a Soprano's Casino by the Sea	Falmouth	04082-RS-0390

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

Name	Title	Email	Phone
Anthony J. Tsakalos, Esq.	Attorney, Ament Klauer LLP	anthony@amentklauerllp.com	508-540-6555

3A. MANAGER INFORMATION
 The individual that has been appointed to manage and control of the licensed business is:

Proposed Manager Name	John T. Richardi	Date of Birth	[REDACTED]
Residential Address	71 West Way, Mashpee, MA 02649		
Email	[REDACTED]	Phone	[REDACTED]
Please indicate how many hours per week you intend to be on the licensed premises	50-60	Last-Approved License Manager	Edmond M. Richardi

3B. CITIZENSHIP/BACKGROUND INFORMATION

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

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

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

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

Date	Municipality	Charge	Disposition
[REDACTED]			

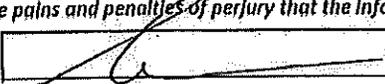
3C. EMPLOYMENT INFORMATION
 Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
01/28/2019	Present	Assistant Manager	Rose M Corp., d/b/a Soprano's Casino	Edmond M. Richardi
07/01/2016	02/01/2019	Assistant Manager	Fiddle Corp., d/b/a Soprano's Ristorante	Edmond M. Richardi

3D. PRIOR DISCIPLINARY ACTION
 Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary, utilizing the format below.

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

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

Manager's Signature:  Date: 10/18/2023



A 360TRAINING COMPANY

CERTIFICATE OF COMPLETION

This certifies that

John Richardi

is awarded this certificate for

TIPS On-Premise Alcohol Server Training

Hours
3.00

Completion Date
11/16/2022

Expiration Date
11/15/2025

Certificate #
ON-000027189248

Official Signature

THIS CERTIFICATE IS NON-TRANSFERABLE

5000 Plaza on the Lake, Suite 305 | Austin, TX 78746 | 877.881.2235 | www.360training.com

(CUT HERE)

(CUT HERE)

TIPS On-Premise **CERTIFIED**

11/16/2022 11/15/2025

Certificate #: ON-000027189248

John Richardi
PO Box 223
Meshpee ME 02549

TIPS | **360 TRAINING**

Phone: 800-438-8477
www.gettips.com

This card was issued for successful completion of the TIPS program.

Signature _____

"Preserving public trust and providing professional services"



Rodney C. Collins
Town Manager
508-539-1401
rccollins@mashpeema.gov

Office of the Town Manager
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649

November 16, 2023

Falmouth Select Board
59 Town Hall Square3
Falmouth, MA 02540



Dear Board:

It has been brought to my attention that John T. Richardi is seeking approval for management of Soprano's Casino by the Sea at 286 Grand Avenue in Falmouth.

Mr. Richardi and his father have owned and operated licensed establishments within the Town of Mashpee since I was police chief in 2005. I am pleased to report that there have been no issues concerning any license violations.

Mr. Richardi has been a responsible manager that has been a pleasure to work with. I also checked with the current police chief and found he has been an honest and forthright manager.

I submit this information for the sole purpose of evaluating his suitability for management of the proposed establishment. If you have any questions, please don't hesitate to contact me.

Sincerely,

RODNEY C. COLLINS
Town Manager

OPEN SESSION

BUSINESS

6. Designate member of the Select Board to seek input on the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 6.

ITEM TITLE: Designate member of the Select Board to seek input on the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo.

MEETING DATE: 11/20/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Naming Policy for Public Facilities and Places, Support Emails

PURPOSE:

The Select Board will consider the designation of a Board member to meet with the Beach Committee for the purpose of gathering input on the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo.

BACKGROUND/SUMMARY:

- In October 2022, a request was made to the Select Board for their consideration to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo, who worked for the Town of Falmouth Beaches from 1963 until his passing in 2021, having risen to the position of Beach Superintendent.
- At its November 7, 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 Beach Committee on the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo.

OPTIONS:

- Motion to designate ____ to seek input from the Beach Committee on the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo.

- Motion to deny designating a member to seek input from the Beach Committee on the request to dedicate the beach side of the Menauhant Bridge to Bruce. G. Mogardo.

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 Beach Committee on the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo.

Michael Renshaw

Town Manager

11/16/2023

Date

Diane Davidson

From: Joe Netto [REDACTED]
Sent: Friday, October 7, 2022 8:51 AM
To: Doug Brown; Nancy Taylor
Cc: Peter Johnson-Staub; Greg Souza; Diane Davidson; Jessica Mogardo; Falmouth Selectboard
Subject: Re: Menhaunt Bridge-reply

Chairperson Taylor;

Sorry for the delay but I am just returning from Maine, where I do not have any internet connectivity.

I feel that something should be done to commemorate Bruce's' life long devotion to the Town of Falmouth, 1963-2021. In 1963 he started working "for the beaches" and in 1969 became a teacher/coach in the Falmouth Public School system school system. Bruce did not work for any other entity! Naming something associated with the "beaches", to me, would be ideal. The bath house is already named and I would not propose renaming a beach for Bruce. The inlet to Bournes Pond is going to be widened and a new bridge will be built. The current bridge was named for "our best shellfish warden ever" George Souza. George also was a very remarkable man who dedicated his life to the shellfish industry of Falmouth. Seeing as a bridge has "2" sides then I would like to propose that when the new bridge is built the the pond side still remain dedicated to George and the the beach side be dedicated to my life long friend Bruce G. Mogardo.

I would appreciate the BOS take a positive recommendation on this proposal.

From the land of the retired
Joe Netto

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

Policy:

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

Guidelines:

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

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

The Board shall consider naming based upon:

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

Procedure:

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

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

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

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

Eligibility:

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

Exceptions:

Exceptions to this policy shall be made for:

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

OPEN SESSION

BUSINESS

7. Approve annual license renewals for 2024 (5 minutes)

ALL ALCOHOL RESTAURANT and COMMON VICTUALLER LICENSE

99 Restaurant & Pub, 30 Davis Straits
Captain Kidd, 77 Water Street
Ristorante Avellino, 339 East Falmouth Highway

ALL ALCOHOL PACKAGE STORE LICENSE

Falmouth Wine & Spirits, 322 Palmer Avenue
John's Liquor Store, 729 Main Street
Kappy's Fine Wine & Spirits, 21 Spring Bars Road
North Falmouth Liquors, 362 North Falmouth Highway
Teaticket Market, Inc., 125 Teaticket Highway

WINE & MALT PACKAGE STORE LICENSE

Garrett's Family Market, 435 Palmer Avenue
Holly Park Variety, Inc., 580A Route 28A
Intergas, 607 Main Street
Wild Harbor General Store, 200 Old Main Road

COMMON VICTUALLER LICENSE

Betsy's Diner, 457 Main Street
Coonamessett Farm, 277 Hatchville Road
Talk of the Town Diner, 362 North Falmouth Highway

INNHOLDER LICENSE

Admiralty Inn, 51 Teaticket Highway
Falmouth Inn, 824 Main Street

ENTERTAINMENT LICENSE

Captain Kidd, 77 Water Street
Coonamessett Farm, 277 Hatchville Road
West Falmouth Library, 575 West Falmouth Highway

SUNDAY ENTERTAINMENT LICENSE

Captain Kidd, 77 Water Street
Coonamessett Farm, 277 Hatchville Road
West Falmouth Library, 575 West Falmouth Highway

USED CAR DEALER LICENSE (MOTOR VEHICLE CLASS I, II & III)

Costa's Auto Body, 222 Carriage Shop Road
Falmouth Auto Works, 151 Worcester Court
Falmouth Motorcar, Inc., 716 Teaticket Highway
Falmouth Pier 37, 64 Scranton Avenue
Falmouth Salvage, 9 Hayway Road
Flying Bridge Marina, 250 Scranton Avenue
Intergas, Inc., 10 North Main Street
O'Hara's Motors, 50 Spring Bars Road
Reine Trucking, 9 Hayway Road
Route 28 Auto Center, 550 East Falmouth Highway
Sandi's Auto Sales, 45 Simpson Lane
Savon Hatem, LLC, 561 Thomas B. Landers Road

November 20, 2023



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 7.

ITEM TITLE: Approve annual license renewals for 2024

MEETING DATE: 11/20/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Annual Renewal Requirement Checklist, List of Annual Renewals for November 20, 2023

PURPOSE:

The Select Board will consider 2024 annual license renewals for thirty-five (35) businesses.

BACKGROUND/SUMMARY:

- Annual renewal applications and checklists of all required documents and payments due were sent to all licensees.
- The below listed licensees have submitted all the renewal requirements on the checklist, and the licenses are ready to be approved for renewal for 2024:
 - **All Alcohol Restaurant and Common Victualler License**
 - 99 Restaurant & Pub, 30 Davis Straits
 - Captain Kid, 77 Water Street
 - Ristorante Avellino, 339 East Falmouth Highway

- **All Alcohol Package Store License**
 - Falmouth Wine & Spirits, 322 Palmer Avenue
 - John's Liquor Store, 729 Main Street
 - Kappy's Fine Wine & Spirits, 21 Spring Bars Road
 - North Falmouth Liquors, 362 North Falmouth Highway
 - Teaticket Market, Inc., 125 Teaticket Highway
- **Wine & Malt Package Store License**
 - Garret's Family Market, 435 Palmer Avenue
 - Holly Park Variety, Inc., 580A Route 28A
 - Intergas, 607 Main Street
 - Wild Harbor General Store, 200 Old Main Road
- **Common Victualler License**
 - Betsy's Diner, 457 Main Street
 - Coonamessett Farm, 277 Hatchville Road
 - Talk of the Town Diner, 362 North Falmouth Highway
- **Innholder License**
 - Admiralty Inn, 51 Teaticket Highway
 - Falmouth Inn, 824 Main Street
- **Entertainment License**
 - Captain Kidd, 77 Water Street
 - Coonamessett Farm, 277 Hatchville Road
 - West Falmouth Library, 575 West Falmouth Highway
- **Sunday Entertainment License**
 - Captain Kidd, 77 Water Street
 - Coonamessett Farm, 277 Hatchville Road
 - West Falmouth Library, 575 West Falmouth Highway
- **Used Car Dealer License (Motor Vehicle Class I, II, and III)**
 - Costa's Auto Body, 222 Carriage Shop Road
 - Falmouth Auto Works, 151 Worcester Court
 - Falmouth Motorcar, Inc., 716 Teaticket Highway
 - Falmouth Pier 37, 64 Scranton Avenue
 - Falmouth Salvage, 9 Hayway Road
 - Flying Bridge Marina, 250 Scranton Avenue
 - Intergas, Inc., 10 North Main Street
 - O'Hara's Motors, 50 Spring Bars Road
 - Reine Trucking, 9 Hayway Road
 - Route 28 Auto Center, 550 East Falmouth Highway
 - Sandi's Auto Sales, 45 Simpson Lane

- Savon Hatem, LLC, 561 Thomas B. Landers Road

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the annual license renewals for 2024 as presented.

OPTIONS:

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board approve the annual license renewals for 2024 as presented.

Michael Renshaw

Town Manager

11/16/2023

Date

**ALL RENEWAL APPLICATIONS ARE COMPLETE
WITH THE FOLLOWING REQUIREMENTS:**

Restaurant, Innholder, and Club Liquor Licenses – all classes:

- ABCC Form.
- Liquor Liability Insurance Certificate proof of insurance coverage under a liquor legal liability insurance policy for bodily injury or death for a minimum amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person as a condition to receive a license.
- Copies of TIPS Certifications for the Manager of Record, all other managers, bartenders, and servers.
- All fees payable to the Town of Falmouth. Must be paid by Money Order, Cashier's Check, or Certified Bank Check ONLY
- Certificate of Inspection
- Food Service Establishment Permit
- Fingerprint-based Town background check completed every 5 years by the Manager of Record.

Package Store Licenses

- ABCC Form.
- Liquor Liability Insurance Certificate proof of insurance coverage under a liquor legal liability insurance policy for bodily injury or death for a minimum amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person as a condition to receive a license
- All fees payable to the Town of Falmouth. Must be paid by Money Order, Cashier's Check, or Certified Bank Check ONLY

Common Victualler and Innholder Licenses

- Food Service Establishment Permit
- All fees payable to the Town of Falmouth. Must be paid by Money Order, Cashier's Check, or Certified Bank Check ONLY

Used Car Dealer Licenses – all classes

- All fees payable to the Town of Falmouth. Must be paid by Money Order, Cashier's Check, or Certified Bank Check ONLY
- Class 2 License requires proof of a Surety Bond.

Taxi and Limousine Licenses

- All fees payable to the Town of Falmouth. Must be paid by Money Order, Cashier's Check, or Certified Bank Check ONLY
- Proof of combined coverage of property and liability insurance in the amount of \$100,000.00.
- A fingerprint-based Town background check is completed every year.

Fortune Teller Licenses

- All fees payable to the Town of Falmouth. Must be paid by Money Order or bank check ONLY

Entertainment Licenses

- All fees payable to the Town of Falmouth. Must be paid by Money Order or bank check ONLY

Sunday Entertainment Licenses

- All fees payable to the Town of Falmouth. Must be paid by Money Order or bank check ONLY

Automatic Amusement Licenses

- All fees payable to the Town of Falmouth. Must be paid by Money Order or bank check ONLY

November 20, 2023

ALL ALCOHOL RESTAURANT and COMMON VICTUALLER LICENSE

99 Restaurant & Pub, 30 Davis Straits
Captain Kidd, 77 Water Street
Ristorante Avellino, 339 East Falmouth Highway

ALL ALCOHOL PACKAGE STORE LICENSE

Falmouth Wine & Spirits, 322 Palmer Avenue
John's Liquor Store, 729 Main Street
Kappy's Fine Wine & Spirits, 21 Spring Bars Road
North Falmouth Liquors, 362 North Falmouth Highway
Teaticket Market, Inc., 125 Teaticket Highway

WINE & MALT PACKAGE STORE LICENSE

Garrett's Family Market, 435 Palmer Avenue
Holly Park Variety, Inc., 580A Route 28A
Intergas, 607 Main Street
Wild Harbor General Store, 200 Old Main Road

COMMON VICTUALLER LICENSE

Betsy's Diner, 457 Main Street
Coonamesett Farm, 277 Hatchville Road
Talk of the Town Diner, 362 North Falmouth Highway

INNHOLDER LICENSE

Admiralty Inn, 51 Teaticket Highway
Falmouth Inn, 824 Main Street

ENTERTAINMENT LICENSE

Captain Kidd, 77 Water Street
Coonamesett Farm, 277 Hatchville Road
West Falmouth Library, 575 West Falmouth Highway

SUNDAY ENTERTAINMENT LICENSE

Captain Kidd, 77 Water Street
Coonamesett Farm, 277 Hatchville Road
West Falmouth Library, 575 West Falmouth Highway

USED CAR DEALER LICENSE (MOTOR VEHICLE CLASS I, II & III)

Costa's Auto Body, 222 Carriage Shop Road
Falmouth Auto Works, 151 Worcester Court
Falmouth Motorcar, Inc., 716 Teaticket Highway
Falmouth Pier 37, 64 Scranton Avenue
Falmouth Salvage, 9 Hayway Road
Flying Bridge Marina, 250 Scranton Avenue
Intergas, Inc., 10 North Main Street
O'Hara's Motors, 50 Spring Bars Road

Reine Trucking, 9 Hayway Road
Route 28 Auto Center, 550 East Falmouth Highway
Sandi's Auto Sales, 45 Simpson Lane
Savon Hatem, LLC, 561 Thomas B Landers Road

OPEN SESSION

BUSINESS

8. Discuss and vote 2024 Select Board meeting calendar **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 8.

ITEM TITLE: Discuss and vote to approve the 2024 Select Board meeting calendar.

MEETING DATE: 11/20/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: DRAFT of 2024 Select Board Meeting Calendar

PURPOSE:

The Select Board will review and consider the approval of the 2024 Board meeting calendar.

BACKGROUND/SUMMARY:

- A draft proposed 2024 Select Board meeting calendar has been prepared and included in the Board packet for discussion purposes.
- Following their review and discussion, the Select Board is requested to vote to adopt and approve the official CY 2024 Board meeting calendar.
- As in previous years, the Select Board meeting calendar will be subject to modification by the Board as necessary.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board, following their review and discussion, vote to approve and adopt the CY 2024 Select Board meeting calendar.

OPTIONS:

- Motion to approve and adopt the Calendar Year 2024 Select Board meeting calendar as discussed, including all agreed upon revisions to the draft that was presented.

- Motion to table the approval and adoption of the Calendar Year 2024 Select Board meeting calendar for further future discussion.

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, following their review and discussion, vote to approve and adopt the CY 2024 Select Board meeting calendar.

Michael Renshaw

Town Manager

11/16/2023

Date

DRAFT

January 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	<i>1 New Year's Day</i>	2	3	4	5	6
7	<i>8 Select Board Meeting Vote to adopt FY2025 budget and submit it to the Finance Committee</i>	9	10	11	<i>12 Budget due to Finance Committee by January 16th</i>	13
14	<i>15 Martin Luther King, Jr. Day</i>	16	17	18	<i>19 MMA Annual Meeting & Trade Show</i>	<i>20 MMA Annual Meeting & Trade Show</i>
21	<i>22 No Meeting</i>	23	24	25	26	27
28	<i>29 Select Board Meeting</i>	30	31			

DRAFT

February 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12 <i>Select Board Meeting</i>	13	14	15	16	17
18	19 <i>Presidents' Day</i>	20	21	22	23	24
25	26 <i>Select Board Meeting</i>	27	28	29		

DRAFT

March 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11 <i>Select Board Meeting</i>	12	13	14	15	16
17	18	19	20	21	22	23
24	25 <i>Select Board Meeting</i>	26	27	28	29	30
31						

DRAFT

April 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 <i>Select Board Meeting?</i> <i>Seasonal / annual</i> <i>license renewals</i>	2	3	4	5	6
7	8 <i>Town Meeting</i>	9	10	11	12	13
14	15 <i>Patriots' Day</i>	16	17	18	19	20
21	22 <i>Select Board Meeting</i> <i>Seasonal / annual</i> <i>license renewals</i>	23	24	25	26	27
28	29	30				

DRAFT

May 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6 <i>Select Board Meeting</i>	7	8	9	10	11
12	13	14	15	16	17	18
19	20 <i>Select Board Meeting</i>	21 <i>Town Election</i>	22	23	24	25
26	27 <i>Memorial Day</i>	28	29	30	31	

DRAFT

June 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 <i>Select Board Meeting</i> <i>Committee appointments</i>	4	5	6	7	8
9	10	11	12	13	14	15
16	17 <i>Select Board Meeting</i> <i>Committee appointments</i>	18	19 <i>Juneteenth</i>	20	21	22
23	24	25	26	27	28	29
30						

DRAFT

July 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 <i>Select Board Meeting</i>	2	3	4 <i>Independence Day</i>	5	6
7	8	9	10	11	12	13
14	15 <i>Select Board Meeting</i>	16	17	18	19	20
21	22	23	24	25	26	27
28	29 <i>Select Board Meeting</i>	30	31			

DRAFT

August 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12 <i>Select Board Meeting</i>	13	14	15	16	17
18	19	20	21	22	23	24
25	26 <i>Select Board Meeting</i>	27	28	29	30	31

DRAFT

September 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 <i>Labor Day</i>	3	4	5	6	7
8	9 <i>Select Board Meeting</i>	10	11	12	13	14
15	16	17	18	19	20	21
22	23 <i>Select Board Meeting</i>	24	25	26	27	28
29	30					

DRAFT

October 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7 <i>Select Board Meeting</i>	8	9	10	11	12
13	14 <i>Indigenous People's Day</i>	15	16	17	18	19
20	21 <i>Select Board Meeting</i>	22	23	24	25	26
27	28	29	30	31		

DRAFT

November 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4 <i>Select Board Meeting</i>	5 <i>Election Day</i>	6	7	8	9
10	11 <i>Veteran's Day</i>	12 <i>Town Meeting? TBD</i>	13	14	15	16
17	18 <i>Town Meeting? TBD</i> <i>Select Board Meeting?</i>	19	20	21	22	23
24	25	26	27	28 <i>Thanksgiving Day</i>	29 <i>Day after Thanksgiving</i>	30

DRAFT

December 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 <i>Select Board Meeting</i>	3	4	5	6	7
8	9	10	11	12	13	14
15	16 <i>Select Board Meeting</i>	17	18	19	20	21
22	23	24	25 <i>Christmas Day</i>	26	27	28
29	30	31				

OPEN SESSION

CONSENT AGENDA

1. Licenses

- a. Application for three Special One-Day All Alcoholic Beverages Licenses – Falmouth Theatre Guild – Highfield Theater – 58 Highfield Drive, Falmouth – Friday, Saturday, and Sunday, December 1–3, December 8–10, and December 15–17, 2023. Friday times are 6:30 p.m. to 10:00 p.m. Saturday and Sunday times are 3:30 p.m. to 7:00 p.m.



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Licenses 1.a.

ITEM TITLE: Application for Three Special One-Day All Alcoholic Beverages Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- Friday, Saturday, and Sunday December 1-3, December 8-10, and December 15-17, 2023. Friday hours 6:30-10:00 PM Saturday and Sunday hours are 3:30-7:00 PM.

MEETING DATE: 11/20/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form, Emails from Reviewers, Special One-Day Liquor License for the Sale of Alcoholic Beverages dated November 2, 2023, TIPS Certification Cards

PURPOSE:

The Select Board will consider the approval of an application for three Special One-Day All Alcoholic Beverages Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- Friday, Saturday, and Sunday December 1-3, December 8-10, and December 15-17, 2023. Friday hours 6:30-10:00 PM Saturday and Sunday hours are 3:30-7:00 PM.

BACKGROUND/SUMMARY:

- Applicant Tomas McCahill, Director-at-Large of the Falmouth Theatre Guild, submitted the Special One-Day License for the Sale of Alcoholic Beverages on November 2, 2023.

- The application is associated with nine (9) theatrical performances of “It’s a Wonderful Life” beginning on December 1 and running three consecutive weekends through December 17.
- Approximately 300 people are expected per night.
- As reflected on the application form, office staff have verified that all required documents (TIPS certificates, floor plans, etc.) have been submitted by the applicant and are on file.
- The Police Department and Fire Rescue Department have reviewed the application and have no objections or concerns with the events.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the application for three (3) Special One-Day All Alcoholic Beverages Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- Friday, Saturday, and Sunday December 1-3, December 8-10, and December 15-17, 2023. Friday hours 6:30-10:00 PM, Saturday and Sunday hours are 3:30-7:00 PM.

OPTIONS:

- Motion to approve the application for three Special One-Day All Alcoholic Beverages Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- Friday, Saturday, and Sunday December 1-3, December 8-10, and December 15-17, 2023. Friday hours 6:30-10:00 PM Saturday and Sunday hours are 3:30-7:00 PM.
- Motion to deny approval of three Special One-Day All Alcoholic Beverages Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- Friday, Saturday, and Sunday December 1-3, December 8-10, and December 15-17, 2023. Friday hours 6:30-10:00 PM Saturday and Sunday hours are 3:30-7:00 PM.
- Select 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 application for three (3) Special One-Day All Alcoholic Beverages Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- Friday, Saturday, and Sunday December 1-3, December 8-10, and December 15-17, 2023. Friday hours 6:30-10:00 PM, Saturday and Sunday hours are 3:30-7:00 PM.

Michael Renshaw

11/17/2023

Town Manager

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: Falmouth Theatre Guild

Address: Highfield Hall, 58 Highfield Drive

License Type: _____

New or Transfer of License _____

or

Change of License _____

Police No Objections

Fire No objection

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

Assessor _____

Tax Collector _____

Wastewater _____

NOTES: Days/Times:

December 1st – 3rd

December 8th – 10th

December 15th – 17th

Times for Fridays will be from 6:30 pm to 10:00 pm.

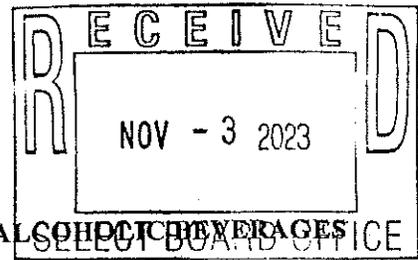
Times for both Saturdays and Sundays are from 3:30 pm to 7:00 pm

PAID

\$235.00
CN # 171012



APPLICATION



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

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

ADDRESS OF APPLICANT: 66 E Harbor Dr

Teaticket MA 02536
TOWN STATE ZIP CODE

NAME OF ORGANIZATION: Falmouth Theatre Guild

MAILING ADDRESS: PO Box 383 Falmouth, MA 02541

TELEPHONE #: [REDACTED] EMAIL: [REDACTED]

LOCATION TO BE LICENSED-ADDRESS: 58 Highfield Dr

Falmouth MA 02541
TOWN STATE ZIP CODE

EVENT TITLE: It's A Wonderful Life APPROXIMATE # OF PEOPLE: 300/night

DATE(S) OF EVENT: Dec 1-3, 8-10, 15-17 HOURS OF EVENT: 7:30PM Fridays & 4:00PM Sat/Sun

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Tomas McCahill

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

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

11/02/2023
DATE

[Signature]
APPLICANT SIGNATURE

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



Falmouth Theatre Guild

Bringing you the best in Community Theater since 1958

Falmouth Theatre Guild

P.O. Box 383

Falmouth MA, 02541

www.falmouththeatreguild.org

(508) 548-0400

November 2, 2023

Board of Directors

Brett Baird
Joan Baird
Ashley Bolbrock
Rob Bowerman
Jodi Edwards
Davien Gould
Matthew Gould
Cathy Lemay
Carol Marasa
Tom McCahill
Cindy McDonald
Dan McSweeney
Liz Moakley
Todd Sadler
Victoria Santos
Tom Stackhouse
Jakob White

Application for Special One Day Liquor License:
Falmouth Theatre Guild
for the theatrical performance "*It's a Wonderful Life*"
December 1st through the 17th (nine performances)

Dear Town of Falmouth,

Please find attached a completed application requesting special one-day liquor licenses covering the two performances we have scheduled for the theatrical performance "*It's a Wonderful Life*" running Fridays – Sundays December 1-17 (7:30 PM on Friday performances and 4:00PM on Saturday and Sunday performances).

We would like to sell alcoholic beverages to our patrons for 60 minutes before each performance and for approximately 30 minutes during intermission. On Fridays, we'd start selling alcohol at 6:30PM until about 10:00PM, and we'd start selling alcohol at about 3:30 on Saturdays and Sundays until about 7:00PM. As we have done in years past, alcoholic beverages would be served from our concessions stand where we also offer cans of soda and seltzer, boxed water, and prepackaged snacks and candy. There is no food preparation at our concessions stand.

There is always a trained TiPS certified server at our concessions to serve any alcoholic beverages (see the attached photocopies of all our active certified servers), and all beverages will be consumed on premises before and during the performance. The attached floor plan shows the location and layout of the outdoor patios, concessions stand ("bar service area"), and audience where beverages and concessions will be consumed.

If you have any questions, please do not hesitate to contact me by phone or by email.

Thank you

Tomas McCahill, Director-at-Large

(774) 392-3299

Tm.tmccahill@gmail.com

OPEN SESSION

CONSENT AGENDA

1. Licenses

- b. Application for a Special One-Day All Alcoholic Beverages License – West Falmouth Library Christmas Tree Lighting – 575 West Falmouth Highway – Friday, December 1, 2023, from 6:00 p.m. to 8:00 p.m.



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Licenses 1.b.

ITEM TITLE: Application for a Special Wine and Malt Beverages License- West Falmouth Library Christmas Tree Lighting- 575 West Falmouth Highway- Friday, December 1, 2023, from 6:00 PM to 8:00 PM.

MEETING DATE: 11/20/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form, Emails from Reviewers, Special One-Day Liquor License for the Sale of Alcoholic Beverages dated November 2, 2023, TIPS Certification Cards

PURPOSE:

The Select Board will consider the approval of an application for a Special One-Day All Alcoholic Beverages License- West Falmouth Library Christmas Tree Lighting- 575 West Falmouth Highway- Friday, December 1, 2023 from 6:00 PM to 8:00 PM.

BACKGROUND/SUMMARY:

- Applicant Suzy Bergmann submitted the Special One-Day License for the Sale of Wine and Malt Beverages on October 31, 2023.

- The West Falmouth Library is participating in the Falmouth Holidays by the Sea with a Christmas Tree Lighting and social from 6:00-8:00 PM; the event will include a choral performance by students from Falmouth High School and is open and free to the public.
- Approximately 80 people are expected to attend.
- As reflected on the application form, office staff have verified that all required documents (TIPS certificates, floor plans, etc.) have been submitted by the applicant and are on file.
- The Police Department and Fire Rescue Department have reviewed the application and have no objections or concerns with the event.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the application for a Special Wine and Malt Beverages License- West Falmouth Library Christmas Tree Lighting- 575 West Falmouth Highway- Friday, December 1, 2023, from 6:00 PM to 8:00 PM.

OPTIONS:

- Motion to approve the application for a Special Wine and Malt Beverages License- West Falmouth Library Christmas Tree Lighting- 575 West Falmouth Highway- Friday, December 1, 2023, from 6:00 PM to 8:00 PM.
- Motion to deny approval of the application for a Special Wine and Malt Beverages License- West Falmouth Library Christmas Tree Lighting- 575 West Falmouth Highway- Friday, December 1, 2023, from 6:00 PM to 8:00 PM.
- Select 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 application for a Special Wine and Malt Beverages License- West Falmouth Library Christmas Tree Lighting- 575 West Falmouth Highway- Friday, December 1, 2023, from 6:00 PM to 8:00 PM.

Michael Renshaw

Town Manager

11/17/2023

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: West Falmouth Library

Address: 575 West Falmouth Highway

License Type: _____

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

or

Change of License _____

Police No Issues

Fire No objections

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

Assessor _____

Tax Collector _____

Wastewater _____

NOTES: Part of the library's Christmas Tree Lighting

PAID
535
CK#159



RECEIVED
NOV - 9 2023
SELECT BOARD OFFICE

APPLICATION

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

NAME OF APPLICANT:

Suzy Bergmann

ADDRESS OF APPLICANT:

PO Box 1209 575 W. Falmouth Hwy.

West Falmouth

MA

02574

TOWN

STATE

ZIP CODE

NAME OF ORGANIZATION:

West Falmouth Library

MAILING ADDRESS:

PO Box 1209

TELEPHONE #:

EMAIL:

LOCATION TO BE LICENSED-ADDRESS:

575 West Falmouth Highway

West Falmouth

MA

02574

TOWN

STATE

ZIP CODE

EVENT TITLE:

Christmas Tree Lighting

APPROXIMATE # OF PEOPLE:

80

DATE(S) OF EVENT:

December 1, 2023

HOURS OF EVENT:

6 pm - 8 pm

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT:

Suzy Bergmann

TYPE OF LICENSE:

1. WINE & MALT

FOR PROFIT

2. ALL ALCOHOLIC

NON-PROFIT ORGANIZATIONS ONLY

NON-PROFIT

REQUIREMENTS check list:

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

10/31/2023
DATE

Susan Bergmann
APPLICANT SIGNATURE

FEE: \$25.00 PER DAY

\$10.00 FILING FEE

December 1 event at the West Falmouth Library

On December 1st the West Falmouth Library will participate in the Falmouth Holidays by the Sea with a Christmas Tree Lighting and Social from 6:00 pm – 8:00 pm. The event will include a tree lighting, choral performance by students from Falmouth High School, holiday tunes performed on the piano by Mimi Schlichter, cocoa and cookies provided by West Falmouth Market, and wine and cheese provided by the West Falmouth Library and the West Falmouth Village Association. The event is open and free to the public. Tips certified bar tenders will pour the wine.

OPEN SESSION

CONSENT AGENDA

1. Licenses

- c. Approve Request to Extend Seasonal All Alcoholic Common Victualler License until January 2, 2024 – Landfall Restaurant, 9 Luscombe Avenue, Woods Hole

A holder of a Seasonal liquor license can request an extension of the license “valid until date” of November 30 to January 2 with the approval of the Local Licensing Authority (Select Board).

This is an annual request from Landfall Restaurant.



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Licenses 1.c.

ITEM TITLE: Approve Request to Extend Seasonal All-Alcoholic Common Victualler License until January 2, 2024- Landfall Restaurant, 9 Luscombe Avenue, Woods Hole

MEETING DATE: 11/20/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Letter from Landfall Restaurant requesting extension, dated November 1, 2023

PURPOSE:

The Select Board will review and consider the approval of the Landfall Restaurant's request for an extension of its All-Alcoholic Common Victualler License until January 2, 2024.

BACKGROUND/SUMMARY:

- Landfall Restaurant representatives James Estes and Kathleen Estes Stuhlfire submitted a letter to the Select Board on November 1, 2023 requesting an extension of the establishment's 2023 All-Alcoholic Beverages Common Victualler License, and that the extension be granted from December 1, 2023 through and including January 2, 2024.
- A holder of a seasonal liquor license may request an extension of the license's "valid until date" of November 30, 2023 to January 2, 2024 with the approval of the Local Licensing Authority, which is the Select Board.

- This is an annual request from the Landfall Restaurant.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the Landfall Restaurant's request for an extension of its All-Alcoholic Common Victualler License through January 2, 2024.

OPTIONS:

- Motion to approve the Landfall Restaurant's request for an extension of its All-Alcoholic Common Victualler License through January 2, 2024.
- Motion to deny approval of the Landfall Restaurant's request for an extension of its All-Alcoholic Common Victualler License through January 2, 2024.

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 Landfall Restaurant's request for an extension of its All-Alcoholic Common Victualler License through January 2, 2024.

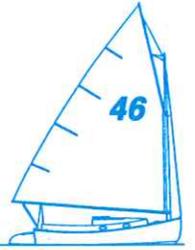
Michael Renshaw

Town Manager

11/17/2023

Date

Landfall Restaurant



Box 107, Woods Hole Harbor, Cape Cod, Massachusetts 02543

Falmouth Selectman
Town Hall Square
Falmouth, MA 02540

November 1, 2023

Dear Falmouth Selectmen,

The Landfall Restaurant would like to apply for an extension of our 2023 Liquor licence. We would like to ask that the extension be for December 1st 2023 to January 2nd 2024.

Thank you for your attention in this matter.

Sincerely,

Handwritten signatures of James Estes and Kathleen Estes Stuhlfire.

James Estes & Kathleen Estes Stuhlfire

OPEN SESSION

CONSENT AGENDA

1. Licenses

- d. Vote to approve the administrative Change of Address of an All-Alcoholic Beverages Club License – Falmouth Rod & Gun Club, Inc., located at 25 Sportsman Lane



ITEM NUMBER: Consent Agenda – Licenses 1. d.

ITEM TITLE: Change of Address of All Alcohol Club License, Falmouth Rod & Gun Club, Inc. – 25 Sportsman Lane

MEETING DATE: 11/20/2023

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

SUBMITTED BY: Click or tap here to enter text.

ATTACHMENTS: Local Licensing Authority Certification, Housing Number Assignment/Change Form

PURPOSE:

The Select Board is asked to approve an administrative change of address for this all alcohol club license.

BACKGROUND/SUMMARY:

- This change was initiated by the Town as part of an ongoing effort to assign distinct addresses to all units within each building complex. The licensed premise has not physically moved.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends approval of this change of address.

OPTIONS:

- 1) Motion to approve change of address for Falmouth Rod & Gun Club, Inc. all alcohol club license as submitted;
- 2) Motion to deny change of address;
- 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:

RECOMMEND APPROVAL.



Town Manager

11/16/2023

Date



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

00005-CL-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee Falmouth Rod & Gun Club, Inc. DBA

Street Address 25 Sportsman Lane Zip Code 02536

Manager Kevin Narbonne

Granted under Special Legislation? Yes No

If Yes, Chapter
of the Acts of (year)

\$12 Club ▼ Annual ▼ All Alcoholic Beverages ▼

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

First Floor; Dining Room, Meeting Room, Serving Room, Patio, Bar and Boiler Room.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date 11.14.23 Time 2:26 pm

Advertised Yes No Date Published n/a Publication

Abutters Notified: Yes No Date of Notice n/a

Date APPROVED by LLA 11/20/2023 Decision of the LLA Approves this Application ▼

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

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



Town of Falmouth

Department of Public Works - Engineering Division

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

Jim McLoughlin, P.E., Town Engineer

Jim.McLoughlin@falmouthmass.us

House Number Assignment/Change

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

Date: **9/24/2021**

From: Engineering Division

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

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

Owner's Name:

20 06 066 001

Falmouth Rod & Gun Club Inc

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

203 Carriage Shop Road

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

25 Sportsman Lane

This road is: PUBLIC PRIVATE STATE

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

IS NOT REQUIRED

Falmouth Fire Rescue Approved YES NOT APPLICABLE

Assigned by: Scott Schluter, P.E.

Notes:

Address changed to road property is access from.

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

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- a. Authorize Friends of Cedar Lake to file Notice of Intent (NOI) with Conservation Commission to conduct invasive species removal at Cedar Lake

November 20, 2023



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

ITEM TITLE: Authorize Friends of Cedar Lake to file Notice of Intent (NOI) with the Conservation Commission

MEETING DATE: 11/20/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: MA DEP Notice of Intent Form

PURPOSE:

The Friends of Cedar Lake seek Select Board approval to submit a Notice of Intent (NOI) to the Conservation Commission in connection with an invasive species removal treatment which the Friends seek to carry out.

BACKGROUND/SUMMARY:

- The Friends of Cedar Lake is a private entity comprised of Falmouth residents and property owners.
- This Friends group has raised private funds to permit treatment to remove invasive fanwort from Cedar Lake. Fanwort is a submerged invasive aquatic plant that can form dense mats at the water surface. Fanwort grows quickly and can block out native plants, which in turn disrupts the native fish community and can clog drainage systems.
- The Friends retained Goddard Consulting which performed an alternative analysis. This analysis concluded the best means of removing fanwort is through chemical herbicide treatment.

- Submission of a Notice of Intent to the Conservation Commission is required to permit this herbicide treatment. As the Town owns Cedar Lake where this treatment is proposed to be conducted, Select Board approval is required to authorize submission of this Notice of Intent.
- Deputy Marine and Environmental Services Director Chuck Martinsen has reviewed the treatment proposal in connection with the herring population of this water body and he expressed no objection to authorizing the NOI.
- The Friends report they have raised \$5,900 for the filing of the NOI and \$28,900 toward the application of the herbicide for a total of \$34,800.
- It should be noted that the state Division of Marine Fisheries (DMF) recommends that the first year only 50% of the waterbody is to be treated with a stringent monitoring and reporting requirement; in year two it is possible that the Friends of Cedar Lake will request Town funding for treatment and monitoring, and those costs are estimated to be \$40,000-\$50,000 dollars.
- If Select Board approves submission of the NOI, the Conservation Commission will review the merits of the proposal and determine whether to allow the Friends to conduct the herbicide treatment.
- Select Board authorization to submit the NOI does not create an obligation on the part of the Town to fund any portion of the treatment cost.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board vote to authorize the Friends of Cedar Lake to submit to the Falmouth Conservation Commission a Notice of Intent to conduct invasive species removal in Cedar Lake.

OPTIONS:

- Motion to authorize the Friends of Cedar Lake to submit to the Falmouth Conservation Commission a Notice of Intent to conduct invasive species removal in Cedar Lake;

- Motion to deny authorization to the Friends of Cedar Lake to submit to the Falmouth Conservation Commission a Notice of Intent to conduct invasive species removal in Cedar Lake;
- 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 vote to authorize the Friends of Cedar Lake to submit to the Falmouth Conservation Commission a Notice of Intent to conduct invasive species removal in Cedar Lake.

Michael Renshaw

Town Manager

11/16/2023

Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

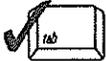
Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Falmouth
City/Town

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



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

A. General Information

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

Cedar Lake	Falmouth	02556
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	41.649395772489996,	-70.62230413315247
	d. Latitude	e. Longitude
02/05	N/A	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

Joyce	Bock	
a. First Name	b. Last Name	
Friends of Cedar Lake		
c. Organization		
52 Chester Street		
d. Street Address		
North Falmouth	MA	02556
e. City/Town	f. State	g. Zip Code
	joycebock52@gmail.com	
h. Phone Number	i. Fax Number	j. Email Address

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

a. First Name	b. Last Name	
Town of Falmouth		
c. Organization		
59 Town Hall Square		
d. Street Address		
Falmouth	MA	02540
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

Steven	Riberdy	
a. First Name	b. Last Name	
Goddard Consulting		
c. Company		
291 Main St - Suite 8		
d. Street Address		
Northborough	MA	01532
e. City/Town	f. State	g. Zip Code
413-237-6860	steven@goddardconsultingllc.com	
h. Phone Number	i. Fax Number	j. Email address

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

\$110.00	\$42.50	\$67.50
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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Provided by MassDEP:

MassDEP File Number

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A. General Information (continued)

6. General Project Description:

Management program to control nuisance, invasive species utilizing state registered aquatic herbicides.

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

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

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

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

Restoration of pond.

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

N/A

a. County

N/A

c. Book

N/A

b. Certificate # (if registered land)

N/A

d. Page Number

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

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

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



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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	1,045,440 1. square feet 3. cubic yards dredged	2. square feet

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

2. Width of Riverfront Area (check one):

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

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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



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

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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	

4. Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

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

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

2021 _____
 b. Date of map

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

c. Submit Supplemental Information for Endangered Species Review*

- Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____
 percentage/acreage

(b) outside Resource Area _____
 percentage/acreage

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

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

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

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

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

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



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

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

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

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

- (d) Vegetation cover type map of site

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

- (f) OR Check One of the Following

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

2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____

3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

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

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

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

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

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

North Shore - Hull to New Hampshire border:

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

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

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

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



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

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

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

D. Additional Information

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

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

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

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



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WPA Form 3 – Notice of Intent

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Provided by MassDEP:
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Document Transaction Number
Falmouth
City/Town

D. Additional Information (cont'd)

- 3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- 4. List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title _____

b. Prepared By _____ c. Signed and Stamped by _____

d. Final Revision Date _____ e. Scale _____

f. Additional Plan or Document Title _____ g. Date _____

- 5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8. Attach NOI Wetland Fee Transmittal Form
- 9. Attach Stormwater Report, if needed.

E. Fees

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

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

2. Municipal Check Number _____ 3. Check date _____

4. State Check Number _____ 5. Check date _____

6. Payor name on check: First Name _____ 7. Payor name on check: Last Name _____



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

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:	
MassDEP File Number	
Document Transaction Number	
Falmouth	
City/Town	

F. Signatures and Submittal Requirements

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

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

Joyce L. Bock
1. Signature of Applicant

6/19/2023
2. Date

3. Signature of Property Owner (if different)

[Signature]
5. Signature of Representative (if any)

4. Date
6/23/2023
6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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



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

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



A. Applicant Information

1. Location of Project:

Cedar Lake Falmouth
 a. Street Address b. City/Town
 \$110.00
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Joyce Bock
 a. First Name b. Last Name
 Friends of Cedar Lake
 c. Organization
 52 Chester Street
 d. Mailing Address
 North Falmouth MA 02556
 e. City/Town f. State g. Zip Code
 joycebock52@gmail.com
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

Town of Falmouth
 a. First Name b. Last Name
 c. Organization
 d. Mailing Address
 Falmouth MA 02556
 e. City/Town f. State g. Zip Code
 h. Phone Number i. Fax Number j. Email Address

B. Fees

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

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

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

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

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

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

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

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



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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Control Vegetation	1	\$110.00	\$110.00

Step 5/Total Project Fee: \$110.00

Step 6/Fee Payments:

Total Project Fee:	<u>\$110.00</u>
State share of filing Fee:	<u>\$42.50</u>
City/Town share of filling Fee:	<u>\$67.50</u>
	<u>a. Total Fee from Step 5</u>
	<u>b. 1/2 Total Fee less \$12.50</u>
	<u>c. 1/2 Total Fee plus \$12.50</u>

C. Submittal Requirements

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

Department of Environmental Protection
Box 4062
Boston, MA 02211

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

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

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- b. Approve request from The 300 Committee for a Conservation Restriction for the Gerald W. Sylvia 1.023-acre parcel at Lot 4, Millstone Street, North Falmouth



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Approve request from The 300 Committee for a Conservation Restriction for the Gerald W. Sylvia 1.023 acre parcel at Lot 4, Millstone Street, North Falmouth

MEETING DATE: 11/20/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Letter from The 300 Committee dated November 13, 2023, Letter from Conservation Commission dated November 14, 2023, Locus Map reflecting Parcel, Grant of Conservation Restriction Documentation

PURPOSE:

The Select Board will review and consider a request from The 300 Committee seeking the approval of a Conservation Restriction (CR) that will enable the property owner to preserve the land for conservation and water quality protection purposes.

BACKGROUND/SUMMARY:

- On November 13, 2023 the Executive Director of The 300 Committee submitted a request letter to the Select Board concerning a Conservation Restriction on an approximate 1.023 acre parcel at Lot 4, Millstone Street (shown in the attached packet as a portion of 7 Millstone Street) in North Falmouth.

- During its October 18, 2023 meeting, the Falmouth Conservation Commission voted in favor of recommending Select Board approval and signature of the subject Conservation Restriction, as coordinated by The 300 Committee Land Trust, Inc.
- In its letter of recommendation, the Conservation Commission states that the preservation of this 1.023 acre property will contribute to the protection of the scenic and natural character of the Town, and that the property currently abuts land that is already conserved including the 9.3 acre Florence Sylvia Woodland.
- The Town Counsel has reviewed the Conservation Restriction documents and found them to be in good order.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the request from The 300 Committee for a Conservation Restriction for the Gerald W. Sylvia 1.023 acre parcel at Lot 4, Millstone Street, North Falmouth.

OPTIONS:

- Motion to approve the request from The 300 Committee for a Conservation Restriction for the Gerald W. Sylvia 1.023 acre parcel at Lot 4, Millstone Street, North Falmouth.
- Motion to deny approval of the request from The 300 Committee for a Conservation Restriction for the Gerald W. Sylvia 1.023 acre parcel at Lot 4, Millstone Street, North Falmouth.

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 request from The 300 Committee for a Conservation Restriction for the Gerald W. Sylvia 1.023 acre parcel at Lot 4, Millstone Street, North Falmouth.

Michael Renshaw

Town Manager

11/17/2023

Date



November 13, 2023

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

Dear Ms. Taylor,

The 300 Committee Land Trust, Inc. respectfully requests to appear at your Monday, November 20, 2023 open session meeting to seek your review and approval of the attached conservation restriction (CR) that will enable the property owner to preserve his land for conservation and water quality protection purposes.

The CR is for the property at Lot 4, Millstone Street (shown as a portion of 7 Millstone Street) in North Falmouth, owned by Mr. Gerald Sylvia. This approximately 1-acre property abuts the 9.3-acre Florence Sylvia Woodland and will enhance the value of this connected open space. The property also contains prime forestland soils and will preserve small-scale agricultural use of the property for the landowner.

The conservation restriction outlines the ecological values, prohibited and permitted acts and uses, and legal descriptions of the premises. Please let me know if you have any questions. Our representative from The Compact of Cape Cod Conservation Trusts, Inc. will be present at the Select Board meeting to present the request and answer any questions. We appreciate your consideration of the CR.

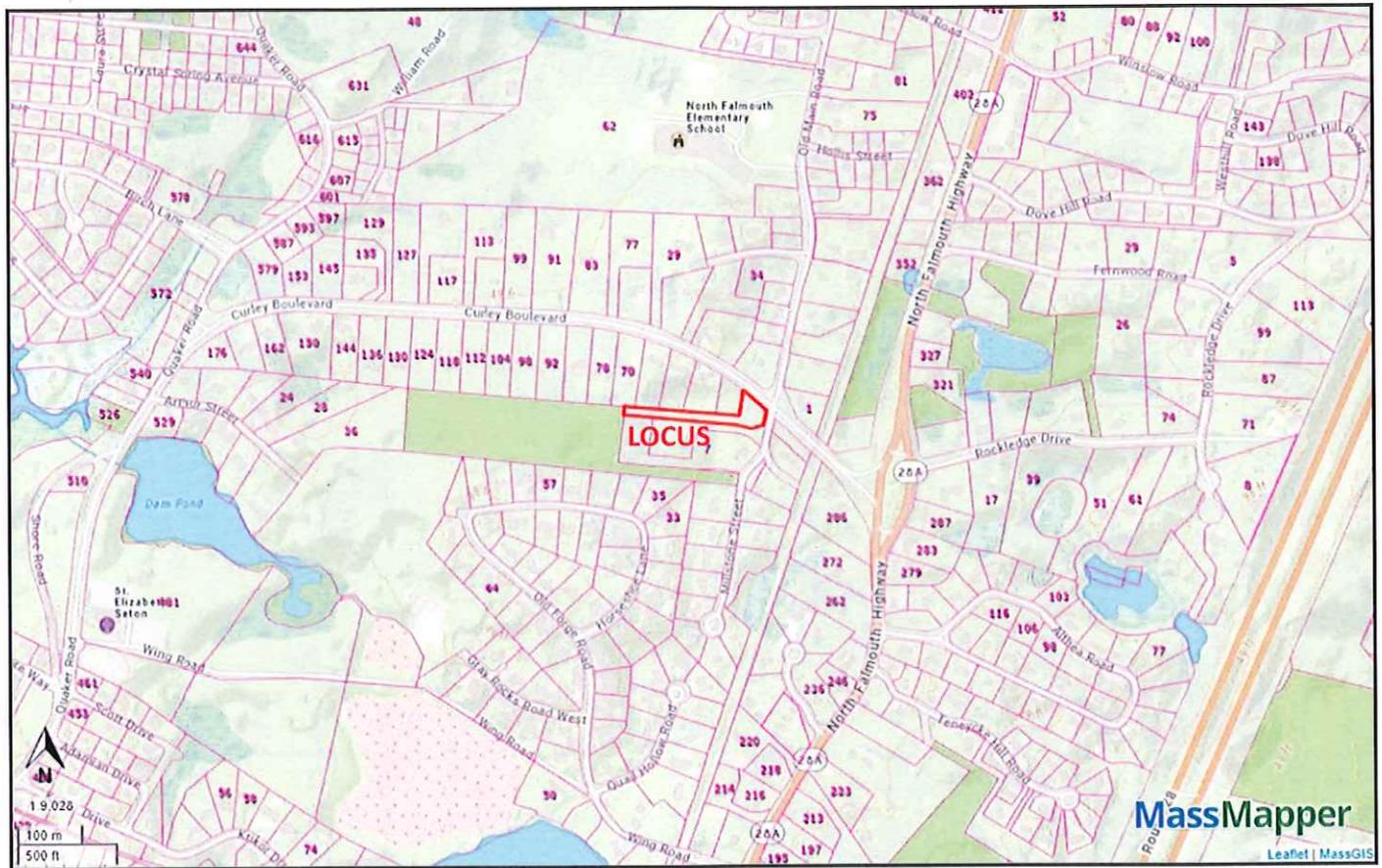
Sincerely,

Jessica Whritenour
Executive Director

Attached: Conservation Restriction, Locus Map, Conservation Commission Letter of Support, Draft Motion,

Preserving Open Space for Falmouth

TOWN ROAD LOCUS MAP
SYLVIA – LOT 4 MILLSTONE ROAD CONSERVATION RESTRICTION
FALMOUTH, MA





Falmouth Conservation Commission

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

November 14, 2023

Town of Falmouth Select Board
59 Town Hall Square
Falmouth, MA 02540

To the Select Board,

At its October 18, 2023 meeting, the Town of Falmouth Conservation Commission voted in favor of recommending your approval and signature of the attached conservation restriction (CR) that is being coordinated by The 300 Committee Land Trust, Inc. Your approval of the CR will help facilitate the natural resource protection of the following property:

Sylvia Conservation Restriction, Lot 4, Millstone Street, Falmouth. The preservation of this approximately 1.023-acre property contributes to the protection of the scenic and natural character of the town. The property abuts land already conserved, including the 9.3-acre Florence Sylvia Woodland; it includes Prime Forest Land including pitch-pine upland forest; and preserves working open field agricultural land.,

The conservation restriction outlines the ecological values (e.g., wildlife habitat, water resource protection, biodiversity, trail connectivity, climate resiliency), prohibited and permitted acts and uses, public access, and legal description of the premises. Your approval and signing of this conservation restriction will help preserve the property to ensure many conservation benefits as described in the document. Thank you for your time and consideration.

Sincerely,

Miss. Beyond for Jennifer Lincoln

Jennifer Lincoln
Conservation Administrator

GRANTOR: Gerald W. Sylvia

GRANTEE: The 300 Committee Land Trust, Inc

ADDRESS OF PREMISES: Lot 4, Millstone Street, Town of Falmouth, Barnstable County, Massachusetts

FOR GRANTOR'S TITLE SEE: Barnstable County Registry of Deeds at Book 4350, Page 305 and Book 18402, Page 208

FOR GRANTOR'S PLAN SEE: Barnstable County Registry of Deeds at Book 684, Page 92

GRANT OF CONSERVATION RESTRICTION

I. STATEMENT OF GRANT

GERALD W. SYLVIA, individually, of 15 Millstone Street, Falmouth, Massachusetts 02556, being the sole owner of the Premises as defined herein, for my successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grant, with QUITCLAIM COVENANTS, to **THE 300 COMMITTEE LAND TRUST, INC.**, a Massachusetts charitable corporation, having an office and mailing address at 157 Locust Street, Falmouth, Massachusetts, 02540, its permitted successors and assigns ("Grantee"), for nominal consideration, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on land located in the Town of Falmouth, Barnstable County, Commonwealth of Massachusetts containing the entirety of a 1.023-acre parcel of land ("Premises"), which Premises is more particularly described in Exhibit A and shown in the attached reduced copy of a survey plan in Exhibit B, both of which are incorporated herein and attached hereto.

II. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation Restriction ("Purposes") are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition and available for small scale agricultural use and to prevent any use or change that would materially impair the Conservation Values (as defined below).

PROPERTY ADDRESS: Lot 4, Millstone Street, Falmouth, MA,

Sylvia – Lot 4, Millstone Street Conservation Restriction, Falmouth, MA

The Conservation Restriction was acquired utilizing, in part, the Conservation Land Tax Credit Program (CLTC #0544) pursuant to Section 6(p) of Chapter 62 and Section 38AA of Chapter 63 of the Massachusetts General Laws.

The Conservation Values protected by this Conservation Restriction include the following:

- Open Space. The Premises contributes to the protection of the scenic and natural character of the Town of Falmouth and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises abuts land already conserved, including the 9.3-acre Florence Sylvia Woodland owned by the Grantee to the west.
- Soils and Soil Health. A portion of the Premises (0.4 acres), consisting of pitch-pine upland forest, is mapped as Prime Forest Land (Prime 3), as identified by the USDA Natural Resources Conservation Service. The protection of the Premises will promote healthy soils and healthy soils practices as such terms are defined in Chapter 358 of the Acts of 2020, which added definitions of these terms to Section 7A of Chapter 128 of the Massachusetts General Laws.
- Biodiversity. The pitch-pine upland forest is listed in the State Wildlife Action Plan as being good habitat for up to 45 species of greatest conservation need (Chapter 4, page 70).
- Working Farmland. The protection of the Premises will ensure that the existing open fields on the Premises will be permanently available for Agricultural Activities, provided that the use is consistent with the Permitted Uses of this Conservation Restriction.
- Consistency with Clearly Delineated Barnstable County Conservation Policy. Protection of the Premises will assist in achieving Barnstable County conservation goals. In July 1991, the Barnstable County Assembly of Delegates, pursuant to the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), adopted a *Regional Policy Plan* (“RPP”), amended in 1996, 2002, 2009, 2012, and 2018, which provided, *inter alia* (references are to the 2018 RPP, amended in 2021 to accommodate climate change goals and objectives):
 - “To conserve, preserve, or enhance a network of open space that contributes to the region’s natural and community resources and systems” (Open Space Goal, pp. 55).
 - In reference to this Open Space Goal, the RPP states, “[t]he open space of the Cape is critical to the health of the region’s natural systems, economy, and population. Open space provides habitat for the region’s diverse species and protection of the region’s drinking water supply” (pp. 30); and,
 - “To protect, preserve, or restore wildlife and plant habitat to maintain the region’s natural diversity” (Wildlife and Plant Habitat Goal, pp. 55).
 - In reference to this Wildlife and Plant Habitat Goal, the RPP states, “For many years habitat loss due to development has been the primary threat to the region’s habitats” (pp. 32).

Sylvia – Lot 4, Millstone Street Conservation Restriction, Falmouth, MA

- “To Protect and preserve traditional agricultural and maritime development and uses” (Cultural Heritage Goal, pp. 63)
 - In reference to this Cultural Heritage Goal, the RPP includes strategies to “preserve land in agricultural production to encourage locally-grown food” and “protect agricultural lands and natural cover to preserve existing natural functions” (pp. 84).

Granting this Conservation Restriction will advance each of these goals, by protecting connected open space with over an acre of wildlife habitat and retaining agricultural value.

- Consistency with Clearly Delineated Town of Falmouth Conservation Policy. Protection of the Premises will further the Town of Falmouth’s documented goals regarding conservation of land. The *2014 Falmouth Open Space and Recreation Plan* guides efforts in the Town of Falmouth to protect the most sensitive natural resources and acquire the largest tracts of land that remain as open space. The Town values the establishment of green corridors where open space can be linked, and partners with The 300 Committee and other land conservation organizations in Falmouth to achieve its goals. The number one goal of the Open Space Plan is to “acquire 30% of Falmouth’s total land area as high quality, permanently protected open space” (Goal 1, pp. 77).

In 1991, the Town of Falmouth adopted a *Conservation Restriction Policy*, consisting of policies and guidelines approved by the Board of Selectmen, Assessors and Conservation Commission (updated and reaffirmed in 2001), which encourages the use of conservation restrictions in perpetuity as a means of “preserving open space . . . and providing scenic enjoyment . . .” and:

- to permanently protect open space;
- to limit or prevent construction on land of natural resource value;
- to insure that land remains in farming;
- to prevent the cutting of trees or forests; and,
- to add to existing restricted land which is contiguous to the land proposed to be restricted.

Implementing this Conservation Restriction will assist in achieving each of the objectives of the Conservation Restriction Policy by permanently protecting 1.023 acres in the village of North Falmouth.

- Consistency with Clearly Delineated Federal Conservation Policy. Protection of the Premises meets the definition of “conservation purposes” as defined in 26 CFR 1.170A-14(d)(1), because its conservation would: promote protection of neighboring state-recognized habitats as well as the ecosystem contained on and contiguous to the Premises; preserve open space and maintain the scenic and rural character of the village of North Falmouth.

III. PROHIBITED and PERMITTED ACTS AND USES

A. Prohibited Acts and Uses

The Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Structures and Improvements. Constructing, placing, or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled area, roads, sign, fence, gate, billboard or other advertising, antenna, utilities or other structures, utility pole, tower, solar panel, solar array, conduit, line, septic or wastewater disposal system, storage tank, or dam;
2. Extractive Activities/Uses. Mining, excavating, dredging, withdrawing, or removing soil, loam, peat, gravel, sand, rock, surface water, ground water, or other mineral substance or natural deposit, or otherwise altering the topography of the Premises;
3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing, or destroying trees, shrubs, grasses or other vegetation;
5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archaeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project, the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantee;
7. Motor Vehicles. Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have a legal right to enter the Premises;
8. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantee's intention to maintain the entire Premises under unified ownership;

9. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;
10. Adverse Impacts to Stone Walls, Boundary Markers. Disrupting, removing, or destroying stone walls, granite fence posts, or any other boundary markers;
11. Residential, Commercial or Industrial Uses. Using the Premises for residential, commercial or industrial purposes;
12. Inconsistent Uses. Using the Premises for Purposes or that would materially impair the Conservation Values.

B. Permitted Acts and Uses

Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A, the Grantor may conduct or permit the following acts and uses on the Premises, provided they do not materially impair the Purposes and/or Conservation Values. In conducting any Permitted Act and Use, Grantor shall minimize impacts to the Conservation Values to ensure any such impairment thereto is not material.

1. Vegetation Management. Maintaining vegetation, including pruning, trimming, cutting, and mowing, and removing brush, all to prevent, control, and manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report (see Paragraph XV.);
2. Non-native, Nuisance, or Invasive species. Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
3. Composting. Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises;
4. Natural Habitat and Ecosystem Improvement. With prior written approval of the Grantee, conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including planting native trees, shrubs, and other vegetation;
5. Archaeological Investigations. Conducting archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but only in accordance with an archaeological field investigation plan, which plan shall also address restoration following completion of the archaeological investigation, prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission State Archaeologist (or appropriate successor official) and by the Grantee. A copy of the results of any such investigation on the Premises is to be provided to the Grantee;

6. Trails. Maintaining and constructing trails as follows:
 - a. Trail Maintenance. Conducting routine maintenance of trails, which may include widening trail corridors up to six (6) feet in width overall, with a treadway up to three (3) feet in width.
 - b. New Trails. With prior written approval of the Grantee, constructing new trails or relocating existing trails, provided that any construction or relocation results in trails that conform with the width limitations above.
7. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity and address of the Grantor, the Grantee's interest in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises;
8. Motorized Vehicles. Using motorized vehicles as necessary for engaging in Agricultural Activities as permitted herein.

C. Special Use – Agricultural Area.

The Grantor reserves the right to conduct or permit small-scale Agricultural Activities only within the area shown on the sketch in Exhibit C attached hereto as “Agricultural Area,” (“Special Use – Agricultural Area”) in addition to the Permitted Acts and Uses described in Paragraph III.B, and otherwise subject to this Conservation Restriction:

1. Agricultural Activities. “Agricultural Activities” are collectively defined as “Animal Husbandry” and “Horticulture,” defined below:
 - a. Animal Husbandry. Raising of poultry, other domesticated animals and bees, for the purpose of using, consuming, or selling such animals or a product derived from such animals in the regular course of business; or when primarily and directly used in a related manner which is incidental thereto and represents a customary and necessary use in raising such animals and preparing them or the products derived therefrom for use, consumption, or market.
 - b. Horticulture. Raising fruits, vegetables, berries, nuts, and other foods for human consumption, feed for animals, flowers, trees, nursery or greenhouse products, and ornamental plants and shrubs, all for the purpose of using, consuming, or selling such products in the regular course of business; or when primarily and directly used in a related manner which is incidental to those uses and represents a customary and necessary use in raising such products and preparing them for use, consumption, or market.
2. Agricultural Structures and Improvements. Constructing and maintaining structures and improvements to conduct Agricultural Activities, provided:

Sylvia – Lot 4, Millstone Street Conservation Restriction, Falmouth, MA

- a. The total footprint (as defined herein) of all permanent structures and any temporary structures (as defined below) that have a roof shall not exceed two percent (2%) of the total area of the Special Use - Agricultural Area in the aggregate. For the purposes of this Conservation Restriction, the term “footprint” shall mean that measurement encompassing the enclosed ground floor area, as measured from the exterior, at the point of contact with the ground;
- b. Grantor must obtain prior written approval from the Grantee for the following improvements:
 - i. wells, including but not limited to artesian wells, and any irrigation structures that require subsurface installation;
 - ii. all permanent structures; and
- c. The following improvements are permitted without prior approval from the Grantee: Temporary Structures. Constructing, using, maintaining, repairing, and/or replacing temporary structures and improvements directly related to or in support of Agricultural Activities, including, but not limited to, fencing, hayracks, hoop houses (also known as “high tunnels”), beehives, bird houses, and the like. For the purposes of this Conservation Restriction, the term “temporary” shall mean any improvement without a foundation that can be constructed or removed without significant disturbance of the soil.

D. Site Restoration

Upon completion of any Permitted Acts and Uses, any disturbed areas shall be restored substantially to the conditions that existed prior to said activities, including with respect to soil material, grade, and vegetated ground cover.

E. Compliance with Permits, Regulations, Laws

The exercise of any Permitted Acts and Uses under Paragraph III.B. shall be in compliance with all applicable federal, state and local laws, rules, regulations, zoning, and permits, and with the Constitution of the Commonwealth of Massachusetts. The inclusion of any Permitted Act or Use requiring a permit, license or other approval from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

F. Notice and Approval

1. Notifying Grantee. Whenever notice to or approval by Grantee is required, Grantor shall notify or request approval from Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
 - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;

- b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
 - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals; and
 - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the Purposes and Conservation Values.
2. Grantee Review. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of receipt of Grantor's request. Grantee's approval shall only be granted upon a showing that the proposed activity will minimize impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation Values. Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.
 3. Resubmittal. Grantee's failure to respond within sixty (60) days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

IV. INSPECTION AND ENFORCEMENT

A. Entry onto the Premises

The Grantor hereby grants to the Grantee, and its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.

B. Legal and Injunctive Relief

1. Enforcement. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory relief, including without limitation, compensation for interim losses (i.e., ecological and public use service losses that occur from the date of the violation until the date of restoration) and equitable relief against any violations, including, without limitation, injunctive relief and relief requiring restoration of the Premises to its condition prior to the time of the injury (it being agreed that the Grantee will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction.

Grantee shall not, however, have the right to bring an action against Grantor with respect to a violation of this Conservation Restriction by trespassers or other third persons whose entry on the Premises is not authorized or not voluntarily acquiesced in by Grantor, provided that Grantor has made reasonable efforts to deter such entry; Grantor agrees that Grantor will not voluntarily acquiesce in any violation of this

Conservation Restriction by trespassers or such other third persons; and Grantor further agrees that Grantor will make reasonable efforts to deter such activities and to remedy the violation and will cooperate with Grantee to enforce this Conservation Restriction against trespassers and such other third persons.

2. Notice and Cure. In the event the Grantee determines that a violation of this Conservation Restriction has occurred and intends to exercise any of the rights described herein, the Grantee shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantee may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) days applies only if Grantor immediately ceases the violation and Grantee determines that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantee may notify the proper authorities of such violation.
3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including counsel fees) incurred by the Grantee in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey by a Massachusetts licensed professional land surveyor and to have the boundaries permanently marked.

C. Non-Waiver

Enforcement of the terms of this Conservation Restriction shall be at the sole discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

D. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

E. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from natural causes beyond the Grantor's control, including but not limited to fire, flood, weather, climate-related impacts, and earth movement, or from any prudent action taken by the Grantor

under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

V. PUBLIC ACCESS

This Conservation Restriction does not grant any right of access to the general public and the Grantor retains its rights to prohibit access to the Premises by the general public.

VI. TERMINATION/RELEASE/EXTINGUISHMENT

A. Procedure

If circumstances arise in the future that render the Purposes impossible to accomplish, this Conservation Restriction can only be terminated, released, or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, or successor official (“Secretary”), and any other approvals as may be required by Section 32 of Chapter 184 of the Massachusetts General Laws.

B. Grantor’s and Grantee’s Right to Recover Proceeds

If any change in conditions ever gives rise to termination, release, or extinguishment of this Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph VI.C, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

C. Grantee’s Receipt of Property Right

Grantor and Grantee agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the conveyance, bears to the value of the unrestricted Premises. The proportionate value of the Grantee’s property right is as of the Effective Date (See Paragraph XII.) and will be determined by an appraisal. Such proportionate value of the Grantee’s property right shall remain constant.

D. Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and

Grantee in accordance with Paragraph VI.B and Paragraph VI.C. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

VII. DURATION and ASSIGNABILITY

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except when all of the following conditions are met:

1. the Grantee requires that the Purposes continue to be carried out;
2. the assignee is not an owner of the fee in the Premises;
3. the assignee, at the time of the assignment, qualifies under 26.U.S.C. 170(h), and applicable regulations thereunder, if applicable, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws; and
4. the assignment complies with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VIII. SUBSEQUENT TRANSFERS

A. Procedure for Transfer

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the effective date of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. If the Grantor fails to reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, then the Grantee may record, in the applicable registry of deeds, or

registered in the applicable land court registry district, and at the Grantor's expense, a notice of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

B. Grantor's Liability

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

IX. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

X. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction following the terms set forth in Paragraph VII.C to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

XI. AMENDMENT

A. Limitations on Amendment

Grantor and Grantee may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;
3. affect the qualification of this Conservation Restriction as a "qualified conservation contribution" or "interest in land" under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;
4. affect the status of Grantee as a "qualified organization" or "eligible donee" under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws;
5. create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantee, of the economic impact of the proposed amendment;

Sylvia – Lot 4, Millstone Street Conservation Restriction, Falmouth, MA

6. alter or remove the provisions described in Paragraph VI (Termination/Release/Extinguishment);
7. cause the provisions of this Paragraph XI to be less restrictive; or
8. cause the provisions described in Paragraph VII.C (Running of the Benefit) to be less restrictive.

B. Amendment Approvals and Recording

No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor, approved by the Town of Falmouth and by the Secretary in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the Barnstable County Registry of Deeds.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the applicable registry of deeds or registered in the applicable land court registry district.

XIII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Gerald W. Sylvia
15 Millstone Street
North Falmouth, Massachusetts 02556

To Grantee: The 300 Committee Land Trust, Inc.
157 Locust Street
Falmouth, MA 02540

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIV. GENERAL PROVISIONS

A. Controlling Law

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in order to effect the Purposes and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the Purposes that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement

This instrument sets forth the entire agreement of the Grantor and Grantee with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

XV. BASELINE DOCUMENTATION REPORT

The Conservation Values, as well as the natural features, current uses of, and existing improvements on the Premises, such as, but not limited to, trails, woods roads, structures, meadows or other cleared areas, agricultural areas, and scenic views, as applicable, are described in a Baseline Documentation Report (“Baseline Report”) prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and included by reference herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein, and (iv) may be supplemented as conditions on the Premise change as allowed over time. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant in addition to the Baseline Report.

XVI. MISCELLANEOUS

A. Pre-existing Public Rights

Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary, is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Release of Homestead

The Grantor hereby agrees to waive, subordinate, and release any and all Homestead rights pursuant to Chapter 188 of the Massachusetts General Laws it may have in favor of this Conservation Restriction with respect to any portion of the Premises affected by this Conservation Restriction, and hereby agrees to execute, deliver and/or record any and all instruments necessary to effectuate such waiver, subordination and release. In all other respects, the Grantor reserves and retains any and all Homestead rights, subject to this Conservation Restriction, pursuant to Section 10(e) of Chapter 188 of the Massachusetts General Laws.

C. Subordination

The Grantor shall record at the applicable registry of deeds or shall register in the applicable land court registry simultaneously with this Conservation Restriction all documents necessary to subordinate any mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

D. Executory Limitation

If Grantee shall cease to exist or to be qualified to hold conservation restrictions pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, or to be qualified organization under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and a prior assignment is not made pursuant to Paragraph VII, then Grantee's rights and obligations under this Conservation Restriction shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law and with due regard to the requirements for an assignment pursuant to Paragraph VII.

E. Prior Encumbrances

This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises.

F. The following signature pages are included in this Grant:

Grantor - Gerald W. Sylvia

Grantee Acceptance – The 300 Committee Land Trust, Inc.

Approval by the Town of Falmouth Select Board

Approval of the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts.

Sylvia – Lot 4, Millstone Street Conservation Restriction, Falmouth, MA

G. The following exhibits are attached and incorporated herein:

Exhibit A: Legal Description of Premises

Exhibit B: Reduced Copies of Recorded Plan

Exhibit B.1: Excerpt of Plan showing Premises

Exhibit C: Sketch Plan of Premises showing Special Use - Agricultural Area

Sylvia – Lot 4, Millstone Street Conservation Restriction, Falmouth, MA

WITNESS my hand and seal this ____ day of _____, 2023,

Gerald W. Sylvia

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

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

Notary Public
My Commission Expires:

Sylvia – Lot 4, Millstone Street Conservation Restriction, Falmouth, MA

ACCEPTANCE OF GRANT

The foregoing Conservation Restriction from **Gerald W. Sylvia** was accepted by **The 300 Committee Land Trust, Inc.** this _____ day of _____, 2023.

By: _____
Jo Ann Muramoto

Its: President, duly authorized

By: _____
Richard Dotson

Its: Treasurer, duly authorized

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2023, before me, the undersigned notary public, personally appeared Jo Ann Muramoto, President of The 300 Committee Land Trust, Inc., and Richard Dotson, Treasurer of The 300 Committee Land Trust, Inc., and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose on behalf of the corporation.

Jessica Whritenour, Notary Public
My Commission Expires:

:

Sylvia – Lot 4, Millstone Street Conservation Restriction, Falmouth, MA

APPROVAL OF TOWN OF FALMOUTH SELECT BOARD

We the undersigned, being a majority of the Select Board of the Town of Falmouth, hereby certify that at a public meeting duly held on _____, 2023, the Select Board voted to approve the foregoing Conservation Restriction from **Gerald W. Sylvia to The 300 Committee Land Trust, Inc.**, in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

TOWN OF FALMOUTH SELECT BOARD

Nancy R. Taylor

Onjalé Scott Price

Robert P Mascali

Douglas C. Brown

Edwin (Scott) P. Zylinski II

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2023, before me, the undersigned notary public, personally appeared _____, _____, _____, _____, and _____, and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose on behalf of the Select Board.

Notary Public
My Commission Expires:

Sylvia – Lot 4, Millstone Street Conservation Restriction, Falmouth, MA

**APPROVAL OF SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS OF
THE COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby approves the foregoing Conservation Restriction from Gerald W. Sylvia to The 300 Committee Land Trust, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2023

Rebecca L. Tepper
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

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

Notary Public
My Commission Expires:

Sylvia – Lot 4, Millstone Street Conservation Restriction, Falmouth, MA

EXHIBIT A

Description of the Premises

The land and buildings in Falmouth, Massachusetts, containing 1.023 acres, +/-, shown as Lot 4 on a plan of land entitled, "*Plan of Land Prepared for Gerald Sylvia Millstone Street, North Falmouth, Massachusetts*", dated January 17, 2020, by BSS Design, Inc., 164 Katharine Lee Bates Rd, Falmouth, Massachusetts 02540, and recorded at Barnstable County Registry of Deeds in Plan Book 684, Page 92.

For title see deed to Gerald Sylvia in the Barnstable County Registry of Deeds in Deeds Book 4350, Page 305, and Book 18402, Page 208.

Within said Lot 4 is an area containing approximately 0.5-acre known as the Special Use – Agricultural Area and as shown in Exhibit C attached hereto. This Special Use – Agricultural Area is included in the Premises and subject to this Conservation Restriction. Within this Special Use - Agricultural Area, the Grantor is entitled to conduct activities not permitted in the remainder of the Premises, as described hereinabove in Paragraph III.C.

Street Address: 0 Millstone Road, Falmouth MA

Sylvia - Lot 4, Millstone Street Conservation Restriction, Falmouth, MA

EXHIBIT B

Reduced Copy of Plan of Record of Premises

For official full size plan, see Barnstable County Registry of Deeds Plan Book 684 Page 92

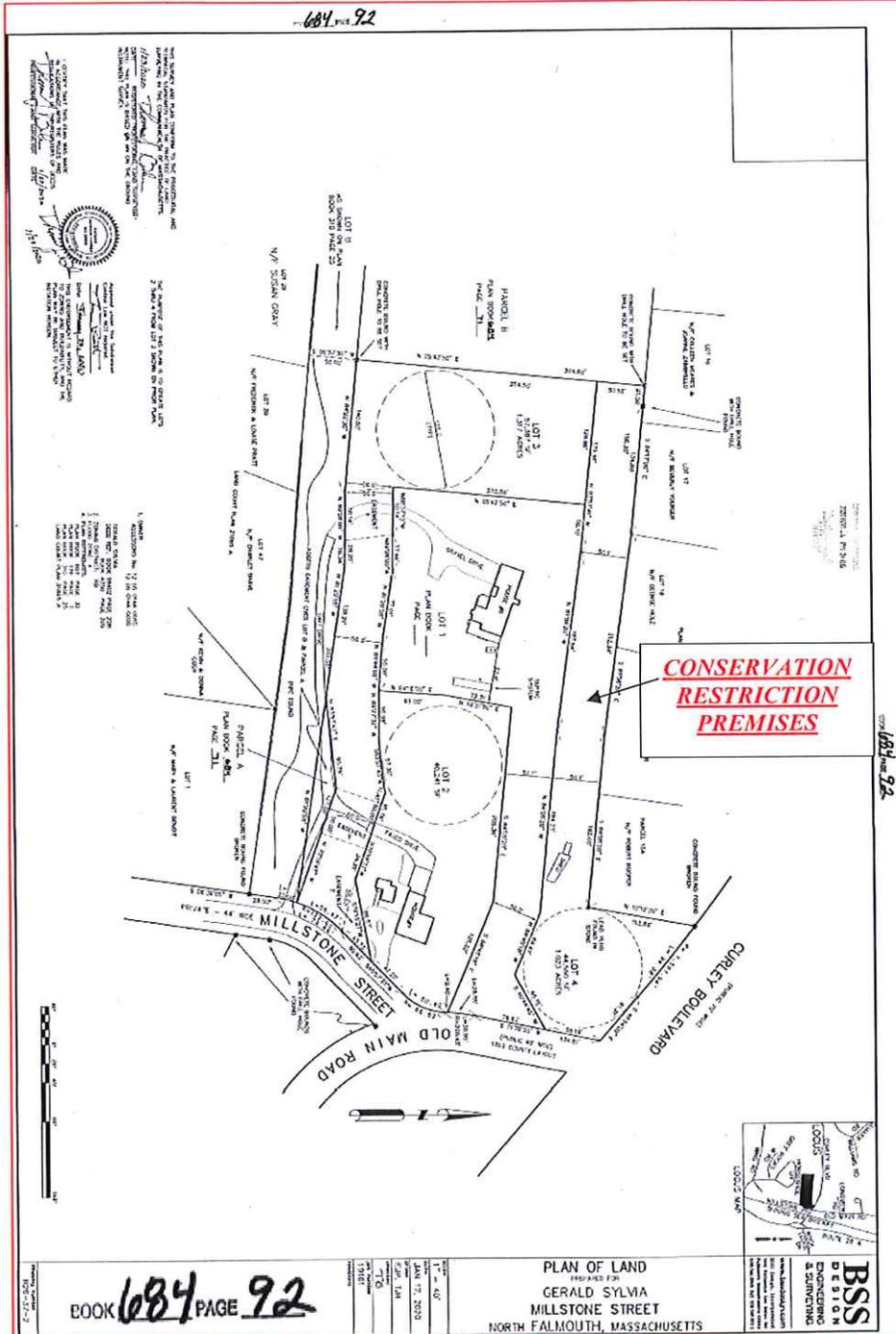
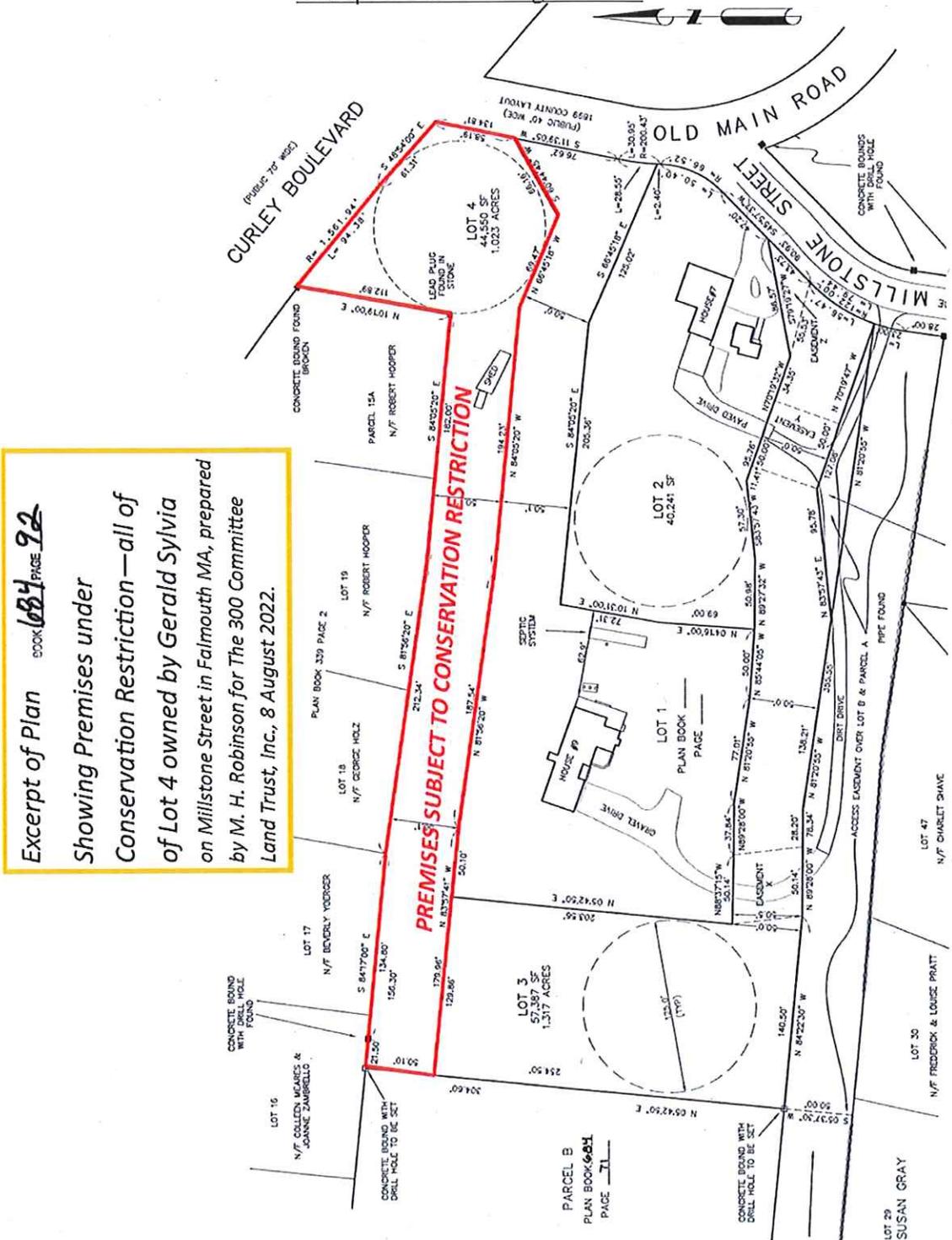


EXHIBIT B.1

Excerpt of Plan showing Premises



Excerpt of Plan BOOK 684 PAGE 11
Showing Premises under
Conservation Restriction—all of
of Lot 4 owned by Gerald Sylvia
on Millstone Street in Falmouth MA, prepared
by M. H. Robinson for The 300 Committee
Land Trust, Inc., 8 August 2022.

APPROVAL OF TOWN OF FALMOUTH SELECT BOARD

We the undersigned, being a majority of the Select Board of the Town of Falmouth, hereby certify that at a public meeting duly held on _____, 2023, the Select Board voted to approve the foregoing Conservation Restriction from **Gerald W. Sylvia to The 300 Committee Land Trust, Inc.**, in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

TOWN OF FALMOUTH SELECT BOARD

Nancy Robbins Taylor

Onjalé Scott Price

Robert P Mascali

Douglas C. Brown

Edwin P. Zylinski II

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2023, before me, the undersigned notary public, personally appeared _____, _____, _____, _____, and _____, and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose on behalf of the Select Board.

Notary Public
My Commission Expires:

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- c. Approve appointment of Carissa April as the Joe Q Veteran Coffee Break representative to the Veteran's Council Committee



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Approve the appointment of Carissa April as the Joe Q Veteran Coffee Break representative to the Veteran’s Council Committee

MEETING DATE: 11/20/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Letter from Joe Q Veteran Coffee Break

PURPOSE:

The Select Board will consider approval of the appointment of Carissa April to serve as the Joe Q Veteran Coffee Break representative to the Veteran’s Council Committee.

BACKGROUND/SUMMARY:

- In its letter to the Select Board, the Joe Q Veteran Coffee Break is requesting that Carissa April be reappointed to serve again as the Joe Q Veteran Coffee Break representative to the Veterans Council Committee.

- If approved, the term would end on June 30, 2024.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board appoint Carissa April to serve as the Joe Q Coffee Break representative on the Veterans Council Committee, with a term to expire on June 30, 2024.

OPTIONS:

- Motion to appoint Carissa April to serve as the Joe Q Coffee Break representative on the Veterans Council Committee, with a term to expire on June 30, 2024.

- Motion to deny approval of the appointment of Carissa April to serve as the Joe Q Coffee Break representative on the Veterans Council Committee, with a term to expire on June 30, 2024.

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 appoint Carissa April to serve as the Joe Q Coffee Break representative on the Veterans Council Committee, with a term to expire on June 30, 2024.

Michael Renshaw

Town Manager

11/17/2023

Date



Joe Q Veteran Coffee Break

PO Box 1423

North Falmouth, MA 02566

JoeQCoffee@gmail.com

Selectboard Falmouth
59 Town Hall Square
Falmouth, MA 02540



June 15, 2023

Dear Selectboard,

This letter is regarding the annual Selectboard appointment for the Falmouth Veterans Council. We are requesting Carissa April will again be the Joe Q Veterans Council representative for the term ending June 30, 2024.

Thank You,

Carole Kenney

Carole Kenney, Clerk

Cc: Julie Cadogan

Diane Davidson

From: Joe Q Coffee Break <joeqcoffee@gmail.com>
Sent: Wednesday, November 8, 2023 1:06 PM
To: Diane Davidson
Cc: Julie Cadogan
Subject: JQVCB Veterans council appointment- Carissa April
Attachments: 23-24 Veterans Council- JQVCB- Carissa April.docx

Attached please find the appointment letter for Veterans Council for Carissa April.

I backdated it, is that ok??

Carole


VETERANS' COUNCIL COMMITTEE MEMBERS

ONE-YEAR TERMS

CURRENT TERM: 7/1/23 – 6/30/24

Organization	Name	Term Until
Amvets	William Doherty	6/30/24
Disabled American Veterans		*
Elks Lodge	Elizabeth S. Sweeney	6/30/24
VFW		*
Falmouth Military Support Group		*
Joe Q Veteran Coffee Break, Inc.		*
At-Large	Robert Foos	6/30/24
At-Large	Paula T. Smith	6/30/24
At-Large	Brian M. Hodor	6/30/24

*Need a letter from the Veterans Organization nominating its representative for this year.

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- d. Approve fourth amendment and extension of existing parking lot lease agreement with the Steamship Authority

November 20, 2023



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Approve fourth amendment and extension of the existing parking lot lease agreement with the Steamship Authority.

MEETING DATE: 11/20/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Fourth Amendment and Extension of Lease Agreement, Copy of Existing Lease Agreement and Amendments 1-3

PURPOSE:

The Select Board will review and consider the approval of the Fourth Amendment and Extension to the Parking Lot Lease Agreement with the Steamship Authority.

BACKGROUND/SUMMARY:

- The current lease agreement was executed on October 27, 2015 and was for a five year period, commencing on January 1, 2016 and terminating on December 31, 2020.
- The First Amendment to this agreement was executed on September 12, 2016 and simply revised Section 7 concerning metered parking spaces in the front lot.
- A Second Amendment was executed on July 27, 2020 and simply added an additional year to the term of the lease, extending it through December 31, 2021.
- A Third Amendment was executed on December 10, 2021 and increased the number of

parking spaces available for use by Village Permit holders from 40 to 60.

- In preparing this Fourth Amendment, the Town Manager met and conferred with members of the Falmouth Bicycle and Pedestrian Committee as well as members of the SMART Citizens Task Force to solicit input as to what elements they would like to see included in this amendment.
- The Town Manager next met on two occasions with the General Manager of the Authority to discuss language related to this amendment.
- The attached proposed Fourth Amendment amends the term of the lease by adding an additional three (3) years, resulting in the agreement expiring on December 31, 2026.
- The proposed lease agreement further amends Paragraph 4 and, based on actual recorded use data obtained through the Authority, reduces the number of parking spaces made available to Village Permit holders from 60 to 50 for the first two years of the agreement; in year three the Town and Authority will again review actual use records and make necessary adjustments based on actual usage.
- This proposed amendment also requires the Authority to install four additional NO IDLING signs in areas frequently used by waiting buses, trucks, and cars.
- Paragraph 6 is amended to require that the Authority install additional warning signs with more specific warning language such as CAUTION WATCH FOR CYCLISTS & PEDESTRIANS to enhance safety; the use of reflective paint on all pavement markings is also specifically called out.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the attached Fourth Amendment and Extension of Lease Agreement between the Town and the Steamship Authority, with a term to expire December 31, 2026.

OPTIONS:

- Motion to approve the Fourth Amendment and Extension of Lease Agreement between the Town and the Steamship Authority as presented, with a term to expire December 31, 2026.

- Motion to deny approval of the Fourth Amendment and Extension of Lease Agreement between the Town and the Steamship Authority as presented, with a term to expire December 31, 2026.
- Some other 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:

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

Michael Renshaw

Town Manager

11/17/2023

Date

**FOURTH AMENDMENT
AND
EXTENSION OF LEASE AGREEMENT**

The Town of Falmouth, a municipal corporation of the Commonwealth of Massachusetts (the "Town"), and the Woods Hole, Martha's Vineyard & Nantucket Steamship Authority, a public instrumentality of the Commonwealth of Massachusetts (the "SSA"), having previously on October 27, 2015, entered into a certain Lease Agreement of a certain parcel of land owned by the Town in the Woods Hole Village of the Town and currently used by the SSA as a parking lot, all as more fully described in said Lease Agreement, now jointly agree to amend said Lease Agreement and further extend the term thereof for their mutual benefit.

Said Lease Agreement was previously amended by a First Amendment dated September 12, 2016, a Second Amendment dated July 27, 2020, and a Third Amendment dated December 10, 2021.

Said Lease Agreement as amended is further amended so that paragraph 2, Term of the Lease Agreement, shall read as follows:

2. Upon the expiration of this Lease Agreement at midnight on December 31, 2023, an additional three (3) years shall be added to the term expiring at midnight on December 31, 2026.

Said Lease Agreement as amended is further amended so that paragraph 4, Use of the Premises, is amended to provide:

Starting January 1, 2024 the number of parking spaces available for use by Village Permit holders shall be fifty (50) designated spaces. This amendment shall be valid for the first and second calendar year only. In the month of December 2025, the Town and SSA shall jointly review the actual utilization of the designated spaces by Village Permit holders

and agree to extend the provision for the third calendar year of this lease extension or reset the number of designated spaces to accommodate observed usage, but in no case shall more than fifty-five (55) spaces be designated.

4 (f). The SSA shall install a minimum of four (4) signs that shall read “NO IDLING” on SSA property and within clear sight of waiting or standing buses, taxis, Ubers, and trucks.

Said Lease Agreement as amended is further amended so that paragraph 6, Shining Sea Bike Path, shall read as follows:

6 (a). All necessary pavement markings to delineate the Bike Path shall be painted annually by the SSA, and no later than May 15th, with reflective paint to a width of eight (8) feet. The SSA shall install additional warning signs that read “CAUTION WATCH FOR CYCLISTS & PEDESTRIANS” or similar language as mutually agreed upon by both the Town and the SSA to caution vehicles against excessive speed to ensure the safety of pedestrians and bicyclists within the Lot. There also shall be provided a stencil of a bicycle, applied with reflective paint, warning motorists of the presence of bicyclists and, further, the SSA agrees to install one (1) reflectorized bicycle symbol on the Crane Street bridge and fourteen (14) bicycle route signs and arrows, where needed.

All other terms and conditions of said Lease Agreement are unchanged and remain in full force and effect.

IN WITNESS WHEREOF, the Parties have hereto set their hands and seals this _____ day of November, 2023 by duly authorized authorities.

Woods Hole, Martha's Vineyard & Nantucket Steamship Authority

By

Robert Davis
General Manager

Town of Falmouth

By Its Select Board

Nancy Robbins Taylor, Chair

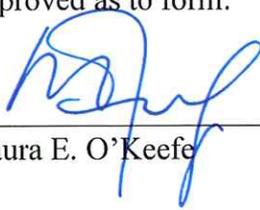
Edwin (Scott) P. Zylinski II, Vice Chair

Douglas C. Brown

Robert Mascali

Onjalé Scott Price

Approved as to form:



Maura E. O'Keefe



LEASE AGREEMENT

The Town of Falmouth, a municipal corporation of the Commonwealth of Massachusetts (hereinafter referred to as the "Town"), and the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority, a public instrumentality of the Commonwealth of Massachusetts (hereinafter referred to as the "SSA"), acknowledge the public interests they both have in the use of a certain parcel of land owned by the Town located in the Woods Hole area of the Town of Falmouth, formerly under lease by the Trustees of the New York, New Haven and Hartford Railroad Company in a lease recorded in Book 1432, Page 779, in the Barnstable County Registry of Deeds, and delineated and shown as outlined in red on a sketch plan attached hereto and made a part hereof as Exhibit A (the "Lot") and the Shining Sea Bike Path (the "Bike Path"):

- A. to have the Lot used by the people who most need parking that is conveniently located to the SSA's Woods Hole terminal and the village of Woods Hole;
- B. to have the people who park in the Lot pay for the Lot's operating expenses;
- C. to allow bicyclists and pedestrians to traverse the Bike Path between Nobska Road (on the north) and the village of Woods Hole (on the south); and
- D. to ameliorate the negative impacts of the Lot's use upon the neighbors surrounding the Lot.

In order to promote these public interests, the Town and the SSA enter into this Lease Agreement and agree as follows:

1. Lease of the Lot from the Town to the SSA.

During the term of this Lease Agreement, the Town hereby leases the Lot to the SSA, and the SSA hereby leases the Lot from the Town, upon the following provisions, conditions and mutual covenants hereinafter set forth.

2. Term of the Lease Agreement.

The term of this Lease Agreement shall be for five (5) years, beginning on January 1, 2016 and terminating at midnight on December 31, 2020.

3. Rent.

The SSA shall pay rent to the Town in the amount of twenty-five percent (25%) of the gross parking revenues it receives from SSA customers to park in the Lot or at the SSA's Woods Hole ferry terminal (e.g., through the sale of Woods Hole parking permits and fees charged to park in the Lot on a calendar day basis). The SSA agrees to provide the Town with quarterly reports

(i.e., for the months of January through March, the months of April through June, the months of July through September, and the months of October through December) as to the gross parking revenues it receives from SSA customers to park in the Lot or at the SSA's Woods Hole ferry terminal. Each report will be provided to the Town by the end of the month following the end of each quarter (e.g., the report for the first quarter of 2016 will be provided by April 30, 2016), and any payment of rent due to the Town based upon such gross parking revenues shown in any report shall be due within ten (10) days after submission of the report. For the purposes of this section, gross revenues received by the SSA through the sale of Woods Hole parking permits shall be considered to be received during the first quarter of the year in which they are valid. Thus, gross revenues received from the sale of permits for the succeeding year will be included in the first quarter of the new year rather than in the quarter in which they are sold. By contrast, gross revenues from the sale of other annual or seasonal permits sold during the year that are valid immediately upon being sold will be reported in the respective quarters in which they are sold.

4. Use of the Premises.

The SSA shall not use the Lot other than for the purposes of operating a parking lot for motor vehicles of the SSA, its agents, employees, customers and business invitees, and for maintaining vehicular and pedestrian passageways without the written consent of the Town, which consent shall not be unreasonably withheld.

- (a) The SSA shall continue its current practice of limiting the use of the Lot almost entirely to Woods Hole year-round and seasonal parking permit holders, and allowing other SSA customers to park in the Lot only if they are individuals with disabilities or other medical conditions, or if they are traveling on the SSA's ferries with bicycles or other large items that are difficult to transport on the SSA's shuttle buses, or if they need to park in the Lot in order to make the last ferry leaving Woods Hole that day, or otherwise on an occasional basis.
- (b) Parking spaces in the Lot shall be designated as follows:
 - (i) Eight (8) parking spaces shall be designated as accessible spaces in accordance with 521 CMR 23.00 and shall be located in the closest proximity to the Woods Hole terminal as feasible.
 - (ii) Because Village permit holders may use the Lot outside of the SSA's normal operating hours (and thus may have to walk to their parked cars after the SSA stops providing shuttle van service to the Lot), there shall be 40 designated Village Permit parking spaces in the Lot, and such designated parking spaces shall be located within the Lot in the closest proximity to the Woods Hole terminal as feasible beyond the designated accessible spaces, as shown and designated on the sketch plan that is attached to this Lease Agreement as Exhibit A. The Town shall be responsible for creating, installing and maintaining appropriate signs designating such parking spaces. The signs shall be subject to

the SSA's approval, which shall not be unreasonably withheld, and neither their installation nor maintenance shall interfere with the SSA's operation of the Lot.

- (iii) Any SSA customer who parks in a designated Village Permit parking space, as well as any Village permit holder who parks in a non-designated parking space (unless at the time there are no Village Permit parking spaces available due to one or more SSA customers parking in one or more designated Village Permit parking spaces and the Village Permit holder reports the situation to the SSA), as well as any permit holder or customer who parks in an accessible space without a disabled parking placard/plate, shall, at the SSA's discretion, forfeit his or her permit after three violations.

- (c) Each year the SSA shall make 40 year-round Woods Hole parking permits available to the Town that will be valid for parking in the Lot that year (the "Village Permits"). In order to obtain a Village Permit, each Village permit holder will be required to execute the same standard application forms and/or agreements, as such forms and/or agreements may be revised from time to time by the SSA, that the SSA requires its SSA permit holders to execute in order to obtain a Woods Hole parking permit. Upon the Town's request, the SSA shall make available to the Town a small number of additional Village Permits, but only after it is established to the SSA's reasonable satisfaction that the distribution of those additional Village Permits will not result in more than 40 Village permit holders being in the Lot at any given time.

- (d) The Town may, at its own cost and expense and after obtaining the necessary permits and approvals therefor, create up to five additional parking spaces in the Lot in the area just to the east of the Church Street bridge as shown and designated on the sketch plan attached to this Lease Agreement as Exhibit A; provided, however, that neither the work to create the additional parking spaces nor their location shall interfere with the SSA's use or operation of the Lot, and in no event shall the Town conduct any work to create the additional spaces during the months of May, June, July, August, September and October of any year. In the event the Town does so create any additional spaces in that area, the number "40" in paragraphs (b)(ii) and (c) of this Section 4 shall thereafter be increased by the number of such additional spaces.

- (e) The SSA may establish and enforce reasonable rules and regulations regarding the parking of vehicles in the Lot, including but not limited to:
 - (i) limiting the size of vehicles that are allowed to park in the Lot;
 - (ii) requiring the removal from the Lot of vehicles parked there for extended periods of time;
 - (iii) requiring that vehicles parked in the lot be in a safe operating condition;
 - (iv) requiring that persons using the Lot comply with courteous and acceptable "rules of the road"; and

- (v) such other rules and regulations as the SSA determines are necessary and appropriate for the safe and secure operation of the Lot and its Woods Hole ferry terminal.

5. Repair, Maintenance and Other Expenses.

The SSA shall be responsible for the operation, maintenance and repair of the Lot, including all expenses for attendants and shuttle van services to the extent it provides such attendants and shuttle van services at its sole judgment and discretion; and provided, however, that:

- (a) to the extent the SSA provides attendants and shuttle van services for its own customers, it shall also allow Village Permit holders to utilize the services of such attendants and shuttle van services during the same time periods that the SSA provides such attendants and shuttle van services for its own customers; and
- (b) the SSA shall not be required to pave the Lot, or to make any repairs to the Lot to correct conditions not caused by the SSA's use of the Lot, or to make any repairs to correct structural defects of the Lot (such as the sinking of all or any portion of the Lot), or to make any repairs due to usual wear and tear, all of which shall remain the Town's responsibility. All repairs to the Lot that may be made by the Town (including but not limited to crack sealing) shall be made at the Town's sole judgment and discretion; provided, however, that if the Town does choose to make any such repairs, the work shall be scheduled so as to minimize disruption to the SSA's use and operation of the Lot.

6. Shining Sea Bike Path.

The SSA shall allow public bicycle and pedestrian foot traffic across the Lot on passageways it shall designate and will further permit such traffic to pass over its own property that is not owned by the Town in the Village of Woods Hole which lies southwesterly of the Lot on passageways which it shall also designate. Bicycle path access and operation with respect to the Lot shall be as previously operated, namely, the bicycle path shall not be a dedicated way, but rather shall be a designated way that is shared by other vehicles in accordance with the same rules of the road that apply in any public way. However, the Town and the SSA acknowledge and agree that, from time to time during the SSA's Woods Hole terminal reconstruction project, the SSA may change the location of the Bike Path on the SSA's property.

- (a) All necessary pavement markings to delineate the Bike Path shall be painted annually by the SSA. The SSA shall, furthermore, establish such additional warning signs for pedestrian and bicycle traffic to warn vehicles against excessive speed to ensure the safety of pedestrians and bicyclists within the Lot. These passageways shall be painted once a year, no later than May 15th, with standard street paint to a width of eight feet. There also shall be provided a stencil of a bicycle warning motorists of the presence of

the bicyclists and, further, the SSA agrees to install one (1) reflectorized bike symbol on the Crane Street bridge and fourteen (14) bicycle route signs and arrows, where needed.

- (b) This designated path shall extend from the Nobska Bridge to Railroad Avenue (or another reasonable temporary terminus during the SSA's Woods Hole terminal reconstruction project due to the construction activities of that project); provided, however, that the path need not be delineated on the pavement between Church Street and Crane Street. Further, there shall be signs in the "basin area" to indicate the existence of the path back to the center of Falmouth.

7. **Metered Parking Spaces in the Front Lot.**

Commencing January 1, 2016 through September 12, 2016, the SSA shall lease to the Town the portion of the SSA's own property pursuant to paragraph 10 of the previous Lease which the Town uses for public metered parking. Unless otherwise agreed between the parties in writing, the SSA's lease of that portion of the SSA's own property to the Town shall terminate on September 12, 2016, and the Town shall remove all of its property and equipment from that portion of the SSA's own property by that date.

8. **Insurance and Indemnification.**

- (a) The SSA shall carry public liability insurance for the Lot in amounts agreeable to the Town and shall indemnify the Town from and against all demands, claims, actions, costs, expenses or losses resulting from any and all property damage and/or personal injuries, including deaths, however caused, if such damage or injuries are sustained upon or result from the use of the Lot by the SSA, its agents, employees, customers and business invitees (including but not limited to SSA permit holders), unless such damage or injuries result from willful, wanton or reckless conduct by the Town, its agents or employees.
- (b) The Town shall carry public liability insurance for the Lot and the Bike Path in amounts agreeable to the SSA and shall indemnify the SSA from and against all demands, claims, actions, costs, expenses or losses resulting from any and all property damage and/or personal injuries, including deaths, however caused, if such damage or injuries are sustained upon or result from:
- (i) the use of the Bike Path (both within the Lot and on the SSA's own property between the Lot and the village of Woods Hole) by pedestrians and/or bicyclists;
 - (ii) the use by pedestrians, motorists, and/or any other persons of the portion of the SSA's own property that the SSA is leasing to the Town pursuant to paragraph 7 above during the time that the aforesaid portion of the SSA's own property is leased to the Town; and/or

- (iii) the use of the Lot by Village permit holders, including their access to and from the Lot over the SSA's own property;

unless such damage or injuries result from willful, wanton or reckless conduct by the SSA, its agents or employees.

- (c) The Town and the SSA acknowledge and agree that the use of the Bike Path (both within the Lot and on the SSA's own property between the Lot and the village of Woods Hole) by pedestrians and/or bicyclists has been, currently is, and shall continue to be subject to the provisions of Mass. G.L. c. 21, § 17C, which is known as the "Recreational Use Statute." In accordance with that statute, because the Town and the SSA lawfully permit the public to use the Bike Path for recreational purposes without imposing a charge or fee therefor, neither the Town nor the SSA nor any of their selectmen, directors, officers, members, managers, trustees, licensees, employees, authorized volunteers or agents, shall be liable for any personal injuries or property damage sustained by such members of the public (including minors) while on the Bike Path in the absence of "willful, wanton, or reckless conduct" by the Town and/or the SSA.

9. Underground Utilities.

The Town retains the right to enter the Lot in order to install, or to have installed by other parties, underground utilities and to grant easements on the Lot for the location of such underground utilities during the term of this Lease Agreement, but neither the Town nor any easement holder or other party shall enter onto the Lot for such purposes during the months of May, June, July, August, September and October of any year, except in the case of emergency repairs as may be determined by the Town.

10. Subletting and Assignments.

The SSA shall not sublet or assign any obligations hereunder, nor may the SSA sublet or assign any rights accruing as the result of this Lease Agreement, until the SSA has notified the Town of the SSA's intention thus to assign and until thereafter the Town has given the SSA written permission thus to assign. The Town covenants with the SSA that the Town will not withhold such permission unreasonably.

10. Review Committee.

In order to advise the Falmouth Town Manager and the SSA's General Manager with respect to the Lot's operations, the Falmouth Town Manager and the SSA's General Manager may, at their discretion, each select a member to serve on a three-member review committee. The member selected by the Falmouth Town Manager shall serve at the pleasure of the Falmouth Town Manager, and the member selected by the SSA's General Manager shall serve at the pleasure of the SSA's General Manager. The third member of this committee shall then be selected jointly

by the Falmouth Town Manager and the SSA's General Manager and shall serve for a one-year term commencing January 1st of each year, or until a successor is selected in like fashion. The members will choose their own chairman of the committee, who shall serve as chairman for a one-year term commencing January 1st of each year, or until a successor is chosen in like fashion. The review committee shall meet as often as it deems necessary to review operations of the Lot, shall be advisory in function only, and shall report its findings and recommendations jointly, not individually, to the Falmouth Town Manager and the SSA's General Manager. The purpose of the committee shall be to review effectiveness of and compliance with the terms of this Lease Agreement; grievances and complaints about the operation of the Lot shall continue to be heard by the SSA's General Manager or the senior parking lot supervisor on duty for resolution and disposition.

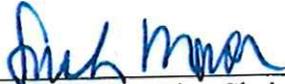
IN WITNESS WHEREOF, the parties hereto set their hands and seals as of this twenty-seventh (27th) day of October, 2015.

TOWN OF FALMOUTH (the "Town")

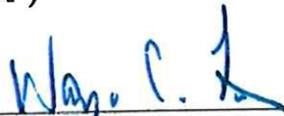
By: 
Doug Jones, Chairman
Board of Selectmen

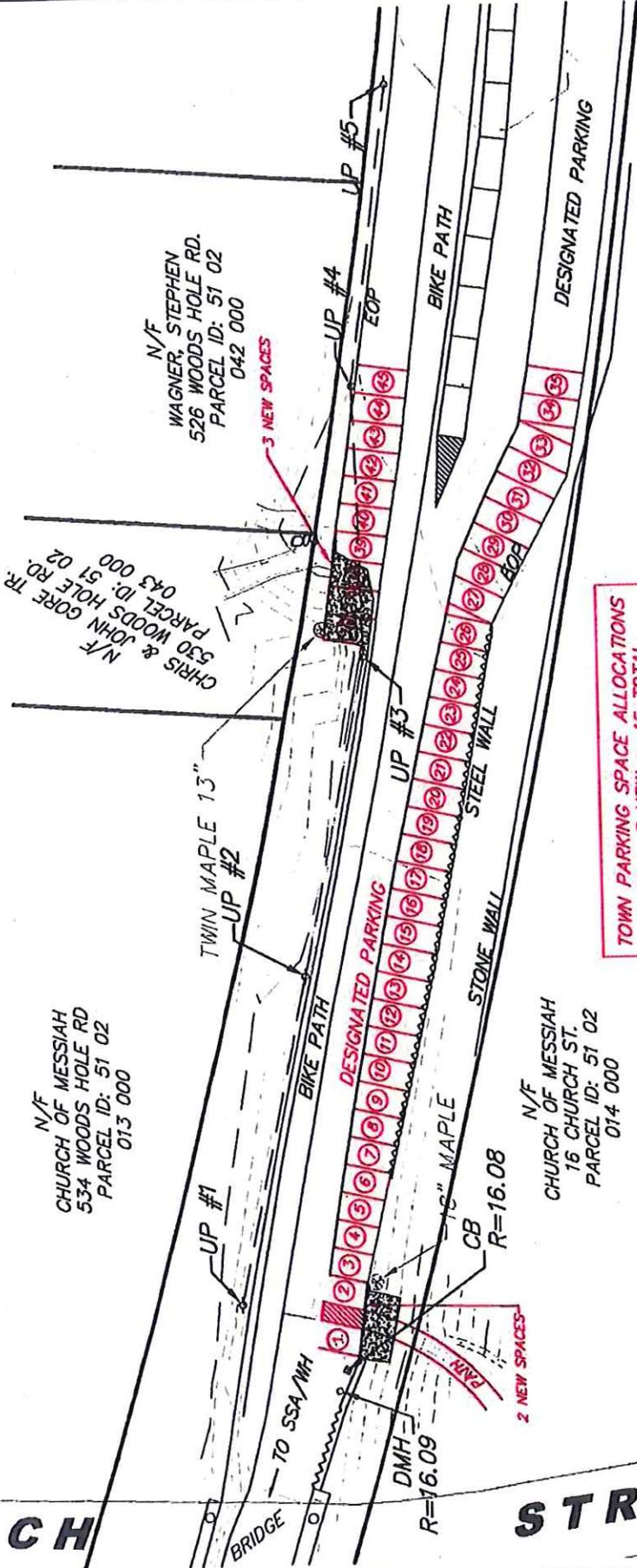
TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
APPROVED AS TO FORM



By: 
Susan L. Moran, Vice Chairman
Board of Selectmen

WOODS HOLE, MARTHA'S VINEYARD AND
NANTUCKET STEAMSHIP AUTHORITY
(the "SSA")

By: 
Wayne C. Lamson, General Manager



TOWN PARKING SPACE ALLOCATIONS
= 40 + 5 NEW = 45 TOTAL

Scale: 1" = 50'



TOWN OF FALMOUTH
DEPARTMENT OF
PUBLIC WORKS
ENGINEERING DIVISION
416 GIFFORD STREET
FALMOUTH, MA 02540
508-457-2543

EXHIBIT A
WOODS HOLE PARKING LOT
UNDER THE CHURCH STREET BRIDGE

DESIGN: PMM DATE: NOV. 02, 2015
DRAWN: NAC SCALE: AS NOTED SHEET 1 OF 1
CHECKED: PMM
DRAWING: BIKEPATH/2015.DWG

DATE	BY	REVISION



Woods Hole, Martha's Vineyard and Nantucket Steamship Authority

AUTHORITY MEMBERS

ELIZABETH H. GLADFELTER
Falmouth Member, Chairman

MOIRA E. TIERNEY
New Bedford Member, Vice Chairman

ROBERT F. RANNEY
Nantucket Member, Secretary

ROBERT R. JONES
Barnstable Member

MARC N. HANOVER
Martha's Vineyard Member

WAYNE C. LAMSON
General Manager

ROBERT B. DAVIS
Treasurer/Comptroller

STEVEN M. SAYERS
General Counsel

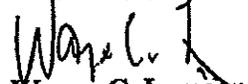
December 13, 2016

Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager & Selectmen
59 Town Hall Square
Falmouth, MA 02540

Dear Diane,

Enclosed, please find a duly signed original of the First Amendment to Lease Agreement between the Town of Falmouth and the Steamship Authority for your files.

Very truly yours,


Wayne C. Lamson
General Manager

Enclosure

FIRST AMENDMENT TO LEASE AGREEMENT

This First Amendment, dated as of September 12, 2016, to a Lease Agreement, dated October 27, 2015, entered into by and between the Town of Falmouth, a municipal corporation of the Commonwealth of Massachusetts (hereinafter referred to as the "Town"), and the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority, a public instrumentality of the Commonwealth of Massachusetts (hereinafter referred to as the "SSA").

WHEREAS, the parties mutually desire to amend Section 7 of the Lease Agreement to extend the time period of the SSA's lease to the Town of a portion of the SSA's own property which the Town uses for public metered parking so that the SSA's lease to the Town of that portion of the SSA's property terminates on November 15, 2016 instead of September 12, 2016;

NOW, THEREFORE, in consideration of the provisions hereof and the mutual promises contained herein, the parties agree as follows:

1. **Revised Section 7 of the Lease Agreement.**

The Town and the SSA agree that Section 7 of the Lease Agreement, entitled "Metered Parking Spaces in the Front Lot," shall be, and the same hereby is, revised to read as follows:

"Commencing January 1, 2016 through November 15, 2016, the SSA shall lease to the Town the portion of the SSA's own property pursuant to paragraph 10 of the previous Lease which the Town uses for public metered parking. Unless otherwise agreed between the parties in writing, the SSA's lease of that portion of the SSA's own property to the Town shall terminate on November 15, 2016, and the Town shall remove all of its property and equipment from that portion of the SSA's own property by that date."

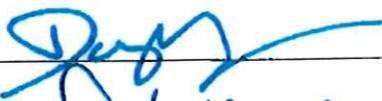
2. **Remaining Provisions of Lease Agreement Remain in Full Force and Effect.**

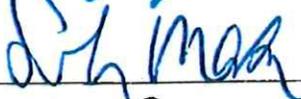
Except as specifically provided for in this First Amendment to Lease Agreement, all of the terms and provisions of the parties' Lease Agreement, dated October 27, 2015, as amended by this First Amendment, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto set their hands and seals this 12th
day of September, 2016.

TOWN OF FALMOUTH (the "Town")

By its Board of Selectmen:







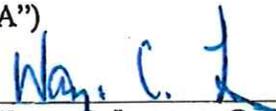


TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
APPROVED AS TO FORM



9.6.16

WOODS HOLE, MARTHA'S VINEYARD AND
NANTUCKET STEAMSHIP AUTHORITY
(the "SSA")

By: 

Wayne C. Lamson, General Manager



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320
Fax (508) 457-2573

November 8, 2016

Mr. Wayne Lamson, General Manager
Woods Hole, Martha's Vineyard and
Nantucket Steamship Authority
P.O. Box 284
Woods Hole, MA 02543

Dear Mr. Lamson:

During its meeting of September 12, 2016, the Board of Selectmen signed the First Amendment to Lease Agreement of October 27, 2015 between the Town of Falmouth and the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority. Enclosed please find two (2) original signed Lease Agreements. Please sign both agreements, retain one (1) fully executed agreement for your records, and return one (1) fully executed agreement to this office for our records.

Thank you.

Sincerely,

Diane S. Davidson
Office Manager/Licensing

Enclosures

**SECOND AMENDMENT
AND
EXTENSION OF LEASE AGREEMENT**

The Town of Falmouth, a municipal corporation of the Commonwealth of Massachusetts (the "Town"), and the Woods Hole, Martha's Vineyard & Nantucket Steamship Authority, a public instrumentality of the Commonwealth of Massachusetts (the "SSA"), having previously on October 27, 2015, entered into a certain Lease Agreement of a certain parcel of land owned by the Town in the Woods Hole Village of the Town and currently used by the SSA as a parking lot, all as more fully described in said Lease Agreement, now jointly intend to amend said Lease Agreement and extend the term thereof for their mutual benefit.

Said Lease Agreement was previously amended by a First Amendment dated September 12, 2016.

Said Lease Agreement as amended is hereby further amended so that paragraph 2, Term of the Lease Agreement, shall read as follows:

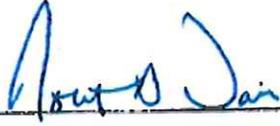
2. Upon the expiration of this Lease Agreement at midnight on December 31, 2020, an additional year shall be added to the term expiring at midnight on December 31, 2021.

All other terms and conditions of said Lease Agreement are unchanged and remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereto set their hands and seals this 27th day of July, 2020 by duly authorized authorities.

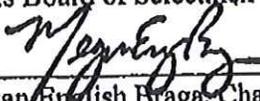
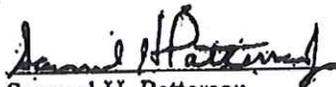
Woods Hole, Martha's Vineyard & Nantucket Steamship Authority

By



Robert Davis
General Manager

Town of Falmouth
By its Board of Selectmen


Megan English Braga, Chairman
Douglas C. Brown, Vice Chairman
Doug H. Jones
Samuel H. Patterson

Nancy R. Taylor

**THIRD AMENDMENT
AND
EXTENSION OF LEASE AGREEMENT**

The Town of Falmouth, a municipal corporation of the Commonwealth of Massachusetts (the "Town"), and the Woods Hole, Martha's Vineyard & Nantucket Steamship Authority, a public instrumentality of the Commonwealth of Massachusetts (the "SSA"), having previously on October 27, 2015, entered into a certain Lease Agreement of a certain parcel of land owned by the Town in the Woods Hole Village of the Town and currently used by the SSA as a parking lot, all as more fully described in said Lease Agreement, now jointly to amend said Lease Agreement and further extend the term thereof for their mutual benefit.

Said Lease Agreement was previously amended by a First Amendment dated September 12, 2016 and a Second Amendment dated July 27, 2020.

Said Lease Agreement as amended is hereby further amended so that paragraph 2, Term of the Lease Agreement, shall read as follows:

2. Upon the expiration of this Lease Agreement at midnight on December 31, 2021, an additional two (2) years shall be added to the term expiring at midnight on December 31, 2023.

Said Lease Agreement as amended is further amended so that paragraph 4, Use of the Premises, is amended to provide:

Starting January 1, 2022 the number of parking spaces available for use by Village Permit holders is increased to sixty (60) designated spaces. This amendment shall be valid for the first calendar year only. In the month of December, 2022 the Town and the SSA shall jointly review the utilization of the designated spaces by Village Permit holders and agree to extend this provision for the second calendar year of this lease extension or reset the number of designated spaces to accommodate observed usage, but no more than sixty (60) current designated spaces.

All other terms and conditions of said Lease Agreement are unchanged and remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereto set their hands and seals this
_____ day of December, 2021 by duly authorized authorities.

Woods Hole, Martha's Vineyard & Nantucket Steamship Authority

By

Robert Davis, General Manager

Town of Falmouth
AS PER SBAUTHORIZATION 4/26/2021

By Julian M. Suso 12/10/2021
Julian M. Suso, Town Manager
Duly Authorized

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- e. Accept award under the FY2024 Municipal Road Safety Grant Program (MRS) in the amount of \$39,950.00 to use for traffic enforcement



ITEM NUMBER: Consent Agenda, Administrative Orders 2. e.

ITEM TITLE: Acceptance of FFY 2024 Municipal Road Safety Grant Program (MRS)

MEETING DATE: 11/20/2023

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

SUBMITTED BY: Chief Jeff Lourie

ATTACHMENTS: Grant Award Details Notification

PURPOSE:

This is a written request to the Select Board to vote to approve the FFY 2024 Municipal Road Safety Grant Program (MRS) Grant in the amount of \$39,950.00 for the use of Traffic Enforcement.

BACKGROUND/SUMMARY:

- This grant will be used to support enforcement of the State's laws applicable to pedestrian and bicycle safety through law enforcement training, enforcement mobilizations and campaigns, and public education and awareness programs. Also, the grant is to conduct highway safety programs under the State's approved highway safety plan. This grant will be used to supplement the overtime budget.

DEPARTMENT RECOMMENDATION:

The Falmouth Police Dept. recommends the acceptance of the FFY 2024 Municipal Road Safety Grant Program (MRS)

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 AWARD.



Town Manager

11/17/2023

Click or tap to enter a date.

Date

OPEN SESSION

MINUTES

1. Review and Vote to Approve Minutes of Meetings
 - a. Public Sessions – August 28, 2023; November 6, 2023;
November 13, 2023

November 20, 2023

August 28, 2023

November 20, 2023

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, AUGUST 28, 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.

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

Staff Present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager

1. Call to Order by Chair Taylor at 6:30 p.m.
2. Pledge of Allegiance
3. Recognition

Mr. Brown recognized the passing of Doug White, Arthur Rapoza, and Arthur Calfee.

Chair Taylor recognized the passing of Doug White, who was supportive of her career path and others in the district.

Chair Taylor recognized the passing of Adam Wacholder, who had been missing since June 16, 2023.

Mr. Brown recognized the sources of over \$7 million revenue from grant funding.

4. Announcements
None.
5. Public Comment

Joanne Treistman, 1 Triumph Street, has a friend with a 16-year-old, the house they lived in in the winter was sold and she is staying in the basement while she looks for housing. Many young people are concerned about getting housing. She asked how they can get information, how do we let people know what is going on; she would like to hear reports to the citizens from the Town leadership.

Sandra Gifford, 32 High St., Woods Hole, read a statement from Dr. Molly Moynihan, Post-Doctoral Research at the Marine Biological Laboratory who was unable to read the statement in person. Year-round housing is critical, and lack of housing is driving highly trained scientists away from the community; this is an issue of affordability and availability. Dr. Moynihan spends 50% of her income on housing, she must move out during the summer. Many are facing repeated uncertainty and stress on whether they will have a roof over their head.

Tom Stone, Precinct 6 Old Campus Drive, noted massive fires, abnormally strong heat waves, these can happen here. We need resilient well-trained fire and police departments housed in appropriate facilities. The state of the police department needs to be addressed by the Town. If they have inadequate facilities, we are all in trouble. He noted Medford, MA police station is well designed for climate change.

Hannah Vanderscheuren, Marine Assistant at the MBL and resident, told the Select Board that she supports affordable housing. She lives in year-round rental, 50% of her income is spent on rent. The struggle of looking for housing is driving people away, 40-45% of researchers and assistants feel stress regularly regarding housing. Immediate action needs to be taken to increase the inventory of affordable workforce housing.

Marc Finneran noted affordable housing is needed. We need to look closer at these things. Webster Woods was considered for affordable housing about ten years ago; everything needs to be looked at and Webster Woods should again be considered.

COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members
 - a. Solid Waste Advisory Committee – Julie Boettiger
Ms. Boettiger seeking permanent position on the committee. There are two vacancies, one ending 6/30/26, 630/24, it is recommended Ms. Boettiger be appointed to fill one of the vacancies.

Ms. Boettiger is interested and described herself as a crusader.

Mr. Brown made a motion to appoint Ms., Boettiger to a term ending June 30, 2026. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

6:45 p.m. PUBLIC HEARINGS

1. Wetlands/Dock – Wendy Nicodemus – 7 Compass Circle – Application to permit existing bottom anchored float system in the waters of Jenkins Pond

Mr. Zylinski read the hearing notice. Ms. Scott Price said that she lives at Jenkins Pond.

The application was submitted on July 25, an application to permit an existing anchor system. Conservation Commission noted the application was submitted and approved. Marine and Environmental Services has no objections or concerns.

Michael Borselli, Falmouth Engineering represented the applicant. He shared a copy of the site plan and described the float system. It has been there for decades, they discovered it did not have approvals or permits. An application was submitted to have the float system remain, as it had been for a long time. Applied for special permit to allow it to remain and then proceed to getting chapter 91 license from the Commonwealth. Showed a photo of the float and waterfront area. The float is used for passive recreation and sometimes to launch a kayak.

Public Comment: none.

Ms. Scott Price made a motion to close the hearing. Second Mr. Mascali. Vote: Yes-5. No-0.

Mr. Brown made a motion to approve. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

BUSINESS

1. Vote on the recommendation to file Watershed Permit Notices of Intent for all Falmouth watersheds designated by the State as Nitrogen Sensitive Areas

Mr. Renshaw noted a copy of PowerPoint presentation in the packet and provided a summary. In the packet is a presentation explaining the two options and recommendation. The Board of Health (BOH) and the Water Quality Management Committee (WQMC) discussed these options and recommend the Town apply for watershed permits. The recommendation from the Town Manager's office through the Wastewater Superintendent was for the Select Board, by 1/27/24, to apply for watershed permits for all watersheds that qualify based on the nitrogen numbers.

Mr. Brown asked if we maintain the course to use alternative technologies? Ms. Lowell said the new regulations allow the Town to submit a watershed permit application that references an existing watershed plan. So far, the regulations indicate the State would be happy with that but would require monitoring and checking in every five years. Review progress over time and see how they work. First step is notice of intent to file a watershed application, if not, then the Title V upgrade requirements would apply to all construction that would affect the flow. This is an online application and just saying you are going to apply for watershed permits and the date for doing so. It is a commitment to then file the Watershed Permit Application within seven years. In January file notice of intent for all watersheds this applies to within seven years.

Ms. Lowell recommends this as well.

Mr. Brown asked if there is any sign of funding that was mentioned by the Governor. Mr. Renshaw and Mr. Johnson-Staub have not seen specifics of funding programs.

Chair Taylor noted there are votes needed to move the plan forward, if we send the letter and it does not happen, Ms. Lowell said it reverts back to the Title V upgrade requirement. The public needs to know that if Ms. Lowell does not have the support for these, then people will need to go to Title V requirements.

Mr. Zylinski made a motion that the Town file Watershed Permit Notices of Intent for all Falmouth watersheds designated by the State as Nitrogen Sensitive Areas by January 7, 2024, by way of the Water Superintendent. Mr. Mascali seconded the motion. Vote: Yes-5. No-0.

2. Report – Golf Advisory Committee

Carey Murphy reported continuing success with the community and the Town. A PowerPoint presentation was made by Ryan Phelps, Indigo VP of Sports.

Mr. Phelps reviewed financials for the club. Since 2020 there have been phenomenal results, even while closed for 6-7 weeks. Each year their revenue has increased. Anticipated rent check of \$961,000 to the Town of Falmouth. They lease the golf course and share 50 cents on the dollar of all revenues over \$1.4 million.

Matt Burgess, Course GM; Ryan Moody, Head Golf Course Superintendent:

Mr. Burgess reviewed the process of booking and the overall fees, residents v. others. Reviewed events, lessons, and noted that humidity is not good for golf courses and he has been told that their greens are better than professional courses.

Steve Howard, Senior Director of Sales and Marketing, reviewed the customer experience, and guests have a good time there. They are 4.5 out of 5 stars online, there is seasonality. The team responds to comments that come in online.

Mr. Mascali asked about the process to improve the course? Large scale capital improvement has not been considered recently. Need capital improvements identified and they are then written into the next request for proposals.

3. Six-month compliance review of entertainment license – Town Hall Partners, LLC d/b/a Timber, 23 Town Hall Square, Falmouth

The Select Board issued entertainment license number 066-AAENT on February 13, 2023 to Town Hall Partners, LLC d/b/a Timber. Mr Renshaw described that there were conditions placed on the license, stating that the building must be so insulated so that all entertainment, musical or otherwise, could not be heard outside the building ; soundproofing panels installed to prevent sound from emanating from the building, and the license is subject to this review within six months. There were no noise complaints to the Falmouth Police Department (FPD) between February 14 through August 24, 2023.

The Timber General Manager said he feels that they have kept it controlled, shutting down earlier. Business has been down, when raining it is great, but when weather is good, they are not busy. They have had a few events with entertainment and have kept control of it.

Comments:

Linda Tsimortos, 137 Main Street, and she speaks for the Condo association. Soundproofing was the key, thanked the Select Board for taking their concerns seriously. When the door is open, you can still hear it, she has not called the Falmouth Police Department or emailed the Select Board. You can hear when the bowling pins drop, unknown how many panels were put up and wishes Timber showed her the process. The time schedule was helpful, Wednesday and Thursday until 9-9:30 p.m., Friday and Saturday until 11:00 p.m. has been good. She asked if the times would remain the same? She thanked Timber for the steps they took, a few more panels would be good, and will wait for her invitation to see the panels.

4. Request for variance to sign code §184-5-Flashing Signs and §184-26, A-Illumination – The Cape Verdean Club of Falmouth, Inc., 126 Sandwich Road

Mr. Renshaw noted the sign permit application was submitted to the Building Department. The sign has the ability to change the message on the screen and it is considered a flashing sign. Illuminated with steady and shielded lights. He recommends the sign request be denied.

Philomena Gilbert, Cape Verdean Club, the sign will be a steady light, it is dimmable, run off a computer. The sign is about 40", they have not purchased it and will look into a sign with a light without flashing ability.

Mr. Brown suspects the Building Department was concerned about the capacity to reset in a different mode and is looking for a light that does not have the capacity to flash.

Mr. Zylinski made a motion to table until the applicant returns with other options, the issue is the flashing. Second Ms. Scott Price. Vote: Yes-5. No-0.

5. Capital Plan presentation

Mr. Renshaw referred to the background summary in the packet, it is more comprehensive and ask departments to list all the funding. Highlights funding from grants and community preservation funds. Departments will identify a project manager for each project, how the funding relates to the strategic plan, consistent investments in maintaining the assets. Strikes a balance between moving projects along while not depleting funds. The Town Manager, Assistant Town Manager, and Finance Director have met with all Department heads. Free cash will be certified late September or late October 2023. \$11.9 million is greater than what was needed to balance the budget. No estimate for free cash, but it is expected to be greater than \$15 million this year.

Mr. Johnson-Staub reviewed the Capital Spending Priorities and funding sources in the packet. The free cash reserves are looked at as a last option. Provided an overview of cash capital and grants. \$2.4 million in requests are not being recommended. Reviewed borrowing projects and proposed spending. The \$1.4 million was for interior improvements in the Falmouth Police Department, purpose of the \$500,000 is to keep the moisture out and make it habitable. Public safety radio system, including infrastructure and needed to maintain reliable communications for public safety officers. Financial Management System needs to be replaced, it is being phased out because the company is no longer supporting this system.

Seeking Select Board vote to submit the plan to the Finance Committee.

Mr. Brown asked if they could include looking into an ambulance for the West Falmouth Fire Station.

Mr. Renshaw noted increased funding for this item for structural evaluation of the facility and options they may have. \$30-35,000 of the \$80,000 for a back step and the balance for structural evaluation.

Mr. Brown asked about taxes and local receipts. Mr. Johnson-Staub noted the projects operated from the operating budget would be taxes and local receipts.

Dredging \$150,000 requested, none proposed. Mr. Johnson-Staub noted they have substantial funds that are not spent.

Mr. Brown noted the Cedar Lake \$30,000 that has not been recommended. Invasive species has taken over the whole pond, could this be restored? Mr. Johnson-Staub said it was not funded, it is the first year requested and a five year plan and he was not aware of any comprehensive evaluation of the ponds, issues at the ponds, and which is most important.

Mr. Mascali asked on use of embarkation fees and parking meters. Parking meter replacement in Woods Hole and Robbins Road, and another 1-2 locations. Half the costs funded with embarkation funds.

Mr. Zylinski asked if the FPD budget had any funds for displacement of departments within the FPD. When they go for construction funding, relocations costs will be included. Relocation during improvements will be looked at.

Mr. Brown noted \$80,000 police training room upgrade removed and Mr. Johnson-Staub noted they cannot fund everything.

Ms. Scott Price noted fleet services asked for an ATV, Mr. Johnson-Staub noted this is for the police department. Water Department wanted an ATV, it was not funded, the Police Department ATVs have operational issues. The Water Department ATV will be a different model.

Chair Taylor thanked Department heads and the Town Manager's Office and likes the idea of a project manager tied to the strategic plan.

Mr. Renshaw appreciated the input by the Department heads.

Mr. Renshaw recommends submitting the budget to the Finance Committee.

Mr. Zylinski made a motion to approve the Town Manager's request. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

CONSENT AGENDA

1. Licenses
 - a. Approve the updated application by Falmouth Yacht Club - 290 Clinton Avenue, Falmouth - for a Change of Manager and a Change of Officers.
2. Administrative Orders
 - a. Approve the petition by NSTAR Electric Company d/b/a Eversource Energy for permission to install one (1) FO pole to be labeled 9122/35A in the right of way approximately 75' (feet) northeast of existing pole 9122/35. This pole location is necessary to provide electric service to 233 Brick Kiln Road, Falmouth for a Dog Park.
 - b. Vote to accept Natural Resources Conservation Service (NRCS) Technical Assistance Grant to the Town of Falmouth in the amount of \$83,400 to prepare a design for fish passage on the Quashnet River under Martin Road
 - c. Vote to approve request to withdraw \$7,046.40 from the Beach Donations Account to fund the Beach Department's Staff Awards Banquet

Mr. Zylinski made a motion to approve the items on the consent agenda. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

TOWN MANAGER'S SUPPLEMENTAL REPORT

None.

SELECT BOARD REPORTS

Mr. Mascali: none.

Mr. Brown:

The Beach Committee forum at the library was well attended and effective. The action items in the 2008 Beach Management Report were reviewed, and steps to be taken were identified.

Ms. Scott Price: none.

Mr. Zylinski:

He and Chair Taylor attended the Blue Star Ceremony, and it was well received.

Chair Taylor:

Attended the Eagle Scout Honor Court for Harley Smith, and it was well done.

DISCUSSION OF FUTURE AGENDA ITEMS

- Chair Taylor noted letter on 8/18/23 article regarding issues at the Housing Authority.
- Research the Dennis Child Subsidy Initiative.
- Ms. Scott Price talked with Scientific community to give report on status of housing, etc.
- Mr. Zylinski preliminary opinion from Town Counsel for a briefing on investigatory powers of the Select Board and he will distribute it to the Board.
- Ms. Scott Price will not be at the next meeting in September.

ADJOURN

Ms. Scott Price made a motion to adjourn at approximately 8:00 p.m. Mr. Zylinski seconded the motion.
Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

DRAFT

November 6, 2023

November 20, 2023

TOWN OF FALMOUTH
SELECT BOARD
Open Meeting Minutes - DRAFT
MONDAY, NOVEMBER 6, 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

Absent: 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

Recognitions: None

Announcements:

Ms. Scott Price announced the screening of the film “Just Mercy” hosted by the League of Women Voters on Thursday, 11/9, at the Falmouth Public Library on Main Street.

Public Comment:

Marc Finneran, Grand Ave. – said the idea actually came from a town employee – said the project at Paul’s Precision Automotive was not going to happen – suggested the site would be an ideal spot to consider for downtown parking – said he is just throwing the idea out there.

COMMITTEE INTERVIEWS - Interview, vote and appoint committee members

Energy Committee

Harold David Leslie - Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Committee Interviews 1.a – Interview, vote, and appoint committee members, Energy Committee – Harold David Leslie* in the Select Board packet.

Mr. Leslie said he has lived in Falmouth for the past 10 ½ years, and also lived in Falmouth for 4 years in the mid 1970s while a grad student at WHOI – highlighted his work career as an engineer and research scientist at Schlumberger, and after retirement, including participation on climate action boards, committees, and volunteer groups – helped found Falmouth Climate Action Network (FalCAN) – volunteers for the Falmouth Housing Association Solar Panel Array Committee – has attended Energy Committee meetings – said he is interested in helping Falmouth transition to alternative energy sources for municipal sites and achieve goals as a green community.

Chair Taylor highly complimented the articles written by Mr. Leslie, and thanked him for his service as a Peace Corps volunteer.

Motion by Mr. Zylinski – To appoint Harold David Leslie to serve on the Energy Committee to a position for a term ending 6/30/2026 Second: Ms. Scott Price Vote: Yes – 4 No - 0

Chair Taylor said she would take an agenda item out of order.

Approve License Renewals

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 6 – Approve annual license renewals for 2024* in the Select Board packet. Per past practice, he recommended approval of license renewals by categories.

Common Victualler License

Mr. Zylinski: To approve the common victualler licenses for Mary Ellen's Bakery at 829 Main St. and Pie in the Sky at 10 Water St. Second: Ms. Scott Price Vote: Yes - 4 No - 0

Used Car Dealer License

Motion by Ms. Scott Price: To approve the used car dealer license for Braga's Auto Sales, 227R Main St. Second: Mr. Zylinski Vote: Yes - 4 No - 0

Fortune Teller License

Motion by Ms. Scott Price: To approve the fortune teller license for Holistic Swan, 628 West Falmouth Highway Second: Mr. Zylinski Vote: Yes - 4 No - 0

Taxi-Limousine License

Motion by Mr. Brown: To approve the taxi-limousine service license for White Tie Limousine Co., Inc. at 292 Teaticket Highway Second: Mr. Zylinski Vote: Yes - 4 No - 0

Next, Chair Taylor agreed with Mr. Johnson-Staub's suggestion to take another item out of order, the authorization of reallocation of unspent American Rescue Plan Act grant funds.

Vote to authorize reallocation of \$144,923 in unspent American Rescue Plan Act grant funds to: 1) Urine Diversion outreach and education in advance of a planned four-year urine diversion provisional pilot project - \$80,000; and 2) Water Main Replacements - \$64,923.

Mr. Johnson-Staub orally reviewed the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and title: *Business 5 - Re-allocation of American Recovery Act Funds* in the Select Board packet. He said \$144,923 originally allocated for non-public safety employee COVID bonuses remained unspent, and that the town manager was recommending re-allocating those funds for the two purposes outlined in the packet document.

Ms. Scott Price asked why the Town didn't spend all the non-public safety COVID bonuses funds. Mr. Johnson-Staub said it was difficult to get the correct estimate with the number of staff at a given point in time but said that all on the payroll at that time got the bonuses that were approved.

Motion by Mr. Brown: To approve the reallocation of \$144,923 in unspent American Rescue Act grant funds to urine diversion outreach and education and to water main replacements Second: Ms. Scott Price
Vote: Yes - 4 No - 0

PUBLIC HEARINGS

Application for a Change of Ownership Interest, Change of Officers/Directors/LLC Manager, and Change of Manager of its All-Alcoholic Package Store License - Falmouth Fine Wines & Spirits, LLC d/b/a John's Liquor Store located at 729 Main Street, Falmouth

Mr. Renshaw orally reviewed the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Public Hearings 1 - Application for a Change of Ownership Interest, Change of Officers/Directors/LLC Manager, and Change of Manager of its All-Alcoholic Package Store License - Falmouth Fine Wines & Spirits, LLC d/b/a John's Liquor Store located at 729 Main Street, Falmouth* in the Select Board packet.

Mr. Zylinski read out the hearing notice.

Attorney Kevin Klauer was present representing the applicant. Mark Saunders was also present. Atty. Klauer outlined the reasons for the request as set forth in the application. Brief Board comment focused on how nice it was to see the well-run family business continue.

Public comment: None

Motion by Ms. Scott Price: To close the hearing Second: Mr. Zylinski Vote: Yes - 4 No - 0

Motion by Mr. Brown: To approve the application
Vote: Yes – 4 No - 0

Second: Ms. Scott Price

Application for an All-Alcoholic Beverages Restaurant License – Vine Food and Restaurant, Inc. d/b/a The Vine to be executed 824 Main Street, Falmouth

Mr. Renshaw orally reviewed the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Public Hearings 2 – Application for an All-Alcoholic Beverages Restaurant License – Vine Food and Restaurant, Inc. d/b/a The Vine to be executed 824 Main Street, Falmouth* in the Select Board packet. He noted that a food service establishment permit was issued on June 26, 2023.

Mr. Zylinski read out the hearing notice.

Tatiana Nobre was present to speak for the application. She said being open since July without a liquor license has been hard. Mr. Brown asked about a floor plan. Mr. Johnson-Staub said that one had been received and reviewed, and Mr. Renshaw said that the building commissioner had reviewed and approved it.

Public Comment: None

Motion by Ms. Scott Price: To close the hearing

Second: Mr. Zylinski

Vote: Yes – 4 No - 0

Motion by Ms. Scott Price: To approve the application
Vote: Yes – 4 No - 0

Second: Mr. Zylinski

BUSINESS

Solid Waste Advisory Committee

Alan Robinson, chair of the committee, began his report by saying the committee needs a 7th member, as well as highlighting positive points in an email from a resident regarding the recycling program in Falmouth. His report also included points on SWAC's role in the community; its community accomplishments such as initiatives, messaging successes, and the swap shop activity; and the 2024 challenges and opportunities such as food waste separation and tonnage reduction through recycling. He concluded with the committee's requests for FY2025, which includes a full-time solid waste and recycling coordinator.

Ms. Scott Price complimented Mr. Robinson's reports for the optimism they contain. Chair Taylor complimented Mary Ryther for the incredible job she does. Mr. Brown asked where the food waste from Mullen-Hall goes. Mr. Robinson said it is picked up by Black Earth and taken to the North Shore. He said they are working to find a closer location, perhaps on-Cape.

Recreation Committee

Sandra Cuny, vice-chair of the committee, referred to the written report submitted by Recreation Director Joe Olenick. She also praised the recent completion of the Nye Park tennis/pickleball/basketball complex and noted the tour of recreational facilities the committee took in July, highlighting safety concerns around the stairs leading down to the Nye Park courts and the wooden picnic tables there, and the wooden benches at the Rt. 151 field. Ms. Cuny noted the success of the Summer Adventure Program, the 30 different programs offered year-round, the after-prom event at Gus Canty, and the new Sandwich Rd. playground nearing completion. She said the committee always advocates for new fields. She also made the point that over the years, the committee has changed from an elected body to an appointed policy-making body, and that there is a growing frustration among committee members at the lack of communication around decisions made regarding recreational facilities, citing several recent examples. She said the committee wants to be able to make recommendations but can only do that with better communication, and is encouraged that improved communication will occur in the future.

Commission on Substance Use

Beverly Costa-Ciavola, chair of the committee, began the report by naming committee members and staff who help the committee do its work. Highlights of the report, alternately presented by Suzie Hauptmann, included information on the FY2023 activities timeline, state guidelines for municipal spending of opioid abatement funds, the allocation of opioid abatement funds by settlement, the goals for community engagement, crediting the partners

November 13, 2023

November 20, 2023

OWN OF FALMOUTH
SELECT BOARD
Open Session
Meeting Minutes
MONDAY, NOVEMBER 13, 2023 – 6:30 P.M.

LAWRENCE SCHOOL
113 LAKEVIEW AVENUE
FALMOUTH, MA 02540

ROOM 105

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.

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

Staff Present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager

1. Chair Taylor called the open session to order at 6:30 p.m.
2. Pledge of Allegiance

BUSINESS

1. Discuss/vote motions and reports to November 2023 Annual Town Meeting as needed
Mr. Renshaw and Mr. Johnson-Staub reported no changes and no additions.
2. Discuss, consider and vote date for April 2024 Town Meeting
Mr. Zylinski made a motion to approve April 8, 2024 for the April 2024 Town Meeting date. Mr. Brown seconded the motion. Vote: Yes-5. No-0.
3. Other business as needed
None.

Mr. Zylinski made a motion to adjourn the meeting at approximately 6:33 p.m. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

OPEN SESSION

TOWN MANAGER'S SUPPLEMENTAL REPORT



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

TO: Select Board
FROM: Mike Renshaw, Town Manager
SUBJECT: Supplemental Report
DATE: November 20, 2023

Update Regarding EV Charging Station Implementation

The DPW continues to work closely with Eversource and other stakeholders as we look to add additional charging stations at various locations throughout the Town. Currently, DPW is working to complete the installation of two dual charging stations (total of four stations) to the rear of Town Hall for use by Town vehicles.

The DPW and Sustainability Coordinator are also working diligently to add a two-vehicle charging station in the parking lot of the Town Counsel's office on Locust Street that will be available for public use, as well as new charging stations at Depot Avenue and Peg Noonan Park which are also planned for public access and use.

Update on Fencing at the Town Green and Trim/Facia Repair and Repainting at Town Hall

I recently requested that DPW/Parks Division conduct an inspection and evaluation of the fencing around the Village Green, as many sections of the fencing are showing significant signs of rot and the fencing in general needs repainting. DPW is currently speaking with a local mill concerning the replacement of a dozen or so posts. We anticipate the work to begin in mid-April 2024 (sooner if possible). Going forward, the Parks Division will routinely conduct an examination of the fencing and implement a scheduled maintenance and repair cycle on the fencing to maintain the fence in the best possible condition and extend its life.

DPW/Facilities Maintenance was also requested to evaluate the trim and facia at Town Hall, and to develop an action plan for the replacement of rotted wood facia boards that are evident particularly on the front facing sections of the building. Like the fencing at Town Green, Facilities Maintenance has been directed to develop a long-term scheduled inspection and maintenance program for Town Hall.

Upcoming Meetings:

- Select Board Meeting, December 4
- Select Board Meeting, December 18

//Supplemental Report 11.20.23