

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, JANUARY 8, 2024 – 6:30 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

6:30 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamation
4. Recognition
5. Announcements:
 - a. Falmouth Housing Authority Board – Extension of application deadline to January 19, 2024
 - b. Department of Conservation and Recreation (DCR) Notice of Proposed Land Acquisition
6. Public Comment

6:35 p.m. COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members: Cape Cod Commission – John L. Druley

6:45 p.m. PUBLIC HEARINGS

1. Request to add a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell “The Lin Whitehead Band Shell” (10 minutes)
2. Wetlands/Dock Hearing – Michael Tanionos – application to construct a fixed pier that will extend approximately 72 feet seaward of mean high water into Childs River, located at 86 Edgewater Drive East, East Falmouth (10 minutes)
3. Application for an Alteration of Premises of its Wine and Malt Beverages Restaurant License – Seafood Sam's Falmouth, Inc. d/b/a Seafood Sam's located at 356 Palmer Avenue, Falmouth (10 minutes)

7:15 p.m. BUSINESS

1. Update on County grants and programs available to Falmouth homeowners upgrading septic systems in line with state Title 5 regulations (10 minutes)
2. Approve Conservation Commission application to the Community Preservation Committee for Community Preservation Act (CPA) funds (5 minutes)
3. Approve Conservation Commission grant application to Land and Water Conservation Fund (5 minutes)
4. Approve Conservation Commission application to Local Acquisitions for Natural Diversity (LAND) Grant Program (5 minutes)
5. Request from The 300 Committee for a Conservation Restriction for a 1.9-acre portion of land on the property owned by Catherine Truman at 78 Benjamin Nyes Lane, North Falmouth (5 minutes)
6. Application for a new Second-Hand Dealer License – Boutique on the Buy Way, located at 47 North Main Street, Falmouth (5 minutes)
7. Vote to adopt FY2025 budget and submit it to the Finance Committee (15 minutes)

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

MOTOR VEHICLE CLASS II

Excel Auto Sales & Repair, 94 East Falmouth Highway

AUTOMATIC AMUSEMENT DEVICE

Shipwrecked, 263 Grand Avenue

8:10 p.m. CONSENT AGENDA

1. Licenses

- a. Application for a Special One-Day Wine & Malt Beverages License – West Falmouth Library at 525 West Falmouth Highway, West Falmouth – Wednesday, 1/31/24 – 6:00 – 8:00 p.m.
- b. Application for Special One-Day All Alcoholic Beverages Licenses – Falmouth Theatre Guild at 58 Highfield Drive, Falmouth – Friday-Sunday, February 2-4; Friday-Saturday, February 9-10; and Friday-Sunday, February 16-18, 2024.

2. Administrative Orders

- a. Vote project eligibility letter for 24-unit housing proposal at 19 North Falmouth Highway
- b. Accept grant award from Falmouth Road Race, Inc. in the amount of \$2,350.00 to the Harbor Master's Office to purchase a replacement Automated External Defibrillator (AED)
- c. Accept grant award from Falmouth Road Race, Inc. for the purchase of an All-Terrain Vehicle (ATV) to be used and maintained by the Public Works Water Division
- d. Accept donation from Hilton Railey in the amount of \$1,050.00 to the Falmouth Cultural Council
- e. Application for Coastal Zone Management Coastal Resilience Grant for FY25 Eel River Inlet widening

8:15 p.m. MINUTES

1. Review and vote to approve minutes of meetings: Public Session – December 18, 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

5. Announcements

- a. Falmouth Housing Authority Board – extension of application deadline to January 19, 2024**

January 8, 2024

OPEN SESSION

5. Announcements

- b. Department of Conservation and Recreation (DCR) Notice of Proposed Land Acquisition

January 8, 2024

Diane Davidson

From: Nancy Taylor
Sent: Wednesday, January 3, 2024 3:09 PM
To: Michael Renshaw
Cc: Diane Davidson
Subject: Fwd: • DCR Notice of Proposed Land Acquisition, 301 CMR 51 , #P-001040, Town of Falmouth

From: "George, Arthur (DCR)" <arthur.george@mass.gov>
Date: January 3, 2024 at 3:03:54 PM EST
To: Nancy Taylor <nancy.taylor@falmouthma.gov>, Ojale.ScottPrice@falmouthma.gov, Doug Brown <doug.brown@falmouthma.gov>, Scott Zylinski <scott.zylinski@falmouthma.gov>, Robert Mascali <robert.mascali@falmouthma.gov>
Subject: • DCR Notice of Proposed Land Acquisition, 301 CMR 51 , #P-001040, Town of Falmouth

Dear Chair Taylor and Members of the Falmouth Selectboard:

This email serves as a notice to you under 301 CMR 51.00. **Please reply to this email with the information requested below.**

The Commonwealth of Massachusetts, acting through its Department of Conservation and Recreation (DCR) has under consideration the acquisition of an interest in approximately 2.27 acres of land, or other property interest therein, in the Town of Falmouth. The property is currently an undeveloped woodlot off Waquoit Highway. The proposed use for the property will be protected open space. Attached is a locus map marked "Exhibit A" which shows the property in which DCR is interested.

The applicable regulations require the disclosure of the Commonwealth's reasons for the proposed land acquisition at a public hearing held in the city or town in which such real property is located. To comply with this requirement, we ask that the City Council announce that the Commonwealth is considering this acquisition for the above-stated purposes at its next regularly scheduled meeting. The Selectboard does not need to take any formal action on its part. Please document the announcement in the Selectboard's meeting minutes and have the Chair reply to this email by copying and pasting the statement in the box below filled out appropriately in a reply email to me:

Certificate of Announcement pursuant to 301 CMR 51.07(2)

DCR #P-001040, Town of Falmouth

I, Nancy Taylor, Chair of the Selectboard of the Town of Falmouth, Massachusetts, do hereby certify that on *January 8,* _2024, it was announced at a public meeting of the Selectboard that:

The Department of Conservation and Recreation may acquire an interest in a parcel of land located in Falmouth shown on the attached locus map marked as "Exhibit A" for conservation and/or recreation purposes.

The applicable regulations require that, 120 days prior to a purchase, an agency must notify certain public official of its proposed action. The notification is for informational purposes only. Should DCR decide to pursue this acquisition, it may be necessary to complete the transaction in less than the 120 day notice period. We therefore ask that you agree to waive the 120-day notice period, and indicate your waiver by cutting and pasting the statement in the box below in a reply email to me:

120 DAY WAIVER STATEMENT

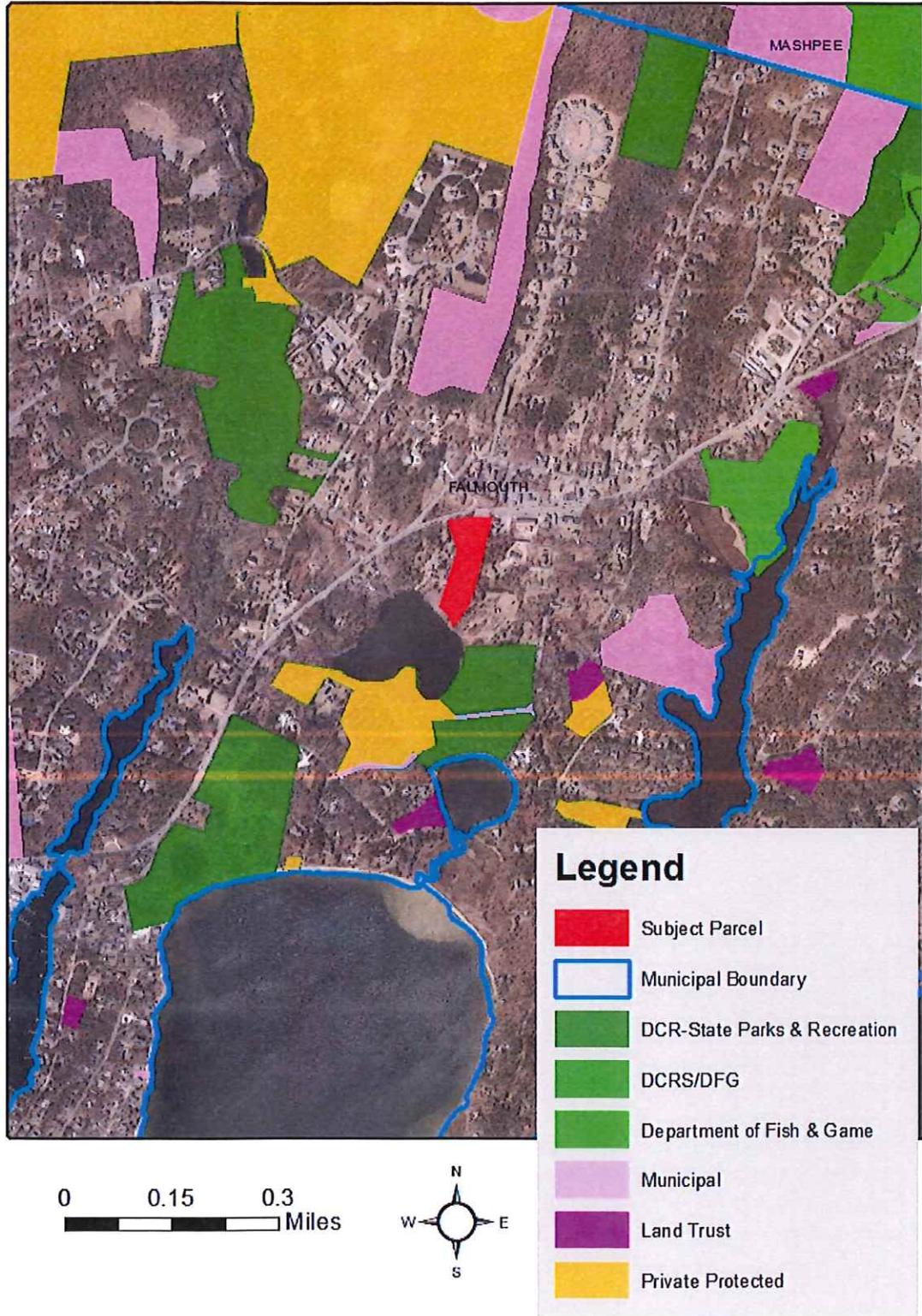
DCR #P-001040, Town of Falmouth

Pursuant 301 CMR 51.07(1)(b), the Falmouth Selectboard hereby agrees to waive the 120 day notice period as required by said section as to a parcel of land of approximately 2.27 acres in the Town of Falmouth, shown on Exhibit A attached hereto, in which the Department of Conservation and Recreation is considering acquiring an interest. Such waiver was approved by Selectboard vote at the meeting held on .

Should you have any questions regarding this matter, kindly contact Craig Cashman, Director of Government Affairs at Craig.R.Cashman@mass.gov. For your information, DCR has sent a similar notice to the Barnstable County Commissioners, Cape Cod Commission, Senator Susan L. Moran and Representative David T. Viera. Thank you for your attention to this matter.

Arthur C. George, Assistant General Counsel
Office of the General Counsel
Commonwealth of Massachusetts
Department of Conservation and Recreation
State Transportation Building
10 Park Plaza, Suite 6620
Boston, MA 02116-3978
Work Cell: 857-286-0534

Exhibit A



OPEN SESSION

COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members: Cape Cod Commission – John L. Druley

January 8, 2024



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.

ITEM TITLE: Interview, vote and appoint committee members: Cape Cod Commission-
John L. Druley

MEETING DATE: 1/8/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application Form, List of Town Committee Vacancies, Description of Cape
Cod Commission

PURPOSE:

The Select Board is requested to conduct an interview and vote on the appointment of applicant Mr. John L. Druley to serve as the Falmouth representative on the Cape Cod Commission.

BACKGROUND/SUMMARY:

- Applicant John L. Druley submitted his application form to serve on the Cape Cod Commission on December 12, 2023; Mr. Druley's application is the only one to have been submitted.
- There is currently one vacancy, with a term expiring April 24, 2024; the vacancy has been properly advertised.
- Mr. Druley, a Falmouth native, is a real estate developer with significant experience in affordable housing development and property ownership experience; he currently sits as a member of the

Falmouth Planning Board and is a past member of the Falmouth Zoning Board of Appeals (1990-1999).

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board vote to appoint applicant John L. Druley as the Falmouth representative on the Cape Cod Commission with a term expiring April 24, 2024.

OPTIONS:

- Motion to appoint Mr. John L. Druley to serve as the Falmouth representative on the Cape Cod Commission with a term expiring April 24, 2024;
- Motion to deny the appointment of Mr. John L. Druley to serve as the Falmouth representative on the Cape Cod Commission with a term expiring April 24, 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 vote to appoint applicant John L. Druley as the Falmouth representative on the Cape Cod Commission with a term expiring April 24, 2024.

Michael Renshaw

Town Manager

1/5/2024

Date

Town Committee Vacancies

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

Committee	Term Until
Affirmative Action Committee (1 position)	6/30/26
Board of Survey (2 positions)	6/30/24
Building Code Board of Appeals (1 position)	6/30/25
Cable Advisory Committee (3 positions)	6/30/24, 6/30/25, 6/30/26
Cape Cod Commission (1 position)	4/24/24
Cape Cod Regional Transit Authority (1 position)	6/30/26
Commission on Disabilities (4 positions)	6/30/24 (2), 6/30/25 (2)
Conservation Commission (3 alternate positions)	6/30/25 (2), 6/30/26
Constable (2 positions)	6/30/24 (2)
Council on Aging (1 position) (Preference date to apply: 1/19/24.)	6/30/24
Cultural Council (2 positions)	6/30/24 (2)
Edward Marks Building Advisory Committee (1 position)	12/31/24
Energy Committee (1 position)	6/30/25
Falmouth Housing Authority (1 position) (deadline for applications is 11/27/23)	Next annual Town election

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

Cape Cod Commission (3-year term)

One vacancy:

- Unexpired term ending 4/24/24

One applicant:

- John L. Druley



TOWN OF FALMOUTH
BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

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

Name: JOHN L. DRULEY

Address: 9 DYLAN'S WAY Village: E. FALMOUTH ZIP: 02536

Mailing Address: 9 DYLAN'S WAY Village: E. FALMOUTH ZIP: 02536

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident (date: 9-1-79) / Taxpayer (date: 1973)

Amount of time you are available to give: 4 HOURS PER WEEK

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

1. CAPE COD COMMISSION
2. _____
3. _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences REAL ESTATE DEVELOPER
WITH PROPERTY OWNERSHIP EXPERIENCE. DEVELOPING
AFFORDABLE HOUSING - MARKET RATE HOUSING
RENTAL HOUSING - COMMERCIAL DEVELOPMENTS - LAND USE.

Town offices held in Falmouth or elsewhere and dates of years served: ZONING BOARD
OF APPEALS 1990-1999 PLANNING BOARD JOB - PRESENT

PLANNING BOARD REPRESENTATIVE TO CPC
CPC REPRESENTATIVE TO FALMOUTH AFFORDABLE HOUSING FUND

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

REAL ESTATE DEVELOPMENT EXPERIENCE, FATHER
OF 5 CHILDREN BORN AND RAISED AND
EDUCATED IN FALMOUTH, REAL LIFE EXPERIENCE
OF LAND USE NEEDS OF OUR COMMUNITY
AND WILL REPRESENT BOTH CURRENT AND
FUTURE NEEDS OF FALMOUTH, INCLUDING
TRANSPORTATION AND COASTAL RESILIENCY.

You may attach a resume to this application.

List three (3) references:

<u>Name</u>	<u>Title</u>	<u>Phone</u>
1. <u>ERIC TURKINGTON</u>	<u>ATTORNEY</u>	
2. <u>GARY STREET</u>	<u>BUILDING COMMISSIONER</u>	
3. <u>MIKE BORSELLI</u>	<u>ENGINEER</u>	

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

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

12-17-23
DATE

John F. W. [Signature]
APPLICANT'S SIGNATURE

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



CAPE COD COMMISSION

Roles and Responsibilities of Cape Cod Commission Members

The Cape Cod Commission was created in 1990 by an Act of the Massachusetts General Court and confirmed by a majority of Barnstable County voters to protect the region's unique natural, coastal, historical, cultural, and other values.

The Commission functions as a department of Barnstable County, but is funded separately through the Cape Cod Environmental Protection Fund and other sources. Its work is divided into three major areas: **planning, technical assistance, and regulation**. The Cape Cod Regional Policy Plan, adopted as an ordinance of Barnstable County, sets the goals, priorities, and performance standards used in its regulatory work.

3225 Main Street
Barnstable, MA 02630
508-362-3828 | www.capecodcommission.org



■ Commission Activities

Among other areas, technical assistance is provided to Cape communities on:

- Land use planning
- Transportation
- Economic development
- Water quality and supply
- Solid and hazardous waste management
- Affordable housing
- Land protection

Commission planners and technical staff have expertise in a wide variety of areas, such as landscape architecture, land use planning, economic development, affordable housing, historic preservation, wetland and wildlife resources, water resources, coastal resources, waste management, transportation planning, and geographic information and mapping.

■ Commission Makeup

The Cape Cod Commission is made up of 19 appointed members, including representatives from each of Barnstable County's 15 towns; one County Commissioner, one Native American, one Minority Representative, and a Governor's appointee. All members are citizen volunteers who receive and evaluate information from the agency's professional staff, consider policies to guide the agency's activities, and make regulatory decisions about development proposals under the agency's jurisdiction.

■ Meetings of the Commission Board and Standing Committees

The full 19-member Cape Cod Commission board generally meets every other Thursday afternoon in the First District Courthouse of the Barnstable County Complex (off Route 6A) in Barnstable. Meetings last about two hours.

Commission members may also be asked by the board's chair (elected by the members annually) to serve on a standing committee. Participation is voluntary on the Committee on Planning and Regulations. The Executive Committee's includes the Chair, Vice Chair, Secretary, and Pre-



vious Past Chair. Standing committees generally meet in the Commission office to discuss issues prior to meetings of the full Commission.

■ Regulatory Responsibilities

Commission members are expected to serve on regulatory subcommittees to review specific Development of Regional Impact (DRI) proposals. Members rely on the technical expertise of the agency's staff – a diverse group of professionals who gather and interpret data and advise on project consistency with the Regional Policy Plan's standards to make decisions. The evaluation of data and benefits and detriments of a project are vested in Commission members. In this way, members serve as "quasi-judicial" officials.

DRI subcommittees review written applications, materials, and reports; conduct required public hearings; and hold public meetings to discuss issues and concerns and to formulate their recommendations about the DRI decisions to be voted on by the full membership of the Cape Cod Commission.

Depending on the nature and complexity of a development proposal, regulatory subcommittee work can require a significant commitment of time. Meetings may take place during the day and in the evening. Whenever possible, the first hearing is held in the town where the project is proposed. Other hearings and meetings may also be held there or in Barnstable. Preparation for and travel to meetings add to the time commitment.

■ Community Responsibilities

Commission members also serve as liaisons with their towns. Making periodic reports about Commission activities to the Board of Selectmen (or the Town Council, in the case of Barnstable) is an important duty. Within the limits defined by the state Open Meeting Law and the agency's own Public Relations Policy and the Communications Policy for Cape Cod Commission Members, members should make themselves available to answer questions and provide information about Commission activities.

■ Regional Advisory Responsibilities



Commission members are an advisory board responsible for guiding many of the agency's policies and initiatives. Members may also be appointed to represent the agency on special committees or other boards. Most importantly, members help the agency fulfill its mission and uphold the Cape Cod Commission Act and ordinances adopted by Barnstable County.

■ Communication Rules for Commission Members

Cape Cod Commission members serve in several different roles:

1. They are representatives of and liaisons to the 15 Cape towns and Barnstable County residents.
2. They are regional policy makers in issue areas such as land use, transportation and affordable housing.
3. They are quasi-judicial board members regulating development proposals.

In the first two roles, members are encouraged to communicate freely and regularly with local and county officials and the general public. In the third role, however, Commission members are more limited in when and how they may communicate.

Members of Development of Regional Impact subcommittees and the full Commission serve in quasi-judicial roles during project review and the DRI appeal period.

Each member must confine his or her review to the oral and written information received during the public hearing process.

Cape Cod Commission members have adopted and follow written policies governing their communications. The primary policies are the **Communications Policy for Cape Cod Commission Members** (approved June 12, 2008), and the **Cape Cod Commission Public Relations Policy** (approved July 9, 2007).



CAPE COD
COMMISSION

3225 Main Street
Barnstable, MA 02630

508-362-3828 | www.capecodcommission.org

OPEN SESSION

PUBLIC HEARINGS

1. Request to add a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell" **(10 minutes)**

January 8, 2024



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearings 1.

ITEM TITLE: Request to add a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell."

MEETING DATE: 1/8/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

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

PURPOSE:

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

BACKGROUND/SUMMARY:

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

- At its October 30, 2023 meeting, the Select Board designated Chair Taylor to seek input from the Recreation Committee on the request to add a plaque to the Band Shell; the Chair met and conferred with the Recreation Committee on December 13, 2023.

DEPARTMENT RECOMMENDATION:

Following the closing of the Public Hearing, the Town Manager recommends that the Select Board vote to approve the addition of a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell."

OPTIONS:

- Motion to approve the request to add a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell."
- Motion to deny the request to add a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell."

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

Following the closing of the Public Hearing, the Town Manager recommends that the Select Board vote to approve the addition of a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell."

Michael Renshaw

Town Manager

1/5/2024

Date

NOTICE OF PUBLIC HEARING

The Select Board of the Town of Falmouth will hold a public hearing as required by the Select Board Naming Policy for Public Facilities and Places to solicit comments from the public on the request to add a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell". Comments may be sent via email to selectboard@falmouthma.gov.

The public hearing will be held on Monday, January 8, 2024 at 6:45 p.m. in the Select Board meeting room, Town Hall, Falmouth, MA 02540.

Nancy Robbins Taylor, Chair
Select Board

Publication date: Friday, December 29, 2023; Falmouth Enterprise.

Diane Davidson

From: Robert Brown <rbrown@falmouthlawyer.com>
Sent: Friday, January 5, 2024 4:01 PM
To: Falmouth Selectboard
Cc: Sandy Cuny (slcswan@msn.com)
Subject: "The Lin Whitehead Band Shell"

Dear Select Board,

The Recreation Committee held their monthly meeting on December 13, 2023. The Committee unanimously recommended to support the addition of a plaque on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell."

Robert A. Brown
Chair Recreation Committee

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:

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

10/30/23 - After the waiting period has elapsed, a member of the Select Board shall be designated to seek input and advice of whichever department, board, committee, or commission oversees the public facility or place to be named or renamed and report back to the full Board. The Select Board will then advertise and hold a public hearing to seek input from the community. - 1/8/24
Nancy Taylor

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.

Packet materials from the October 30, 2023
Select Board meeting.

OPEN SESSION

BUSINESS

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

*The Select Board designated
Nancy Taylor.*

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

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

6:00 p.m. OPEN SESSION

6:00 p.m. EXECUTIVE SESSION

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

6:30 p.m. OPEN SESSION

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

6:35 p.m. COMMITTEE INTERVIEWS

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

6:45 p.m. PUBLIC HEARINGS

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

7:10 p.m. BUSINESS

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

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

7:50 p.m. CONSENT AGENDA

1. Administrative Orders

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

8:00 p.m. MINUTES

1. Review and Approve Minutes of Meetings

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

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

8:10 p.m. SELECT BOARD REPORTS

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

8:30 p.m. ADJOURN

Nancy Robbins Taylor, Chair
Select Board



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 4.

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

MEETING DATE: 10/30/2023

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

SUBMITTED BY: Mike Renshaw, Town Manager

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

PURPOSE:

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

BACKGROUND/SUMMARY:

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

DEPARTMENT RECOMMENDATION:

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

OPTIONS:

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

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

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

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

Michael Renshaw

Town Manager

10/27/2023

Date

Proposed naming of the Band Shell

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

The reason for my advocacy of this name is threefold:

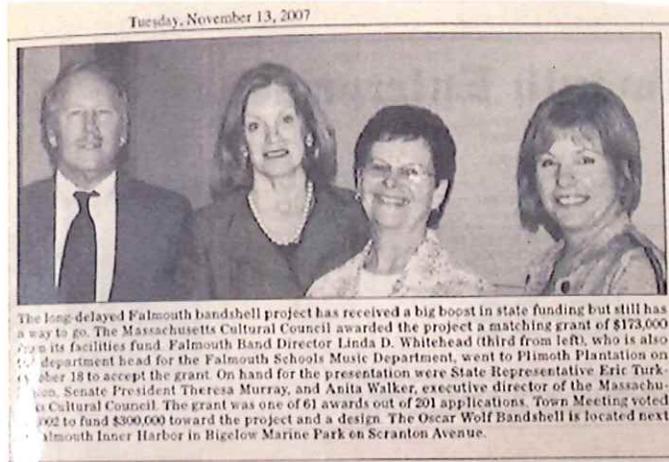
First, there is presently confusion about the name of the structure. At the end of construction, it was called the Falmouth Music and Arts Pavilion. This name is not used very frequently by many who still refer to it as the bandshell. From 1972, when the first structure was built, all grants referred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

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

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

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

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



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

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

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

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

Thank you.

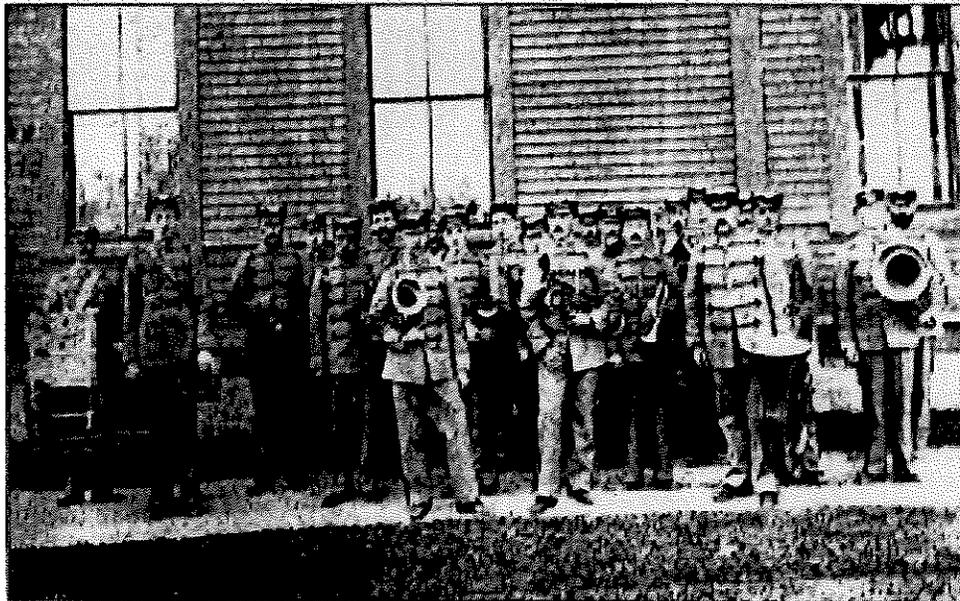
Jack Whitehead
Dr. John A. Whitehead

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

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

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

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



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

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

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

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

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

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

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

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

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

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



The town band performs during the summer of 1991.

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

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

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

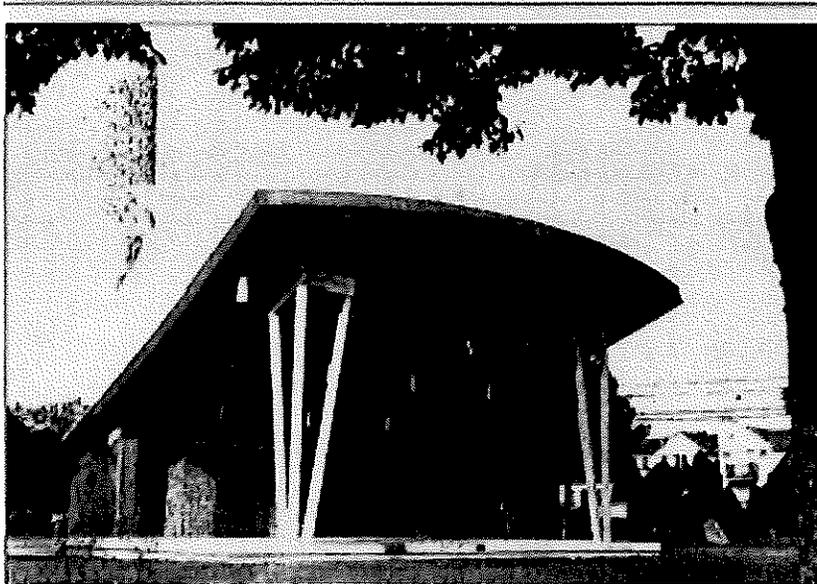
In addition to the town band concerts, we purchase music for ceremonies, such as the Falmouth Public Library ribbon cutting. We also purchase the music for the 16-member Brass Choir that performs at the Christmas-By-The-Sea Community celebration on the Falmouth Village Green and at Town Meetings.

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

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

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

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



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

Falmouth Town Band A Tradition With Deep Roots

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

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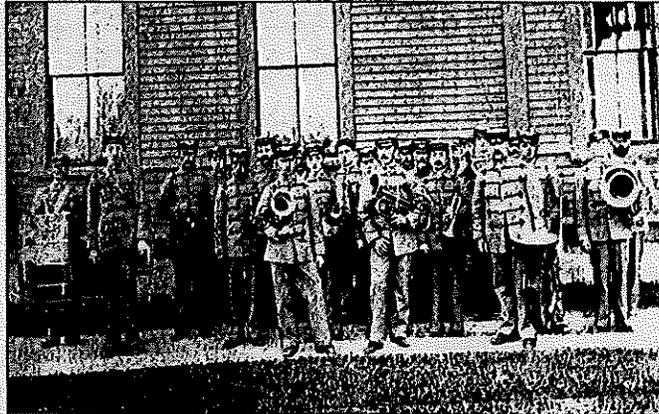
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Continued on Page 14



The town band performs during the summer of 1901.

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Falmouth Town Band

Continued

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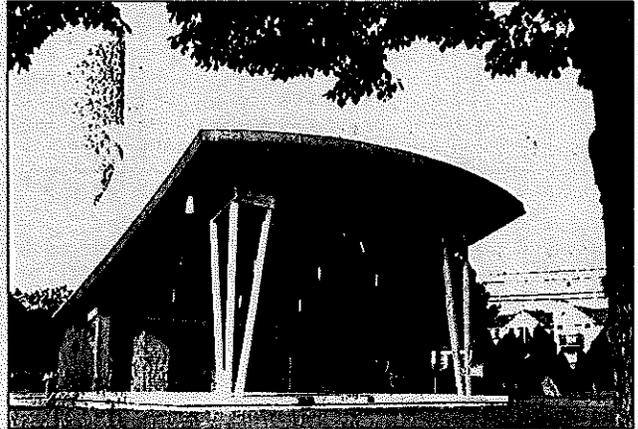
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'There's no generation gap at band concerts. We have kids in pajamas who have to go home at intermission, we have old folks, we have summer people, we have residents.'

- Joe Chase, a band member in 1972

Falmouth Academy Headmaster's List

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

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

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

- mouth
 - Benjamin Duncan, Falmouth
 - Alexandra Good, North Falmouth
 - Jessica O'Malley, North Falmouth
 - Emily Skehill, East Falmouth
 - Elizabeth Stimson, Hatchville
 - Romana ten Brink, Falmouth
 - Summer Tompkins, East Falmouth
 - Caitlin Walsh, North Falmouth
 - Cyrus Wickersham, Woods Hole
 - Ruth Collins, Falmouth
 - Brianna Feldolt, Waquoit
 - William Mendelsohn, Falmouth
 - Kelena Oldenbourg, West Falmouth
 - Lily Patterson, Falmouth
 - Cassidy Reves-Sohn, Falmouth
 - Mary Rosbach, East Falmouth
 - Leandra Sethares, East Falmouth

Cape Cod Foundation Scholarships

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

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

scholarships from the foundation this year: Cape Cod Restaurants Inc. Scholarship; Molly Flynn; Andrew Mitchell; and Anna Sanker; Annie S. O'Connell Scholarship; Kerri Sadoff; Hyannis Normal School Alumni Scholarship; Kerri Sadoff; Esther M. Wallace Scholarship; Benjamin Denmark and Elisa

OPEN SESSION

PUBLIC HEARINGS

2. Wetlands/Dock Hearing – Michael Tanionos – application to construct a fixed pier that will extend approximately 72 feet seaward of mean high water into Childs River, located at 86 Edgewater Drive East, East Falmouth **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearings 2.

ITEM TITLE: Wetlands/Dock Hearing- Michael Tanionos- application to construct a fixed pier that will extend approximately 72 feet seaward of mean high water into the Childs River, located at 86 Edgewater Drive East, East Falmouth

MEETING DATE: 1/8/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Public Hearing Notice (December 22, 2023 and December 29, 2023); Wetland Office Procedures; Request of Certified Abutters List; Application for Permit to Fill, Dredger, or Otherwise Alter Wetlands; MassDep Order of Conditions; Approved Plans; Harbormaster Inspection Report

PURPOSE:

The Select Board will conduct a public hearing under section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws to hear comment on the application of Michael Tanionos for permission to construct a fixed pier that will extend approximately 72 feet seaward of mean high water into the Childs River.

BACKGROUND/SUMMARY:

- The Harbormaster, Gregg Fraser, completed his review and issued his Inspection Report on March 28, 2023; in the report, there were no comments, mooring, or navigational concerns noted.

- A hearing was held by the Conservation Commission on October 26, 2023 and it issued a set of Standard Conditions (attached in packet).
- The completed Application for Permit to Fill, Dredge or Otherwise Alter Wetlands package was received by the Select Board Office on November 8, 2023.

DEPARTMENT RECOMMENDATION:

Following the public hearing, the Town Manager recommends that the Select Board consider the facts and comments presented during the hearing and render their decision as to the applicant's request.

OPTIONS:

- Motion to approve Michael Tanionos' application to construct a fixed pier extending approximately 72 feet seaward of mean high water into the Childs River as presented.
- Motion to deny approval of Michael Tanionos' application to construct a fixed pier extending approximately 72 feet seaward of mean high water into the Childs River.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

Following the public hearing, the Town Manager recommends that the Select Board consider the facts and comments presented during the hearing and render their decision as to the applicant's request.

Michael Renshaw

1/5/2024

Town Manager

Date



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, January 8, 2024 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Michael Tanionos for permission to construct a fixed pier that will extend approximately 72 feet seaward of mean high water into Childs River, located at 86 Edgewater Drive East, East Falmouth, MA. Area affected is Childs River. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the
Select Board

Publication dates: Friday, December 22, 2023 and Friday, December 29, 2023; Falmouth Enterprise.

 **PAID**
\$75.00
CK# 19847



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

NOV 15, 2023 PM 3:58

RECEIVED

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

PROPOSED DOCK

86 EDGEWATER DRIVE EAST

EAST FALMOUTH, MASSACHUSETTS

Prepared for:

Michael Tanionos

Prepared by:



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

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APPLICATION TO FILL, DREDGE, FILL, OR OTHER ALTER WETLANDS

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ATTACHMENT D - DRIVING DIRECTIONS TO SITE

ATTACHMENT E - PLAN OF PROPOSED DOCK

APPLICATION TO FILL, DREDGE, FILL, OR OTHER ALTER WETLANDS



TOWN OF FALMOUTH
BOARD OF SELECTMEN

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

TOWN CLERK

NOV 15, 2023 PM 3:53
RECEIVED

To the Board of Selectmen
Falmouth, MA

Date: November 7, 2023

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

OWNER: Michael Tanionos 30 Wachusett Drive Lexington, MA 02421
(full name) (address)

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

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

1. Location of Property: Map 32 Section 13 Parcel 000D Lot 004

Street Name and House Number 86 Edgewtare Drive East

2. Body of water, marsh or stream affected: Childs River

3. Description of property and project site: Existing single family dwelling & associated appurtanances located within a fully developed residential area on Childs River.

a. Dimensions, Acreage of total parcel: 12,972 S.F.

b. Length of water marsh frontage: 93'

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

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

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

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

Disposition of Spoil: N/A

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

g. Other (docks, piers and etc.) Construct fixed pier to extend 72' seaward of mean high water into Childs River.

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

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

5. Zoning which governs area: RC

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

7. Has a permit ever been approved or refused for this location by State, Federal or Local Authority? Order of Conditions 25-4900

8. Remarks _____

9. Project Summary for legal notice: _____

The Applicant proposes to construct a fixed pier that will extend approximately 72 feet seaward of mean high water into Childs River.

Owner: Michael Tanionos
30 Wachusett Drive
Lexington, MA 02421
(Name & Address)
TEL #: 508.360.4314

Agent: Falmouth Engineering, Inc.
17 Academy Lane, Ste. 200
Falmouth, MA 02540
(Name & Address)
TEL #: 508.495.1225

Applicant: Same as owner

(Name & Address)
TEL #:

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

ATTACHMENT A

PROJECT NARRATIVE

ATTACHMENT A - PROJECT NARRATIVE

1.0 Introduction and Project Overview

Falmouth Engineering Inc. has filed this application on behalf of Michael Tanionos (The Applicant) for permission to construct a private recreational dock. The Applicant proposes to construct a fixed pier that will extend approximately 72 feet seaward of mean high water into Childs River. Included in this construction project is the placement of sixteen (16) 10-inch diameter piles, six (6) 6" by 6" posts, support timbers, decking, and railings. The pier will consist of a main walkway, with a 5' by 20' "T" section at its seaward end. The project meets or exceeds all performance standards applicable under Section 240-77 (Wetland Regulations) of the Falmouth Zoning By Law.

2.0 Existing Conditions

The lot consists of approximately 13,000± square feet of land in a densely developed residential area of East Falmouth (refer to Figure 1-Site Location Map). A single family residence occupies the central portion of the site. Other residential properties lie to the north and south of the site.

Childs River is located directly east of the site. A moderately sloping coastal bank rises up to a lawn area at the top of the coastal bank.

2.1 Regulated Wetland Resource Areas

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

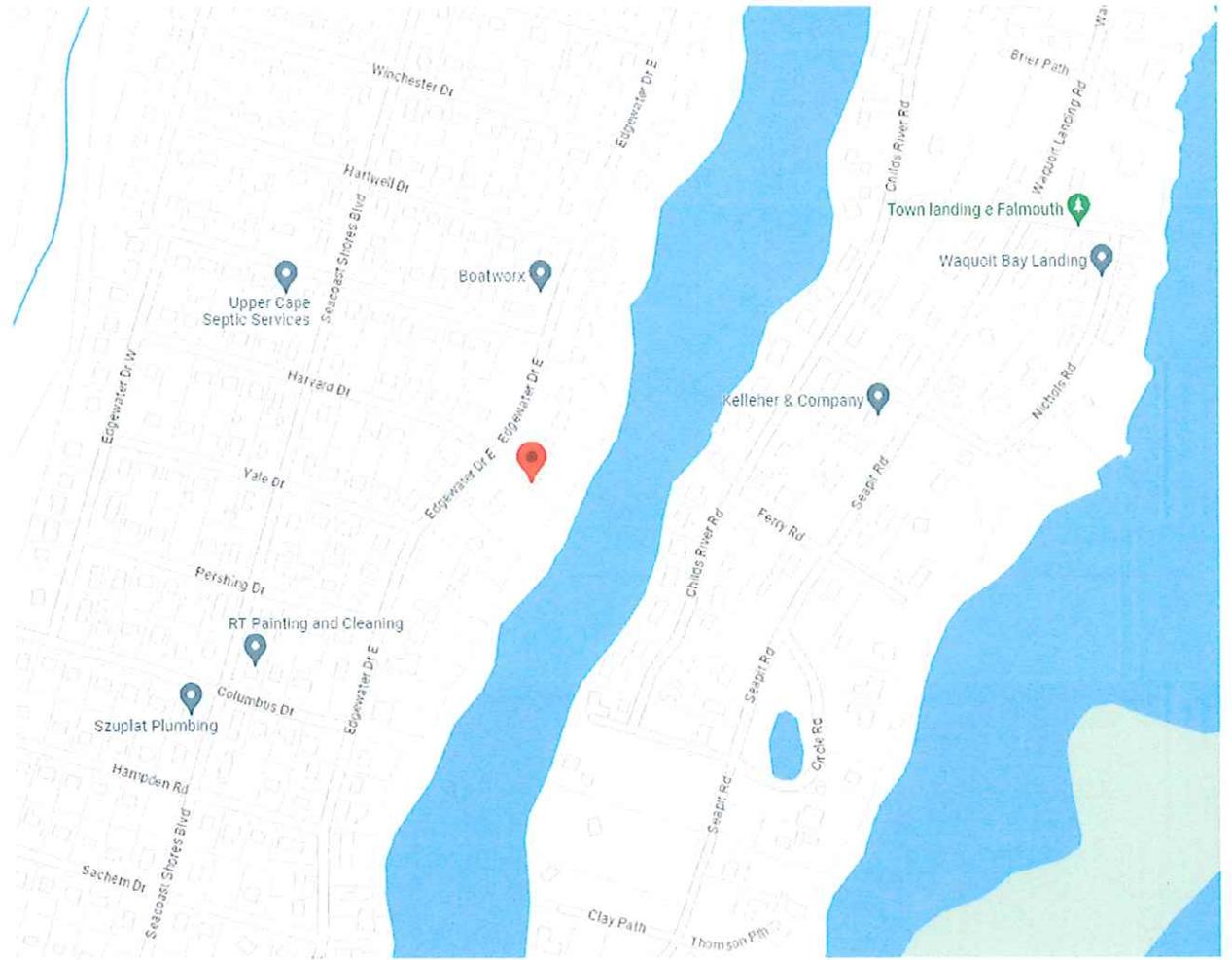


FIGURE 1 - SITE LOCATION
MAP

86 EDGEWATER DRIVE EAST

2.2 Estimated Habitat and Protected Species

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

3.0 Proposed Project

The project involves the construction of a dock in Childs River. Included in this construction project is the placement of sixteen (16) 10-inch diameter piles, six (6) 6" by 6" posts, support timbers, decking, and railings. The pier will consist of a main walkway, with a 5' by 20' "T" section at its seaward end. The project meets or exceeds all performance standards, applicable under Section 240-77 of the Falmouth Zoning By Law.

All pilings will be driven by a barge supported pile driver. The barge will float at all times during the pier construction.

Pier construction will take place in and above land containing shellfish, land under the ocean, salt marsh, and coastal bank. The pier will be constructed using a barge that will operate from Childs River. All staging, cutting, and prep work will be done on the barge.

4.0 Anticipated Impacts to Resource Areas

Anticipated Impacts

The proposed pier occupies a total area of approximately 516 square feet, of which approximately 380 square feet is seaward of mean high water. The potential impacts anticipated include those resulting from degradation of habitat as a result of shading and/or construction impacts.

The pier is proposed as an elevated structure with direct contact with the substrate only at the pile installation points. All of the proposed 10-inch diameter timber piles will be installed in land under the ocean. The pier has been designed to be installed bridge the salt marsh. Only two 6" x 6" posts will be installed in the salt marsh.

The timber piles will be driven using a barge-mounted pile driver equipped with a vibratory hammer. Pile installation will directly impact approximately 7.5 square feet of land under the ocean.

Proposed Mitigation

The pier bridges the salt marsh, Land Containing Shellfish and Land Under the Ocean. To prevent shading impacts, the pier will be constructed using a decking to allow 50% ambient light penetration in areas spanning these wetland resource areas. The structure will also be elevated 6' above salt marsh, in accordance with Division of Marine Fisheries standards ensure that the potential shading impacts are effectively mitigated. This elevation will also allow for public access.

Densities of shellfish are less than 1 shellfish per 9 square feet. No impacts to areas of significant shellfish are anticipated. Since there are no significant densities of shellfish within 50' of the proposed mooring field, shellfish mitigation is not required.

5.0 Compliance with Applicable Performance Standards

The Massachusetts Wetland Protection Act regulations allows for the construction of water-dependant structures within wetland resource areas provided that the design and construction of the structure is in accordance with the best available measures so as to minimize adverse effects (310 CMR 10.27(6)). The Massachusetts Department of Environmental Protection, Bureau of Resource Protection, Wetlands and Waterways Program has published specific design standards for small pile supported docks and piers (DEP, 2003), which are specifically intended to minimize adverse impacts resulting from the installation and maintenance of such structures. The proposed dock meets or exceeds each of these design standards.

Other design requirements for docks and piers are found under the Falmouth Wetland Regulations at FWR 10.16 (1) (d) (1-10) (Design Specifications and Performance Standards for Docks and Piers in Recreational Harbors) and at FWR 10.16 (1) (h)(1-7) (General Requirements and Prohibitions all Docks and Piers). Other relevant performance standards are addressed at FWR 10.34 (5) (Land Containing Shellfish).

The proposed pier satisfies each of the locally established performance standards as summarized below.

5.1 Design Specifications and Performance Standards for Docks and Piers in Recreational Harbors (Falmouth Wetland Regulations 10.16 (1) (d) (1-10))

- 1 Docks shall not exceed one hundred feet in length beyond mean high tide, or one hundred feet in length beyond the landward edge of salt marsh, or otherwise prohibit or unreasonably impede legitimate passage along a beach or through navigation over the waters for recreational or aquiculture purposes;*

The proposed dock extends 72 feet seaward of the mean high water line. The fixed pier is elevated a minimum of five feet above the mean high water elevation at the shoreline to permit lateral access along the waterfront. Therefore the proposed pier complies with this performance standard.

2. *To keep disturbance of the bottom minimal at all times during both construction and use, the water depth at the end of the dock shall be a minimum of three feet at the time of mean low water;*

The water depth at the end of the proposed dock is over 3 feet at mean low water. Therefore the proposed pier complies with this performance standard.

3. *The area of the terminal "L" or "T" shape in a fixed dock, or the float, or combination thereof, shall not exceed one hundred square feet;*

The "T" section at the end of the proposed pier measures 5' by 20' for a total area of 100 square feet. Therefore, the proposed pier complies with this performance standard.

4. *The design and construction shall not interfere with recreational intertidal access;*

The proposed fixed pier structure is elevated a minimum five feet above the mean high water elevation to permit lateral access along the shoreline. Therefore the proposed pier complies with this performance standard.

5. *No portion of the dock or pier may be closer than ten feet from the property boundary or extended property boundary line into the intertidal and tidal zones;*

The proposed pier is located 25' from the extension of the northerly property line and 48' from an extension of the southerly property line, therefore the proposed pier complies with this performance standard.

6. *Floating docks shall be fixed by piers using a hoop roller or other approved design fastening system;*

The proposed pier is a fixed structure, and does not have any floating components. Therefore, the proposed pier complies with this performance standard.

7. *The landward approach to a dock shall not harm vegetation on a coastal wetland, freshwater wetland or coastal bank (a marsh shall be crossed by a raised walkway, and coastal banks must be preserved by the use of suitable stairs);*

The pier will be accessed by a 4' wide walkway that extends from the top of coastal bank, over the wetland resources. No disturbance to any wetland vegetation is proposed. Therefore, the proposed pier complies with this performance standard.

8. *An area where the float(s), if any, will be stored shall be designated on the plan;*

The proposed pier is a fixed structure, and does not have any floating components. Therefore, the proposed pier complies with this performance standard.

9. *Except for floating portions of a dock, the decking surface shall not reduce normal ambient light, i.e. sunlight, by more than 50 percent over salt marsh and bordering vegetated wetland;*

Thru-flow decking will be used in all areas. Thru-flow decking allows for 50% sunlight penetration. Therefore, the proposed pier complies with this performance standard.

10. *The maximum horizontal foot-candle level as measured directly below each complete lighting unit shall not exceed 0.2 foot-candles.*

Proposed lighting will not exceed two-tenths (0.2) foot-candles as measured directly beneath each unit. Therefore, the proposed pier complies with this performance standard.

5.2 General Requirements and Prohibitions all Docks and Piers (Falmouth Wetland Regulations 10.16 (1) (h) (1-7))

1. *No new dock or pier or extension of an existing dock or pier may be constructed in any portion of FEMA designated velocity zone (V-Zone) unless the applicant demonstrates that there will be a public benefit from the project. The commission shall weigh the potential likelihood damage and harm that any such dock or pier would cause during a storm event with the public benefit demonstrated by the applicant in determining whether the project should be allowed.*

No portion of the site is designated by FEMA as being within a velocity zone. Therefore, the proposed pier complies with this performance standard.

2. *No dock or pier shall be allowed if, within 35 feet of the area designated by the applicant as the mooring field, there are significant quantities of shellfish as defined by FWR 10.34(3) and the area has been historically used for shell fishing, or has the potential for shell fishing, and the sediment provides a viable shellfish habitat (emphasis added).*

A shellfish survey has been conducted by Megalodon. The results of the survey indicate that there are no significant quantities of shell fish within 35 feet of the mooring field, therefore the proposed pier complies with this performance standard.

3. *If, within 50 feet of any portion of the dock or pier, there are significant quantities of shellfish as defined by FWR 10.34 (3), or the area has been historically used for shell fishing, or has potential for shell fishing, or the sediments provide a viable habitat for shell fishing, the applicant shall provide a shellfish mitigation plan.*

The shellfish survey performed by Pamela Neubert determined that there are areas containing significant densities of shellfish within 50' of the mooring field. Therefore, mitigation is required and proposed.

No new, replacement, or substantial alteration of an existing dock or pier shall be permitted within fifty (50) feet of an area of eelgrass (Zostera marina).

No eelgrass has been observed within 50 feet of the proposed pier. Therefore, the proposed project complies with this performance standard.

4. *No CCA-treated materials may be used to construct a dock or pier.*

No CCA-treated materials will be used in the construction of the pier. Therefore, the proposed pier complies with this performance standard.

5. *For singular ownership docks, any floating section of a dock or pier shall have a minimum water depth of three feet under all portions of the floating section of the dock or pier including times of extreme low water. This depth shall be measured as the shortest distance from any portion of the bottom of the floating section to the seabed.*

The proposed pier is an entirely fixed structure with no floating sections. Therefore, this performance standard does not apply.

5.3 Performance Standards for Land Containing Shellfish (FWR 10.34 (6-8))

6. *Any project on land containing shellfish shall not adversely affect any portion of such land or marine fisheries by a change in the productivity of such land caused by:*
 - a. *Alteration of water circulation;*

The construction of the proposed pile-supported fixed pier will have negligible impact on water circulation. The piles have been spaced to the maximum extent feasible to minimize impacts to water circulation.

b. Alterations in relief elevation;

No alterations in relief elevation are proposed.

c. The compacting of sediments by vehicular traffic;

No compacting of sediments by vehicular traffic is proposed.

d. Alterations in the distribution of sediment grain size;

No alterations in the distribution of sediment grain size are proposed or anticipated.

e. Alterations in natural drainage from adjacent lands;

No changes in natural drainage patterns are proposed.

f. Changes in water quality, including but not limited to, other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature, or turbidity, or the addition of pollutants.

The proposed pier has been designed to avoid and potential changes in water quality through the use of non-CCA timber, and provision of adequate water depths.

7. Notwithstanding FWR 10.34(6), projects approved by DMF that are specifically intended to increase the productivity of land containing shellfish may be permitted.

The proposed project is not specifically intended to increase the productivity of land containing shellfish, and therefore this performance standard does not apply.

8. Notwithstanding FWR 10.34(6) and 10.34(7), no project may be permitted which will have any adverse effect on habitat of rare species.

Information published by the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (Natural Heritage Atlas, 2006) indicates that the proposed pier construction is not located within Estimated Habitat of Rare Wetlands Habitat and Priority Habitat.

6.0 Summary

The existing wetland resources, potential project impacts, and proposed mitigation measures associated with this pier construction project have been fully documented in the Notice of Intent submission. The project meets or exceeds all applicable

performance standards under Section 240-77 (Wetland Regulations) of the Falmouth Zoning By Law and should therefore be reviewed favorable by the Falmouth Select Board.

ATTACHMENT B

ORDER OF CONDITIONS 25-4900



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

Provided by MassDEP:
 25-4900
 MassDEP File #
 eDEP Transaction #
 Falmouth
 City/Town

A. General Information (cont.)

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

a. County	b. Certificate Number (if registered land)
35102	143
c. Book	d. Page

7. Dates:

9/11/2023	9/27/2023	10/26/23
a. Date Notice of Intent Filed	b. Date Public Hearing Closed	c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Site Plan - Dock Reconstruction

a. Plan Title	
Falmouth Engineering, Inc.	Michael J. Borselli, P.E., Gary S. Labrie,
b. Prepared By	P.L.S.
10/3/2023	1" = 20'
d. Final Revision Date	e. Scale

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

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- | | | |
|--|--|---|
| a. <input type="checkbox"/> Public Water Supply | b. <input checked="" type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

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



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

Provided by MassDEP:
 25-4900
 MassDEP File # _____
 eDEP Transaction # _____
 Falmouth
 City/Town

B. Findings (cont.)

Denied because:

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

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

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



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

Provided by MassDEP:
25-4900
MassDEP File #
eDEP Transaction #
Falmouth
City/Town

B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	380 a. square feet	 b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	4 a. square feet	 b. square feet	 c. nourishment cu yd	 d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	 a. square feet	 b. square feet	 c. nourishment cu yd	 d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	 a. linear feet	 b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	 a. square feet	 b. square feet		
17. <input checked="" type="checkbox"/> Salt Marshes	100 a. square feet	 b. square feet	 c. square feet	 d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	 a. square feet	 b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input checked="" type="checkbox"/> Land Containing Shellfish	380 a. square feet	 b. square feet	 c. square feet	 d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	520 a. square feet	 b. square feet		
22. <input type="checkbox"/> Riverfront Area	 a. total sq. feet	 b. total sq. feet		
Sq ft within 100 ft	 c. square feet	 d. square feet	 e. square feet	 f. square feet
Sq ft between 100-200 ft	 g. square feet	 h. square feet	 i. square feet	 j. square feet



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

Provided by MassDEP:
 25-4900
 MassDEP File # _____
 eDEP Transaction # _____
 Falmouth
 City/Town

B. Findings (cont.)

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

23. Restoration/Enhancement *:

a. square feet of BVW _____

b. square feet of salt marsh _____

24. Stream Crossing(s):

a. number of new stream crossings _____

b. number of replacement stream crossings _____

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



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

Provided by MassDEP:
25-4900
MassDEP File #

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Falmouth
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 25-4900 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

1. Municipal Ordinance or Bylaw	2. Citation
---------------------------------	-------------

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

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:
- | | |
|--|-----------|
| <u>Falmouth Wetlands Bylaw / Regulations</u> | CH 235 / |
| 1. Municipal Ordinance or Bylaw | FWR 10.00 |

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

See Attached



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E. Signatures

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

10/26/23
1. Date of Issuance

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

4

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

2. Number of Signers

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

<u>Jennifer L. Lincoln</u> Signature	Jennifer L. Lincoln, Conservation Administrator
<u>Jamie Mathews</u> Signature	Jamie Mathews, Chair Printed Name
<u>Courtney Bird</u> Signature	Courtney Bird, Vice Chair Printed Name
<u>Stephen Patton</u> Signature	Stephen Patton Printed Name
<u>Kevin O'Brien</u> Signature	Kevin O'Brien Printed Name
_____ Signature	_____ Printed Name
_____ Signature	_____ Printed Name
_____ Signature	_____ Printed Name

by hand delivery on by certified mail, return receipt requested, on

10/26/23 Elena B. Wells
Date Date
FALMOUTH ENGINEERING, INC.

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



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

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F. Appeals

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

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

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



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G. Recording Information

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

Conservation Commission

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

To:

Falmouth
Conservation Commission

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

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Barnstable
County

Book

Page

for:

Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

Signature of Applicant



FALMOUTH CONSERVATION COMMISSION

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

Michael Tanionos
86 Edgewater Drive East, Falmouth
DEP # 25-4900

FINDINGS:

1. The applicant proposes to reconstruct the existing pier in a slightly longer and elevated footprint.
2. While onsite the Conservation staff noticed increases in hardscaping on the property which was not permitted, this issue will be addressed under a separate filing.
3. Resource areas onsite and within 100 feet of the proposed project include Land Subject to Coastal Storm Flowage, Coastal Bank, Salt Marsh, Land Containing Shellfish, Land Under Ocean, and Resource Area Buffer.

STANDARD CONDITIONS

1. Permission is granted to Michael Tanionos, 86 Edgewater Drive East, to reconstruct and maintain a dock/pier according to the plans by Falmouth Engineering, Inc., dated August 16, 2023, with a revision date of October 3, 2023, entitled "Site Plan-Dock Reconstruction" and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes will require that the applicant first obtain all necessary permits and approvals from the Conservation Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of \$25,000.00 per day.
4. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an

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

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

and to encourage the growth of protective vegetation on ground draining into the wetlands or other Resource Areas.

12. All cuttings and debris from permitted clearing of the lot prior to construction shall be removed offsite immediately. No debris can be stored, even temporarily, in a resource area or within 100 feet of any resource area.
13. All fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location more than 100 feet from any resource area.
14. No creosote-treated wood or CCA treated wood may be used. The use of non-toxic materials is mandatory and shall be certified in writing by a professional engineer.
15. Equipment, vehicles, or other objects are not allowed to be placed or stored on any wetland or resource area at any time.
16. Any additional work, not identified at the time this permit was granted, within the Limit of Work , in a resource area or within 100 feet of any resource area will require that the applicant first obtain all necessary permits from the Conservation Commission before proceeding with such work.
17. All work shall be done by hand or from a barge-supported crane during high tide.
18. Any barge used for this project must float at all times.
19. Piles shall be driven, not jetted.
20. All decking surfaces crossing Salt Marsh shall be constructed per design criteria per application.
21. All seasonal floats shall be stored in a predetermined upland location per application and the plan of reference.
22. All construction debris shall be removed off-site to an approved upland disposal site.
23. All disturbed areas are to be re-vegetated using either native plant species (or drought-tolerant fescues on 8-10 inches of loam). Re-vegetation is to be done immediately following completion of construction.
24. The street number and address and the DEP number of the dock approved by this Order shall be affixed to the seaward face (end) of the dock using three-inch (3") digits of bright contrasting color. This number shall be maintained in clear visible condition throughout the lifetime of the dock.
25. Water lines and attached hoses shall have nozzles attached.
26. Boats shall only be tied up in those areas designated as the mooring field on the plan of reference.
27. Boats at the dock shall not be allowed to leak oil or other pollutants into the water, nor shall oil or fuel

be stored on the dock or pier.

28. Motorboats shall not be run in gear while tied to the dock, since prop wash disturbs shellfish beds, stirs up sediment and causes bank erosion.
29. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.
30. Photographic evidence of winter storage location of floats or seasonal dock parts on uplands shall be presented to the Conservation Commission within one year of completion of structure.
31. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. A request for a Certificate of Compliance must be accompanied by and "Existing Conditions" plan and Engineers written certification of compliance certifying the dock or pier has been constructed and completed in accordance with the conditions contained herein and notes any deviation from the approved plans.
32. The dock must be properly maintained in a safe and functioning manner. Docks and piers are coastal structures requiring continual maintenance or else lend themselves to causing significant damage to property at the time of storms. If not properly maintained docks and piers pose a significant danger to public safety. Docks and piers not properly maintained, which in the opinion the Commission have a potential of being destroyed in a storm, may be ordered removed at the owner's expense. You have a right to hearing prior to any such order being issued.

SPECIAL CONDITIONS:

1. The applicant shall apply to the Conservation Commission to address the increased hardscaping prior to the Conservation Department submitting a positive referral to the Select Board in their review of the proposed dock/pier. If the applicant fails to do so, the Conservation Department will inform the Select Board of the applicant's noncompliance with this order of conditions.
2. The Conservation Department and the Marine and Environmental Services Department shall be notified of the date and time of construction activities utilizing a barge.
3. Only one (1) boat shall be moored to the dock at any one time. This boat shall be located in the area depicted as the mooring field on the plan of reference.
4. Special Condition # 3 shall be written into the COC and registered with and ongoing with the deed.

VOTE AUTHORIZING SIGNATURES OF COMMISSIONERS

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

ATTACHMENT C

HARBORMASTER COMMENTS



MARINE & ENVIRONMENTAL SERVICES
TOWN OF FALMOUTH
180 SCRANTON AVENUE, FALMOUTH, MA 02540
TEL: (508) 457-2550 • FAX: (508) 457-2525
TOWN MARINA TEL: (508) 457-2551

**Falmouth Wetlands – Chapter 235
Wetlands Protection Act MGL 131:40
Harbormaster Inspection Report**

Applicant: Michael Tanionos
Date on Plan: 9-13-23
Property: 86 Edgewater Drive East
Assessors Map: 32 13 000D 004
Area of Impact: Child's River

**Date of Inspection
and/or Review:** March 28, 2023

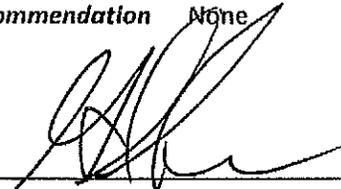
Project Staking: No

Navigational Issues: Similar to other docks in immediate area

Mooring Issues: None

Comments: None

Recommendation: None



Gregg Fraser,
MES Director/Harbormaster

3-28-23
Date

ATTACHMENT D

DRIVING DIRECTIONS TO SITE

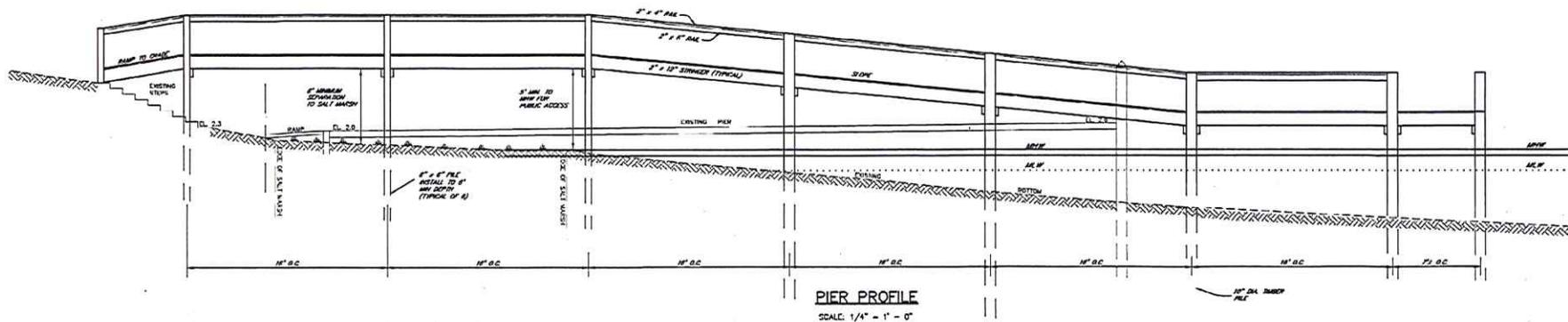
Driving Directions to Site

Turn right out of Town Hall parking lot onto Main Street and continue for 5.4 miles. Turn right onto Seacoast Shores Blvd and follow for 1.5 miles. Turn left onto Harvard Drive. At the end of Harvard Drive, turn left onto Edgewater Drive East. Number 86 is on the right.



ATTACHMENT F

PLAN OF PROPOSED PIER



PIER PROFILE
SCALE: 1/4" = 1' - 0"

GENERAL NOTES:

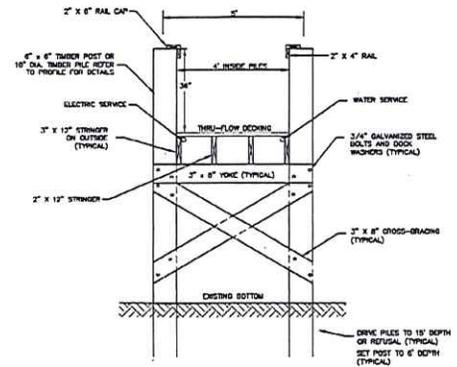
- ASSESSOR'S INFORMATION: 32.13.0000.004
- FLOOD ZONES: X & AE13 (FDMA MAP 2500(C07333))
- ZONING DISTRICT: RC
- WIND EXPOSURE CATEGORY: C
- LOT COVERAGE BY:
 - STRUCTURES: 1,434 S.F./12,972 S.F. = 11.1% < 20%
 - STRUCTURES/PARKING/PAVING: 1,762 S.F./12,972 S.F. = 13.6% < 40%
- WIND BORNE DEBRIS REGION: HIGH
- STREET ADDRESS: EDGEWATER DRIVE EAST
- HOUSE NUMBER: 86
- TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
- ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988
- ELEVATIONS IN PARENTHESES ARE REFERENCED TO MEAN LOW WATER.

LEGEND

- 10 EXISTING 2' CONTOUR
- 10 EXISTING 10' CONTOUR
- +14.0 EXISTING SPOT ELEVATION
- +14.0 PROPOSED SPOT ELEVATION
- OKA O EXISTING TREE
- PP 10 EXISTING UTILITY POLE
- +14.5 EXISTING SPOT ELEVATION

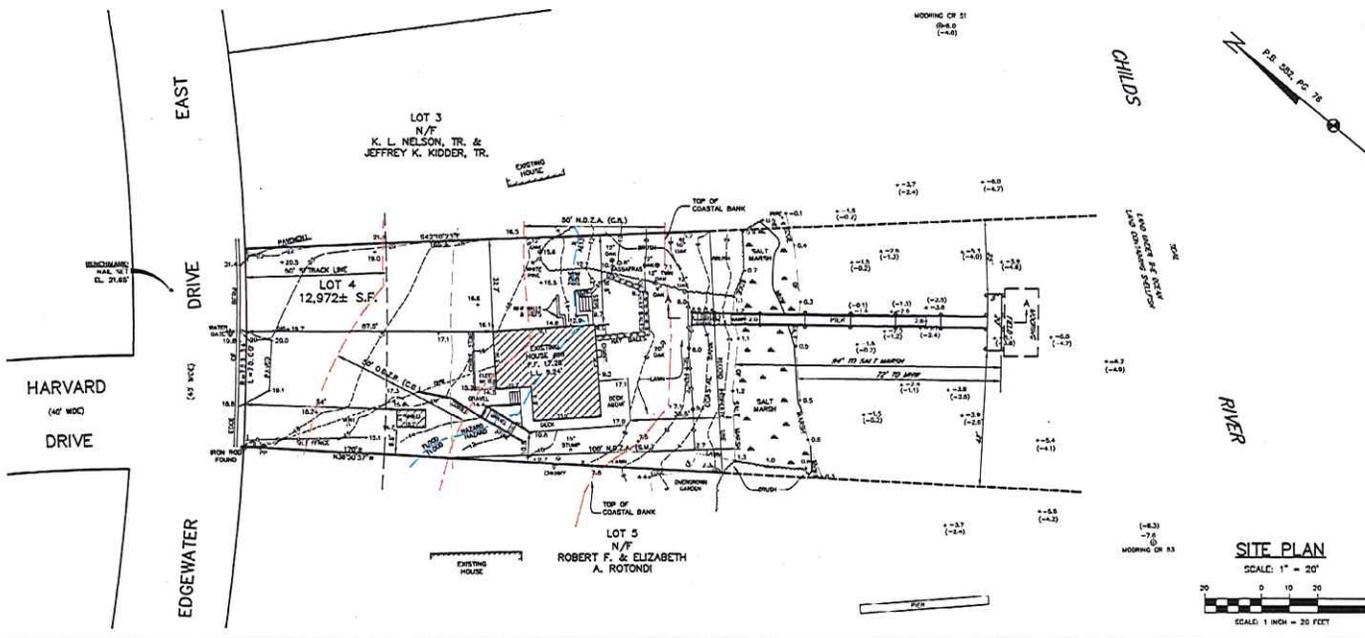
CONSTRUCTION NOTES:

- ALL WOOD MATERIALS SHALL BE CUT IN THE UPLAND.
- ALL METAL FASTENERS SHALL BE HOT DIPPED GALVANIZED STEEL.
- ALL WOOD MATERIALS SHALL BE NON CCA TREATED.
- PILES SHALL BE DRIVEN NOT LETTED TO A MINIMUM DEPTH OF 15' OR REFUSAL.
- FASTENING OF WOOD MATERIALS SHALL BE BY 3/4" BOLTS, NUTS AND DOCK WASHERS; HURRICANE CLIPS OR THRU BOLTS FOR STRINGER CONNECTION TO YOKES OR AS INDICATED ON THE PLANS.
- ALL DOCK LIGHTING SHALL NOT EXCEED 0.2 FOOTCANDLES (FC).



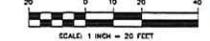
TYPICAL PIER CROSS-SECTION

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



SITE PLAN

SCALE: 1" = 20'



10/3/23	REVISE COASTAL BANK, ADD BUFFERS.
DATE	REVISION
SITE PLAN - DOCK RECONSTRUCTION	
FOR #86 EDGEWATER DRIVE EAST	
PREPARED FOR	
MICHAEL TANIONOS	
FALMOUTH MA	
PLAN DATE: AUGUST 16, 2023	PLAN SCALE: 1" = 20'
CIVIL ENGINEERING	LANDSCAPE ARCHITECTURE
WATERWORKS DESIGN	COASTAL ENGINEERING
TITLE & PLOT PLANS	PIERS AND DOCKS
LAND USE PLANNING	COMMERCIAL/RESIDENTIAL
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225	
PROJECT NUMBER: 22028 CAD FILE NAME: 2202800 DRAWN BY: LM./M.J. SHEET 1 OF 1	

Diane Davidson

From: Alissa Bergeron
Sent: Wednesday, December 27, 2023 12:28 PM
To: Diane Davidson
Cc: Jennifer Lincoln
Subject: RE: Special Permit Application - Wetlands/Docks - 86 Edgewater Drive East
Attachments: Edgewater Dr East 86 (Tanionos....OC rev final revision date.pdf; Edgewater Dr East 86 (Tanionos) 25-4900 rev plan 10 03 23.pdf

Hi Diane,

Please see the attached Order of Conditions and approved plan for the dock construction; these match what has been submitted to the Select Board. Additionally, please note that Special Condition #1 on the Order is currently being addressed, and we are anticipating a filing to be submitted next month to bring the property into compliance.

Alissa Bergeron
Conservation Agent
Town of Falmouth, MA
alissa.bergeron@falmouthma.gov
Office: (508) 495-7492

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Monday, December 18, 2023 5:24 PM
To: Falmouth Conservation Commission <concom@falmouthma.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>; Charles Martinsen <chuck.martinsen@falmouthma.gov>
Subject: Special Permit Application - Wetlands/Docks - 86 Edgewater Drive East

To All,

For your information: The Select Board has received the attached application for a special permit for a dock:

Applicant: Michael Tanionos
Location: 86 Edgewater Drive East, East Falmouth
Proposed Work: To conduct a fixed pier that will extend approximately 72 feet seaward of mean high water into Childs River
Body of Water: Childs River

The applicant has provided a copy of the Order of Conditions and the Harbor Master Inspection Report. If you have any comments, please send by Wednesday, January 3, 2024.

The hearing is scheduled at the Select Board meeting on Monday, January 8, 2024 at 6:45 p.m.

Thank you.

Diane

Diane S. Davidson
Office Manager/Licensing



RECEIVED

NOV 15 2023

FALMOUTH BOARD OF ASSESSORS

Town of Falmouth Assessing Department

59 Town Hall Square, Falmouth MA 02540

Telephone: 508-495-7380

Fax: 508-495-7384

REQUEST OF CERTIFIED ABUTTERS LIST

Name of person requesting abutters list: Diane Davidson

Address of person requesting abutters list: Town Manager's Office

Phone: x7321

Abutters to (subject property):
Map 32 Section 13 Parcel 000D Lot 004
Map _____ Section _____ Parcel _____ Lot _____
Map _____ Section _____ Parcel _____ Lot _____

Lot size of subject property: _____

Location of subject property: 86 Edgewater Drive East

Check one:

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

Fee. \$25.00 Total N/A

86 EDGEWATER DR EAST

CERTIFIED



Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
November 16, 2023

119 CHILDS RIVER RD ALPHEN TRUSTEE PAUL F ALPHEN TRUSTEE ANNETTE C 9 BOUTWELL HILL RD WESTFORD. MA 01886	32 19 008 161 LUC: 101	107 CHILDS RIVER RD HEYN EILEEN M 23 STOCKWELL FARM RD NORTH GRAFTON. MA 01536-1905	32 19 011 001F LUC: 101	31 HARVARD DR PISCOPO LORRAINE PISCOPO JENNIFER 31 HARVARD DR EAST FALMOUTH. MA 02536	32 13 000D 042 LUC: 101
49 ATWATER DR BOWERS BERERLY A 49 ATWATER DR EAST FALMOUTH. MA 02536	32 13 000D 056 LUC: 101	46 HARVARD DR HIGGINS THOMAS A HIGGINS ULA J 12 BENJAMIN RD LEXINGTON. MA 02421	32 13 000D 047 LUC: 101	35 HARVARD DR ROBINSON CHARLEY ROBINSON AMY J S 35 HARVARD DR EAST FALMOUTH. MA 02536	32 13 000D 043 LUC: 101
123 CHILDS RIVER RD BRICE TRUSTEE MARILYN J BRICE TRUSTEE HENRY W 123 CHILDS RIVER RD E FALMOUTH. MA 02536	32 19 006C 164 LUC: 101	103 EDGEWATER DR EAST KOUREPENIS ANTHONY S KOUREPENIS KERRY S 31LAWSBROOK RD ACTON. MA 01720	32 13 000D 024 LUC: 101	111 CHILDS RIVER RD ROSADO TRUSTEE A LOUIS ROSADO TRUSTEE MARK D 111 CHILDS RIVER RD E FALMOUTH. MA 02536	32 19 011A 002F LUC: 101
115 CHILDS RIVER RD CAROLL TRUSTEE TAYLOR MAY TMC FAMILY TRUST 14 CAMP RD FOXBOROUGH. MA 02035	32 19 010 003F LUC: 101	36 HARVARD DR LAPIERRE EMILY WILLIAMS JACOB 343 CORNELL ST BOSTON. MA 02131	32 13 000D 049 LUC: 101	92 EDGEWATER DR EAST ROTONDI ROBERT F ROTONDI ELIZABETH A 11 ANDREWS RD WESTBOROUGH. MA 01581	32 13 000D 005 LUC: 101
96 EDGEWATER DR EAST DONNELLY TRUSTEE MARIE S MARIE S DONNELLY TRUST 62 SHORT ST MIDDLEBORO. MA 02346	32 13 000D 007 LUC: 101	100 EDGEWATER DR EAST LEWIS WAYNE F PO BOX 3231 WAQUOIT. MA 02536	32 13 000D 008 LUC: 101	0 SEACOAST ROW SEACOAST SHORES ASSOC INC PO BOX 768 EAST FALMOUTH. MA 02536	32 00 000B 000C LUC: 201
103 CHILDS RIVER RD DRINAN JR TRUSTEE WILLIAM KANE TRUSTEE LISA C 103 CHILDS RIVER RD EAST FALMOUTH. MA 02536	32 18 001B 132 LUC: 101	108 EDGEWATER DR EAST LEWIS TRUSTEE HELEN MELVIN LEWIS JR NOMINEE TR PO BOX 638 EAST FALMOUTH. MA 02536-0036	32 13 000D 009 LUC: 104	45 HARVARD DR SHEA TRUSTEE JEAN M SHEA TRUSTEE KEVIN F PO BOX 1605 SANDWICH. MA 02563	32 13 000D 033 LUC: 101
97 EDGEWATER DR EAST EDS WATER LLC PO BOX 638 E FALMOUTH. MA 02536-0036	32 13 000D 035 LUC: 104	40 HARVARD DR MASEL ALEX J 6 AVALON DR STONEHAM. MA 02180	32 13 000D 048 LUC: 101	55 ATWATER DR SHERIDAN TRUSTEE HAZEL L HLS 2014 REALTY TRUST 55 ATWATER DR EAST FALMOUTH. MA 02536	32 13 000D 058 LUC: 101
36 YALE DR EDS WATER LLC PO BOX 638 E FALMOUTH. MA 02536-0036	32 13 000D 036 LUC: 101	60 ATWATER DR MCMANUS TRUSTEE JOHN E MCMANUS TRUSTEE SHARON C 60 ATWATER DR EAST FALMOUTH. MA 02536	32 11 000B 082 LUC: 101	86 EDGEWATER DR EAST TANIONOS MICHAEL J TANIONOS MELANIE 30 WACHUSETT DR LEXINGTON. MA 02421	32 13 000D 004 LUC: 101
0 HARVARD DR FALMOUTH TOWN OF 59 TOWN HALL SQ FALMOUTH. MA 02540-2761	32 13 000D 044 LUC: 936	51 ATWATER DR MURPHY PAULINE E 51 ATWATER DR EAST FALMOUTH. MA 02536	32 13 000D 057 LUC: 101	91 EDGEWATER DR EAST TESTA JOSEPH 41 PEARL ST MILFORD. MA 01757-1647	32 13 000D 034 LUC: 101
70 EDGEWATER DR EAST HARVEY TRUSTEE VIRGINIA C HARVEY EDGEWATER DR TRUST 26 CHERRY BLOSSOM LN HANOVER. MA 02339	32 11 000B 089 LUC: 101	82 EDGEWATER DR EAST NELSON TRUSTEE K L KIDDER TRUSTEE JEFFERY K 101 CHERRY ST SHREWSBURY. MA 01545	32 13 000D 003 LUC: 101	78 EDGEWATER DR EAST TUCKER DAWN 3 LAKE POTAMPO RD BROOKLINE. NH 03033	32 13 000D 002 LUC: 101

74 EDGEWATER DR EAST 32 13 000D 001
WHITING GLENDA M LUC: 101
74 EDGEWATER DR EAST
EAST FALMOUTH. MA 02536

0 EDGEWATER DR EAST 32 13 000D 045
WHITING ESTATE OF CURTIS A LUC: 130
154 FRANKLIN AVE
CRANSTON. RI 02920

0 EDGEWATER DR EAST 32 13 000D 046
WHITING ESTATE OF CURTIS A LUC: 130
154 FRANKLIN AVE
CRANSTON. RI 02920

OPEN SESSION

PUBLIC HEARINGS

3. Application for an Alteration of Premises of its Wine and Malt Beverages Restaurant License – Seafood Sam’s Falmouth, Inc. d/b/a Seafood Sam’s located at 356 Palmer Avenue, Falmouth
(10 minutes)



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearings 3.

ITEM TITLE: Application for an Alteration of its Wine and Malt Beverages Restaurant License- Seafood Sam's of Falmouth, Inc. d/b/a Seafood Sam's located at 356 Palmer Avenue, Falmouth

MEETING DATE: 1/8/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Liquor License Hearing Notice (Publication Date December 22, 2023); License Application Review Form; ABCC Amendment- Change or Alteration of Premises Application dated September 8, 2023; Building Site Plan

PURPOSE:

The Select Board will conduct a public hearing under Chapter 138 of the General Laws, as amended, to hear and consider an application by Seafood Sam's Falmouth, Inc. for an alteration of premises to its Wine and Malt Beverage Restaurant License.

BACKGROUND/SUMMARY:

- The applicant, Mr. Michael P. Lewis, submitted an Amendment- Change or Alteration of Premises Information application through the Alcoholic Beverages Control Commission on September 8, 2023 (attached).

- The application and submitted plans call for an outdoor seating area to be located on the southwest corner of the property, abutting the Shining Sea Bikeway; six (6) outdoor tables are proposed according to the application materials.
- The applicant states in his application that the proposed outdoor seating area is approximately 70 feet from the main restaurant building, and that a clear and direct view of the outdoor seating area exists from the restaurant building.
- The Police Department has reviewed the application and is recommending that the Select Board not approve the application because the view from the restaurant to the proposed outdoor tables would likely be blocked by vehicles parked in the parking lot area; ABCC guidelines require non-contiguous alcohol service areas to be "within clear and direct view of the existing licensed building premises."

DEPARTMENT RECOMMENDATION:

Following the public hearing, the Town Manager recommends that the Select Board consider the facts and comments presented during the hearing and render their decision as to the applicant's request.

OPTIONS:

- Motion to approve the application for an Alteration of its Wine and Malt Beverages Restaurant License- Seafood Sam's of Falmouth, Inc. d/b/a Seafood Sam's located at 356 Palmer Avenue, Falmouth.
- Motion to deny approval of the application for an Alteration of its Wine and Malt Beverages Restaurant License- Seafood Sam's of Falmouth, Inc. d/b/a Seafood Sam's located at 356 Palmer Avenue, 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:

Following the public hearing, the Town Manager recommends that the Select Board consider the facts and comments presented during the hearing and render their decision as to the applicant's request.

Michael Renshaw

Town Manager

1/5/2024

Date



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Seafood Sam's Falmouth, Inc. d/b/a Seafood Sam's has applied for an Alteration of Premises to its Wine & Malt Beverages Restaurant License to be exercised at 356 Palmer Avenue, Falmouth, MA.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, January 8, 2023, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

LICENSING BOARD

Nancy Robbins Taylor

Edwin (Scott) P. Zylinski, II

Douglas C. Brown

Onjalé Scott Price

Robert P. Mascali

Publication date: Friday, December 22, 2023; Falmouth Enterprise

LICENSE APPLICATION REVIEW

Restaurant/Business: Seafood Sam's Falmouth, Inc. d/b/a Seafood Sam's

Address: 356 Palmer Avenue, Falmouth

License Type: _____

New or Transfer of License _____

or

Change of License Alteration of Premises

Police Does not recommend approval of this application as submitted. The ABCC guidelines require non-contiguous alcohol service areas to be "within clear and direct view of the existing licensed building premises." The view from the restaurant of the proposed tables that are adjacent to the parking lot and the bike path will likely be obstructed by parked vehicles

Fire _____

Building _____

Health No issues since there is no increase in seating

Zoning The restaurant can reduce indoor seating, and provide additional outdoor seating without increasing total seating. An Administrative Approval from the ZBA referencing that arrangement, so that there is a clear record of the total seats allowed is recommended.

Planning Application does not include an increase in building area or parking spaces & does not include any alterations to site access, the Planning Department has no issues with the current proposal.

DPW _____

Assessor _____

NOTES:

The Building Commissioner approved the Interior Floor Plan on 8/21/23.



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

AMENDMENT-Change or Alteration of Premises Information

Change of Location

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

Alteration of Premises

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Seafood Sam's Falmouth, Inc.	Falmouth	0048-RS-0390

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

Re-allocation of 24 indoor dining seats to 24 outdoor seats at six picnic table (4 seats each table) with service of food, beer and wine. Total seats as proposed totalling 180 seats (Indoors and outdoors combined).

APPLICATION CONTACT

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

Name	Title	Email	Phone
Michael P. Lewis	Owner/President	falmouthseafoodsams@gmail.com	508-274-2349

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

No physical alterations to the building are proposed. Applicant proposes to remove 24 existing interior seats and move the seats outside to the proposed picnic table area on Southwest corner of premises as shown on site plan. Total seats as proposed being 180 seats.

2B. PROPOSED DESCRIPTION OF PREMISES

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

One story structure. Five rooms. 4607 square feet. Proposed seating as follows: Front dining room - 52 seats. Main Dining room - 36 seats. Atrium Dining room - 28 seats. Outdoor patio - 40 seats. Picnic tables - 24 seats.

Total Sq. Footage	4607	Seating Capacity	180	Occupancy Number	188
Number of Entrances	1	Number of Exits	5	Number of Floors	1

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

The proposed outdoor seating area is located on the Southwest corner of the Restaurant property. It abuts the Shining Sea Bikeway. A popular area to sit in during the Summer months. THERE IS A CLEAR AND DIRECT VIEW of the outdoor seating area from the restaurant. The restaurant has glass doors and windows which allow for an unobstructed view. The manager and all appropriate staff will utilize this view to ensure compliance with all restaurant, town and ABCC rules.

The outdoor area is approximately 70 feet from the main restaurant building. A relatively short distance. It is a level graveled area and it will be fenced off from existing parking areas and the adjacent bike path. It is a quiet nice area to sit and relax and dine. ALL ALCOHOL SERVICE TO THE OUTDOOR SEATING AREA SHALL BE TRADITIONAL RESTAURANT STYLE SERVER BASED SERVICE. A server shall deliver all alcohol to the outdoor seating area, and on the rare occurrence where a second drink is requested, the server will take the order and deliver the alcoholic beverage. THERE WILL BE NO TRANSPORTING OF AN ALCOHOLIC BEVERAGE BETWEEN THE RESTAURANT AND THE OUTDOOR SEATING AREA BY A CUSTOMER.

All servers will be tips certified.

Because 6 outdoor tables are proposed, the applicant believes and proposes to utilize one employee to remain in the outdoor seating area AT ALL TIMES. This employee may or may not assist in the serving of alcoholic beverages however the primary purpose will be to ensure that no customers or members of the general public are in possession of alcoholic beverages outside the designated outdoor seating area.

The area will be fenced off. The owner will install signage indicating that alcoholic beverages are NOT to be consumed or possessed outside of the designated area. A manager will be on premises at all times. The applicant/owner will remain on high alert relative the transportation and consumption of alcoholic beverages (Beer and wine).

The applicant has submitted a site plan which was carefully designed and intended to comply with the ABCC guidelines for outdoor seating. It is hoped that both the restaurant plan and site plan are satisfactory to the board and the ABCC.

APPLICANT'S STATEMENT

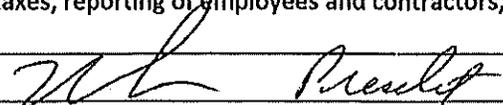
I, Michael P. Lewis the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory
of Seafood Sam's Falmouth, Inc.
Name of the Entity/Corporation

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

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

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

Signature:



Date: 9/8/2023

Title:

President

8-21-23
 L.P.
 10/11/23



LEGEND

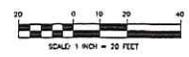
- 2' --- EXISTING 2' CONTOUR
- 10' --- EXISTING 10' CONTOUR
- +25.5 EXISTING SPOT ELEVATION
- +26.0 PROPOSED SPOT ELEVATION
- EXISTING TREE
- ⊕ EXISTING HYDRANT
- PP EXISTING UTILITY POLE
- MASS HIGHWAY BOUND

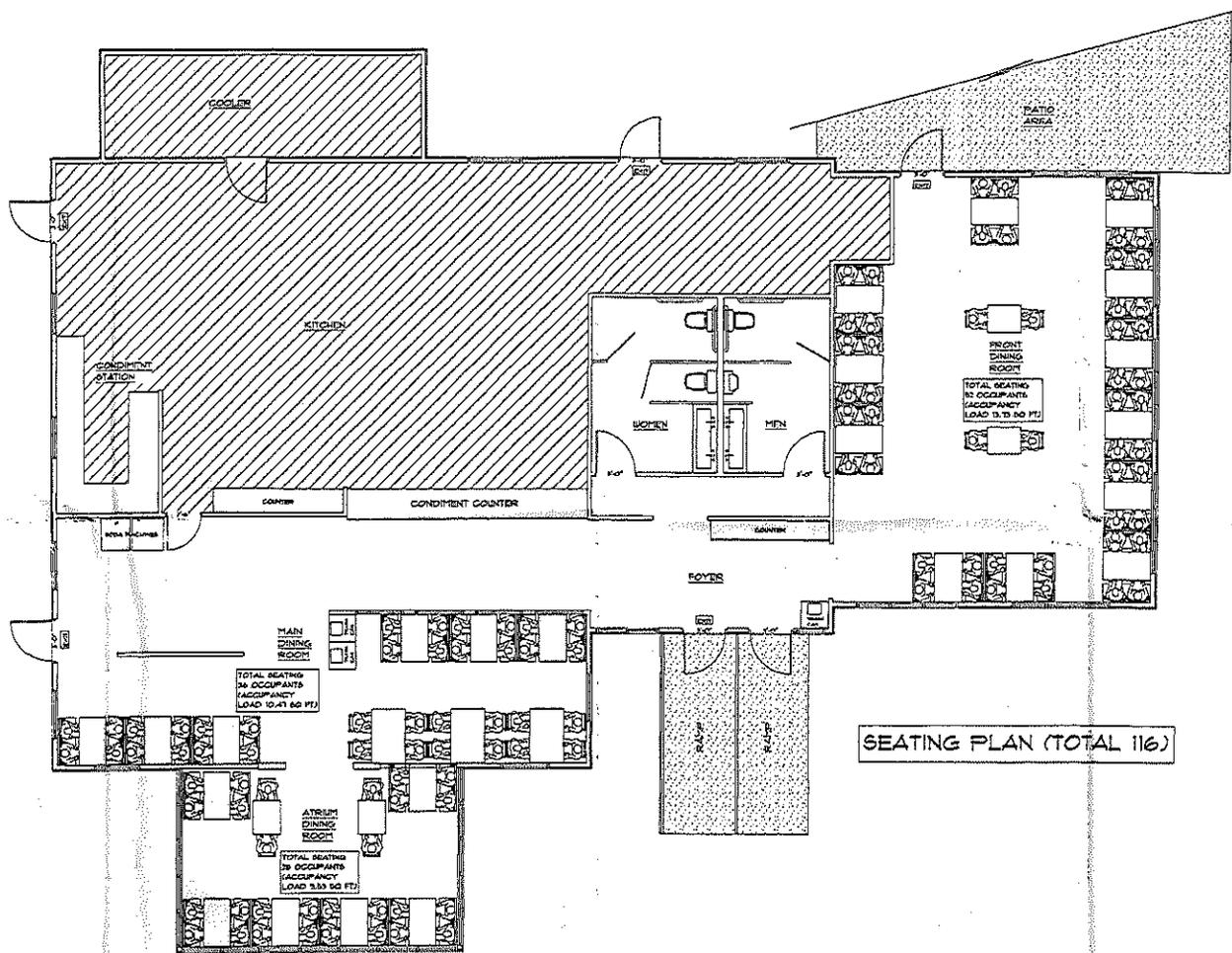
GENERAL NOTES:

1. ACCESSOR'S INFORMATION: 38 02 016 000
2. FLOOD ZONE: X (FEMA MAP 25001C0736J)
3. ZONING DISTRICTS: UA & CR
4. WIND EXPOSURE CATEGORY: C
5. OVERLAY DISTRICT: HISTORIC DISTRICT
6. LOT COVERAGE BY:
 - A. STRUCTURES: 4,607 S.F./54,489 S.F. = 8.3%
 - B. STRUCTURES/PARKING/PAVING: 28,544 S.F./54,489 S.F. = 52.4%
7. WIND BORNE DEBRIS REGION: N/A
8. STREET ADDRESS: PALMER AVENUE
9. HOUSE NUMBER: 358
10. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
11. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.
12. TOTAL EXISTING PARKING SPACES = 51

10/11/23	ADD PROPOSED POST AND RAIL FENCE
8/21/23	ADD TABLE TO NORTH SIDE, REVISE SOUTHERN ADJUTER NAME
6/2/23	ADD PROPOSED TABLES (6 TOTAL)

DATE	REVISION
SITE PLAN - EXISTING CONDITIONS FOR #358 PALMER AVENUE PREPARED FOR SEAFOOD SAM'S IN FALMOUTH MA	
PLAN DATE: DECEMBER 19, 2022	PLAN SCALE: 1" = 20'
CIVIL ENGINEERING WASTEWATER DESIGN TITLE 5 PUMP STATION LAND USE PLANNING	 WETLANDS PERMITTING COASTAL ENGINEERING PILES AND DOCKS COMMERCIAL/RESIDENTIAL
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.405.1225 PROJECT NUMBER: 22047 CAD FILE NAME: 22047P DRAWN BY: L.M./M.D. SHEET 1 OF 1	





SEATING PLAN (TOTAL 116)

DESIGN HAS BEEN REVIEWED BY FALMOUTH BUILDING DEPARTMENT CONSTRUCTION SUBJECT TO USA BUILDING CODE COMPLIANCE. THE SET OF STAMPED PLANS SHALL BE KEPT AT THE BUILDING DEPT. 8-27-23
 [Signature]

BUILDER SEAFOOD SAM'S 356 PALMER AVE. FALMOUTH, MA. 02540	JOB ADDRESS SEAFOOD SAM'S 356 PALMER AVE. FALMOUTH, MA. 02540	DESIGN EXISTING SEATING PLAN	WWW.JBHOMEDESIGNS.COM	DATE 8-3-23	REVISION •	DRAWN BY JB	PAGE 1 OF 1	SCALE 1/4" = 1'-0"	JB Designs 1000 W. BROADWAY FALMOUTH, MA 02540 TEL: 508-548-8504
---	---	--	--	-----------------------	----------------------	-----------------------	-----------------------	------------------------------	--

(1) IN PURCHASE OF DESIGNER LEAVED PURCHASER RESPONSIBLE FOR COMPLIANCE WITH ALL LOCAL BUILDING CODES AND ORDINANCES. JB DESIGN MAY NOT BE HELD RESPONSIBLE FOR ANY CONDITIONS OR FOR THE USE OF THESE DRAWINGS DURING CONSTRUCTION.
 (2) EXACT SIZE AND REINFORCEMENT OF ALL CONCRETE FOOTING MUST BE DETERMINED BY LOCAL SOIL CONDITIONS AND ACCEPTABLE PRACTICES OF CONSTRUCTION. VERIFY DESIGN WITH LOCAL ENGINEER.
 (3) ALL FOOTINGS SHALL EXCEED MINIMUM FOOTING VERIFY DEPTH. VERIFY STRUCTURAL ELEMENTS FOR DESIGN & SET WITH LOCAL ENGINEER AND BUILDING OFFICIALS.

OPEN SESSION

BUSINESS

1. Update on County grants and programs available to Falmouth homeowners upgrading septic systems in line with state Title 5 regulations **(10 minutes)**

January 8, 2024



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 1.

ITEM TITLE: Update on County grants and programs available to Falmouth homeowners upgrading septic systems in line with state Title V regulations.

MEETING DATE: 1/8/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Presentation

PURPOSE:

The Select Board will hear a presentation from Mr. Daniel Gessen concerning grants and programs that are available to assist Falmouth homeowners in upgrading their septic systems in accordance with the state's new Title V regulations.

BACKGROUND/SUMMARY:

N/A

DEPARTMENT RECOMMENDATION:

This presentation is for discussion and information purposes only. No formal Board action is requested.

OPTIONS:

N/A

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

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

Michael Renshaw

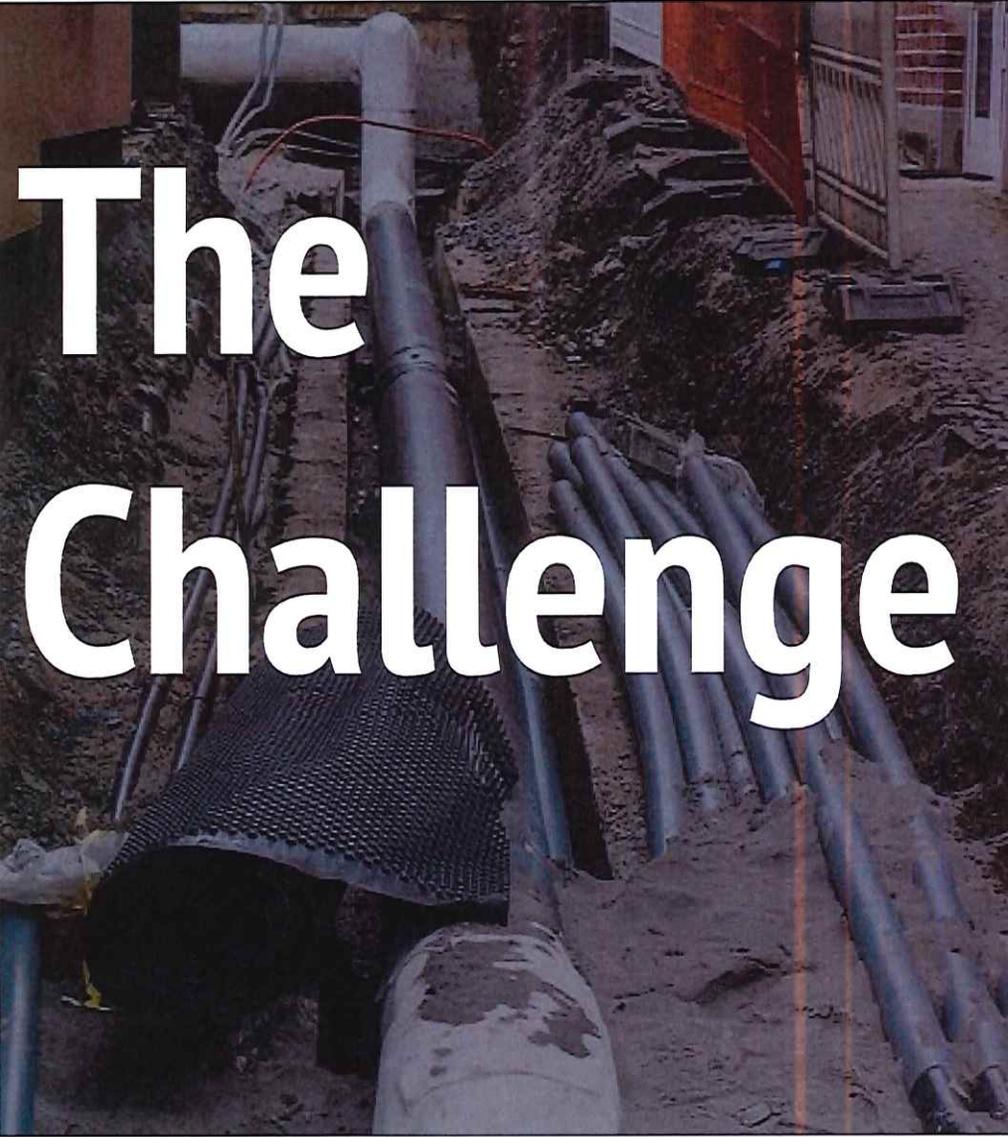
Town Manager

1/5/2024

Date

Accessing the Aquifund

— Septic infrastructure resources for —
Falmouth homeowners



The Challenge



At least 86,000 homes on Cape Cod need to replace their septic systems

14 out of Cape Cod's 30 Nitrogen Sensitive Areas are located in Falmouth



It can cost a homeowner from \$10k to \$36k to upgrade their septic system



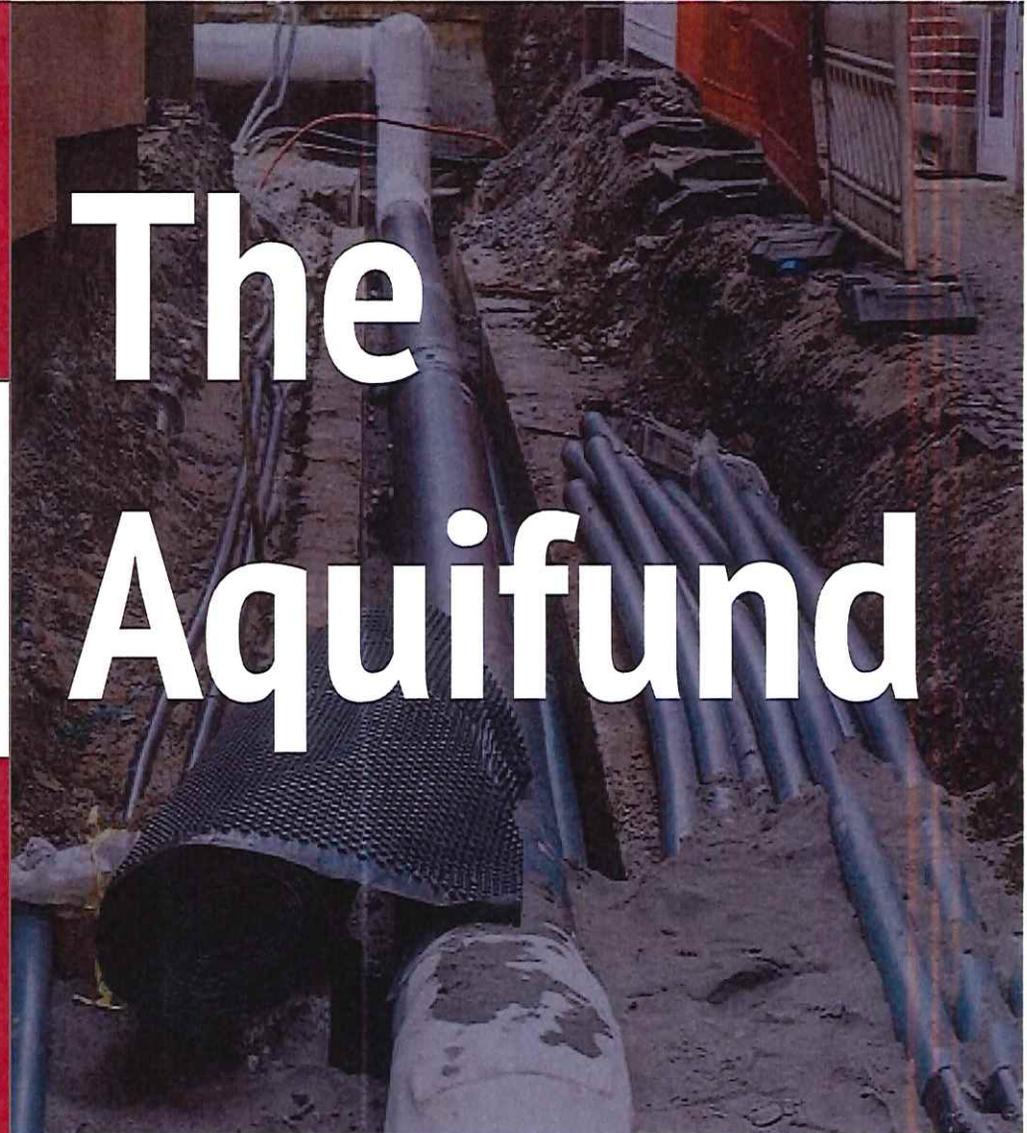
Low-interest loans for
Falmouth homeowners
complying with Title 5

0% for <120% AMI
2% for 120-180% AMI
4% for >180% AMI



Low rates available for
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Proposal to contribute
\$5 million from the
county surplus to the
Aquifund

- **Decrease dependency on state loans**
- **Bolster available funds for more categories of loans**
- **DEVELOP A GRANT PROGRAM**

OPEN SESSION

BUSINESS

2. Approve Conservation Commission application to the Community Preservation Committee for Community Preservation Act (CPA) funds **(5 minutes)**



ITEM NUMBER: Business 2.

ITEM TITLE: Approve Application to the Community Preservation Act (CPA).

MEETING DATE: 01/08/2024

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

SUBMITTED BY: Jennifer L. Lincoln, Conservation Administrator

ATTACHMENTS: see attachments

PURPOSE:

The Conservation Commission (ConCom) is requesting (after the fact) approval to request CPA funding in the amount of \$3,000,000 for the purchase of two (2) Conservation Restrictions on the proposed North Falmouth Woodland property being acquired by The 300 Committee Land Trust (T3C).

The ConCom will reimburse the CPA \$1,000,000 by applying to the Land and Water Conservation Grant Fund for \$1,000,000 in grant funding or by submitting two (2) applications to the LAND Grant Program for grant funding of \$500,000 each, if our application to the Land and Water Grant Fund is unsuccessful. Requests for these applications are being submitted under separate agenda items.

BACKGROUND/SUMMARY:

- The Falmouth Conservation Commission and T3C are collaborating on the permanent protection of almost 50 acres of important woodlands in North Falmouth. T3C has secured an agreement with LTC, LLC (owned and managed by Ruth and Steven Augusta) for the

purchase of their ~56-acre property at 48 Benjamin Nyes Lane and 0 Quaker Road for purposes of open space conservation and community housing.

- The ConCom has voted to hold perpetual conservation restrictions (CRs) on almost 50 acres of the property. In addition to extinguishing all development rights, the CRs will ensure both permanent protection of the land and public access in perpetuity while securing the Town's interest in the property.
- The ~56 property has been appraised at \$5,520,000 using the highest-and-best-use approach for a 110-unit Chapter 40B development. The full, professional appraisal (conducted by Clancy Appraisal Company of Falmouth, on behalf of T3C) demonstrating this value is included with this application. A further appraisal will be conducted on behalf of the ConCom to determine the value of the CRs on the proposed ~50-acres of open space and is anticipated to well exceed the requested \$3,000,000 CPA request amount.
- A reimbursement of \$1,000,000 to the CPA is proposed to be funded either through the \$1,000,000 request to the Land and Water Conservation Grant Fund or 2 separate requests for \$500,000 through the state LAND Grant Program.
- Previous open space projects receiving CPA funding support and using a similar model include the, Florence Sylvia Woodlands, Shallow Pond Woodlands, and Kelly Woodland.

DEPARTMENT RECOMMENDATION:

- The Conservation Commission recommends approval of the application to the Community Preservation Act for funding in the amount of \$3 million for the purchase of two Conservation Restrictions on the proposed North Falmouth Woodland property being acquired by The 300 Committee Land Trust.
- The funding provided by the CPA and the state grant programs will ensure both permanent protection of the land and public access.

MOTION OPTIONS:

- Motion to approve the application to the Community Preservation Act for funding in the amount of \$3 million for the purchase of two Conservation Restrictions on the proposed North Falmouth Woodland property being acquired by The 300 Committee Land Trust.
- Motion to deny approval of the application to the Community Preservation Act

for funding in the amount of \$3 million for the purchase of two Conservation Restrictions on the proposed North Falmouth Woodland property being acquired by The 300 Committee Land Trust.

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 Conservation Committee's application to the Community Preservation Act for funding in the amount of \$3 million for the purchase of two Conservation Restrictions on the proposed North Falmouth Woodland property being acquired by The 300 Committee Land Trust.

Michael Renshaw

01/05/2024

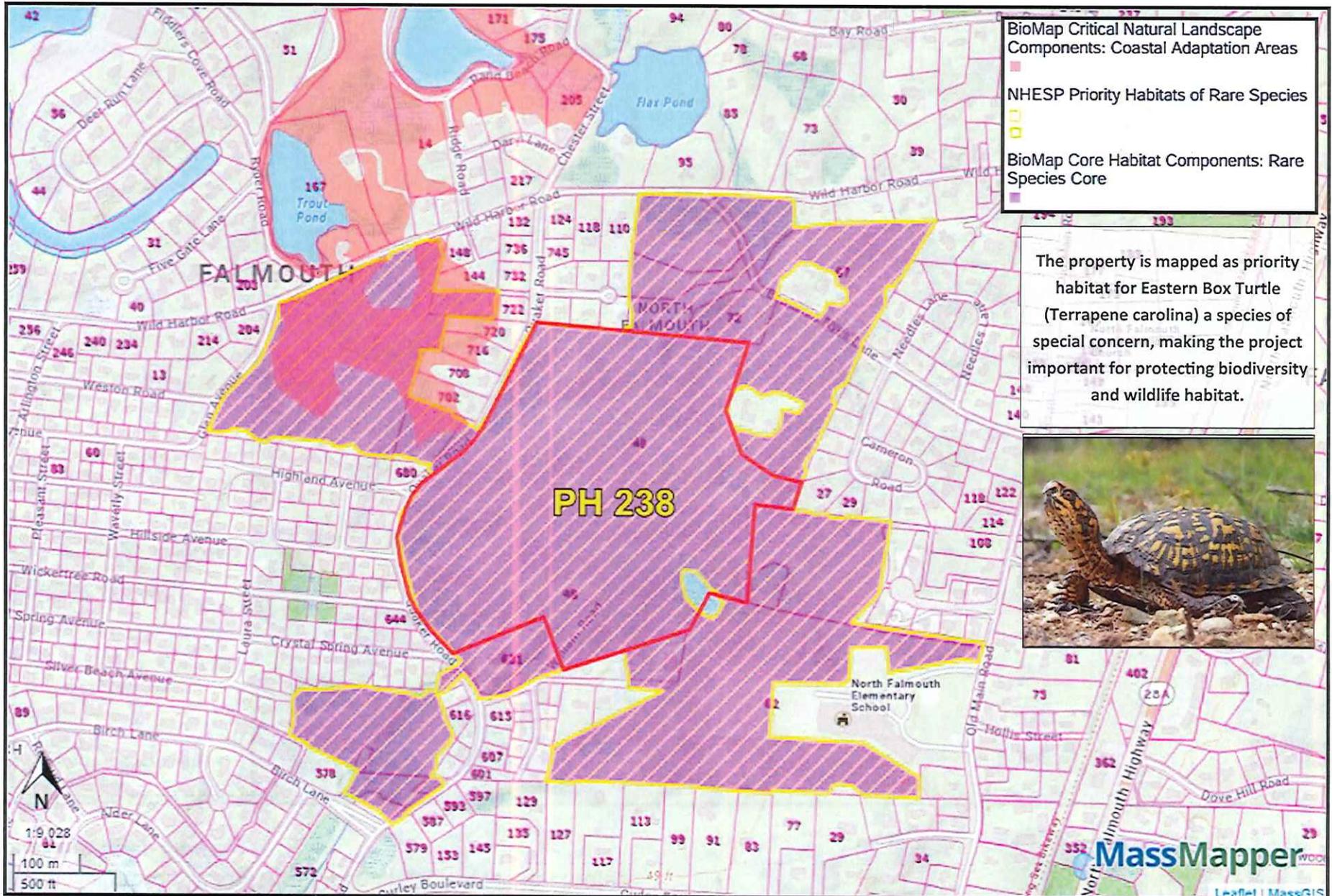
Town Manager

Date

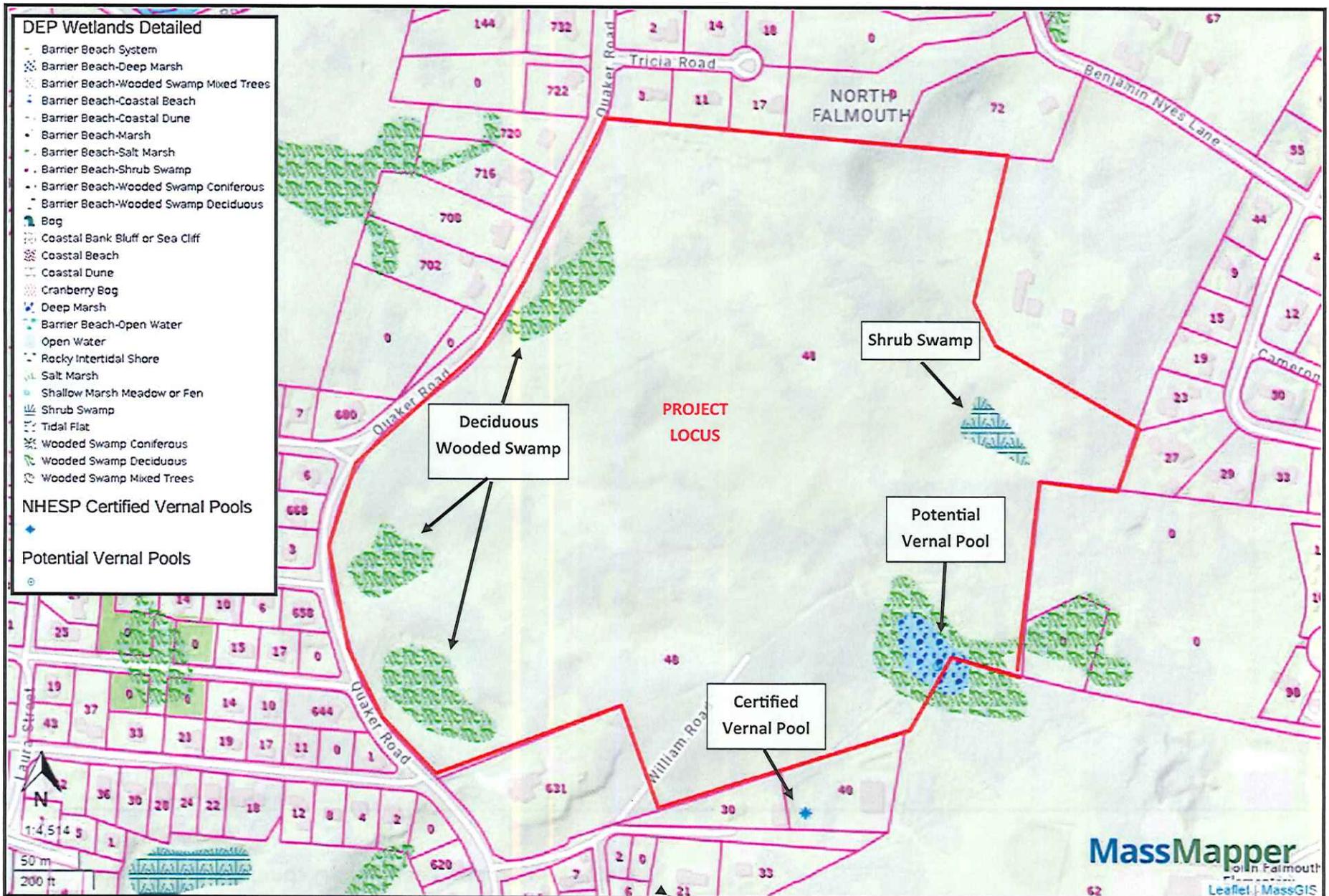
North Falmouth Woodlands Open Space Protection Project
USGS Locus Map



North Falmouth Woodlands Open Space Protection Project
 Priority and Core Habitat and Coastal Adaptation Areas



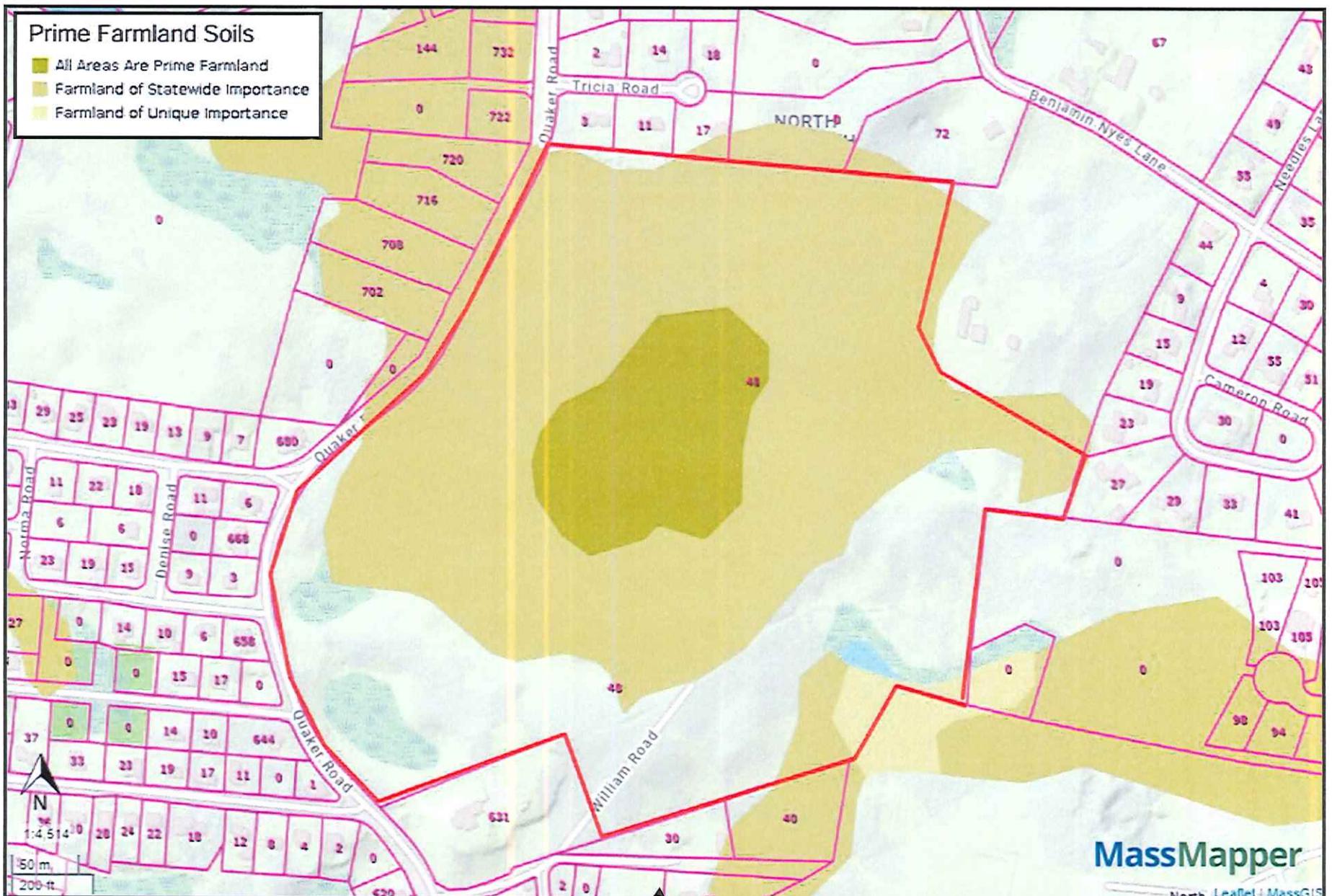
North Falmouth Woodlands Open Space Protection Project Wetlands



North Falmouth Woodlands Open Space Protection Project Prime Farmland Soils



Falmouth
Cape Cod Massachusetts



OPEN SESSION

BUSINESS

3. Approve Conservation Commission grant application to Land and Water Conservation Fund **(5 minutes)**



ITEM NUMBER: Business 3.

ITEM TITLE: Approve Grant Application to Land and Water Conservation Fund

MEETING DATE: 01/08/2024

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

SUBMITTED BY: Jennifer L. Lincoln, Conservation Administrator

ATTACHMENTS: see attachments

PURPOSE:

The Conservation Commission is requesting to make application to the Land and Water Conservation Grant Fund for \$1,000,000 in grant funding to reimburse the Community Preservation Act.

BACKGROUND/SUMMARY:

- The Falmouth Conservation Commission and T3C are collaborating on the permanent protection of almost 50 acres of important woodlands in North Falmouth. T3C has secured an agreement with LTC, LLC (owned and managed by Ruth and Steven Augusta) for the purchase of their ~56-acre property at 48 Benjamin Nyes Lane and 0 Quaker Road for purposes of open space conservation and community housing.
- The ConCom has voted to hold perpetual conservation restrictions (CRs) on almost 50 acres of the property. In addition to extinguishing all development rights, the CRs will ensure both permanent protection of the land and public access in perpetuity while securing the Town's interest in the property.

- The ~56 property has been appraised at \$5,520,000 using the highest-and-best-use approach for a 110-unit Chapter 40B development. The full, professional appraisal (conducted by Clancy Appraisal Company of Falmouth, on behalf of T3C) demonstrating this value is included with this application. A further appraisal will be conducted on behalf of the ConCom to determine the value of the CRs on the proposed ~50-acres of open space and is anticipated to well exceed the requested \$3,000,000 CPA request amount.
- A reimbursement of \$1,000,000 to the CPA is proposed to be funded either through the \$1,000,000 request to the Land and Water Conservation Grant Fund or 2 separate requests for \$500,000 through the state LAND Grant Program.
- Previous open space projects receiving CPA funding support and using a similar model include the, Florence Sylvia Woodlands, Shallow Pond Woodlands, and Kelly Woodland.

DEPARTMENT RECOMMENDATION:

- The Conservation Commission recommends that the Select Board approve its request to make an application to the Land and Water Conservation Fund in the amount of \$1 million for the purposes of reimbursing the Community Preservation Act.
- The funding provided by the CPA and the state grant programs will ensure both permanent protection of the land and public access.

OPTIONS:

- Motion to approve the Conservation Commission’s request to make application to the Land and Water Conservation Grant Fund in the amount of \$1 million for the purpose of reimbursing the Community Preservation Act.
- Motion to deny approval of the Conservation Commission’s request to make application to the Land and Water Conservation Grant Fund in the amount of \$1 million for the purpose of reimbursing the Community Preservation Act; denial of the request would remove the Town as a project partner and could negatively affect the acquisition of the property.

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 Conservation Commission’s request to make application to the Land and Water Conservation Grant Fund in the amount of \$1 million for the purpose of reimbursing the Community Preservation Act as presented.

Michael Renshaw

01/05/2024

Town Manager

Date

OPEN SESSION

BUSINESS

4. Approve Conservation Commission application to Local Acquisitions for Natural Diversity (LAND) Grant Program **(5 minutes)**



ITEM NUMBER: Business 4.

ITEM TITLE: Approve Grant Application to Local Acquisitions for Natural Diversity (LAND) Grant Program.

MEETING DATE: 01/08/2024

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

SUBMITTED BY: Jennifer L. Lincoln, Conservation Administrator

ATTACHMENTS: see attachments

PURPOSE:

In the event its application to the Land and Water Grant Fund in the amount of \$1 million is unsuccessful, the Conservation Commission is requesting authorization to submit two (2) applications to the LAND Grant Program for grant funding of \$500,000 each to reimburse the Community Preservation Act (CPA).

BACKGROUND/SUMMARY:

- The Falmouth Conservation Commission and T3C are collaborating on the permanent protection of almost 50 acres of important woodlands in North Falmouth. T3C has secured an agreement with LTC, LLC (owned and managed by Ruth and Steven Augusta) for the purchase of their ~56-acre property at 48 Benjamin Nyes Lane and 0 Quaker Road for purposes of open space conservation and community housing.
- The ConCom has voted to hold a perpetual conservation restriction (CR) on almost 50 acres of the property. In addition to extinguishing all development rights, the CR will ensure both

permanent protection of the land and public access in perpetuity while securing the Town's interest in the property.

- The ~56 property has been appraised at \$5,520,000 using the highest-and-best-use approach for a 110-unit Chapter 40B development. The full, professional appraisal (conducted by Clancy Appraisal Company of Falmouth, on behalf of T3C) demonstrating this value is included with this application. A further appraisal will be conducted on behalf of the ConCom to determine the value of the CR on the proposed ~50-acres of open space and is anticipated to well exceed the requested \$3,000,000 CPA request amount.
- A reimbursement of \$1,000,000 the CPA will be funded either through the \$1,000,000 request to the Land and Water Conservation Grant Fund or 2 separate requests for \$500,000 through the state LAND Grant Program.
- Previous open space projects receiving CPA funding support and using a similar model include the, Florence Sylvia Woodlands, Shallow Pond Woodlands, and Kelly Woodland.

DEPARTMENT RECOMMENDATION:

- The Conservation Commission recommends that the Select Board approve its request for authorization to submit two applications to the LAND Grant Program for grant funding in the amount of \$500,000 each in order to reimburse the Community Preservation Act, in the event its application to the Land and Water Grant Fund for the amount of \$1 million is unsuccessful.
- The funding provided by the CPA and the state grant programs will ensure both permanent protection of the land and public access.

OPTIONS:

- Motion to authorize and approve the Conservation Commission to submit two applications to the Local Acquisitions for Natural Diversity (LAND) Grant Program for grant funding in the amount of \$500,000 each in order to reimburse the Community Preservation Act, only to be submitted in the event its application to the Land and Water Grant Fund for the amount of \$1 million is unsuccessful.
- Motion to deny authorization and approval of the Conservation Commission to submit two applications to the Local Acquisitions for Natural Diversity (LAND) Grant Program for grant funding in the amount of \$500,000 each in order to reimburse the Community Preservation Act.

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:

Michael Renshaw

01/05/2024

Town Manager

Date

OPEN SESSION

BUSINESS

5. Request from The 300 Committee for a Conservation Restriction for a 1.9-acre portion of land on the property owned by Catherine Truman at 78 Benjamin Nyes Lane, North Falmouth **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 5.

ITEM TITLE: Request from The 300 Committee for a Conservation Restriction for a 1.9 acre portion of land on the property owned by Catherine Truman at 78 Benjamin Nyes Lane, North Falmouth

MEETING DATE: 1/8/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Letter from The 300 Committee dated December 21, 2023; Grant of Conservation Restriction Document; Locus Maps, Letter of Support from Conservation Commission dated October 27, 2022

PURPOSE:

The 300 Committee is requesting that the Select Board consider the approval of a Conservation Restriction on an approximately 1.9-acre area of land on a portion of the property at 78 Benjamin Nyes Lane owned by Ms. Catherine Truman.

BACKGROUND/SUMMARY:

- The 300 Committee Land Trust, Inc. submitted its request for a 1.9-acre Conservation Restriction (CR) via letter dated December 21, 2023.

- The Conservation Commission issued a letter of support for the CR on October 27, 2022.
- The 1.9-acre portion of the property includes a deciduous wood swamp wetland which provides a valuable habitat for a diverse array of wildlife species.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the request for a Conservation Restriction on the 1.9-acre portion of land on the property owned by Catherine Truman at 78 Benjamin Nyes Lane, 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 request for a Conservation Restriction on the 1.9-acre portion of land on the property owned by Catherine Truman at 78 Benjamin Nyes Lane, as presented.

Michael Renshaw

Town Manager

1/5/2024

Date



December 21, 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, January 8, 2024 open session meeting to seek your review and approval of the attached conservation restriction (CR) that will enable the property owner to preserve her land for conservation and water quality protection purposes.

The CR is for a portion of the property at 78 Benjamin Nyes Lane in North Falmouth, owned by Ms. Catherine Truman. This approximately 1.9-acre area of land includes a deciduous wooded swamp wetland providing valuable habitat for a diverse array of wildlife species; lies within the 100 year flood plain to Trout Pond providing flood storage during major storm events; and includes Priority Habitat of Rare Species and Core Habitat for Species of Conservation Concern (BioMap).

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. We will be present at the Select Board meeting to present the request and answer any questions. We appreciate your consideration of the CR.

Sincerely,

A handwritten signature in blue ink that reads 'Jessica Whritenour'.

Jessica Whritenour
Executive Director

Attached: Conservation Restriction, Locus Maps, Conservation Commission Letter of Support

Preserving Open Space for Falmouth

157 Locust Street • Falmouth, MA • 02540-2658 • Phone 508-540-0876 • Fax 508-457-6406 • www.300committee.org

*TRUMAN PROPERTY CONSERVATION RESTRICTION
NORTH FALMOUTH, MA*

GRANTOR: Catherine Truman

GRANTEE: The 300 Committee Land Trust, Inc.

ADDRESS OF PREMISES: 78 Benjamin Nyes Lane, Falmouth, Massachusetts 02556

FOR GRANTOR'S TITLE SEE: Barnstable County Registry of Deeds, Book 33424, Page 162

FOR PLAN OF RECORD SEE: Barnstable County Registry of Deeds, Plan Book 687, Page 16

GRANT OF CONSERVATION RESTRICTION

I. STATEMENT OF GRANT

CATHERINE TRUMAN, of 1 Fitchburg Street, Apartment C-215, Somerville, Massachusetts, 02143, individually, 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, Barnstable County, Massachusetts, 02540, its permitted successors and assigns ("Grantee"), for nominal consideration, as a gift, **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 a 1.9± acre portion ("Premises") of a total 3.59-acre± parcel, which Premises is more particularly described in Exhibit A and shown in the attached sketch plans in Exhibits B and C, all 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 to prevent any use or change that would materially impair the Conservation Values (as defined below).

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

- Open Space. The Premises contributes to the protection of the scenic and natural rural character of North Falmouth and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises includes a former cranberry bog that is part of a 3.59-acre lot and historic Nye house built in 1699.
- Floodplain. The Premises lies within the 100-year floodplain of Trout Pond. The protection of this floodplain will ensure the continued availability of this flood storage during major storm events. Drainage ditches are maintained that run along the perimeter of the wetland portion of the Premises, that are accessible along paths paralleling the ditches.
- Soils and Soil Health. The Premises includes 1.9 acres of Freetown coarse sand, 0-3% slopes, sanded surface. The Premises includes a majority of Farmland of Unique Importance 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.
- Wildlife Habitat. The entire Premises or 1.9 acres is designated as “Priority Habitats of Rare Species” the protection of which aligns with the state Natural Heritage and Endangered Species Program’s (NHESP) wildlife and habitat protection objectives. The former cranberry bog and wetland is known to provide important habitat for painted and snapping turtles, Eastern box turtles, and other species of concern. The forested wetland is comprised of red maples (*Acer rubrum*), Eastern red cedars (*Juniperus virginiana*), highbush blueberry (*Vaccinium* sp.) and sweet pepperbush (*Clethra* sp.), and catbrier in a successional common Cape Cod thicket. A hill bordering the former bog hosts rhododendron and a line of non-native, black locust (*Robinia pseudoacacia*) trees.
- Biodiversity. The Premises includes areas designated as Core Habitat containing Species of Conservation Concern, as defined by the NHESP. BioMap, was designed to guide strategic biodiversity conservation in Massachusetts by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. *BioMap* is also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan. The Premises consists of about 1.3 acres of former cranberry bogs succeeding to red maple-blueberry swamp, and also includes about 0.3-acre upland forest with planted ornamental species (e.g. Rhododendron), black locusts and oaks.
- Wetlands. The deciduous wooded swamp wetlands on the Premises provide valuable habitat for a diverse array of wildlife species as well as provide the many other public benefits of wetlands protection recognized by the Commonwealth of Massachusetts (Section 40 of Chapter 131 of the Massachusetts General Laws).
- Consistency with Clearly Delineated Barnstable County Conservation Policy. Protection of the Premises will assist in achieving Barnstable County conservation goals. In July

TRUMAN PROPERTY CONSERVATION RESTRICTION
NORTH FALMOUTH, MA

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):

- “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).

Granting this Conservation Restriction will advance each of these goals. The Wildlife and Plant Habitat Goal will be served because the Premises falls almost entirely within an NHESP BioMap Core Habitat area that provides over nine acres of area for wildlife to roam, feed, and reproduce.

Granting this Conservation Restriction will advance each of these objectives.

- 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), and “all open space owned by the town shall allow for public access.”

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; 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 1.9 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 for enjoyment by the public.
- Consistency with Clearly Delineated State Conservation Policy. The Premises possesses significant open space, natural, aesthetic, ecological, plant and wildlife habitat, solid and water resource quality, watershed, and scenic values (collectively “Conservation Values”) of great importance to the Grantee and the people of Falmouth and the Commonwealth of Massachusetts.

For similar reasons to those listed above, each of these goals will be advanced by implementing this Conservation Restriction.

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, wind turbine, 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. Hunting, trapping, or camping;
12. Residential, Commercial, or Industrial Uses. Using the Premises for residential, commercial, or industrial purposes;
13. Inconsistent Uses. Using the Premises for purposes that would materially impair the Conservation Values, or for any other uses or activities that are inconsistent with the 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. The selective minimal removing of brush, pruning and cutting to prevent, control or remove 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 plant, animal, or insect species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
3. 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. Including long-term planning and implementation of restorative efforts to improve water quality in the Trout Pond watershed and to return retired cranberry bogs and upland areas on the Premises to natural function and increase wildlife habitat, flood storage, and a return of naturally occurring plant species.
4. 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;
5. Signs and Boundary Markers. The installation of temporary and permanent boundary monuments delineating the Premises; and the erection, maintenance and replacement of signs and educational kiosks with respect to hunting, trespass, trail access, identity and address of the Grantor and Grantee, sale of the Premises, the protected conservation values, any gift, grant or other applicable source of support for the conservation of the Premises, and similar signs, so long as such signage is consistent with the Permitted Acts and Uses and the Purposes and Conservation Values. . Signage may be subject to any applicable regional and local approvals; and
6. Motorized Vehicles. Using motorized mobility assistance devices by persons with mobility impairments and as otherwise permitted herein.

C. 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.

D. 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.

E. 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.
 - 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.

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, for the purpose of enforcing this Conservation Restriction, but does not entitle Grantee, upon extinguishment, release, or termination, to any proceeds received by the Grantor from the subsequent sale, exchange or involuntary conversion of the Premises. Any proceeds that result from any such extinguishment, release, or termination will be distributed only after complying with the terms of any gift, grant, or other funding requirements.

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 Barnstable County Registry of Deeds, 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:

*TRUMAN PROPERTY CONSERVATION RESTRICTION
NORTH FALMOUTH, MA*

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;
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 Barnstable County Registry of Deeds.

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: Catherine Truman
1 Fitchburg Street, Apartment C-215
Somerville, MA 02143

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 Barnstable County Registry of Deeds 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.

*TRUMAN PROPERTY CONSERVATION RESTRICTION
NORTH FALMOUTH, MA*

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

Grantor – Catherine Truman

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.

G. The following exhibits are attached and incorporated herein:

Exhibit A: Legal Description of Premises

Exhibit B: Reduced Copy of Recorded Plan of Premises

Exhibit C: Inset Sketch Plan of Premises

TRUMAN PROPERTY CONSERVATION RESTRICTION
NORTH FALMOUTH, MA

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

_____, duly authorized
Catherine Truman

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this ____ day of _____, 2023, before me, the undersigned notary public, personally appeared Catherine Truman, 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:

ACCEPTANCE OF GRANT

The foregoing Conservation Restriction from Catherine Truman 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 person whose name is signed on the proceeding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

Jessica Whritenour, Notary Public
My Commission Expires:

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 Catherine Truman 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.

Notary Public
My Commission Expires:

**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 Catherine Truman 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:

EXHIBIT A

Description of the Premises

The Premises subject to this Conservation Restriction is a portion of the lot of land known as Lot A located in the Town of Falmouth, Barnstable County, Commonwealth of Massachusetts, said portion containing a total of 1.9 acres, more or less.

Lot A is shown on a plan entitled "Plan of Land for #76 and 78 Benjamin Nyes Lane, Prepared for Jeffrey & Barbara Lindtner in Falmouth" by Falmouth Engineering, 17 Academy Lane, Suite 200, Falmouth, MA 02540, Plan Date: August 10, 2020, Plan Scale: 1" = 40'. Said Lot A containing 95,897 ± square feet of upland and 60,000± square feet of wetland for a total of 155,897 square feet, according to said plan. Said plan is recorded with the Barnstable County Registry of Deeds in Plan Book 687, Page 16 ("the "Plan").

The portion of Lot A that is subject to this Conservation Restriction (the "Premises") is more particularly bounded and described as follows:

BEGINNING at the northwest corner of said Lot A at the southern sideline of "Wild Harbor Road (40' wide)" as shown on said Plan, thence running

S 76° 14' 50" E along said southern sideline of Wild Harbor Road, a distance of Two Hundred Seventy and 80/100 (270.80') feet, to a point at the intersection of Wild Harbor Road and Benjamin Nyes Lane (Public – 40' wide), as shown on said Plan; thence turning and running

S 37° 27' 16" E along the western sideline of said Benjamin Nyes Lane a distance of Ninety-three and 43/100 (93.43') feet, to a stone bound; thence running

S 31° 47' 26" E along the western sideline of said Benjamin Nyes Lane a distance of Seventy-eight and 18/100 (78.18') feet, to a stone bound; thence running

S 19° 16' 16" E along the western sideline of said Benjamin Nyes Lane a distance of Forty-five (45') feet, more or less, to a corner; thence turning and running

Southwesterly along a line that is perpendicular to said line bearing S 19° 16' 16" E, a distance of Two hundred and fifty (250') feet, more or less, to a point; thence turning and running

S 57° 17' 02" E a distance of Two hundred and forty (240') feet, more or less, to a point on the westerly sideline of said Premises in the range of land now or formerly of James Carley as shown on said Plan; thence turning and running,

N 21° 51' 08" E along said western sideline of Premises a distance of One hundred and seventy-two (172') feet, more or less, to the point of beginning.

Meaning and intending to include in the Premises all of the wetland and land within the flood hazard zone as denoted on the Plan, an area of 1.9 acres, more or less.

*TRUMAN PROPERTY CONSERVATION RESTRICTION
NORTH FALMOUTH, MA*

The area of Lot A that is not within the hereindescribed Premises is not subject to any of the terms of this Conservation Restriction.

The Premises is also shown on sketches of land attached hereto as Exhibit B and C.

Street Address: 78 Benjamin Nyes Lane, (North) Falmouth, Massachusetts, 02556.

EXHIBIT B

Sketch Plan of Premises

For official full size plan see Barnstable Registry of Deeds Plan Book 687, Page 16.

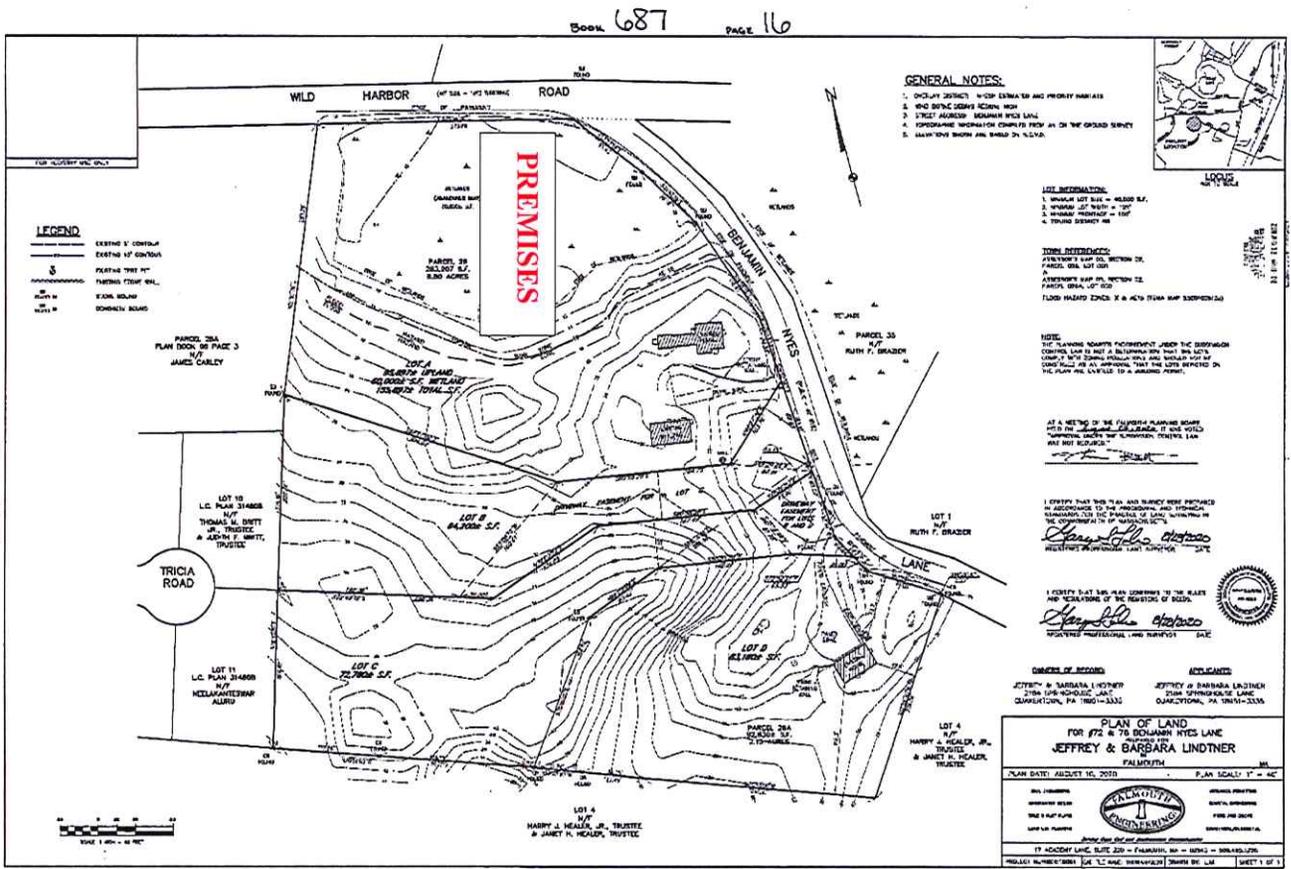
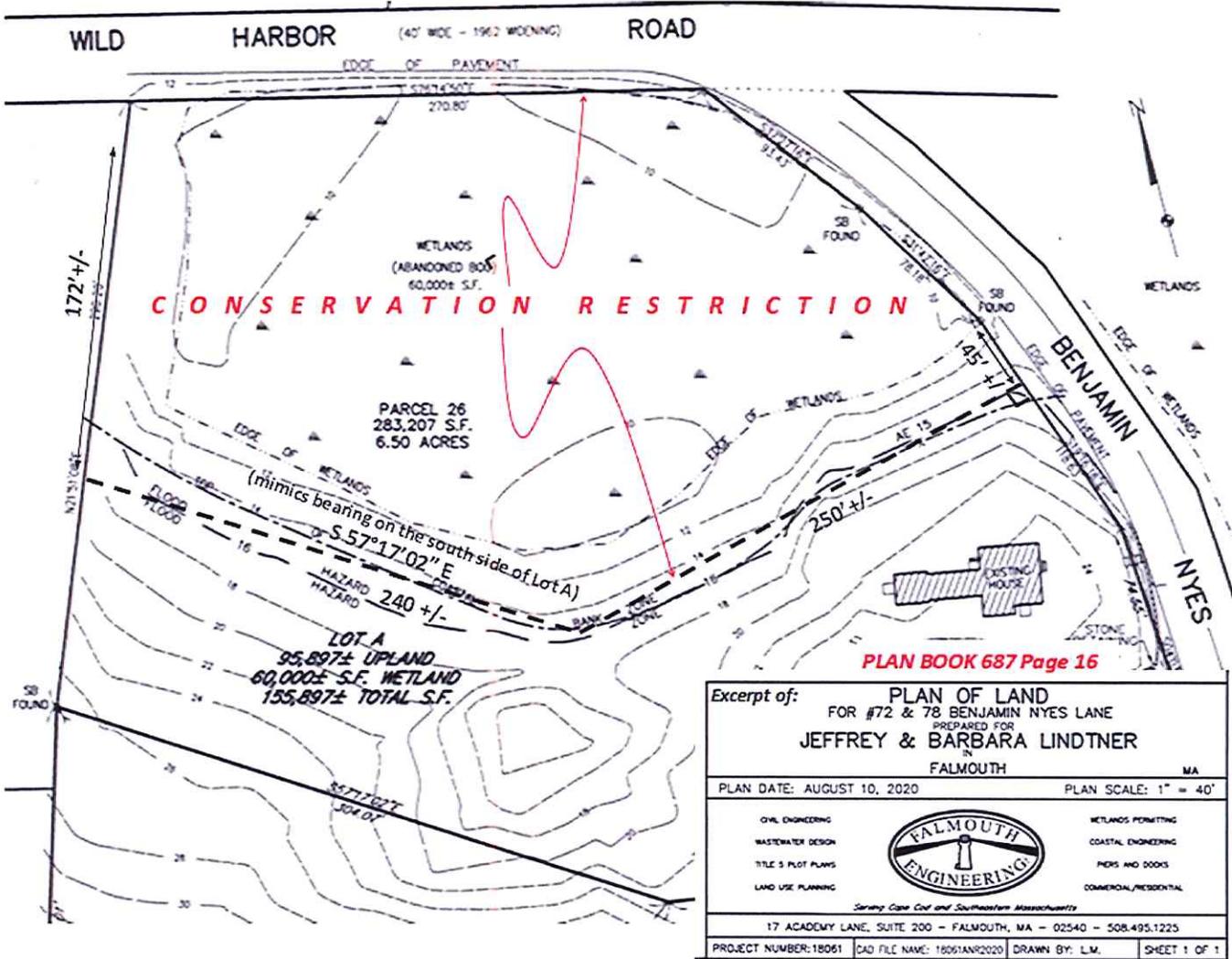


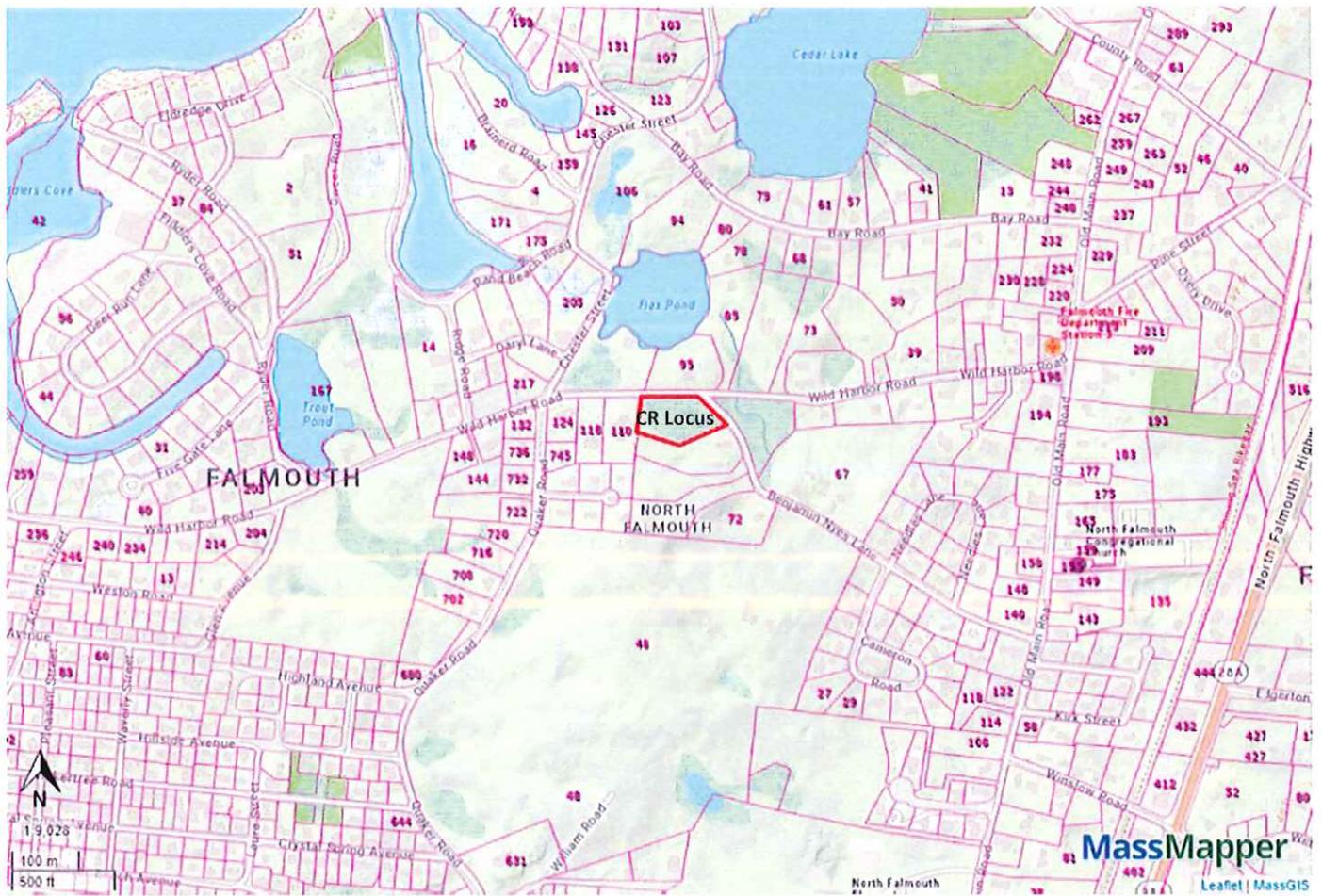
EXHIBIT C

Inset - Sketch Plan of Premises

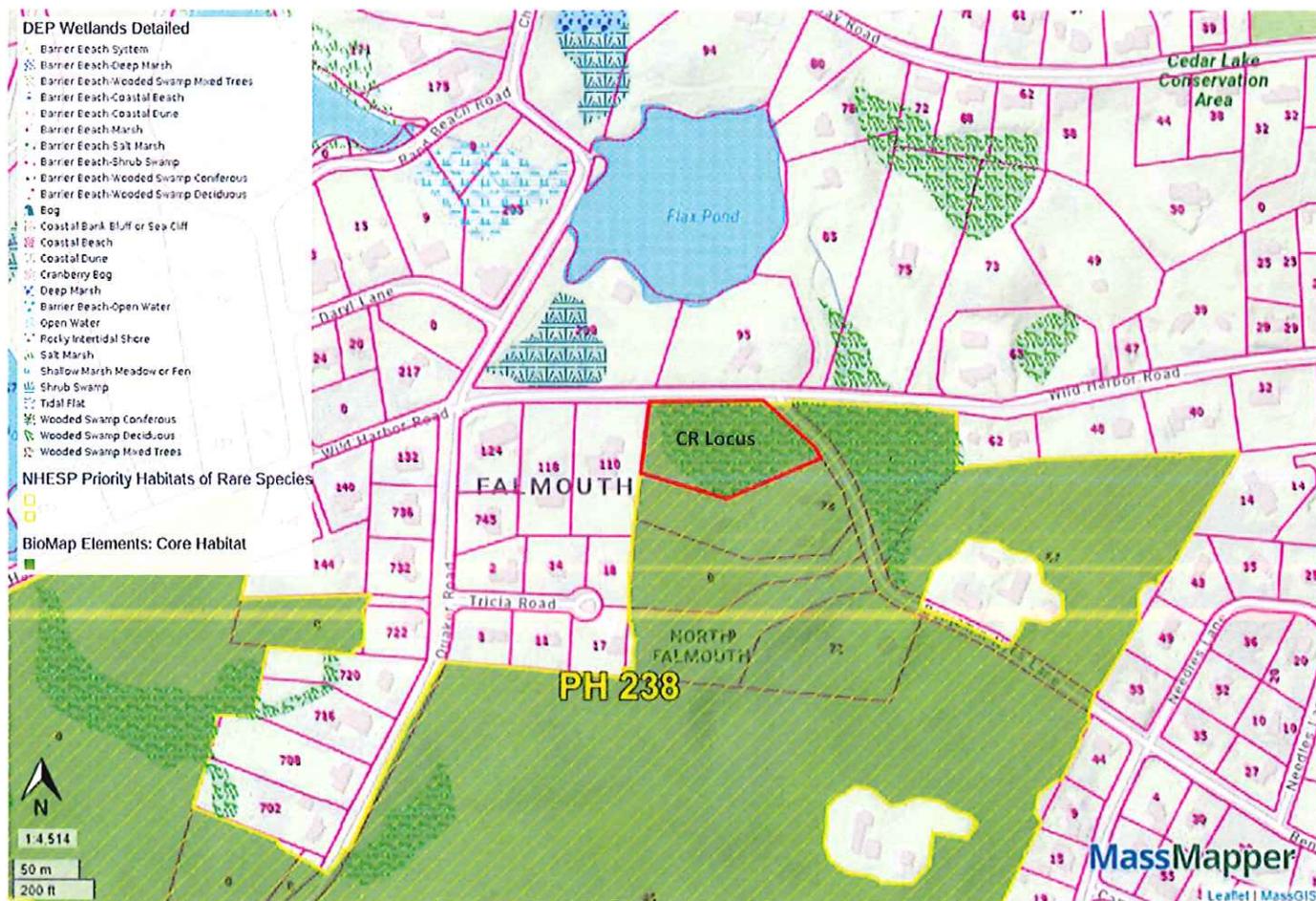
Excerpt of Barnstable Registry of Deeds Plan Book 687, Page 16.

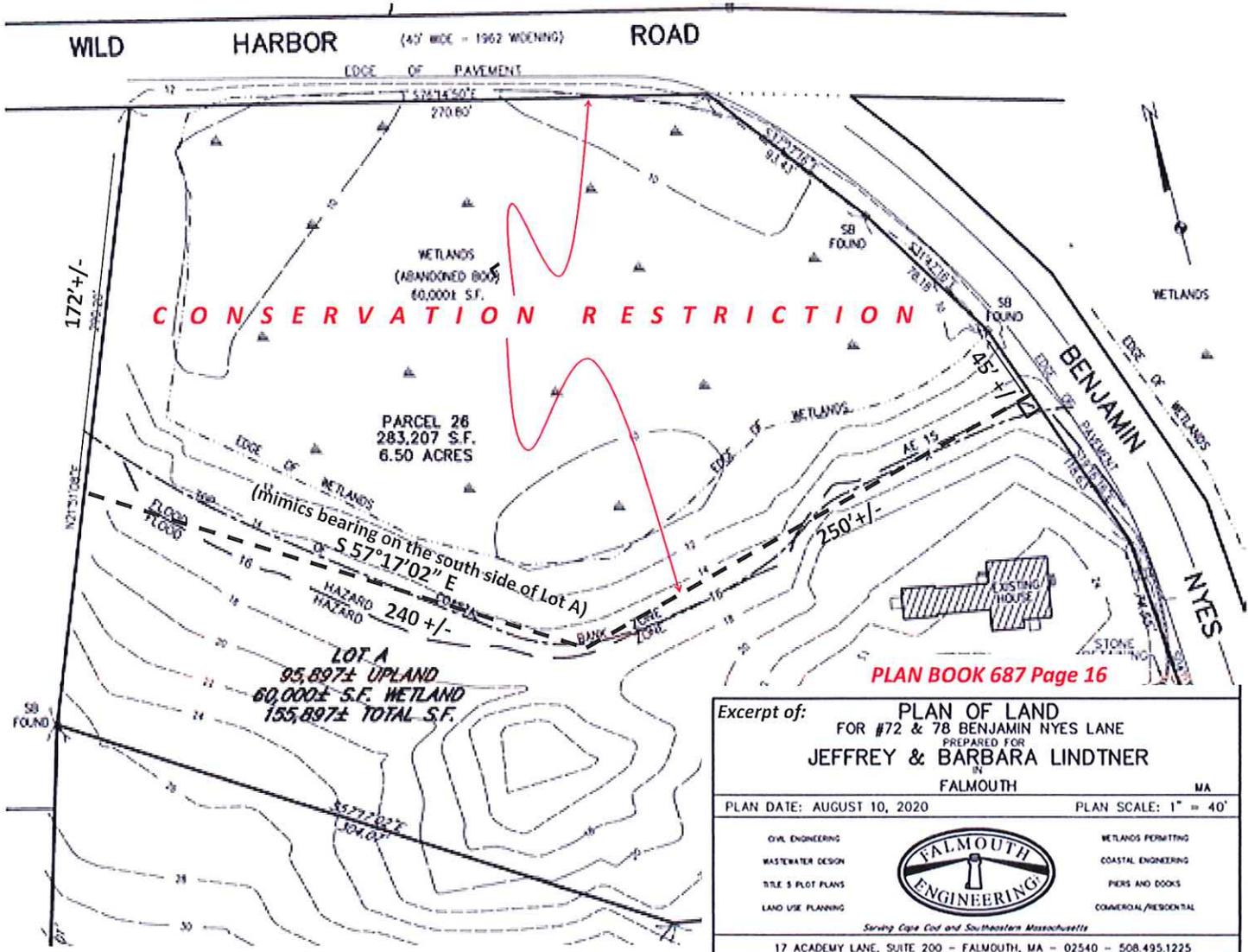


78 Benjamin Nyes Lane, Conservation Restriction Locus



78 Benjamin Nyes Lane, Conservation Restriction Locus





Excerpt of:		PLAN OF LAND	
		FOR #72 & 78 BENJAMIN NYES LANE	
		PREPARED FOR	
		JEFFREY & BARBARA LINDTNER	
		IN	
		FALMOUTH MA	
PLAN DATE: AUGUST 10, 2020		PLAN SCALE: 1" = 40'	
CIVIL ENGINEERING		WETLANDS PERMITTING	
WASTEWATER DESIGN		COASTAL ENGINEERING	
TITLE & PLOT PLANS		PIERS AND DOCKS	
LAND USE PLANNING		COMMERCIAL/RESIDENTIAL	
Serving Cape Cod and Southeastern Massachusetts			
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225			
PROJECT NUMBER: 18061	CAD FILE NAME: 18061ANR2020	DRAWN BY: L.M.	SHEET 1 OF 1



FALMOUTH CONSERVATION COMMISSION

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

October 27, 2022

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

To the Select Board,

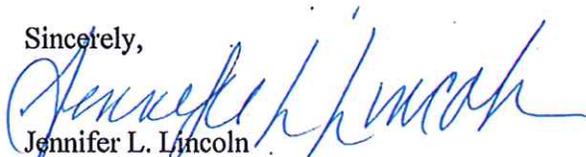
At its October 19, 2022 meeting, the Town of Falmouth Conservation Commission voted in favor of recommending your approval and signature of the attached conservation restriction (CR) that is being coordinated by The 300 Committee Land Trust, Inc. Your approval of the CR will help facilitate the natural resource protection of the following property:

Truman CR – 78 Benjamin Nyes Lane, Falmouth. This approximately 3.6 acre property includes a deciduous wooded swamp wetland providing valuable habitat for a diverse array of wildlife species, lies within the 100 year flood plain to Trout Pond providing flood storage during major storm events, and includes Priority Habitat of Rare Species and Core Habitat for Species of Conservation Concern (BioMap2).

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,



Jennifer L. Lincoln
Conservation Administrator

OPEN SESSION

BUSINESS

6. Application for a new Second-Hand Dealer License – Boutique on the Buy Way, located at 47 North Main Street, Falmouth **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 6.

ITEM TITLE: Application for a new Second-Hand Dealer License- Boutique on the Buy Way, located at 47 North Main Street, Falmouth

MEETING DATE: 1/8/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form; Application for Second-Hand Dealer License dated December 26, 2023

PURPOSE:

The applicant, Lea Benson, is requesting that the Select Board approve an application for a new Second-Hand Dealer License for Boutique on the Buy Way located at 47 North Main Street in Falmouth

BACKGROUND/SUMMARY:

- The applicant, Lea Benson, submitted the license application on December 26, 2023.
- Per the Application Review Form, the owner was not aware of the need for a Second-Hand License.

- The Falmouth Police Department has reviewed her application and has no concerns or issues reported; a Town background check is pending with an anticipated completion of January 10, 2024.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the issuance of a new Second-Hand Dealer License for Boutique on the Buy Way located at 47 North Main Street in Falmouth.

OPTIONS:

- Motion to approve the issuance of a new Second-Hand Dealer License for Boutique on the Buy Way located at 47 North Main Street in Falmouth.
- Motion to deny approval of a new Second-Hand Dealer License for Boutique on the Buy Way located at 47 North Main Street in 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 issuance of a new Second-Hand Dealer License for Boutique on the Buy Way located at 47 North Main Street in Falmouth.

Michael Renshaw

Town Manager

1/5/2024

Date

LICENSE APPLICATION REVIEW

Business: Boutique on the Buy Way

Address: 47 North Main Street, Falmouth

License Type: Second-Hand Dealer

New or Transfer of License New

or

Change of License _____

Police No issues

Fire _____

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

Assessor _____

Tax Collector _____

Wastewater _____

NOTES: The owner was not aware of the requirement for a Second Hand License. A town background is pending, to be completed on January 10, 2024.



TOWN OF FALMOUTH
APPLICATION for SECOND HAND DEALER LICENSE

LICENSE TO SELL, TRADE OR BARTER JUNK, OLD METALS OR SECOND-HAND ARTICLES
CODE OF FALMOUTH CH. 136

Required fields are outlined in RED

NAME OF OWNER: Lea Benson

HOME ADDRESS: 37 Locust Street Apt 2

TOWN: Falmouth STATE: MA ZIP CODE: 02540

BUSINESS NAME: Boutique on the Buy Way

D/B/A - if any

BUSINESS ADDRESS: 47 N. Falmouth Street

TOWN: Falmouth STATE: MA ZIP CODE: 02540

MAILING ADDRESS (if different)

MANAGER - if any

FEDERAL ID #:

EMAIL required: Boutiqueonthebuyway@gmail.com

TELEPHONE BUSINESS: 774-255-1916

HOME:

MOTOR VEHICLES - list year, make and license number of each vehicle:

[Redacted vehicle information]

TYPE OF GOODS SOLD: Used clothing and accessories

[Redacted field]

TAX ATTESTATION: I certify under the penalties of perjury that the information provided in this application is true and that, to my best knowledge, I have filed all state tax returns and paid all state and local taxes as required under law. I understand that Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation:

12/26/23
DATE

Lea M. Benson
OWNER / MANAGER / AUTHORIZED AGENT

A Background Check for the Owner of the establishment must be performed annually at the Falmouth Police, Central Records Office within 10 days of submitting this application, call 774-255-4527 for hours & fee details.

Total License fee payable to Town of Falmouth: \$65.00

OPEN SESSION

BUSINESS

7. Vote to adopt FY2025 budget and submit it to the Finance Committee **(15 minutes)**

January 8, 2024



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 7.

ITEM TITLE: FY25 Budget Presentation

MEETING DATE: 1/8/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Proposed FY25 Budget Presentation Slide Deck

PURPOSE:

The Town Manager presented the proposed FY25 operating budget to the Select Board for discussion and a possible vote to move the proposed FY25 operating budget to the Finance Committee on December 18, 2023.

Following additional discussion, the Select Board will be asked to consider a vote to transmit the FY25 budget to the Finance Committee for its review.

BACKGROUND/SUMMARY:

- The Falmouth Home Rule Charter provides that a comprehensive budget, including all Town functions and a related Budget Message, be submitted to the Select Board prior to the first day of January, and for the Board to transmit the budget to the Finance Committee prior to January 16.

- The proposed FY2025 Budget is balanced and based on very conservative revenue estimates.
- Inflationary pressures have created a significant challenge this year; as examples:
 - our state-regulated retirement assessment is increasing by over 6% which amounts to an increase from FY24 of \$680,032.
 - Property and liability insurance is budgeted for a 12% increase, or \$226,670.
 - Following a favorable electricity contract, our costs are increasing by 35%.
 - Our solid waste contractual costs are increasing by 9%, or \$436,000.
- While the FY25 overall budget is a significant increase from FY24 of 5.76% overall, I believe it addresses multiple strategic priority areas identified by the Select Board and, importantly, is representative of the true costs associated with operating a 21st century municipal government.

DEPARTMENT RECOMMENDATION:

The FY25 Budget is being presented for discussion purposes. The Select Board is requested to vote to transmit the budget to the Finance Committee to begin its detailed review.

OPTIONS:

- Motion to adopt and transmit the FY25 budget to the Finance Committee.
- Take no formal action. As the Charter requires the transmission of the annual budget to the Finance Committee no later than January 16, this option is not recommended.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

Following the first presentation of the FY25 budget on December 18, 2023, the FY25 Budget is again being presented for discussion purposes.

The Select Board is requested to vote to transmit the budget to the Finance Committee to begin its detailed review.

Michael Renshaw

Town Manager

1/5/2024

Date

FY2025 BUDGET PRESENTATION

SELECT BOARD – DECEMBER 18, 2023



PRESENTATION OVERVIEW

- Guiding Principles
- Revenue Estimates
- Challenges & Strategic Plan Priorities
- Conclusions & Next Steps

GUIDING PRINCIPLES

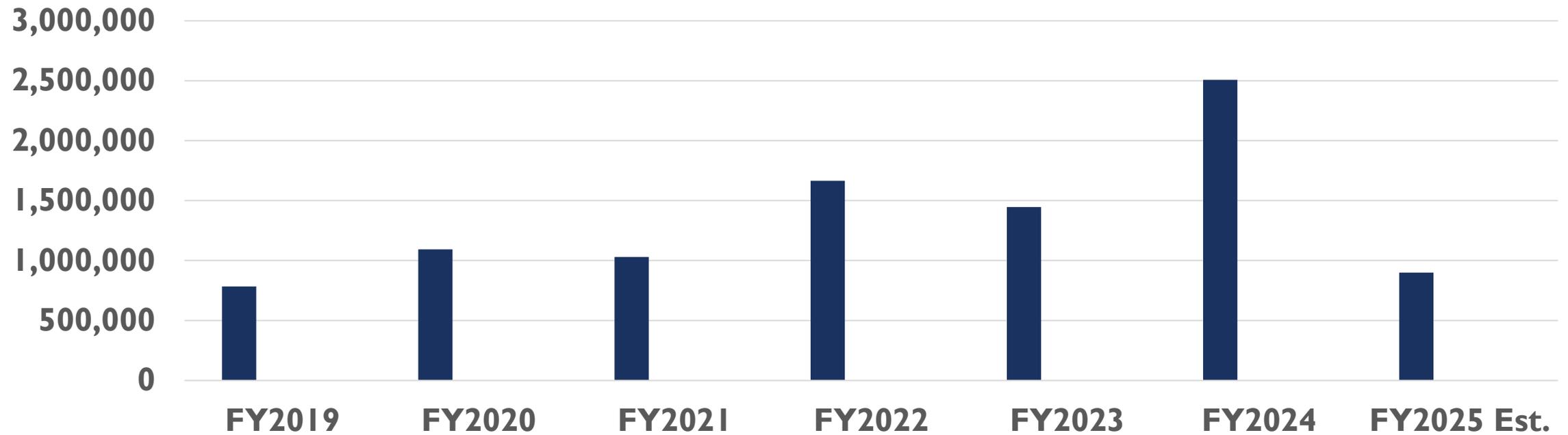
- Ensure long-term fiscal stability.
- Advance Select Board Strategic Plan priorities.
- Maintain basic services and infrastructure.
- No Proposition 2 ½ operating override.

LONG TERM FISCAL STABILITY

- Revenue growth continues to be strong.
- Unusual cost pressures for FY2025.
- Proposed FY2025 Budget is balanced and based on conservative revenue estimates.
- Propose substantial allocations to debt stabilization and capital stabilization to fund future capital improvements – particularly for large projects.

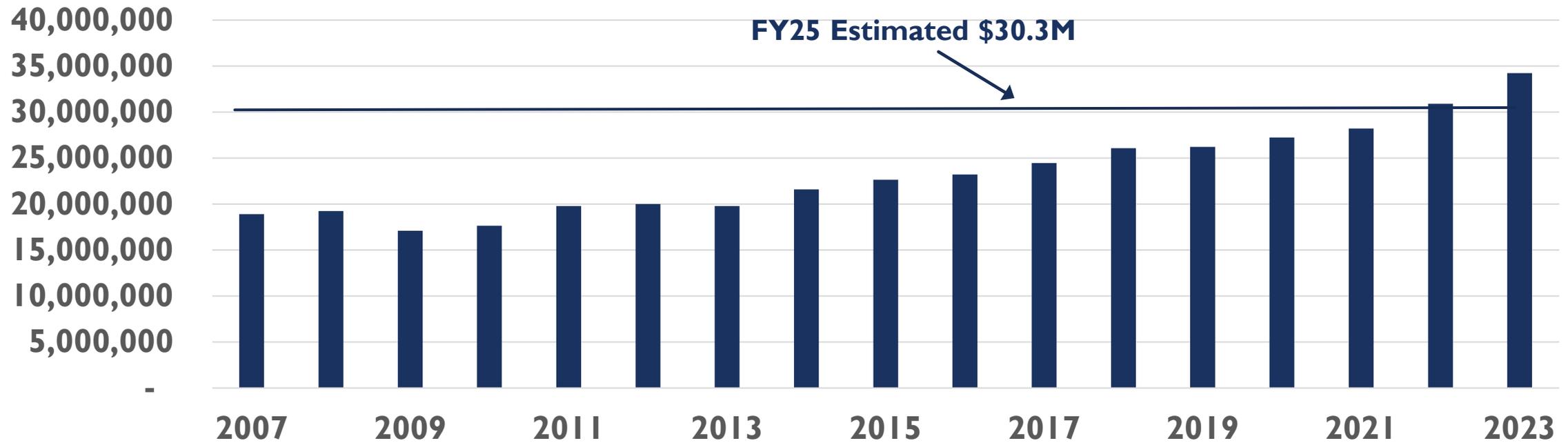
REVENUE OUTLOOK – PROPERTY TAXES

New Growth



REVENUE OUTLOOK – LOCAL RECEIPTS

Local Receipts - Actual



REVENUE OUTLOOK – STATE REVENUES & AVAILABLE FUNDS

- State Aid net of charges represents small portion of Town budget – about \$1 million.
- State Aid more significant to School Department – about \$7 million net of charges.
- Available funds – \$1.4 million increase allocated to operating budget.
- As discussed at November Town Meeting, \$5.5 million Free Cash allocated to Capital Stabilization.

EXPENDITURES – CHALLENGING YEAR

WAGES

- Wages represents the largest portion of the Town budget.
- FY25 Budget includes wage settlements for 5 unions representing about half of all Town employees.
- \$400,000 allocated to a separate warrant article for union and non-union wages to be determined.
- Compensation increases exceed 2% COLA reflecting need to offer competitive wages to enhance recruitment & retention.

EXPENDITURES – CHALLENGING YEAR CONT.

- Fund \$500,000 cost of additional 14 Firefighters not covered by \$950,000 override.
- Health Insurance and Pension combined increase \$2.2 million.
- Inflation pressures: Solid Waste, Property & Casualty Insurance, Electricity, Chemicals (Water & Wastewater) combined increase of \$1.0 million.
- School Department facing cost pressures related to increasing ‘high needs’ student population and increased costs for special education. ⁹

EXPENDITURES - SCHOOL DEPARTMENT

School Department

- School Department requested \$2,596,633 increase is fully funded.
- School agreed to our request to offset \$550,000 of the increase by utilizing the Special Education stabilization fund and other non-General Fund accounts.

EXPENDITURES – STRATEGIC PLAN PRIORITIES

- Housing - \$950,000 for Falmouth Affordable Housing Fund from Rooms Excise Tax (Housing).
- 5 Essential New Positions:
 - Public Safety – 2 new Police Department Positions: Deputy Police Chief & 1 Patrol Officer (Health & Public Safety).
 - Wastewater Senior Project Manager (Water, Wastewater & SW Management).
 - Coastal Resilience Coordinator (Coastal/Natural Resources & Infrastructure).
 - Assistant HR Director (Organizational Effectiveness).
- Fire Overtime increase \$250,000 (Health & Public Safety).

EXPENDITURE – FUNDING RESERVES

Reserve Balances 12/12/2023

Free Cash	12,589,032
Capital Stabilization	4,940,993
General Stabilization	7,478,260
Debt Stabilization	1,442,325
Health Insurance	1,670,461
SPED	1,064,500

Funding Reserves

- Capital Stabilization goal is 2% - 5% of Budget = \$3.7M - \$9.1M
- Budget includes \$5.5M added to Capital Stabilization Fund
- \$784,660 Allocated for Debt Stabilization
- \$500,000 Allocated for OPEB (retiree health insurance)

FY25 OVERVIEW

- Revenue growth is very strong.
- Unusual cost pressures this year.
- Avoids cuts to service levels.
- Budget is balanced and based on conservative revenue estimates.
- Does not require an override - tax increase limited to 2.5% levy limit and “new growth.”
- Budget includes investments to address critical challenges and Select Board Strategic Plan FY23-FY27 priorities.
- Proposed budget does not include many department requests.

CONCLUDING REMARKS

- Town is fortunate to be able to maintain services and move forward with several Select Board priorities despite inflationary pressures driving up costs.
- Strong fiscal position thanks to longstanding practices established by Select Board and Finance Committee, and thanks to talented staff who carry out respective functions efficiently.
- We look forward to the Board's feedback and detailed Finance Committee review to follow.
- Select Board may vote to transmit the budget to Finance Committee tonight or January 8th.

OPEN SESSION

BUSINESS

8. Approve annual license renewals for 2024 **(5 minutes)**

MOTOR VEHICLE CLASS II

Excel Auto Sales & Repair, 94 East Falmouth Highway

AUTOMATIC AMUSEMENT DEVICE

Shipwrecked, 263 Grand Avenue



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 8.

ITEM TITLE: Approve annual license renewals for 2024

MEETING DATE: 1/8/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Annual Renewal Requirement Checklist, List of Annual Renewals

PURPOSE:

The Select Board will consider the approval of two 2024 annual license renewals.

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:
 - **USED CAR DEALER LICENSE**
 - Excel Auto Sales & Repair, 94 East Falmouth Highway
 - Note: the licensee was dealing with health issues and was unable to file until December 28, 2023

○ **AUTOMATIC AMUSEMENT DEVICE**

▪ Shipwrecked, 263 Grand Avenue

- Note: an administrative oversight, discovered after the December 18, 2023 Board meeting, is being addressed and corrected

DEPARTMENT RECOMMENDATION:

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

OPTIONS:

➤ Motion to approve the 2024 annual license renewals as presented.

➤ Motion to deny approval of the 2024 license renewals as presented.

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

1/5/2024

Date

January 8, 2024

USED CAR DEALER LICENSE

Excel Auto Sales & Repair, 94 East Falmouth Highway

(The licensee was dealing with health issues and filed on 12/28/2023)

AUTOMATIC AMUSEMENT DEVICE LICENSES

Shipwrecked, 263 Grand Avenue

(administrative oversight noticed after 12/18/23 Select Board meeting)

OPEN SESSION

CONSENT AGENDA

1. Licenses

- a. Application for a Special One-Day Wine & Malt Beverages License – West Falmouth Library located at 525 West Falmouth Highway, West Falmouth – Wednesday, 1/31/24 – 6:00 p.m. – 8:00 p.m.



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Licenses 1.a.

ITEM TITLE: Application for a Special One-Day Wine and Malt Beverages License- West Falmouth Library located at 525 West Falmouth Highway, West Falmouth- Wednesday, 1/31/24- 6:00 PM to 8:00 PM.

MEETING DATE: 1/8/2024

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 December 8, 2023; TIPS Certification Cards; Site Plan

PURPOSE:

The Select Board will consider the approval of an application for a Special One-Day Wine and Malt Beverages License- West Falmouth Library located at 525 West Falmouth Highway, West Falmouth- Wednesday, 1/31/24- 6:00 PM to 8:00 PM.

BACKGROUND/SUMMARY:

- Applicant Suzy Bergmann submitted the Special One-Day License for the Sale of Alcoholic Beverages on December 8, 2023.
- The event, titled Wine Tasting, will be held on January 31, 2024 (6:00 PM to 8:00 PM) and approximately 45 people are expected to attend.

- The Police and Fire Rescue Departments 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 One-Day Wine and Malt Beverages License- West Falmouth Library located at 525 West Falmouth Highway, West Falmouth- Wednesday, 1/31/24- 6:00 PM to 8:00 PM.

OPTIONS:

- Motion to approve the application for a Special One-Day Wine and Malt Beverages License- West Falmouth Library located at 525 West Falmouth Highway, West Falmouth- Wednesday, 1/31/24- 6:00 PM to 8:00 PM
- Motion to deny approval of the approve the application for a Special One-Day Wine and Malt Beverages License- West Falmouth Library located at 525 West Falmouth Highway, West Falmouth- Wednesday, 1/31/24- 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 One-Day Wine and Malt Beverages License- West Falmouth Library located at 525 West Falmouth Highway, West Falmouth- Wednesday, 1/31/24- 6:00 PM to 8:00 PM.

Michael Renshaw

Town Manager

1/5/2024

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 or concerns

Fire No issues

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

Assessor _____

Tax Collector _____

Wastewater _____

NOTES: January Wine Tasting



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: 41 Cachalot Lane

Falmouth MA 02540
TOWN STATE ZIP CODE

NAME OF ORGANIZATION: West Falmouth Library

MAILING ADDRESS: PO Box 1209

TELEPHONE #: 5085484709 EMAIL: suzybergmannwfl@gmail.com

LOCATION TO BE LICENSED-ADDRESS: 525 West Falmouth Highway

Falmouth MA 02540
TOWN STATE ZIP CODE

EVENT TITLE: Wine Tasting APPROXIMATE # OF PEOPLE: 45

DATE(S) OF EVENT: 1/31/2024 HOURS OF EVENT: 6:00 pm - 8:00 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

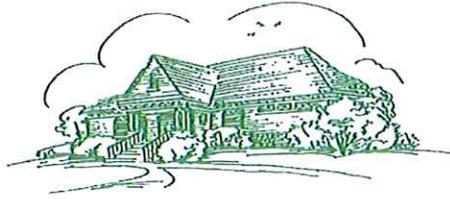
REQUIREMENTS check list:

- ✓ 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)

12/5/2023
DATE

Suzy Bergmann
APPLICANT SIGNATURE

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

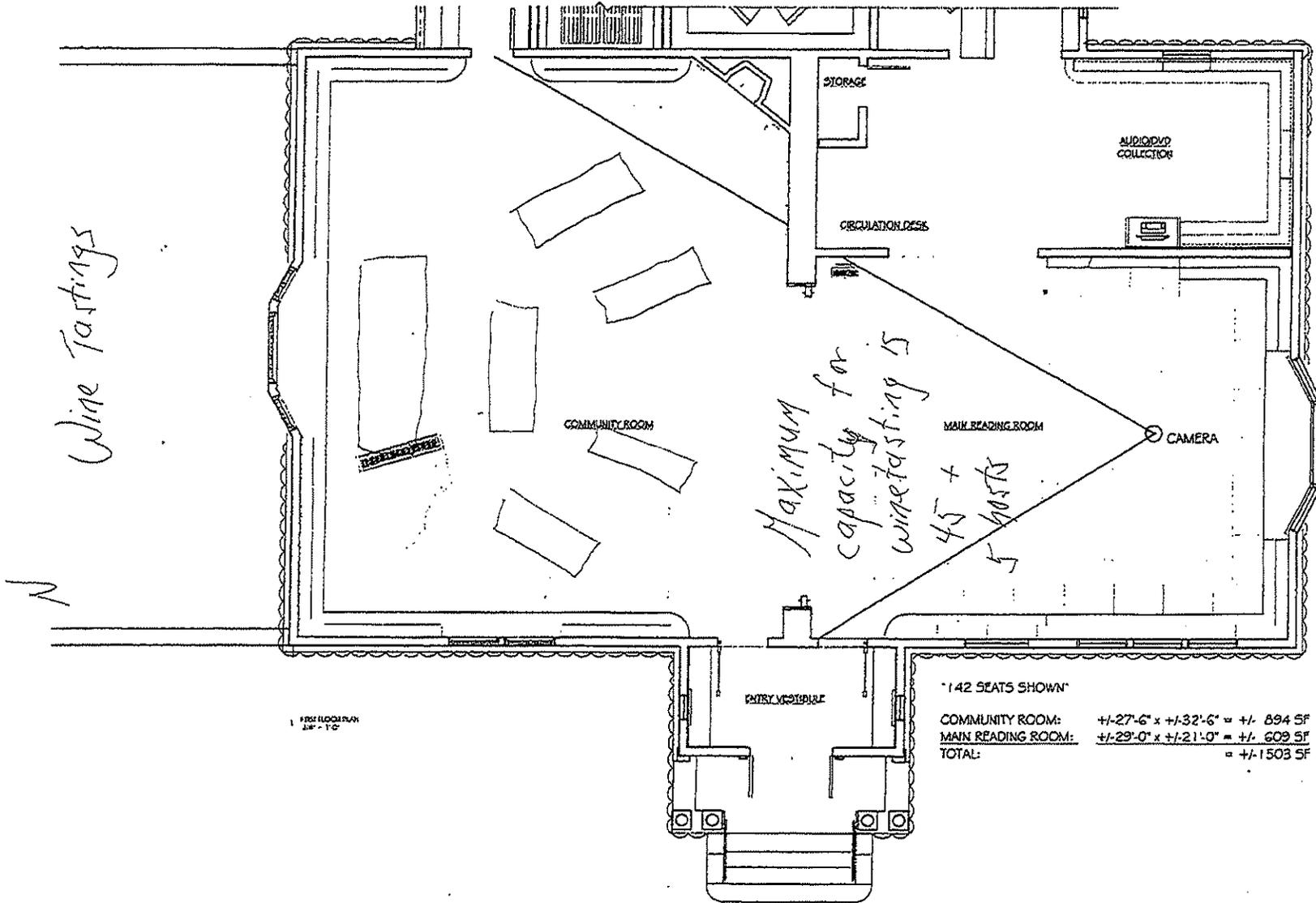


AN INDEPENDENT COMMUNITY LIBRARY

December 8, 2023

The West Falmouth Library is applying for a Special One-Day Liquor License for the sale of alcoholic beverages on January 31, 2024. The purpose of this license is for a wine tasting event for a maximum of 45 guests. The event will take place from 6:00 pm until 8:00 pm. The wine tasting will take place in the community room at the library and all food will be prepackaged and plated in our certified kitchen.

Sincerely yours,
Suzy Bergmann
Director of Community Programs, Events and Outreach



142 SEATS SHOWN

COMMUNITY ROOM: +/-27'-6" x +/-32'-6" = +/- 894 SF
 MAIN READING ROOM: +/-29'-0" x +/-21'-0" = +/- 609 SF
 TOTAL: +/-1503 SF

OPEN SESSION

CONSENT AGENDA

1. Licenses

- b. Application for Special One-Day All Alcoholic Beverages Licenses – Falmouth Theatre Guild, located at 58 Highfield Drive, Falmouth – Friday-Sunday, February 2-4, 2024; Friday-Saturday, February 9-10, 2024; and Friday-Sunday, February 16-18, 2024



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Licenses 1.b.

ITEM TITLE: Application for a Special One-Day All Alcoholic Beverages License- Falmouth Theater Guild at 58 Highfield Drive, Falmouth- Friday-Sunday, February 2-4; Friday-Sunday, February 9-10; and Friday-Sunday, February 16-18, 2024

MEETING DATE: 1/8/2024

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 December 8, 2023; TIPS Certification Cards; Site Plan; Mass DOR Certificate of Exemption

PURPOSE:

The Select Board will consider the approval of an application for a Special One-Day All Alcoholic Beverages License- Falmouth Theater Guild located at 58 Highfield Drive, Falmouth- Friday-Sunday, February 2-4; Friday-Sunday, February 9-10; and Friday-Sunday, February 16-18, 2024.

BACKGROUND/SUMMARY:

- Applicant Tomas McCahill, Director-at-Large, submitted the Special One-Day License for the Sale of All Alcoholic Beverages on December 28, 2023.

- The event, titled Clue: On Stage, will be held on three weekends of February 2-4, February 9-10, and February 16-18, 2024 and approximately 200 people per night are expected to attend.
- The Police and Fire Rescue Departments 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 One-Day All Alcoholic Beverages License- Falmouth Theater Guild located at 58 Highfield Drive, Falmouth- Friday-Sunday, February 2-4; Friday-Sunday, February 9-10; and Friday-Sunday, February 16-18, 2024 as presented.

OPTIONS:

- Motion to approve the application for a Special One-Day All Alcoholic Beverages License- Falmouth Theater Guild at 58 Highfield Drive, Falmouth- Friday-Sunday, February 2-4; Friday-Sunday, February 9-10; and Friday-Sunday, February 16-18, 2024.
- Motion to deny approval of a Special One-Day All Alcoholic Beverages License- Falmouth Theater Guild at 58 Highfield Drive, Falmouth- Friday-Sunday, February 2-4; Friday-Sunday, February 9-10; and Friday-Sunday, February 16-18, 2024.
- 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 One-Day All Alcoholic Beverages License- Falmouth Theater Guild located at 58 Highfield Drive, Falmouth- Friday-Sunday, February 2-4; Friday-Sunday, February 9-10; and Friday-Sunday, February 16-18, 2024 as presented.

Michael Renshaw

Town Manager

1/5/2024

Date

LICENSE APPLICATION REVIEW FORM

Date: 1/8/24

Restaurant/Business: Falmouth Theatre Guild

Address: Highfield Theater, 58 Highfield Drive, Falmouth

License Type: Special One-Day All Alcohol Liquor Licenses

New or Transfer of License N/A

or

Change of License N/A

Police No concerns.

Fire No concerns.

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

Recreation _____

M.E.S. _____

Communications _____

Beach _____

NOTES:

For service one hour before each performance and approximately 30 minutes during intermission on the following days and times:

Fri-Sun, Feb 2-4. Fri-Sat, Feb 9-10. Fri-Sun, Feb 16-18.

6:30 p.m. Fridays and Saturdays. 1:00 p.m. Sundays.



APPLICATION

PAID \$210.00 CK# 174972



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: Clue: On Stage APPROXIMATE # OF PEOPLE: 200/night

DATE(S) OF EVENT: Feb 2-4, 9-10, & 16-18 HOURS OF EVENT: 6:30PM Fridays and Saturdays & 1:00PM Sundays

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:

Received
✓
✓
✓
✓
✓
N/A

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)

12/28/2023

DATE

[Handwritten 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

December 28, 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 performance "*Clue: On Stage*"
February 2, 3, 4, 9, 10, 16, 17, 18 (8 days)

Dear Town of Falmouth,

Please find attached and completed application requesting special one-day liquor licenses covering the eight performances we have scheduled for the theatrical performance "*Clue: On Stage*," running Fridays – Sundays February 2-4, 9-10 (no Sunday performance due to the Superbowl), & 16-18 (6:30 PM on Fridays and Saturdays and 1:00PM, Sundays).

We would like to sell alcoholic beverages to our patrons for an hour before each performance and for approximately 30 minutes during intermission. 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.

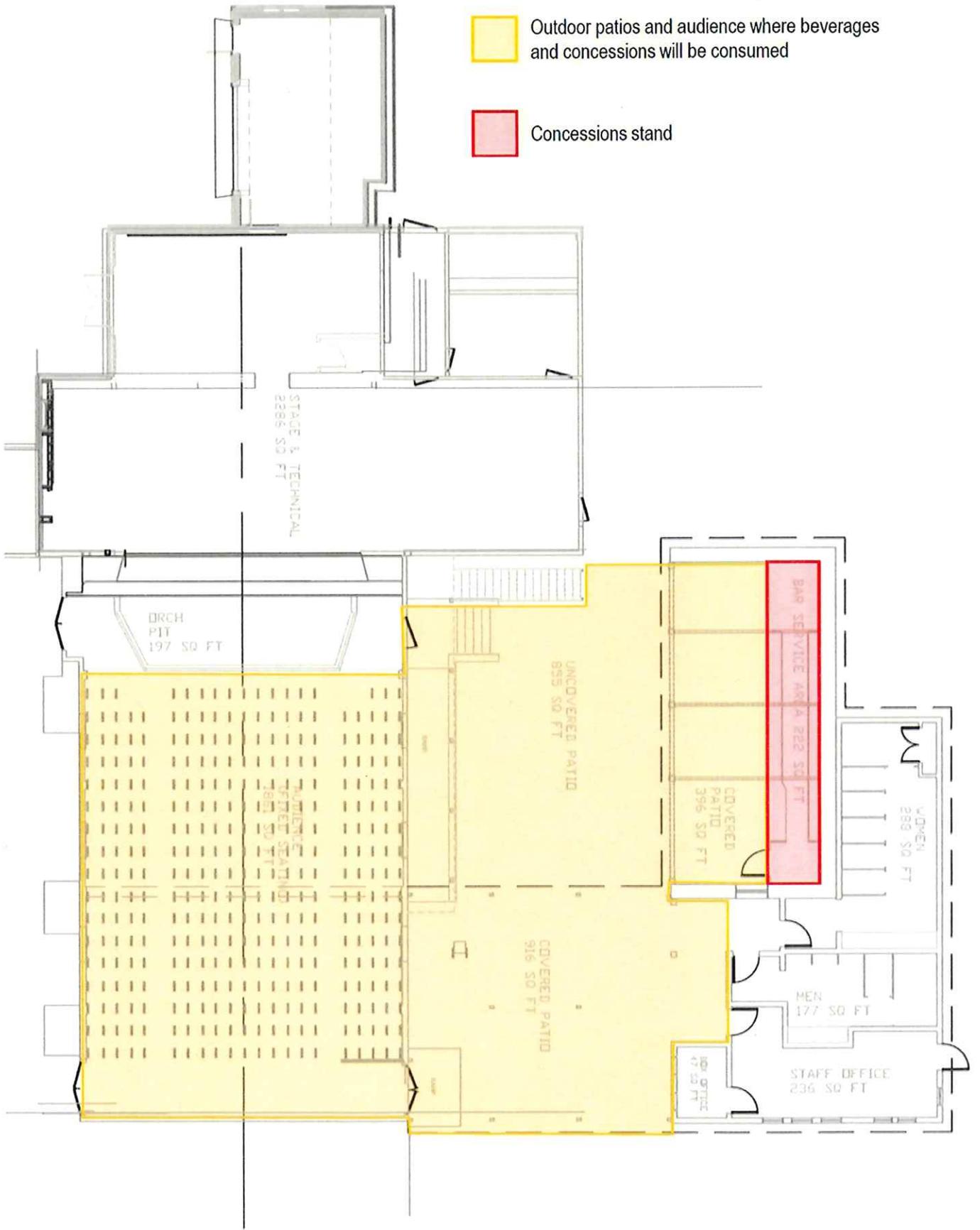
If you have any questions, please do not hesitate to contact me by phone or by email.

Thank you,

Tomas McCahill, Director-at-Large
(774) 392-3299
Tm.tmcchill@gmail.com

Outdoor patios and audience where beverages and concessions will be consumed

Concessions stand



HIGHFIELD THEATRE
PLAN VIEW
DWN: CLT Scale: 1/16' = 1'
DATE: 02-18-2017
REV: 05/15/2019

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- a. Vote project eligibility letter for 24-unit housing proposal at 19 North Falmouth Highway

January 8, 2024



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

ITEM TITLE: Project Eligibility Letter for 24-unit home ownership housing proposal located at 19 North Falmouth Highway

MEETING DATE: 1/8/2024

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

SUBMITTED BY: Jed Cornock, Town Planner

ATTACHMENTS: Draft Project Eligibility Letter

PURPOSE:

We seek Select Board approval of a letter to submit to MassHousing in connection with the developer's application for project eligibility and site approval pursuant to the MA G.L. c. 40B comprehensive permit process. The purpose of the letter is to encourage the developer to take certain actions to mitigate the impacts of the proposed 24-unit home ownership housing proposal.

BACKGROUND/SUMMARY:

- Procedural Overview:
 - The developer, "West Falmouth Estates", is applying for a comprehensive permit under MA G.L. c.40B.
 - MassHousing will determine whether or not to grant project eligibility and site approval. If approved by MassHousing at this stage, the developer will then submit a comprehensive permit application to the Falmouth Zoning Board of Appeals.
 - The Town's ability to influence MassHousing's decision to grant project

eligibility and site approval is limited given that Falmouth has not reached the statutory affordable housing threshold of 10%.

- The 'project eligibility letter' is an opportunity for the Select Board to go on the record with its position on the project which may influence future decisions of the developer or the Zoning Board of Appeals.
- Town staff met with the developer and MassHousing at the project site on November 28, 2023. Town staff reviewed the application submitted to MassHousing.
- The Select Board typically has 30 days from submission of the application to submit a letter to MassHousing; however, the Town received an extension of this timeline in order to submit comments by January 12, 2023.

➤ Project Description:

- The project is located on a 4.27-acre lot on North Falmouth Highway, just north of the Thomas Landers Road interchange in North Falmouth.
- The proposal includes 24 units of home ownership housing, 6 of which will be affordable at 80% AMI (the minimum 25% required under 40B proposed now).
- The single-family dwellings will be 2-story, 3-bedroom, 1,800 square foot structures with attached garages.
- All of the future lots will be accessed by a 650 +/- foot private roadway with a cul-de-sac turnaround at its end and will have town water and underground utilities.
- The topography rises significantly at the rear of the site, which will make the full site development challenging.

➤ Project Benefits:

- The proposal would create an additional 6 units of affordable home ownership housing.
- New home ownership opportunities are identified as a priority in the Falmouth Housing Production Plan of 2018.

➤ **Project Impacts:**

- The site topography and proposed density of the project raise concerns regarding impacts to the environment, wildlife, and the surrounding neighborhood. Specifically, the conceptual development layout shows future lots within areas where the topography changes dramatically; however, there is no indication of the extent of earth moving, retaining wall construction, or future tree clearing that would be necessary to support this plan.

- The property is not located within the Town sewer service area or within a Coastal Pond Overlay District and the Town does not have authority to expand the sewer service area under MA Department of Environmental Protection permits to accommodate this location.

- The project site is not walkable to services and is not located on any fixed route transportation service at present which means future residents will rely on their own automobiles for transportation.

DEPARTMENT RECOMMENDATION:

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

OPTIONS:

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

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

Michael Renshaw

Town Manager

1/4/2024

Date

December 29, 2023

Michael Busby
Relationship Manager, Planning and Programs
MassHousing
One Beacon Street
Boston MA 02108

RE: Project Eligibility/Site Approval – 19 North Falmouth Highway, North Falmouth, “West Falmouth Estates”

Dear Mr. Busby:

The Town of Falmouth has reviewed the application for Project Eligibility/Site Approval for “West Falmouth Estates” located at 19 North Falmouth Highway, North Falmouth submitted by Robert Bucha and offers the following for your consideration.

The proposal consists of 24 single-family dwellings on a 4.27 acre previously disturbed lot. In total, 6 of the 24 units (25%) will be affordable at 80% AMI, leaving the remainder (18 units) as market rate units. Each single-family unit will be a 2-story, 3-bedroom, 1,800 square foot structure with an attached garage. Eight (8) of the proposed units will have private on-site septic systems, while the remaining 16 units will be served by a shared septic system with two separate leaching areas. All of the future lots will be accessed by a 650 +/- foot private roadway with a cul-de-sac turnaround at its end and will have town water and underground utilities.

The proposed project was reviewed and discussed by various town officials, most recently, at the site visit on November 28, 2023. The following items are provided to articulate the town’s position as it relates to this proposed project.

Overall Development

The housing type proposed aligns with the town’s housing needs as identified in the 2018 Housing Production Plan (HPP), specifically the need to provide new ownership opportunities for first time homebuyers. Although the 1,800 square foot structure and multiple bedroom floor plan fits the need of new families looking to move to town and establish roots in the community, the conceptual layout plan is very dense, leaving little area for children and families to enjoy and potentially creating emergency access issues to abutting properties. The applicant should consider an alternative layout that reduces the density and includes a common play space and internal roadway sidewalks.

Additionally, the application appears to indicate that the future market rate units and affordable units may have different amenities, specifically the number of bathrooms and attached garages. Creating parity within an affordable housing development is an important

element to the town and as such, the applicant should address this issue as the proposal moves through the permitting process.

Lastly, the Housing Production Plan also notes that integrating handicapped accessibility and supportive services into new development is a need; however, at present, the application does not include units that are barrier-free and handicapped accessible. To that end, the town requests that the applicant give serious consideration to making all units visitable and that at least 10% of the total units be fully accessible.

Wastewater & Water Quality

As mentioned previously, the application indicates that the majority of the future homes (16 units) will be served by a private shared septic system with the remainder of the units having their own traditional private septic systems. It would be beneficial to have all of the units included in the shared system to allow for better nitrogen removal. As such, the applicant should consider including all of the units in the shared septic system. The Health Department has indicated that the shared systems will not need a waiver from the Falmouth Health Regulations (FHR) 15.2(1) as shared systems are exempt from this regulation provided they comply with 2 sections of Title 5 (310 CMR 15.290 and 15.291).

Traffic & Transportation

This site is not located in close proximity (1/4 to 1/2 mile) to typical trip generators (retail establishments, restaurants, commercial areas, etc.) and off-site alternative transportation options (sidewalks, bicycle lanes, fixed route bus service) are absent. Therefore, future residents will have no other safe option other than using a car to get to work, patronize local businesses, or to enjoy the many recreation options in town. Continuing the practice of relying on automobiles for everyday travel contributes to air pollution and known health concerns. The applicant should consider ways to offset these issues, such as providing electric car charging options in each of the future dwellings and working with the public transportation provider to consider future fixed route service along Route 28A.

Environment & Energy

Building a residential development on a heavily wooded and largely undeveloped lot with serious topographic challenges can create negative environmental impacts. As the application states, the topography rises significantly at the rear of the site, ranging from an elevation of +/- 50 (NAVD88) to +/-120. The conceptual development layout shows future lots within areas where the topography changes dramatically; however, there is no indication of the extent of earth moving, retaining wall construction, or future tree clearing that would be necessary to support this plan. Maintaining mature vegetation is important in managing the heat in the summer, aiding in stormwater mitigation, sustaining existing wildlife populations and habitats, and improving the quality of life for future residents and abutting properties. Additionally, the application does not include provisions for alternative energy sources, such as rooftop solar panels. Therefore, the applicant is encouraged to consider reducing the density in order to maintain the existing vegetation, and to the extent possible, consider energy efficiency provisions when moving through the permitting process.

Like many communities in the Commonwealth and more acutely on Cape Cod, Falmouth continues to struggle with the ongoing housing crisis and all efforts to help address it are carefully considered and vetted. The town appreciates efforts such as this to help address the situation and looks forward to working with MassHousing and the applicant to ensure this proposal meets the town's housing needs, is respectful of the surrounding neighborhood, and is designed in a manner to mitigate environmental and public safety impacts to the greatest extent feasible.

Sincerely,

Nancy Taylor, Chair
Falmouth Select Board

Enclosures

DRAFT

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- b. Accept the grant award from Falmouth Road Race, Inc. in the amount of \$2,350.00 to the Falmouth Harbor Master's office to purchase a replacement Automated External Defibrillator (AED)



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Falmouth Road Race Grant

MEETING DATE: 1/8/2023

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

SUBMITTED BY: Gregg Fraser

ATTACHMENTS: Grant Notice dated 12/08/23

PURPOSE:

The purpose of this grant was to replace an outdated AED used by the MES Department.

BACKGROUND/SUMMARY:

- We applied to the Falmouth Road Race for funding to replace an outdated AED for the department. The AED is used on the vessels in the primary boating season and then will be transferred to a vehicle in the off season.

DEPARTMENT RECOMMENDATION:

Accept grant on behalf of the town.

OPTIONS:

Briefly state the options the Select Board should consider.

There will usually be a minimum of three options:

- 1) approval and purchase of new AED
- 2) decline grant funding, no new AED will be purchased

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
				0		

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

TOWN MANAGER COMMENTS:

APPROVE REQUEST AS PRESENTED.



Town Manager

01/05/2024
Click or tap to enter a date.

Date



Board of Directors:

Scott Ghelfi
President

Dr. Robert Antonucci
Vice President

Donna Tocci
Clerk

Julene Augusta
Treasurer

Carl F. Cavossa, Jr.

Jason Cullinane

Travis Watson

Falmouth Harbor Master's Office
c/o Robert W. Griffin, Jr.
180 Scranton Ave.
Falmouth, MA 02540

December 18, 2023

Dear Robert,

The Board of Directors of Falmouth Road Race, Inc. is pleased to inform you that the **Falmouth Harbor Master's Office** will be awarded a **\$2,350 grant** from our Philanthropy Program to purchase a new AED. We would request that the FRR, Inc. logo is displayed somewhere on the case as appropriate.

Falmouth Road Race, Inc. proudly supports programs that promote health and wellness with specific emphasis on youth programs. The Board hopes that through these partnerships our community will remain a vibrant and an extraordinary one.

Grant awards will be presented on **Thursday, January 25, 2024, at 6PM** – location TBD. We would ask that representatives who will benefit from this funding attend as well. Light fare will be provided, and recipients will be given an opportunity to speak briefly about their request and/or project.

Please RSVP to info@falmouthroadrace.com by January 17 and let us know who will attend. Thank you for everything you do to keep Falmouth a great place to raise a family, to work, and to vacation.

Wishing you and your staff a happy and healthy holiday season!

Sincerely,

Scott Ghelfi, President
Falmouth Road Race, Inc.

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- c. Accept the grant award from Falmouth Road Race, Inc. for the purchase of an All-Terrain Vehicle (ATV) to be used and maintained by the Public Works Water Division



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Donation of ATV to Falmouth DPW – Water Department

MEETING DATE: 1/8/2024

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

SUBMITTED BY: Matt Lanen

ATTACHMENTS: Road Race Grant Application, Road Race Award, ATV Quote

PURPOSE:

The Falmouth Department of Public Works – Water Division is requesting the purchase of an ATV to monitor and maintain Long Pond Reservoir. This purchase has been awarded through a grant application to the Falmouth Road Race Committee.

BACKGROUND/SUMMARY:

- The Falmouth Water Department's staff monitor and maintain both the walking trails and fire roads around Long Pond Reservoir.
- Long Pond Reservoir provides the Town of Falmouth with a significant portion of the finished water to each tap.
- An ATV would be more efficient to maneuver through narrow, unpaved trails and service roads.
- In November of 2023, Acting Water Superintendent Mike Reghitto, applied for a grant through the Falmouth Road Race Committee.
- In December of 2023, the Falmouth Road Race Committee awarded the grant to The Falmouth DPW Water Department to purchase an ATV, to maintain and monitor the roadways around Long Pond Reservoir.

DEPARTMENT RECOMMENDATION:

I, Matt Lanen, an employee with the Town of Falmouth's DPW Water Department, recommend the Town of Falmouth accept the donation of the ATV.

OPTIONS:

Briefly state the options the Select Board should consider.

There will usually be a minimum of three options:

- 1) Approval of this grant would allow Falmouth Public Works to obtain this necessary piece of equipment through Falmouth Road Race funds and not requested through the capital budget. The Public Works Fleet Department will maintain this ATV.
- 2) If this piece of equipment is not funded through the Falmouth Road Race, a future capital request will be needed.
- 3) Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

APPROVE REQUEST AS PRESENTED.

Richard Senohaw

Town Manager

1/8/2024

Date



TOWN of FALMOUTH

DEPARTMENT OF PUBLIC WORKS, WATER DIVISION
416 OIFFORD ST., FALMOUTH, MASSACHUSETTS 02540
TELEPHONE (508) 457-2543
FAX (508) 548-1537

Michael Reghitto
Acting Water Superintendent

DATE: November 11, 2023

SUBJECT: Falmouth Road Race Grant Application

PREPARED BY: Michael Reghitto – Acting Water Superintendent *MR*

TO: Jennifer Edwards – Executive Director, Falmouth Road Race

Cc: Peter McConarty – Director of Public Works

The Falmouth Road Race is one of the premier summer road race events. The race draws thousands of runners and visitors to Falmouth for a week of vacationing that culminates with the visitors either running in the race or enjoying the race from the sidelines. Restaurants, shops, recreational areas, and beaches are all buzzing with excitement.

The Falmouth Department of Public Works - Water Division is busy all week preparing the road race route. Water Division staff works to ensure runner safety by checking all the water gates along the route, removing debris, and eliminating potential trip hazards. On race day Water Division staff are stationed along the race route poised to address any water infrastructure related issues and emergencies that would impact the race and the runners.

On a typical summer day, Falmouth's average daily water consumption is approximately 9,000,000 gallons. During Road Race week this demand can increase to as high as 12,500,000 gallons taxing both the Town's water treatment infrastructure and Water Division staff.

The Long Pond Reservoir and Treatment Plant provide the bulk of the Town's drinking water. Visitors flock to Goodwill Park and the adjacent Long Pond Reservoir's tranquil walking trails creating increased hiker traffic around this vital drinking water source.

The Falmouth DPW Water Division is requesting a grant for \$26,125.54 to purchase an all-terrain vehicle (ATV). The ATV would be used for road race route safety preparation. On race day it is virtually impossible for the Water Division staff to navigate the road race route in a Department pickup truck or utility vehicle. The ATV would be used by both Water Division and DPW staff to access the race route to address issues impacting the route and/or the runners. The ATV would allow Water Division staff to patrol the Long Pond Reservoir trails as well as maintain the trails in safe walking condition. I have attached a copy of the quote for the all-terrain vehicle and thank you for your consideration.



Falmouth DPW Water Division
c/o Michael Reghitto
416 Gifford Street
Falmouth, MA 02540

Board of Directors:

Scott Ghelfi
President

Dr. Robert Antonucci
Vice President

Donna Tocci
Clerk

Julene Augusta
Treasurer

Carl F. Cavossa, Jr.

Jason Cullinane

Travis Watson

December 18, 2023

Dear Michael,

The Board of Directors of Falmouth Road Race, Inc. is pleased to inform you that the Falmouth DPW Water Division will be awarded a **\$26,125.54** grant from our Philanthropy Program to purchase a new all-terrain vehicle. We would request that the FRR, Inc. logo is displayed somewhere on this new ATV as appropriate.

Falmouth Road Race, Inc. proudly supports programs that promote health and wellness with specific emphasis on youth programs. The Board hopes that through these partnerships our community will remain a vibrant and an extraordinary one.

Grant awards will be presented on **Thursday, January 25, 2024, at 6PM** – location TBD. We would ask that representatives who will benefit from this funding attend as well. Light fare will be provided, and recipients will be given an opportunity to speak briefly about their request and/or project.

Please RSVP to info@falmouthroadrace.com by January 17 and let us know who will attend. Thank you for everything you do to keep Falmouth a great place to raise a family, to work, and to vacation.

Wishing you and your staff a happy and healthy holiday season!

Sincerely,

Scott Ghelfi, President
Falmouth Road Race, Inc.

ROAD RACE ATV FY24

Contact:

Matthew Lanen – Water Superintendent

AMOUNT: **\$26,125.54**

DEADLINE: **06/30/2024**

Fund # 210 – Federal/State Grants - Town

Fund Equity 210-3520-2454

21-450-2454-4690	Other State Revenue
21-450-2454-5210	Equipment



Kubota DIESEL

RTV X1000C

Power Steering



OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- d. Accept a donation from Hilton Railey in the amount of \$1,050.00 to the Falmouth Cultural Council

January 8, 2024



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

ITEM TITLE: Accept donation in the amount of \$1,050 from Hilton Railey to the Falmouth Cultural Council

MEETING DATE: 1/8/2024

WORK SESSION REGULAR MEETING PUBLIC HEARING

SUBMITTED BY: Alice Kociemba, Chair, Cultural Council

ATTACHMENTS: None.

PURPOSE: The Cultural Council is asking the Select Board to accept a \$1,050 donation from Hilton Railey of Falmouth. This generous donation will support the musicians' stipend for the Council's new music outreach program, *Music at the Table*. This program takes place at A Place at the Table, the free lunch program at St. Barnabas Church. The Council's project will provide live music for our homeless and food-insecure community members during the winter months.

BACKGROUND/SUMMARY:

- The Cultural Council has voted to use \$1,000 of its Mass Cultural Council FY24 allocation of \$8,400 to develop this music outreach effort. The Council adheres to MCC guidelines that allow local cultural councils to develop programs that communities need but do not have, as is the case with our music outreach for this underserved population.
- The musician or group performs for 75 minutes during the free lunch program and will receive a stipend of \$150.
- As of the Select Board meeting on January 8, 2024, we have provided music at 5 lunch programs. The Council has surveyed the guests at A Place at the Table

and they have expressed a high degree of satisfaction with *Music at the Table* and would like to hear this live music program without interruption.

- This \$1,050 donation by Falmouth resident, Hilton Railey, would allow the Cultural Council to provide a total of 17 weekly musical performances from December 5, 2023 through March 26, 2024.
- The Cultural Council has worked closely to develop this project with volunteers and staff at A Place at the Table and Belonging to Each Other. We have also solicited feedback from counselors at Housing Assistance Corp., Falmouth Human Services, and Gosnold.
- We have learned from this collaboration that the number of guests who participate in A Place at the Table more than doubles from December through March. They anticipate that 40 to 60 community members will attend each of their lunches. A minimum of 680 people will be served by *Music at the Table*, the live music we will provide.
- Finally, the idea for this music outreach program came from a homeless man we met while doing our community survey outreach at the Falmouth Service Center. His top priority for cultural programming was free music. Once the Town Band Concerts end, he said, he does not hear live music. This project was developed to respond to the need he expressed.

DEPARTMENT RECOMMENDATION:

OPTIONS:

Briefly state the options the Select Board should consider.

- 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):

N/A

TOWN MANAGER COMMENTS:

APPROVE DONATION AS PRESENTED.

Richard Penohau

Town Manager

01/08/2024

Click or tap to enter a date.

Date

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- e. Application for Coastal Zone Management Coastal Resilience Grant for FY25 Eel River Inlet widening

January 8, 2024



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Administrative 2.e.

ITEM TITLE: Approve the application for a Coastal Zone Management Coastal Resilience Grant for the widening of the Eel River Inlet

MEETING DATE: 1/8/2024

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

SUBMITTED BY: Gregg Fraser

ATTACHMENTS: SCS proposal 12-13-23

PURPOSE:

Required technical/procession work needed to engineer the widening and obtain all required local, state and federal permits.

BACKGROUND/SUMMARY:

- This grant will fund phase II of this project which will include engineering and permitting required to widen the Eel River Inlet. Phase I was the feasibility study which was previously funded by a CZM Coastal Resiliency Grant in 2022.
- This grant request includes a 20% contingency for a total of \$226,560. The state share will be \$167,920 and the town match will be \$56,640. (25% local match)

DEPARTMENT RECOMMENDATION:

Approve grant application as presented. This project has already received a positive endorsement from the Conservation Commission and Waterways Committee.

The town match would ideally be funded at the spring 2024 town meeting or within the capital budget next November.

OPTIONS:

- Motion to approve the submission of an application to the Coastal Zone Management Resilience Grant for the widening of the Eel River Inlet as presented.
- Motion to deny approval of the grant application; note this would result in the status quo and no potential changes to the inlet.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
	MES		56,640		56,640	

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board approve the submission of an application to the Coastal Zone Management Resilience Grant for the widening of the Eel River Inlet as presented.

Michael Renshaw

Town Manager

1/3/2024

Date



December 13, 2023

Gregg P. Fraser
Director & Harbormaster
Marine & Environmental Services
180 Scranton Ave, Falmouth, MA 02540

Re: Proposal for FY25 Eel River Inlet Widening to Address Coastal Erosion and Navigation Safety

As a follow-up to the previous Massachusetts Office of Coastal Zone Management (MCZM) Coastal Resilience Grant for Eel River Inlet, Sustainable Coastal Solutions, Inc. (Coastal Solutions) would be pleased to assist the Town of Falmouth with engineering, environmental regulatory analysis, and Massachusetts Environmental Policy Act filings. It is understood that the Town plans to file for an MCZM Coastal Resilience Grant for fiscal year '25 and the scope of work includes Coastal Solutions' assistance with that grant writing effort, likely in May 2024. Upon review of site-specific conditions, it has come to our attention that the project will require preparation of a mandatory Environmental Impact Report (EIR), due to the proximity of the Environmental Justice Community located along Seacoast Shores, based on income. It is anticipated that the preparation of the Expanded Environmental Notification Form (EENF) and the EIR for the project will encompass the full FY25 grant period. For this reason, the project proposal includes only the MEPA filings for FY25; however, the scope can be expanded to include the remaining environmental regulatory filings if the MCZM grant application is expanded to two years (FY25/26, assuming MCZM maintains this option).

The project scope for the FY25 proposed work is described below.

Task 1 – Assistance with FY24 MCZM Coastal Resilience Grant Submittal

Coastal Solution will develop the project scope and background information for the FY25 MCZM Coastal Resilience Grant program. Overall, a majority of the grant application will be developed by Coastal Solutions; however, it is anticipated that the Town will be responsible for providing staff resumes, letters of support, project partners, assistance with project justification, and submittal to MCZM. Cost for Task 1: \$5,000

Task 2 – Project Kick-Off Meeting and Project Update Meetings

A project kick-off meeting with the project team (MCZM, Town of Falmouth, and Coastal Solutions) will be held to discuss the goals of the project, project schedule, and administrative details of how the project will proceed. Team meetings will be a regularly held through the duration of the project to discuss progress, engineering/regulatory analyses and decisions, upcoming tasks, and schedules. Cost for Task 2: \$8,000

Task 3 – MEPA-Level Analysis of Alternatives and Permit-Level Plan

Based on the results of the coastal processes assessment and initial alternative development from the previous MCZM Coastal Resilience Grant effort, the engineering team will

develop a more specific and detailed engineering analysis of potential combination of different erosion mitigation alternatives will be developed. The analysis will include a full range of potential shoreline management options, including the “do-nothing” scenario. Alternatives and approaches will be evaluated relative to their applicability to provide shoreline erosion mitigation, navigation safety, and minimal long- and short-term environmental impacts, while assessing project-specific anticipated sea level rise implications. This analysis will assess the applicability of different options, considering aspects of each alternative including engineering, economics, potential environmental impacts, and public usage. This analysis will include an evaluation of exclusionary and discretionary criteria, where the results will be summarized in tabular form outlining the primary concerns, benefits, and viability of different reconfiguration strategies relative to use and function coupled with performance to enhance resiliency. Once the alternative screening process is completed, a preferred design for the inlet system will be developed. A detailed engineering analysis and design of the project elements will be completed. The engineering design will advance to a level appropriate for environmental permitting.

The engineering team will perform topographic survey necessary to document the existing site conditions. Topographic information will be collected via Real-Time Kinematic (RTK) positioning survey. The survey will be referenced upon a vertical datum of NAVD88 and site coordinates will reference NAD 83 MA Mainland State Plane. The team will combine the information electronically to produce a single terrain model of the project site. In addition, residential structures, coastal engineering structures, and shoreline features that are located within the vicinity of the project area will be field located. Adjacent property lines will be based upon those available from Town assessor’s maps or MassGIS. A permit-level proposed conditions plan also will be completed including the proposed dredging area/volume, as well as the beach nourishment placement template. Cost for Task 3: \$43,000

Task 4 – MEPA Pre-Application Meeting

Conduct a pre-application meeting with relevant permitting agencies to identify outstanding issues regarding the inlet relocation option(s) which will be included in the Proposed Project design, review the evaluation of engineering alternatives evaluated as part of the design process to arrive the preferred design alternative, discuss project-specific environmental impacts associated with the design which will be a concern to the regulatory agencies, and planned regulatory approach. Cost for Task 4: \$6,700

Task 5 – Public Outreach and Property Owner Meetings

As part of the project development, coordination with the various property owners either directly or indirectly impacted by the project will be critical to overall success. It is anticipated that the Waquoit Bay National Estuarine Research Reserve (WBNERR) and their oversight agency (the Massachusetts Department of Conservation and Recreation (DCR)) will be key partners for the project, as both the potential barrier spit dredging and the beach nourishment placement will be performed on their property. This coordination will focus on how the project improves the resources within the overall estuarine and barrier beach system. Other property owners potentially impacted include the Menauhant Yacht Club and the four adjacent property owners to the north. Due to recent westerly barrier beach growth, the Eel River channel has migrated westward, impacting both coastal erosion of the properties and navigation safety. Initial discussions with these groups have been positive; however, the long-term expectations of channel relocation will be presented in more detail once permit-level plans have been developed. Finally, a presentation outlining the plan and project timeline will be presented to the public. This

presentation will be aimed at other interested groups including both the boating community and others interested in the WBNERR barrier beach system. Cost for Task 4: \$30,600

Task 6 – Prepare and Submit an Expanded Environmental Notification Form (EENF)

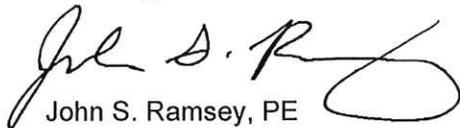
Prepare an EENF application, narratives, and supporting engineering documentation for the preferred protection alternative to address regulatory concerns related to the project. The discussion will include the concerns presented at the pre-application meeting in Task 4, as well as the alternatives analysis from Task 3. As part of the EENF submittal, resource delineation, grain size compatibility, and biological resources will be assessed. This assessment will include a shellfish survey of the impacted area, detailed resource delineations, sediment borings within the barrier spit, sediment sampling of the receiving beach, and a detailed evaluation of nesting shorebird habitat. In addition, project-specific impacts associated with the engineering design will be quantified based upon the engineering plans and resource area delineation, including any anticipated short-term construction impacts, permanent impacts associated with the project 'footprint', and potential future impacts associated with project. The EENF also will include an evaluation utilizing the Resilient Massachusetts Team (RMAT) tool to evaluate future climate resilience, as required. Cost for Task 6: \$63,500

Task 7 – Prepare and Submit Single Environmental Notification Report (SEIR)

The project is based within an Environmental Justice Community and thus will require a Single EIR (SEIR) be filed to address issues related to the project impact on that Community after the EENF is submitted. This task will include all the necessary community outreach and collaboration to ensure the project enhances and protects the community, as well as coordination with MEPA staff to ensure the project address required statutes. Cost for Task 7: \$32,000

The total anticipated cost for the above Scope of Services is \$188,800. If additional engineering design, and/or environmental regulatory permitting services are required or additional meetings and/or activities beyond the information outlined above will be charged on a time-and-materials basis. We thank you for the opportunity to continue working with the Town of Falmouth on this grant proposal. If you have any questions or need additional information, please feel free to contact John Ramsey via email at jramsey@coastalengineer.us.

Sincerely,



John S. Ramsey, PE
President

jramsey@coastalengineer.us

508-365-2900 x102

**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.

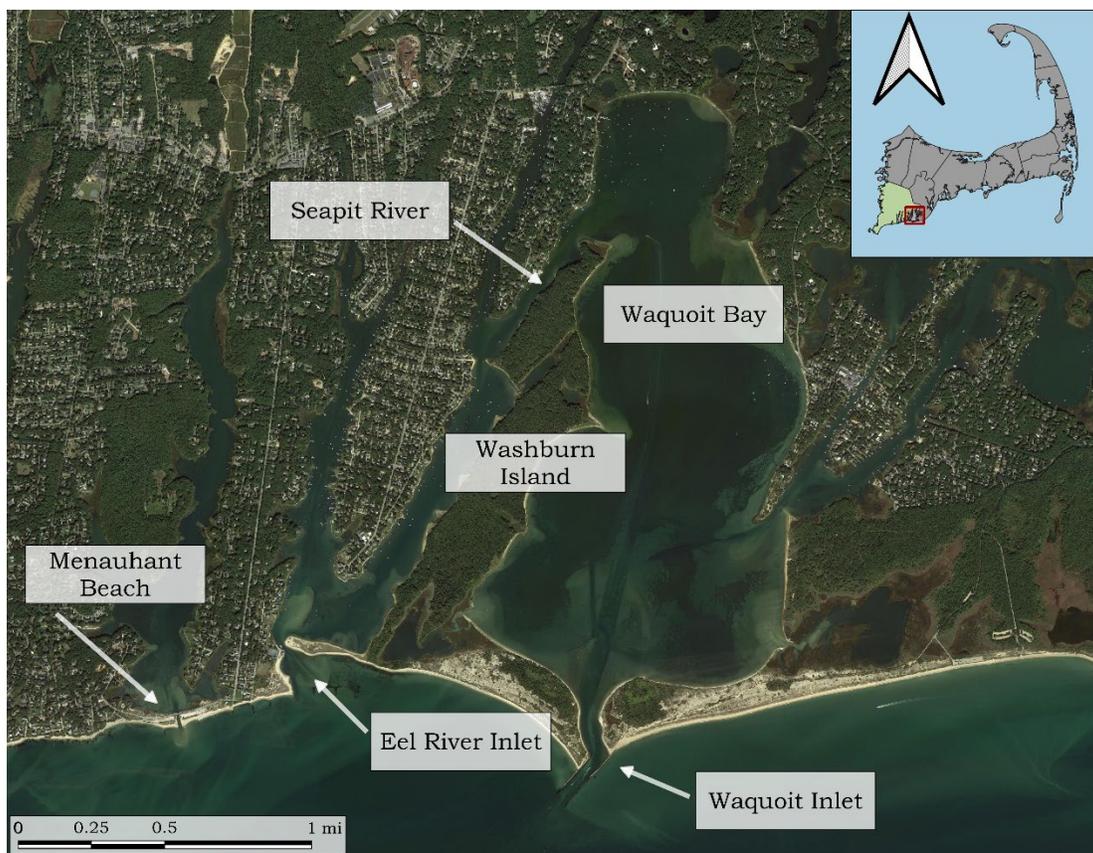


Figure 1.1 Aerial image of the Waquoit Bay system (credit: Google, 2016)

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.

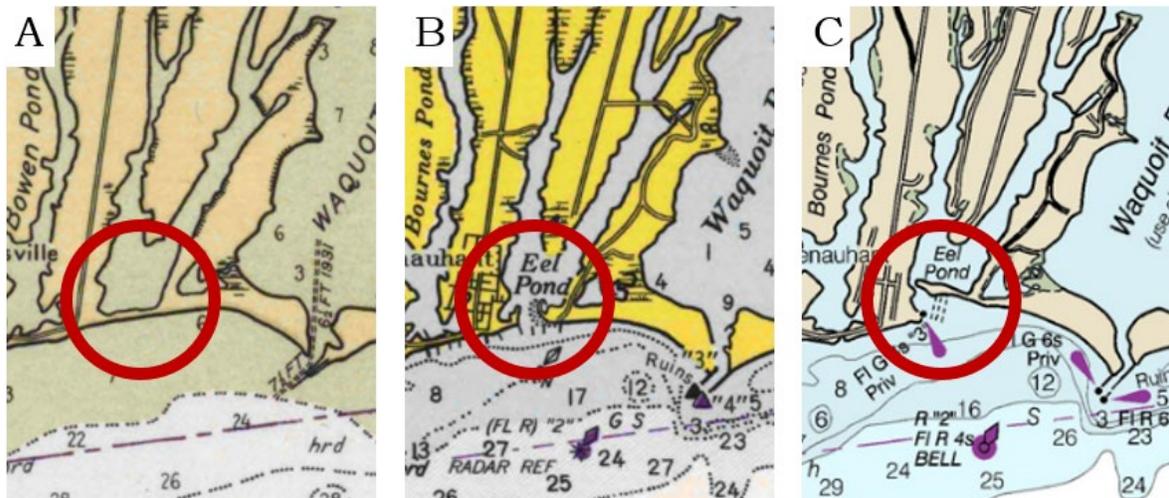


Figure 2.1 Historical Nantucket Sound and Approaches nautical charts (chart number: 1209) from the National Oceanic and Atmospheric Administration (NOAA), formerly the United States Coast and Geodetic Survey (USC&GS), showing the shoreline change between the years (a) 1933, (b) 1966, and (c) 2019.



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).

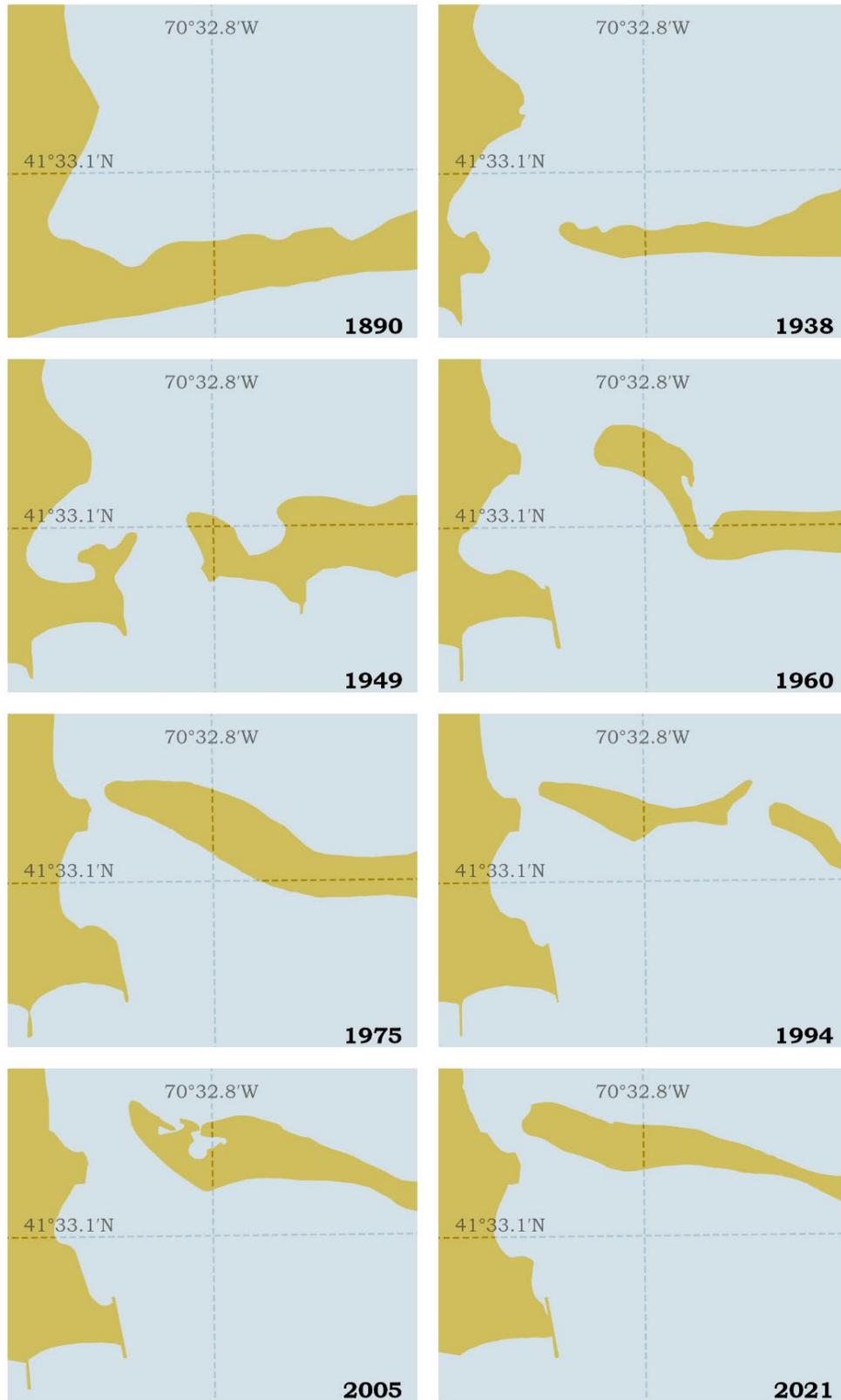


Figure 2.4 Morphological change of Eel River Inlet and Washburn Island spit from 1890 to 2021.



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

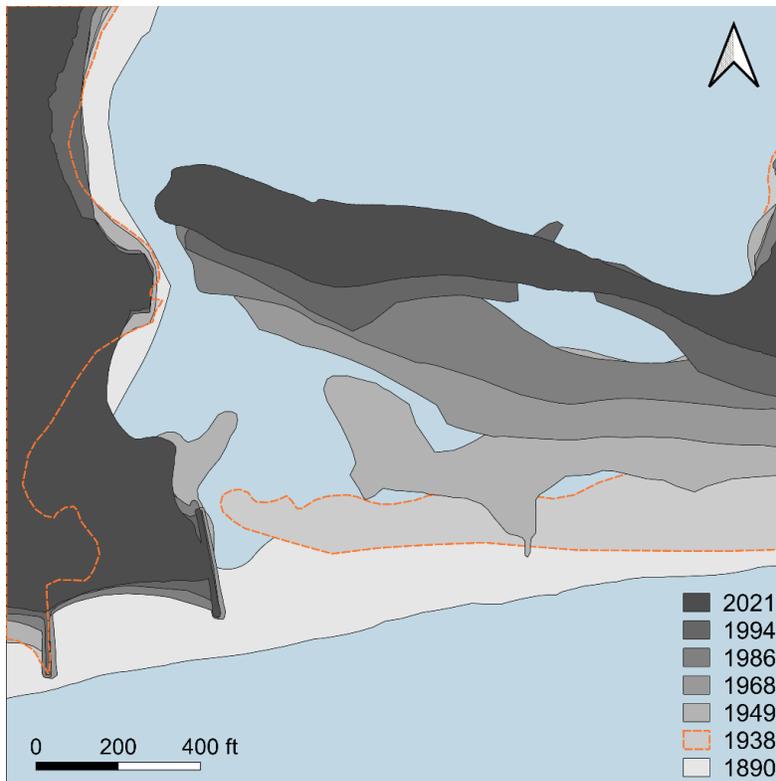


Figure 2.6 Comparison of the evolution of the distal end of the barrier spit relative to the main shoreline of Washburn Island from 1890 to 2021.

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.

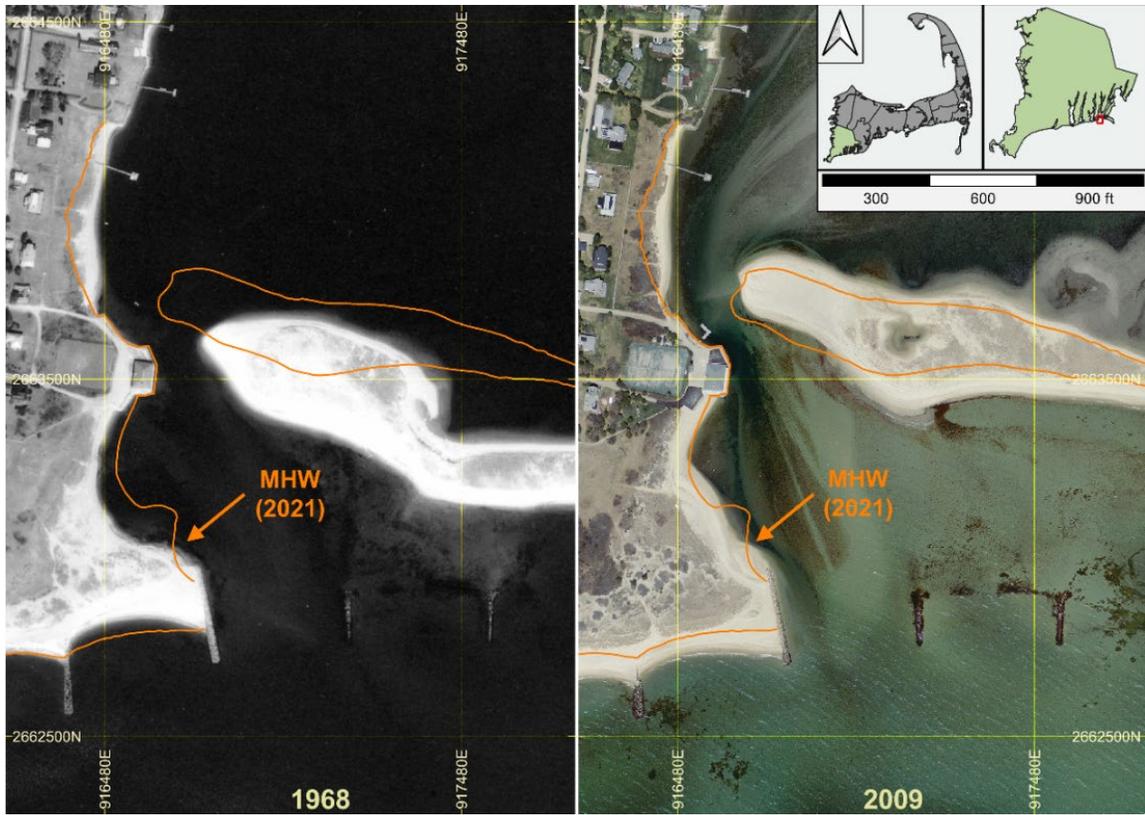


Figure 2.8 Aerial Imagery comparison of Eel River Inlet in 1968 (left) and 2009 (right). The orange line denotes the MHW shoreline surveyed in September 2021.

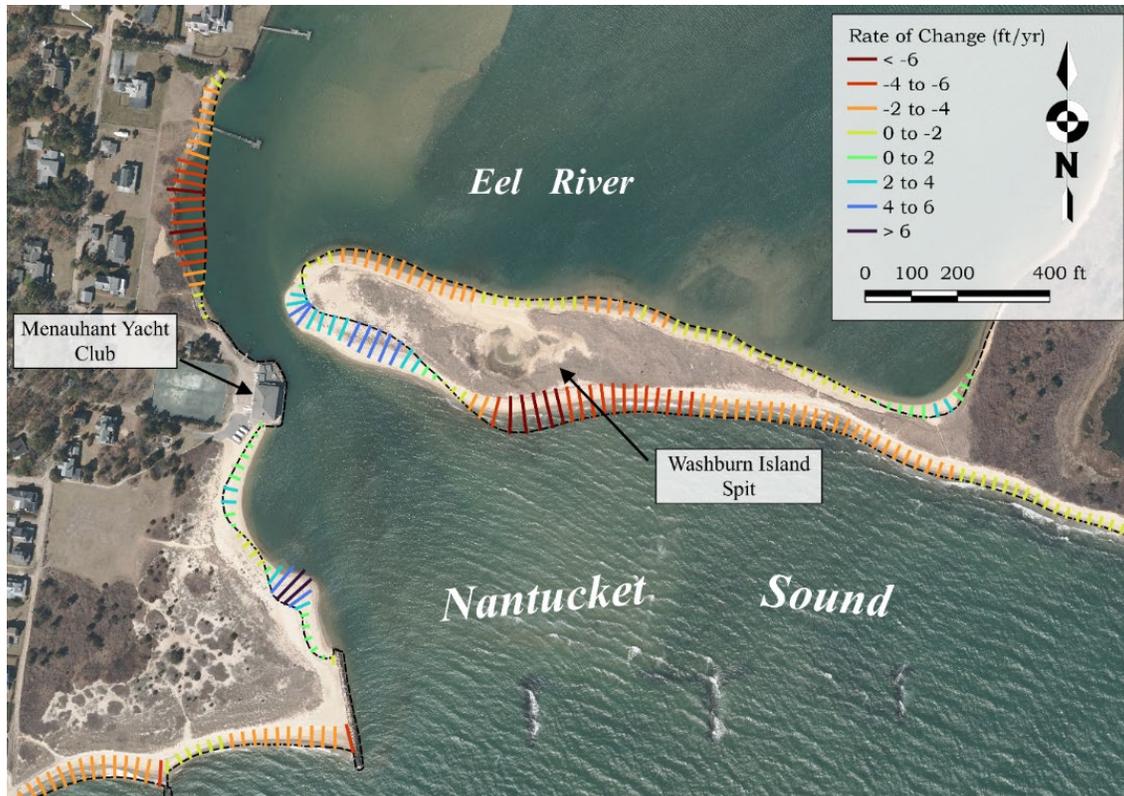


Figure 2.9 Shoreline change transects for Washburn Island barrier beach and the western shoreline adjacent to Eel River Inlet, between October 2009 and September 2021, plotted on USGS Color Ortho Imagery (3/24/2019 to 4/25/2019). Transect lengths indicate the linear change magnitude between shorelines, 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.

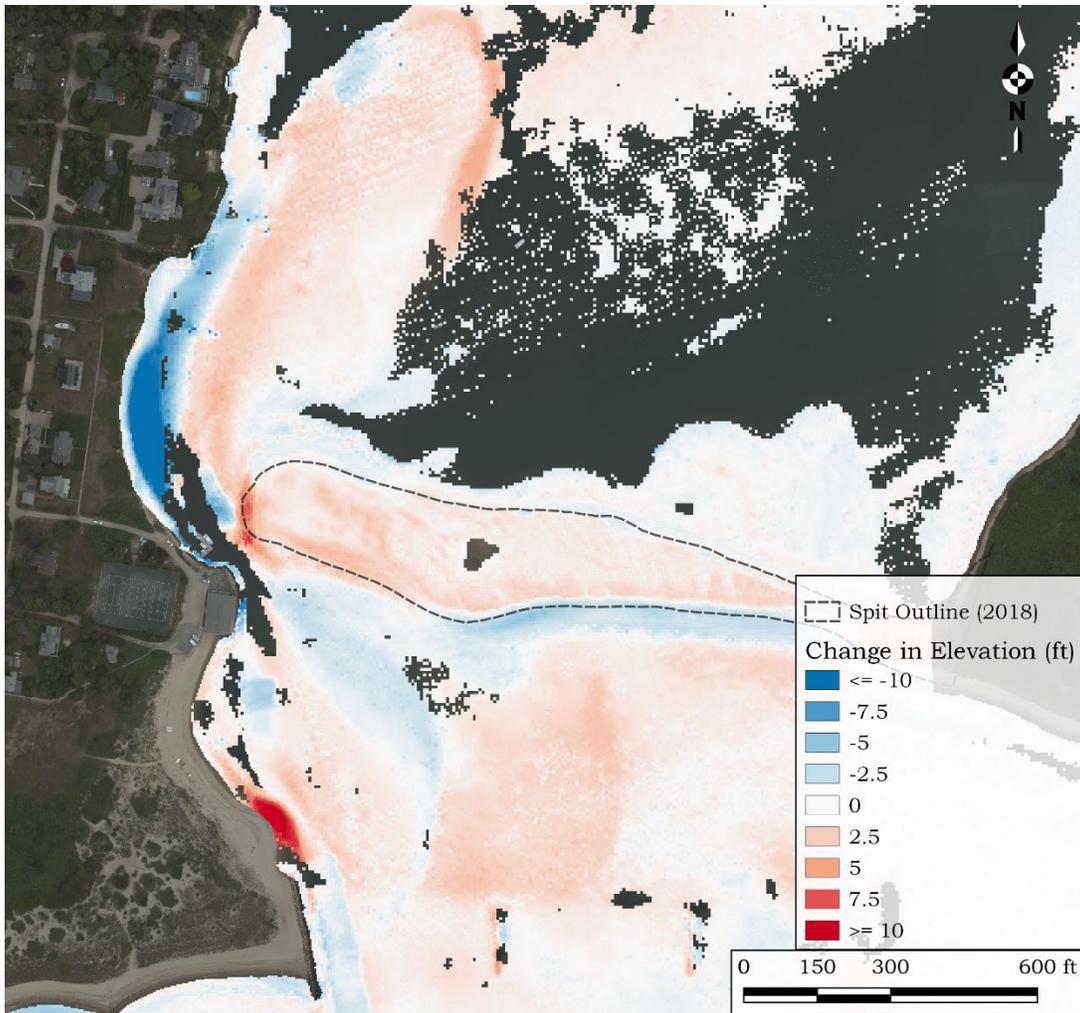


Figure 2.11 Bathymetric change from 2010 to 2018 for the nearshore area in the vicinity of Eel River Inlet. Topographic change for the Washburn Island spit is included also, outlined by the black dashed line. Colors indicate amount of change, where blues denote erosion and reds denote accretion.

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.

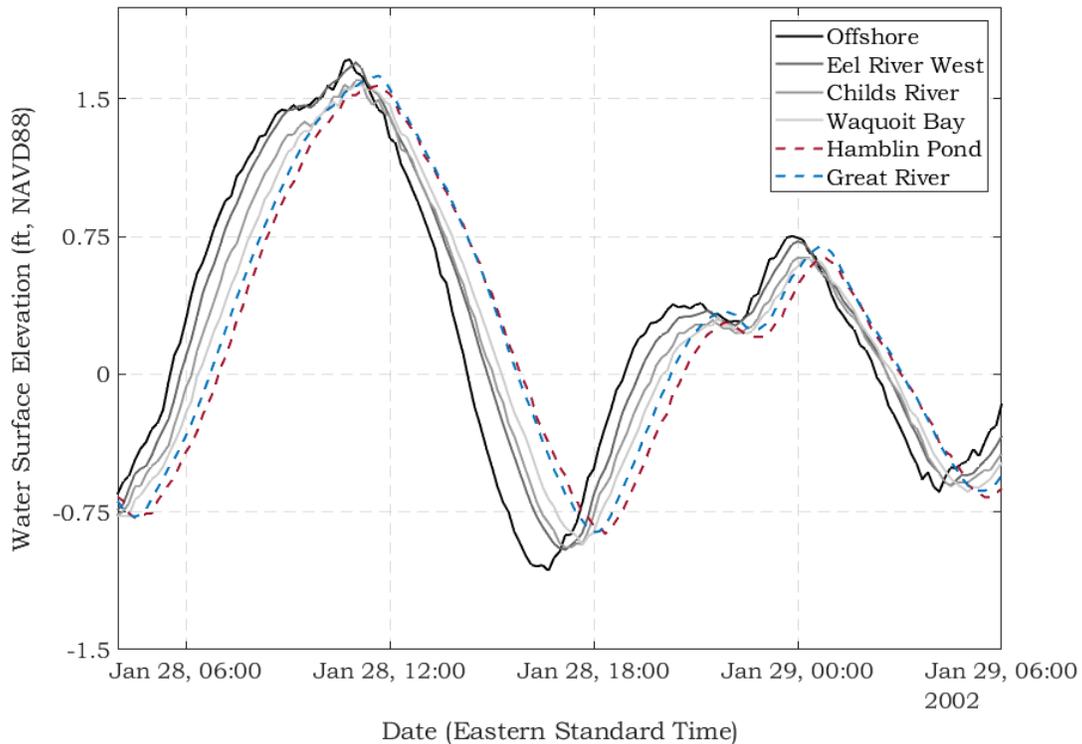


Figure 3.2 Plot showing two tide cycles at the six tide gauge locations in Waquoit Bay system plotted together. Demonstrated in this plot is the tidal phase and amplitude differences across the system. The time lag of low tide from the offshore gauge and the gauge located in Hamblin Pond, from this plot,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

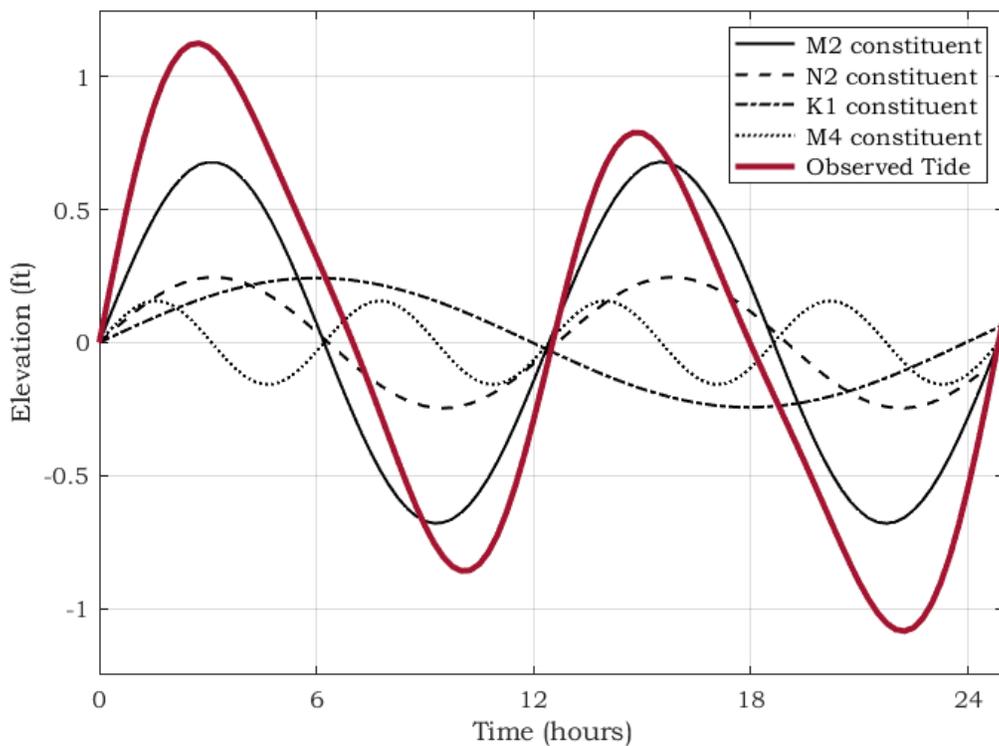


Figure 3.3 Example of an observed astronomical tide as the sum of its primary constituents.

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

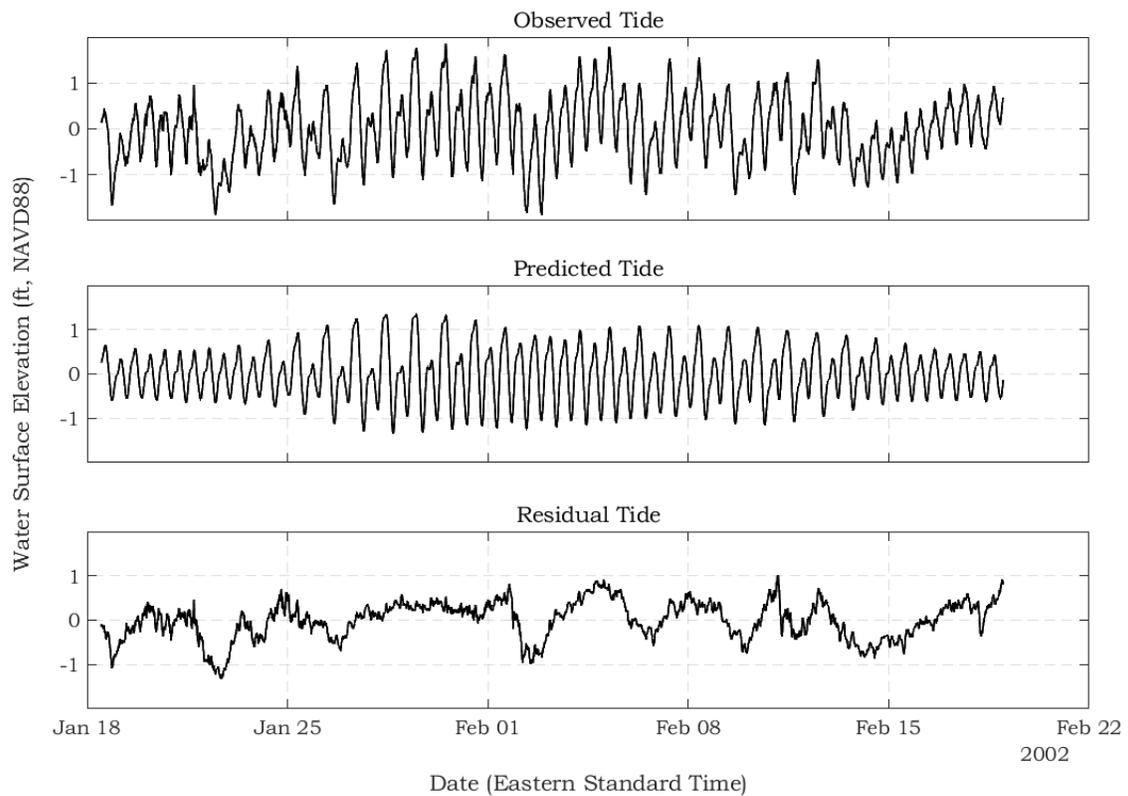


Figure 3.4 Plot showing the comparison between the measured tide time series (top plot), and the predicted astronomical tide (middle plot) computed using the 23 individual tide constituents determined in the harmonic analysis of the Waquoit Bay system gauge data. The residual tide shown in the bottom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

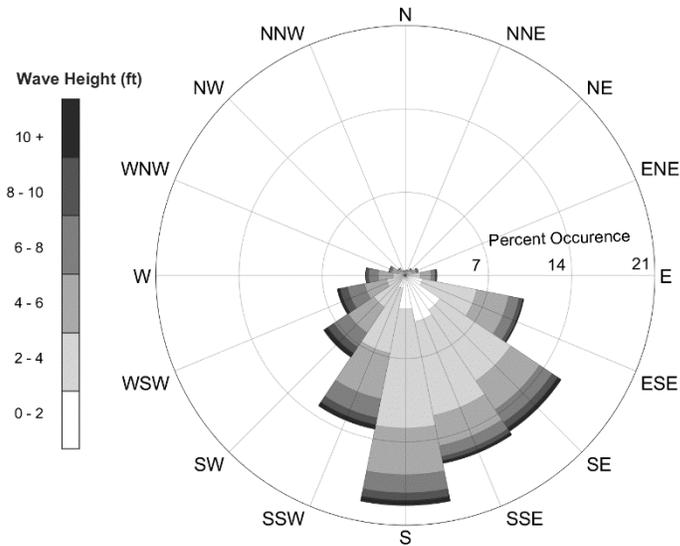


Figure 3.6 Hourly wave data collected from the WIS hindcast station 63082 (southwest of Nantucket) for the 40-year period between January 1980 and December 2019. Direction indicates from where the waves were propagating. Wind speeds are color coordinated such that larger magnitudes correspond to darker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

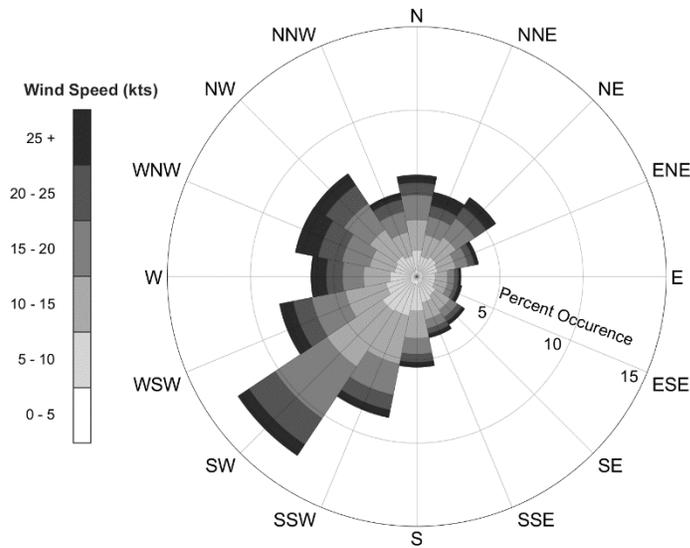


Figure 3.7 Continuous wind data collected from the NDBC C-MAN station BUZM3 (southwest of Cuttyhunk Island) for the 24-year period between May 1997 and present. Direction indicates from where the wind was blowing. Wind speeds are color coordinated such that larger magnitudes correspond to darker gray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

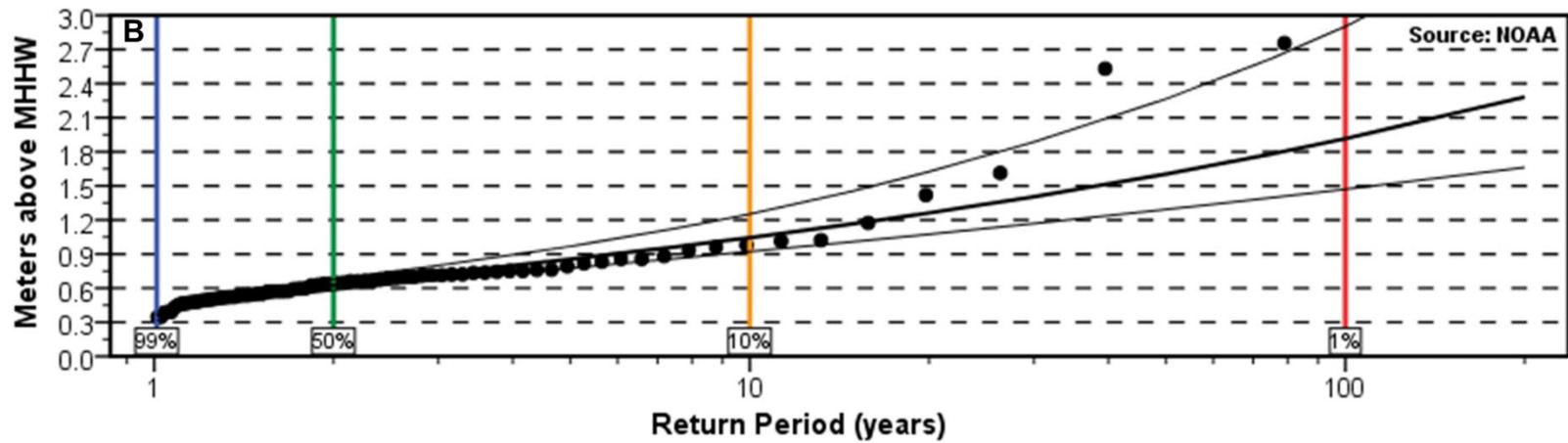
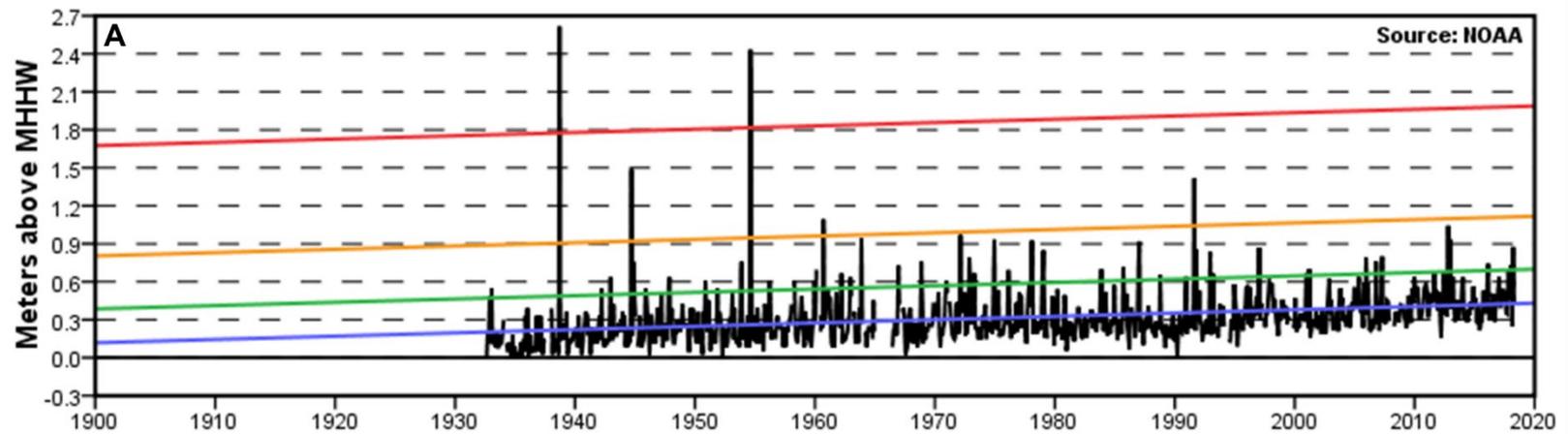


Figure 3.8 Extreme water levels (A) and annual exceedance probability (B) recorded from the Woods Hole tide gauge (Station 8447930). (Credit: provided by NOAA CO-OPS)

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

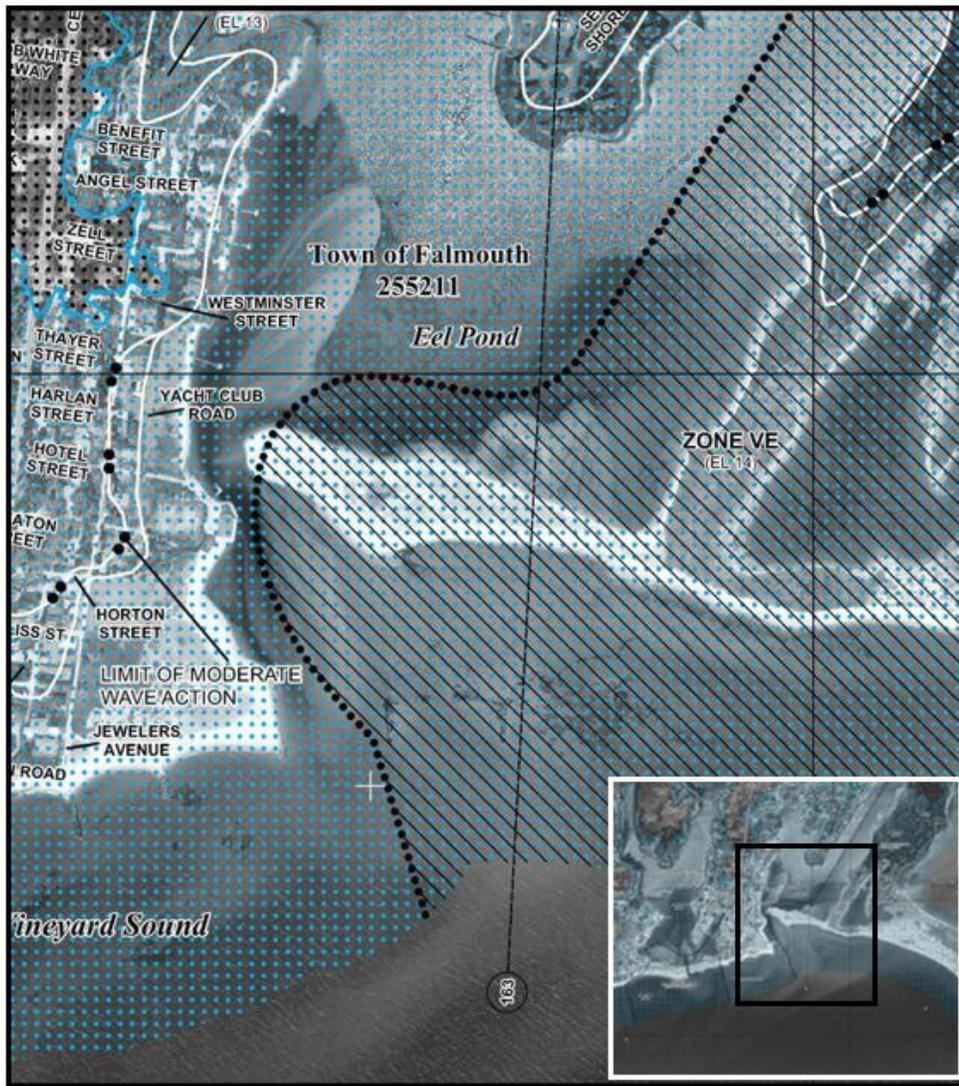


Figure 3.9 FEMA Flood Insurance Rate Map (FIRM) for the vicinity of the project area (inset: FEMA sheet 25001C0741J).

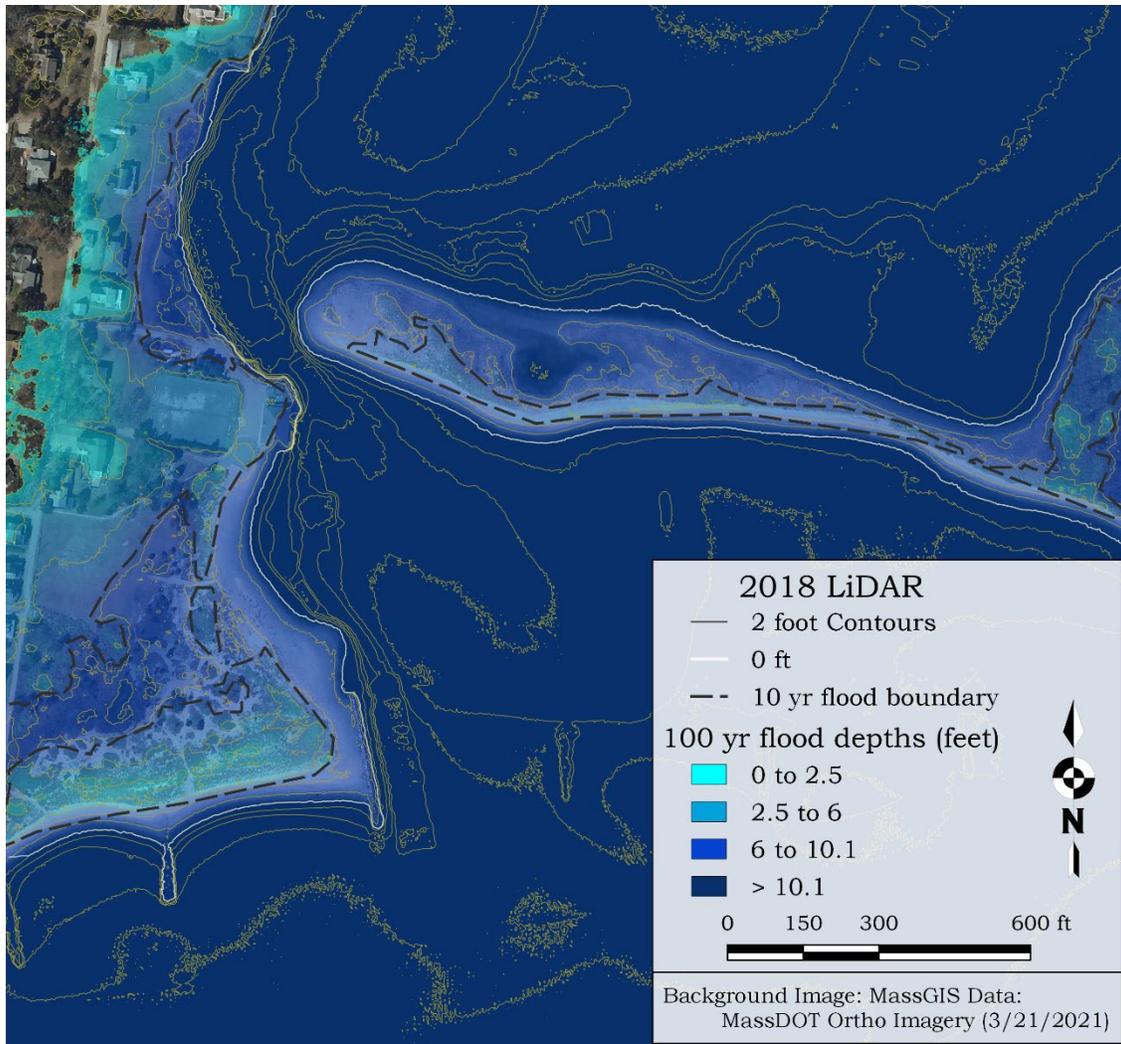


Figure 3.10 Map of the Eel River inlet entrance channel and Washburn Island barrier spit impacted by a FEMA 100-year storm with still water levels of over 10.1 feet NAVD88. With sea-level rise, a flooding event equivalent to the 100-year flood will occur more frequently. The significant storm elevation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

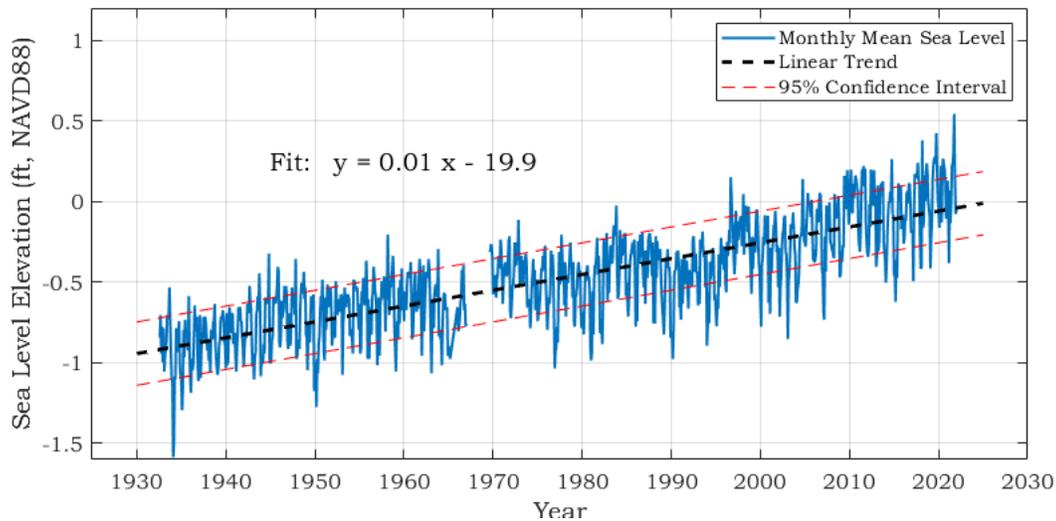


Figure 3.11 Monthly mean water levels recorded in Woods Hole between 1932 and 2021 indicate a linear trend in sea level rise over the past 90 years of approximately 0.01 feet per year.

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.

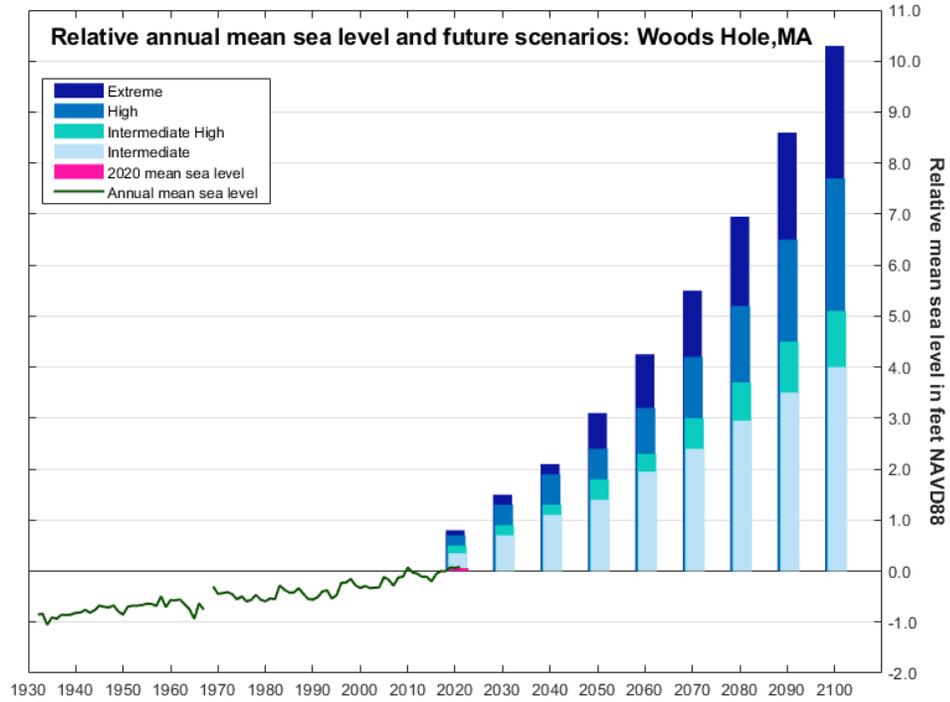


Figure 3.12 Relative mean sea level projections for the Woods Hole, MA tide station based on four National Climate Assessment global scenarios with associated probabilistic model outputs from the Northeast Climate Science Center. The probabilistic projections are listed in Table 3.7. The pink bar denotes 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.

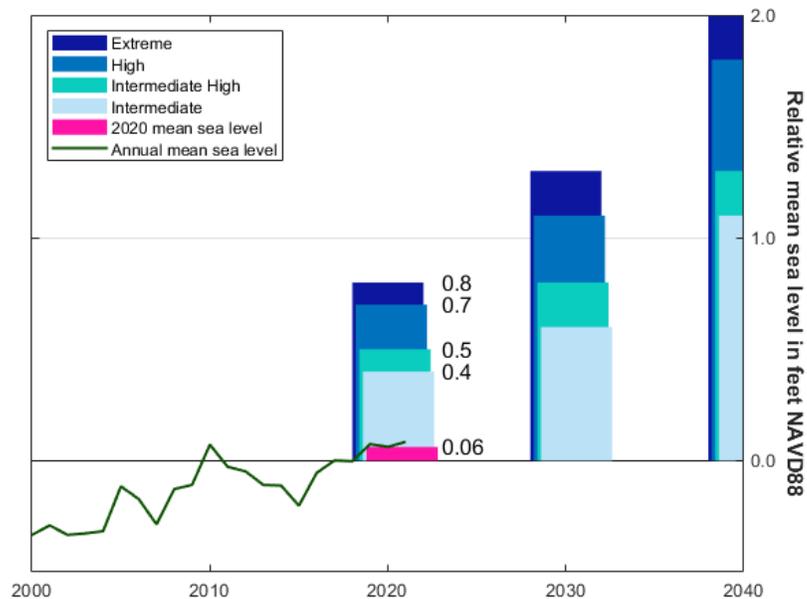


Figure 3.13 Comparison of probabilistic sea level rise projections and measured annual mean sea level for Woods Hole, Massachusetts.

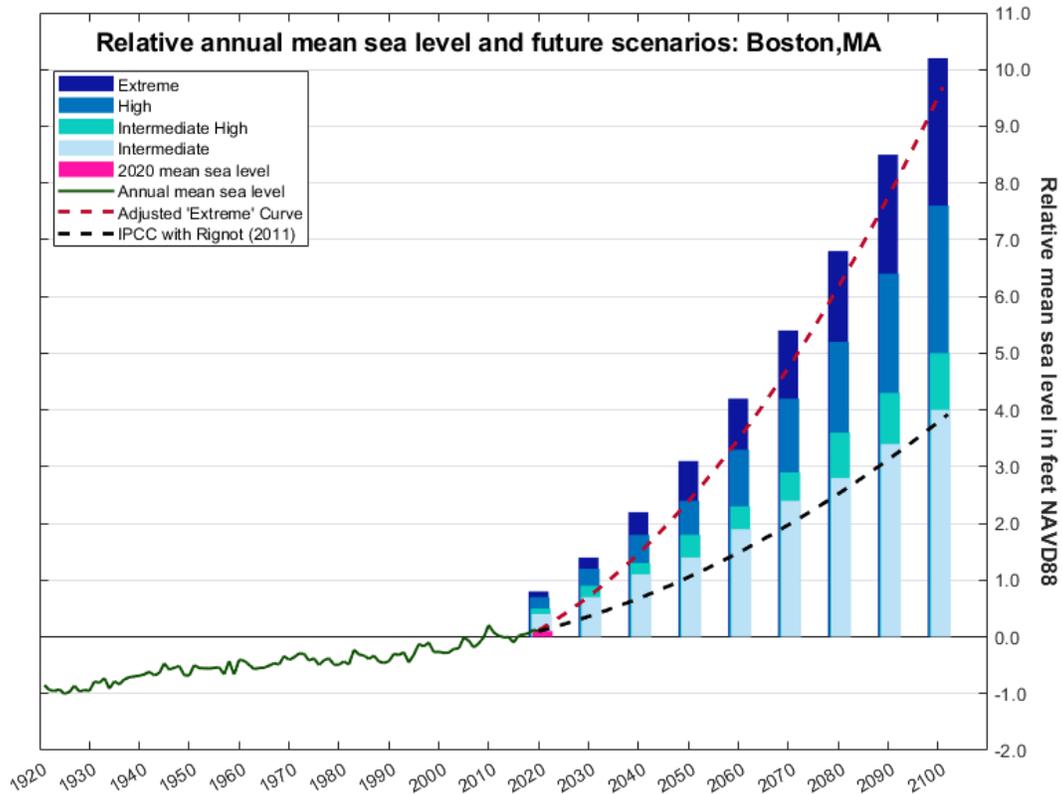


Figure 3.14 Sea level rise predictions with a curve fit to the 'extreme' scenario (adjusted to account for current mean sea level; dashed red line) and a curve representing flood predictions from the IPCC augmented by sheet ice contributions determined by Rignot et al. (2011; dashed black line).

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.

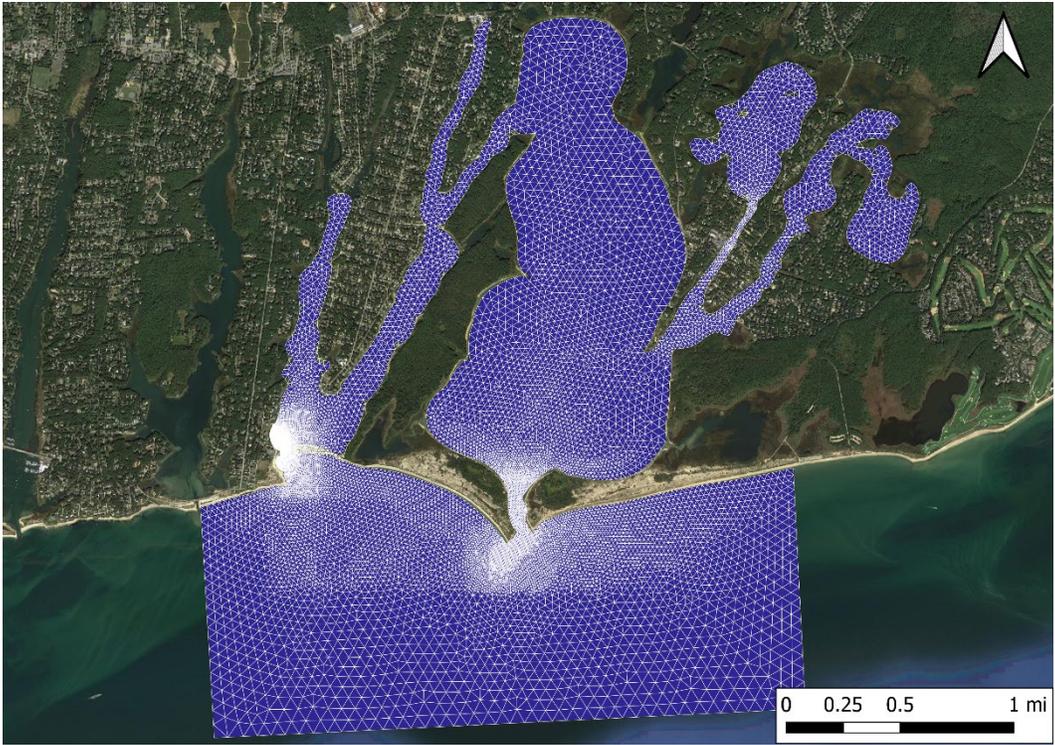


Figure 4.1 Hydrodynamic model mesh of the Waquoit Bay system.

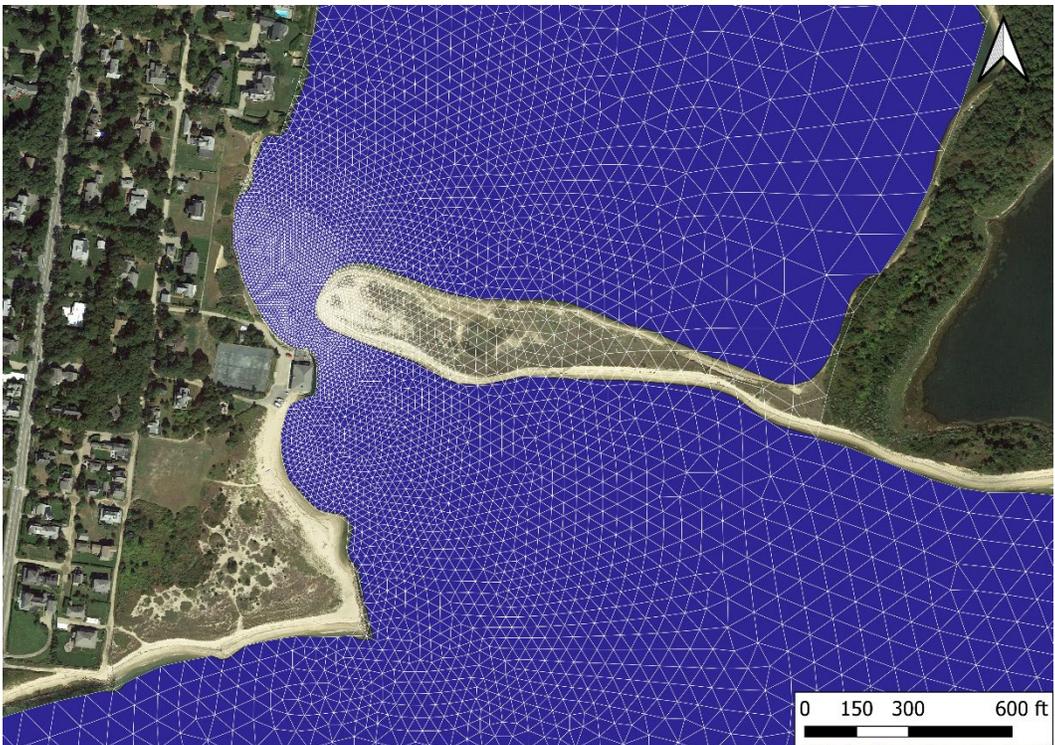


Figure 4.2 Detail of the inlet and the Washburn Island region of the Waquoit Bay hydrodynamic model grid.

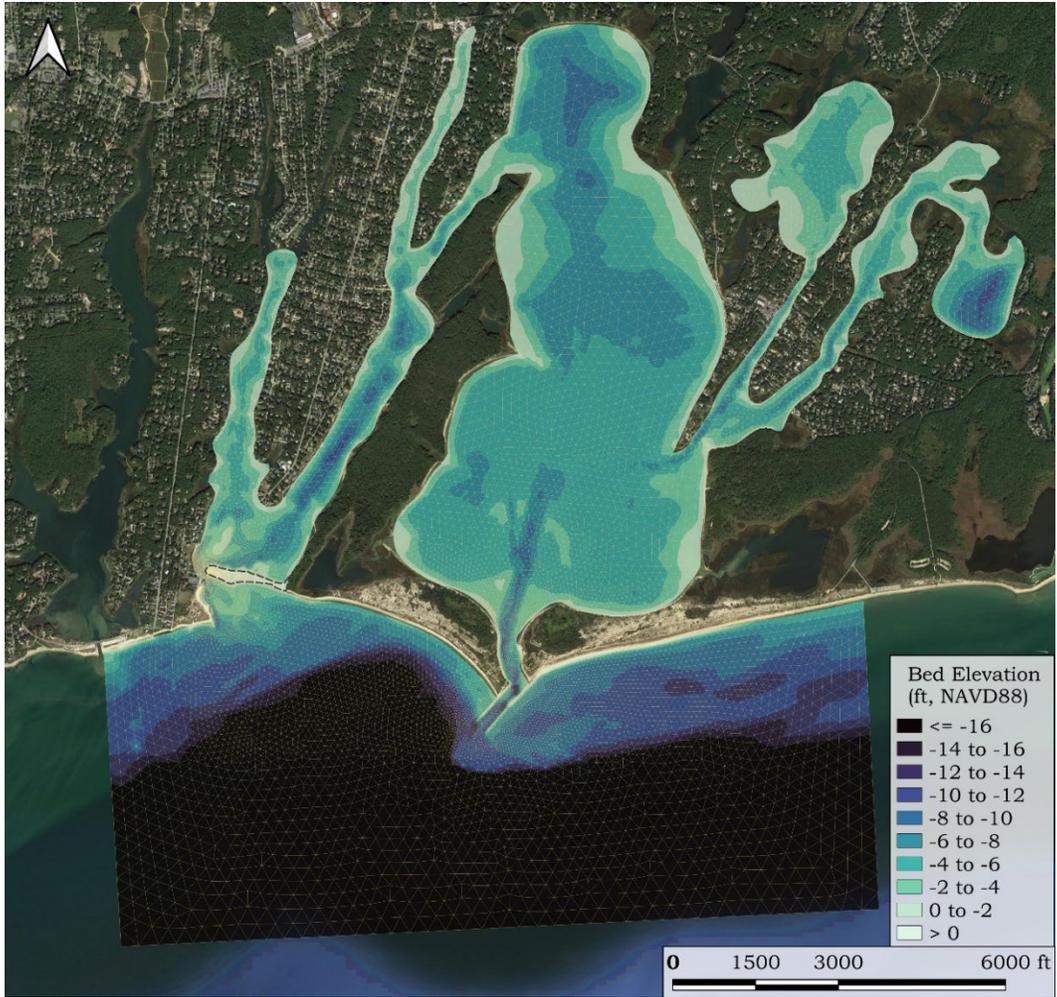


Figure 4.3 Full coverage of the model mesh of the Waquoit Bay system, with color contours of grid bathymetry.

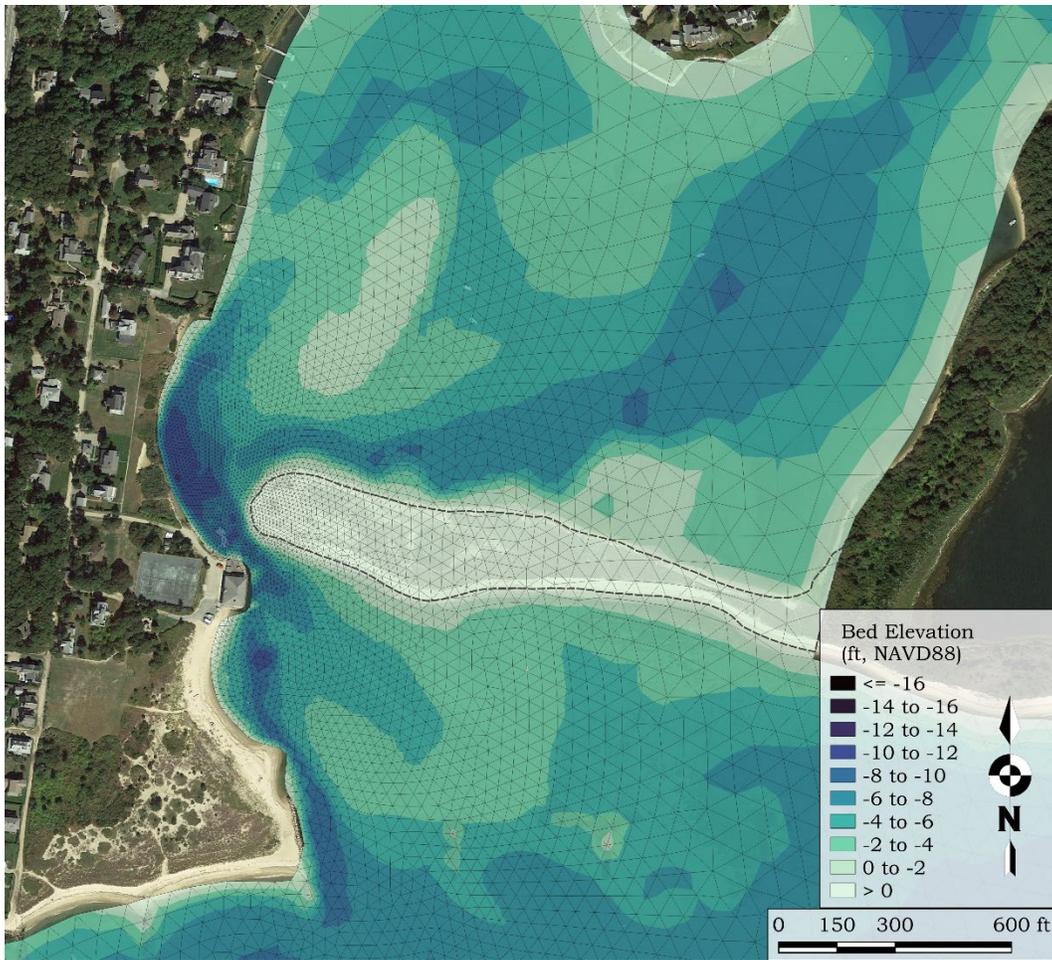


Figure 4.4 Zoomed in bathymetry in the vicinity of Eel River Inlet.

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

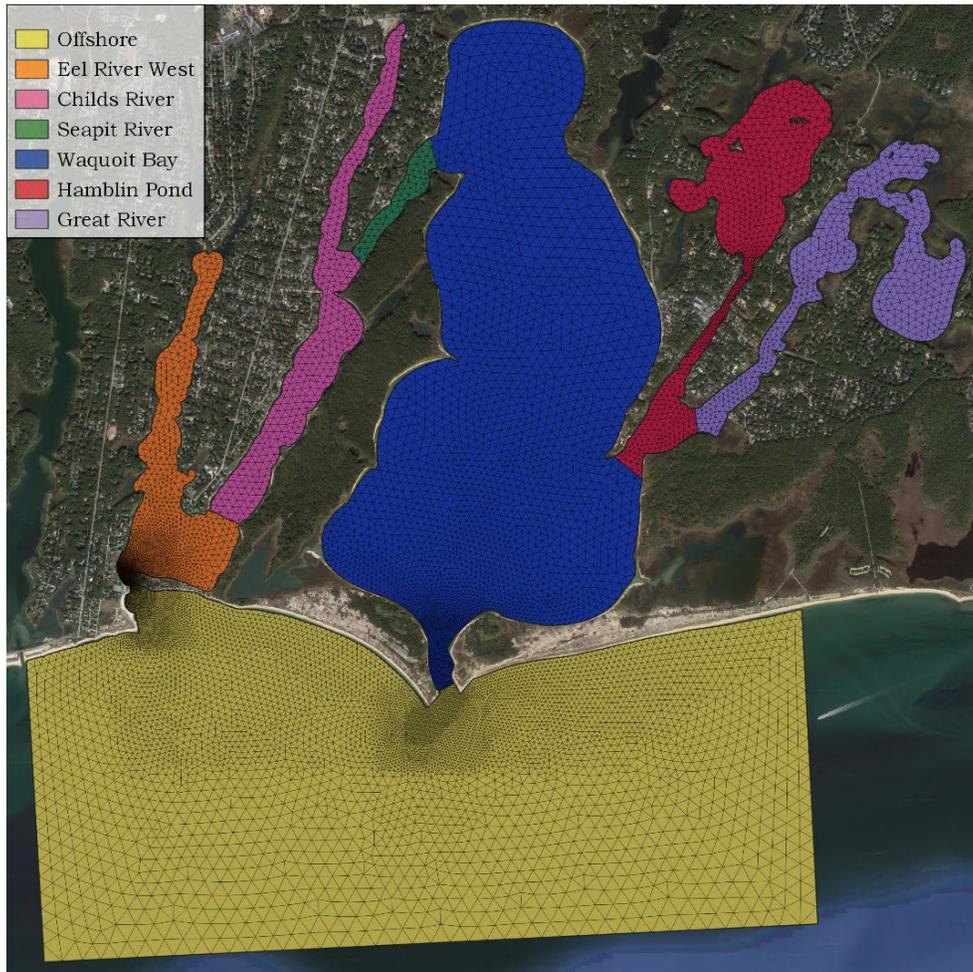


Figure 4.5 Extent of the regions listed in Table 4.1 with the hydrodynamic model grid.

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 modelled 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.

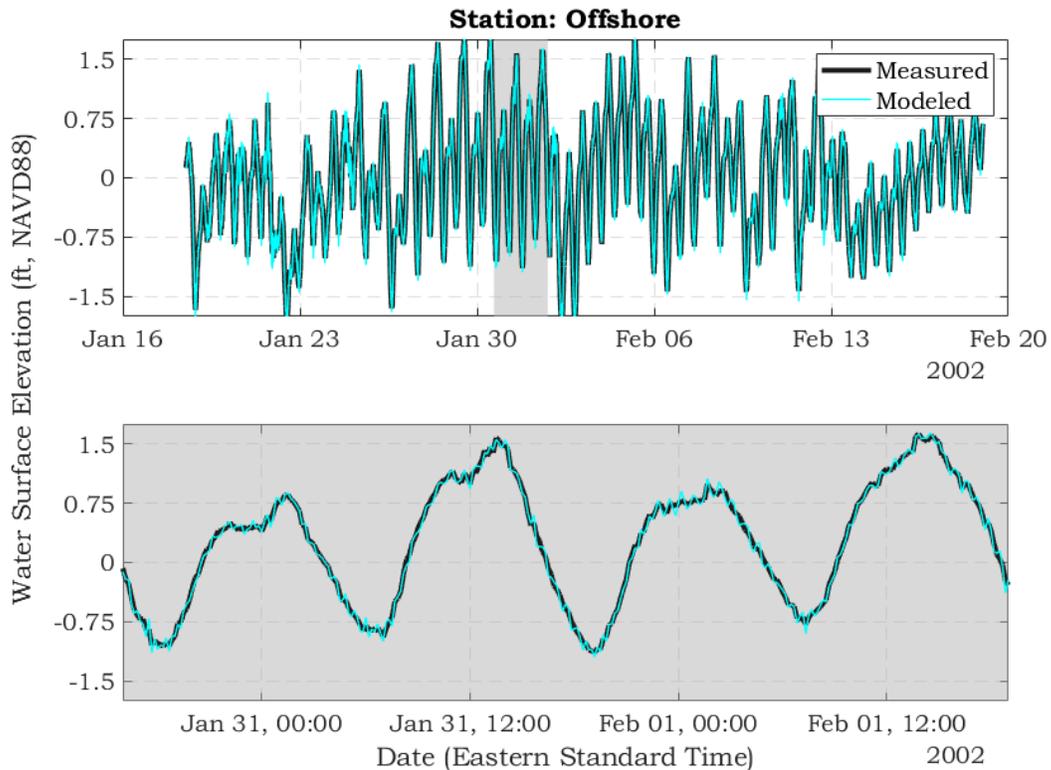


Figure 4.6 Comparison of measured and modeled tides at the Offshore station of the Waquoit Bay system. The lower figure represents a zoomed in view of the gray-shaded area from the upper figure.

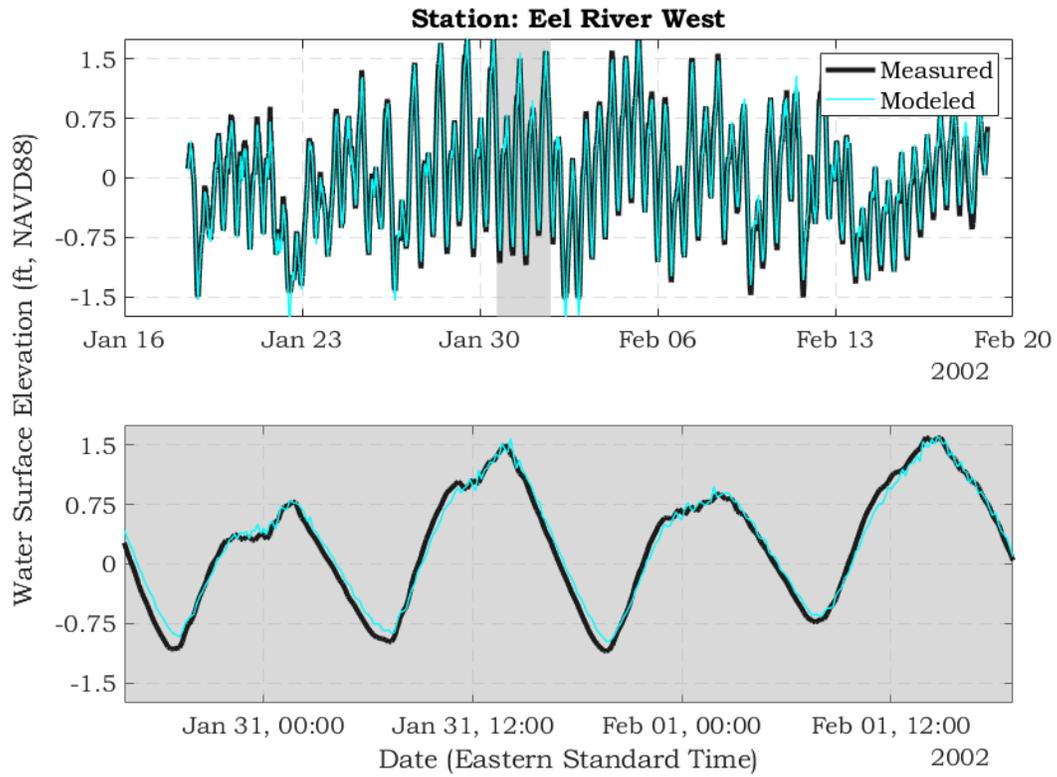


Figure 4.7 Comparison of measured and modeled tides at the Eel River West station of the Waquoit Bay system. The lower figure represents a zoomed in view of the gray-shaded area from the upper figure.

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.

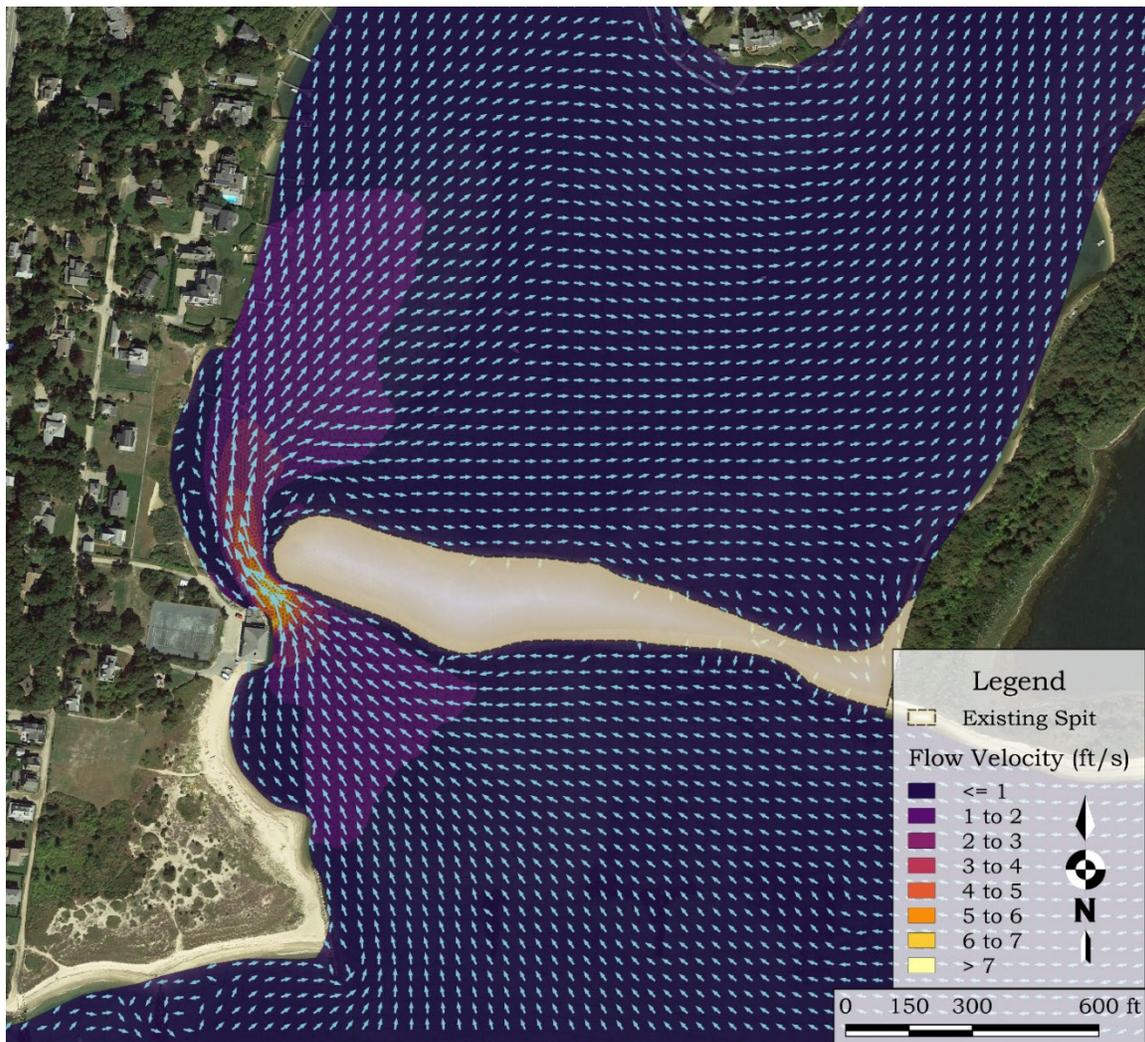


Figure 4.8 Example of hydrodynamic model output with existing conditions for a single time step where typical maximum flood velocities occur. Color contours indicate flow velocity, and vectors indicate the direction and magnitude of flow.

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).

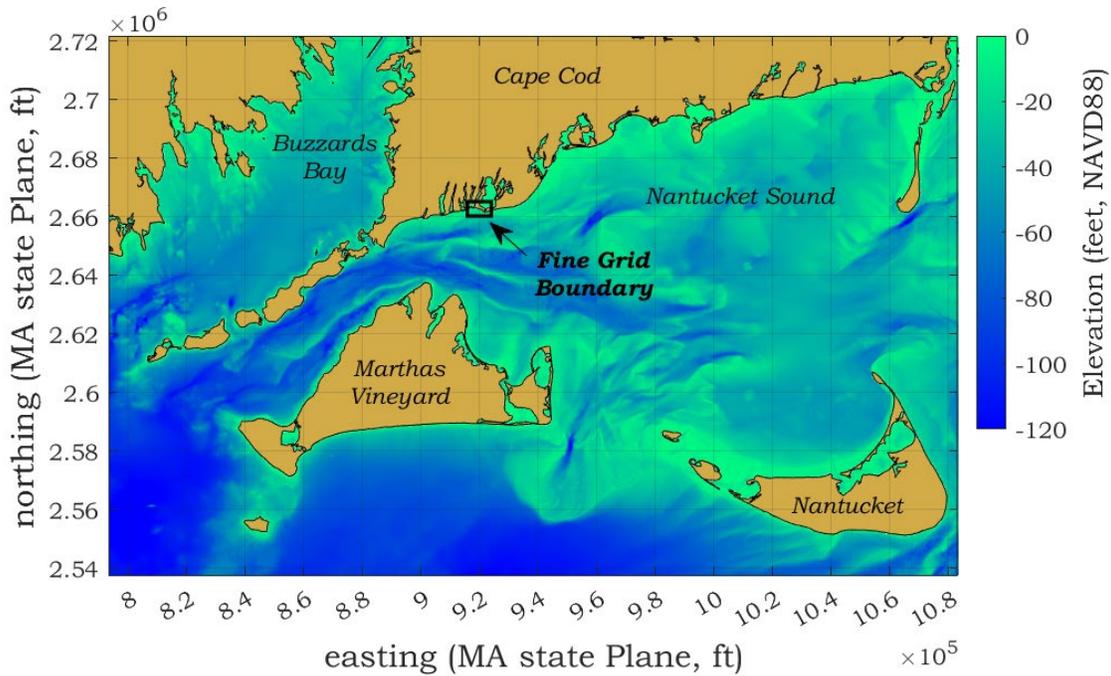


Figure 5.1 Extent of the 2D SWAN wave model grid used to determine wave conditions in Nantucket Sound. The location of the fine model grid for Eel River Inlet is outlined by the black rectangle.

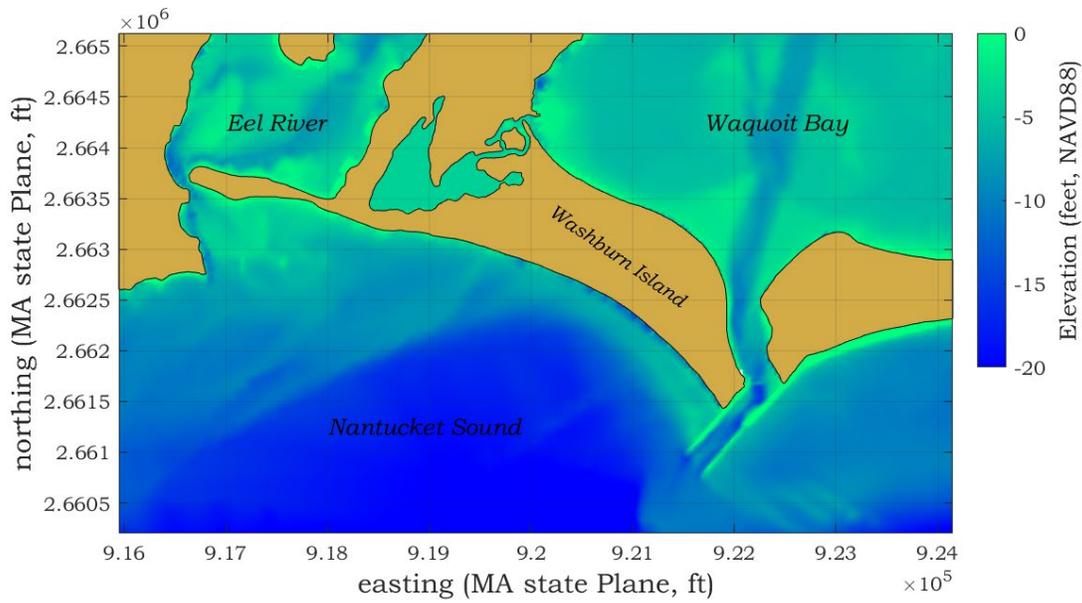


Figure 5.2 Color contour plot showing the limits of the high-resolution fine grid used to model waves approaching Eel River Inlet.

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.

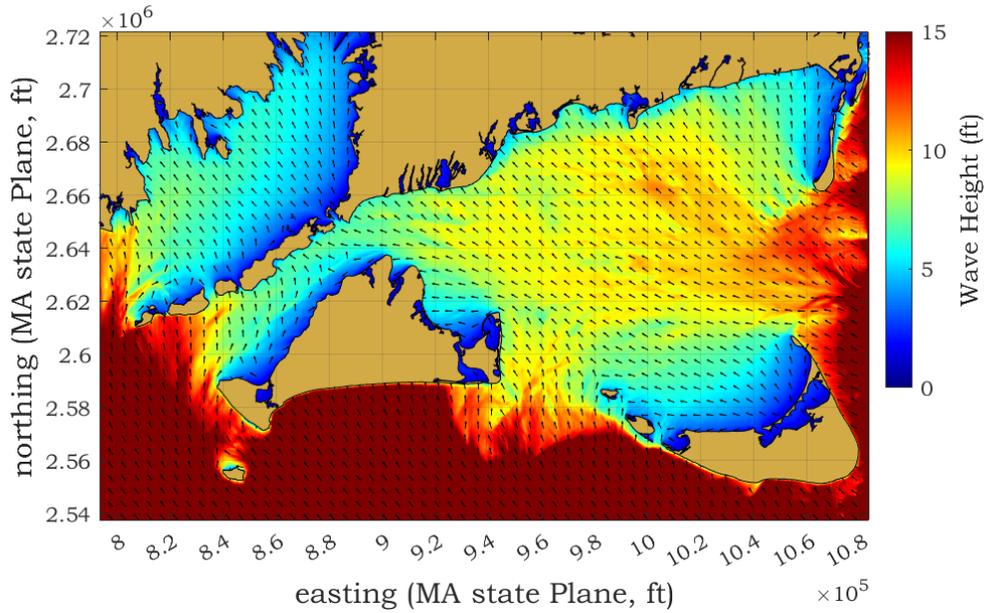


Figure 5.3 Output wave heights from the 2D SWAN wave model for the Nantucket Sound large-scale regional grid, for 100-year (1%) Southeast wind (43.7 kts) and offshore wave conditions (22.4 ft and 11.9 s). Color contours represent significant wave height (H_s), while vector arrows indicate mean wave direction.

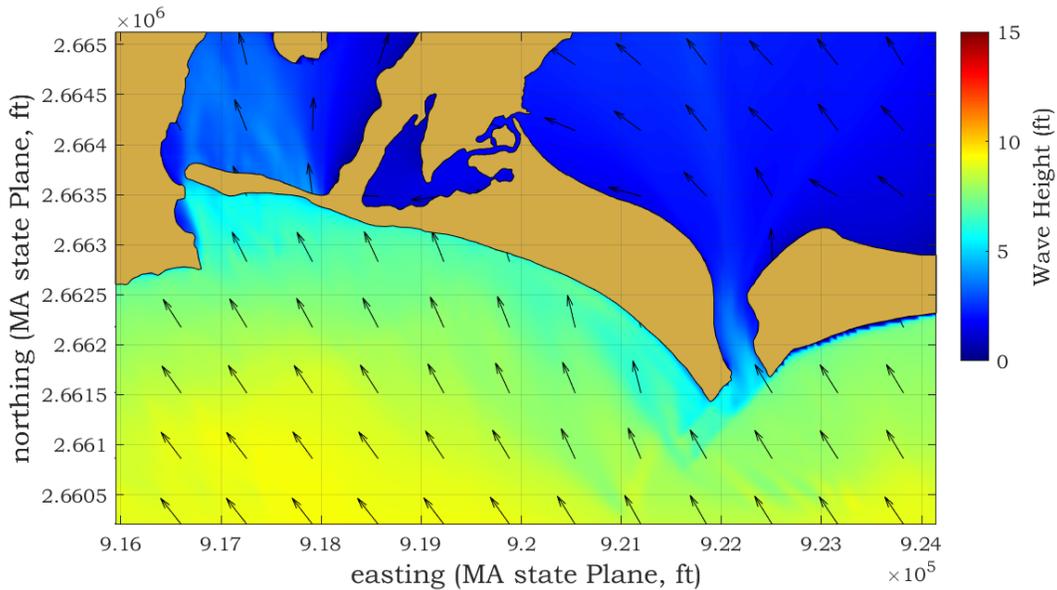


Figure 5.4 Output significant wave height from the 2D SWAN model for the Eel River nested grid, for 100-year (1%) Southeast wind and offshore wave conditions. Wave heights prescribed at the seaward limit of the grid were on average 8.2 feet, based on outputs from the large-scale regional grid.

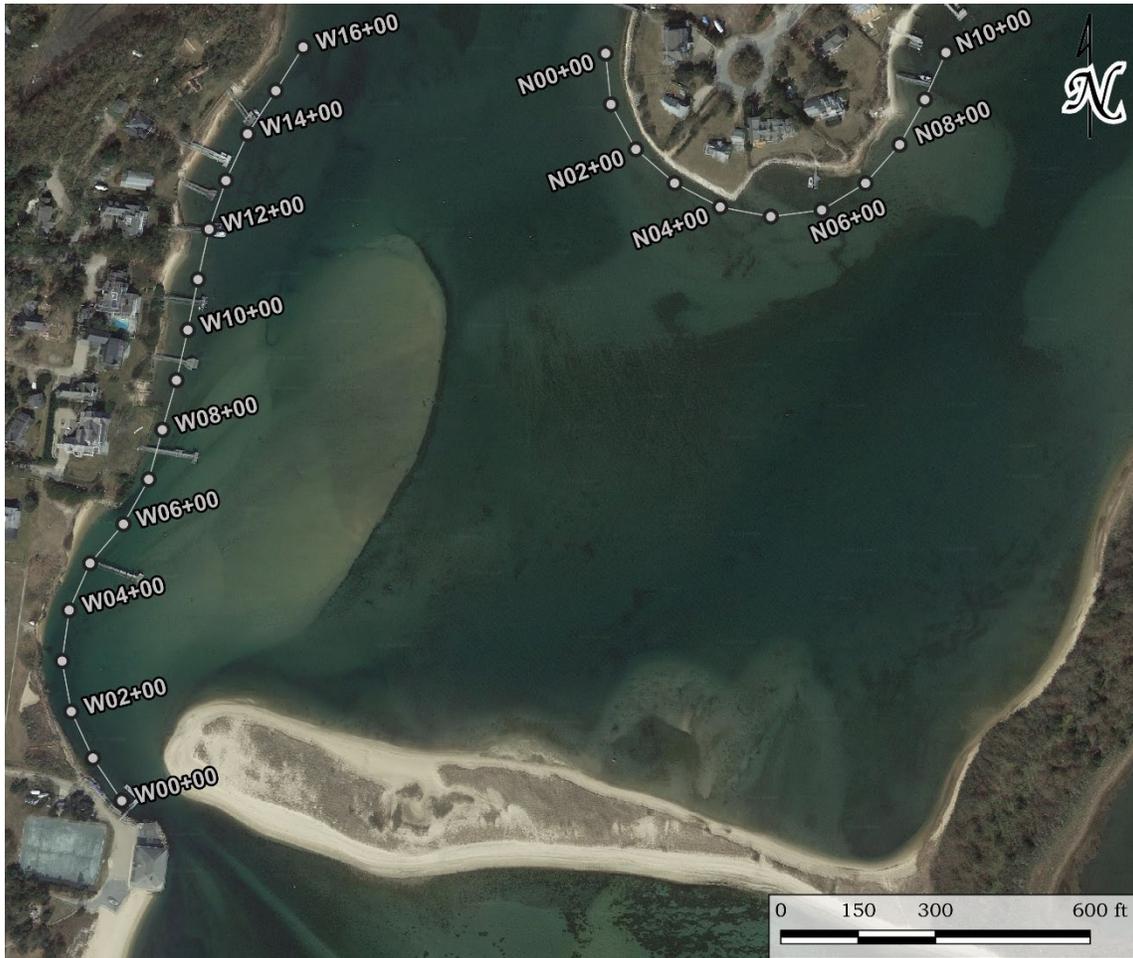


Figure 5.5 2021 aerial of Eel River Inlet, with shore-parallel transect (with 25-foot stationing) used as the reference line for the plots of wave model results.

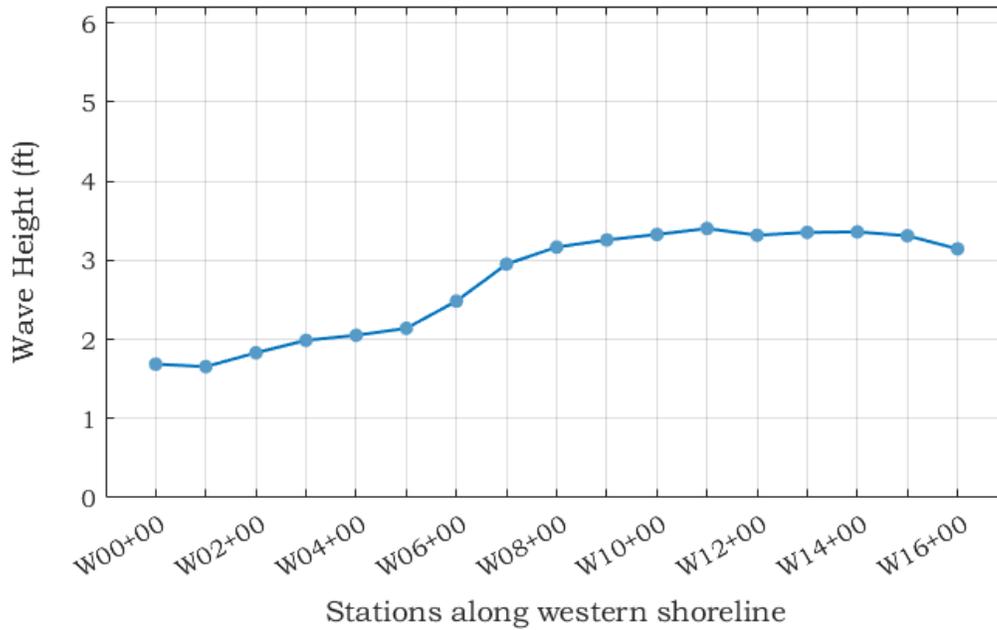


Figure 5.6 Wave model results of the existing conditions along the western shoreline of Eel River Inlet during 100-year storm winds blowing from the Southeast.

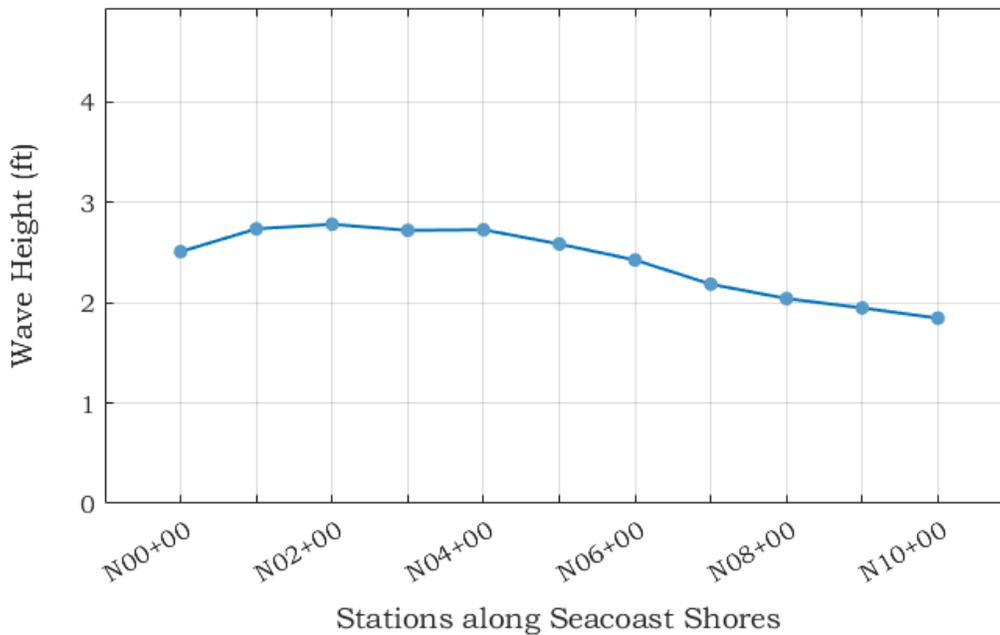


Figure 5.7 Wave model results of the existing conditions along the southern edge of Seacoast Shores during 100-year storm winds blowing from the Southeast.

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.

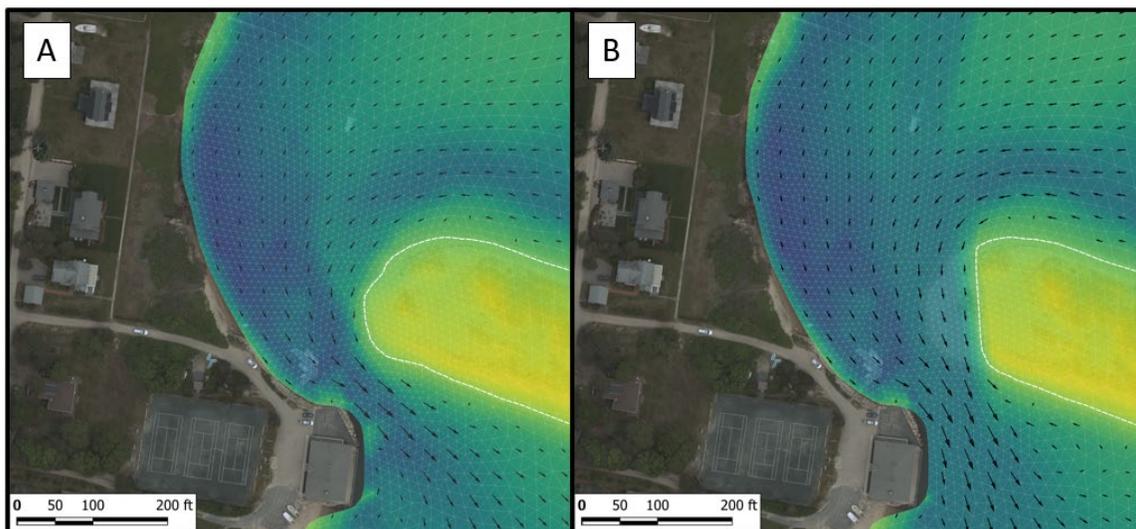


Figure 6.3 Comparison of hydrodynamic model outputs between (A) existing conditions and (B) dredging to meet the channel dimensions and specifications outlined in the 10-Year Comprehensive Permit. Bathymetry is represented by the gradient in color and flow direction and velocities are represented by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

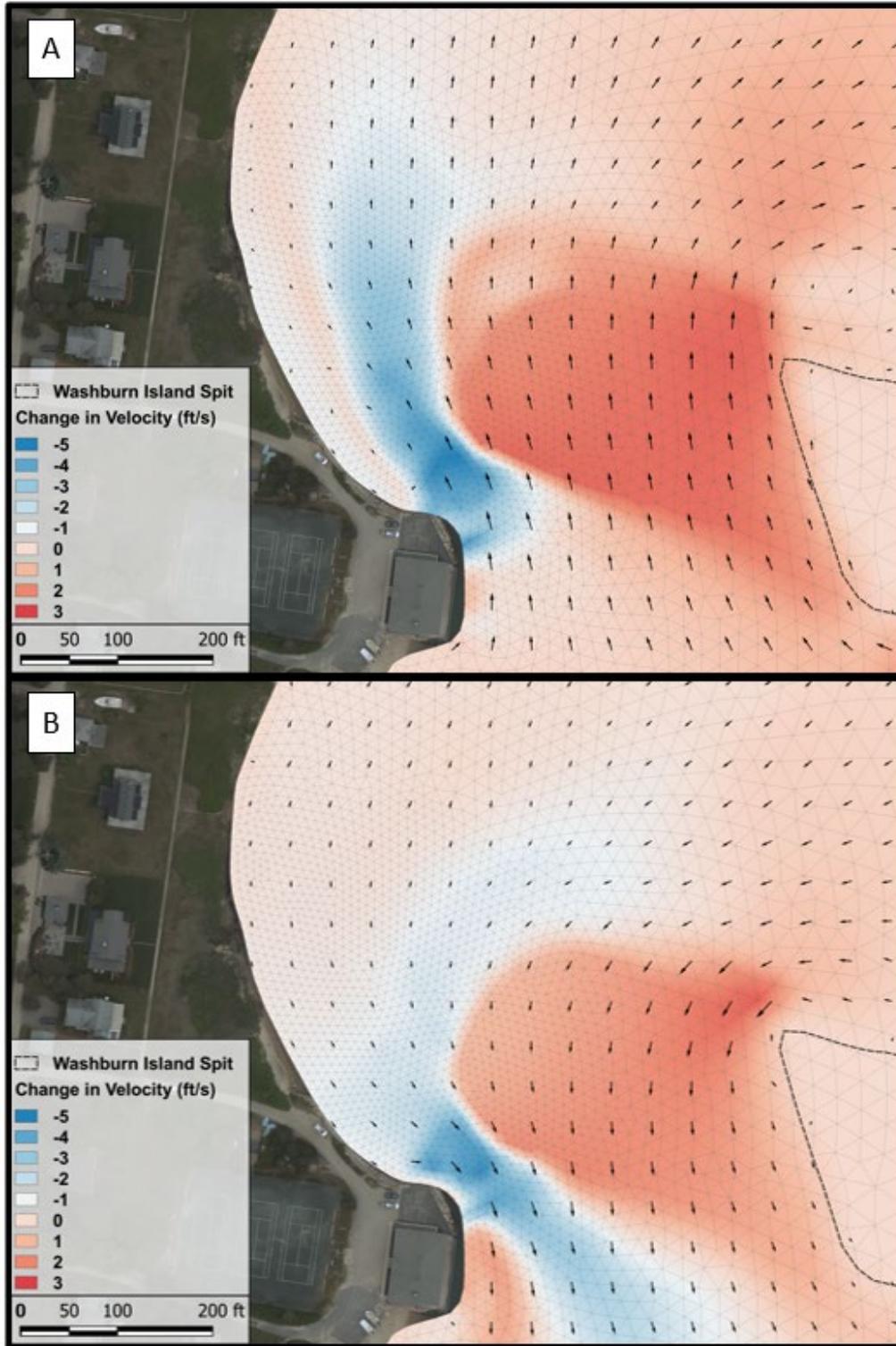


Figure 6.5 Output pre- and post-dredge velocity comparisons from the hydrodynamic model during maximum (A) flooding (B) ebbing tidal flows. Color contours represent change in velocity (where reds indicate an increase in velocity and blues indicate a reduction), while vector arrows represent direction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

Flow Direction and Magnitude (ft/s)

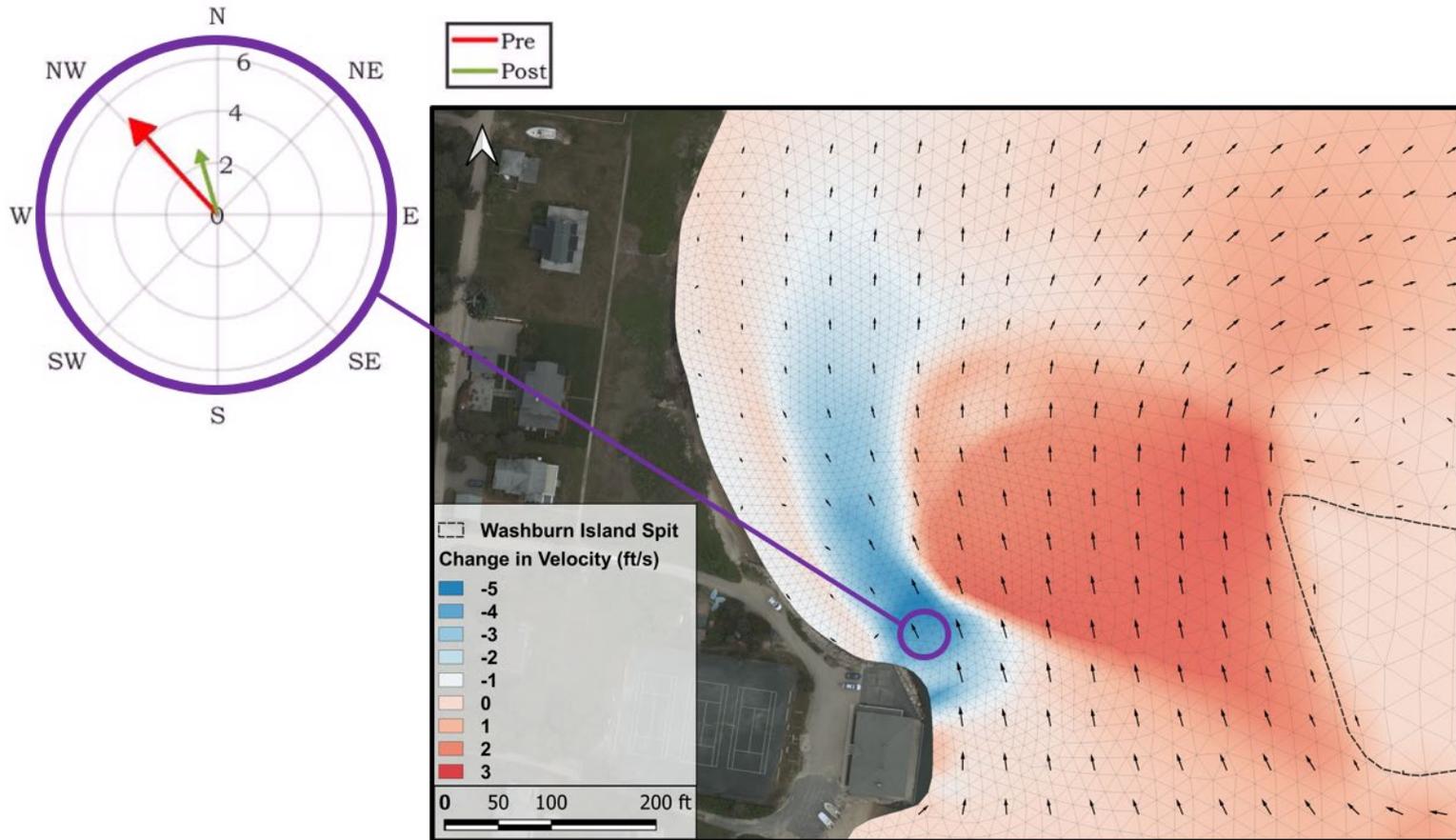


Figure 6.6 Contour plot of change in maximum flooding velocities in the Eel River channel for the post-dredge conditions at Washburn Island. Color contours represent change in velocity where reds indicate an increase in velocity and blues indicate a reduction), while vector arrows magnitude and direction 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.

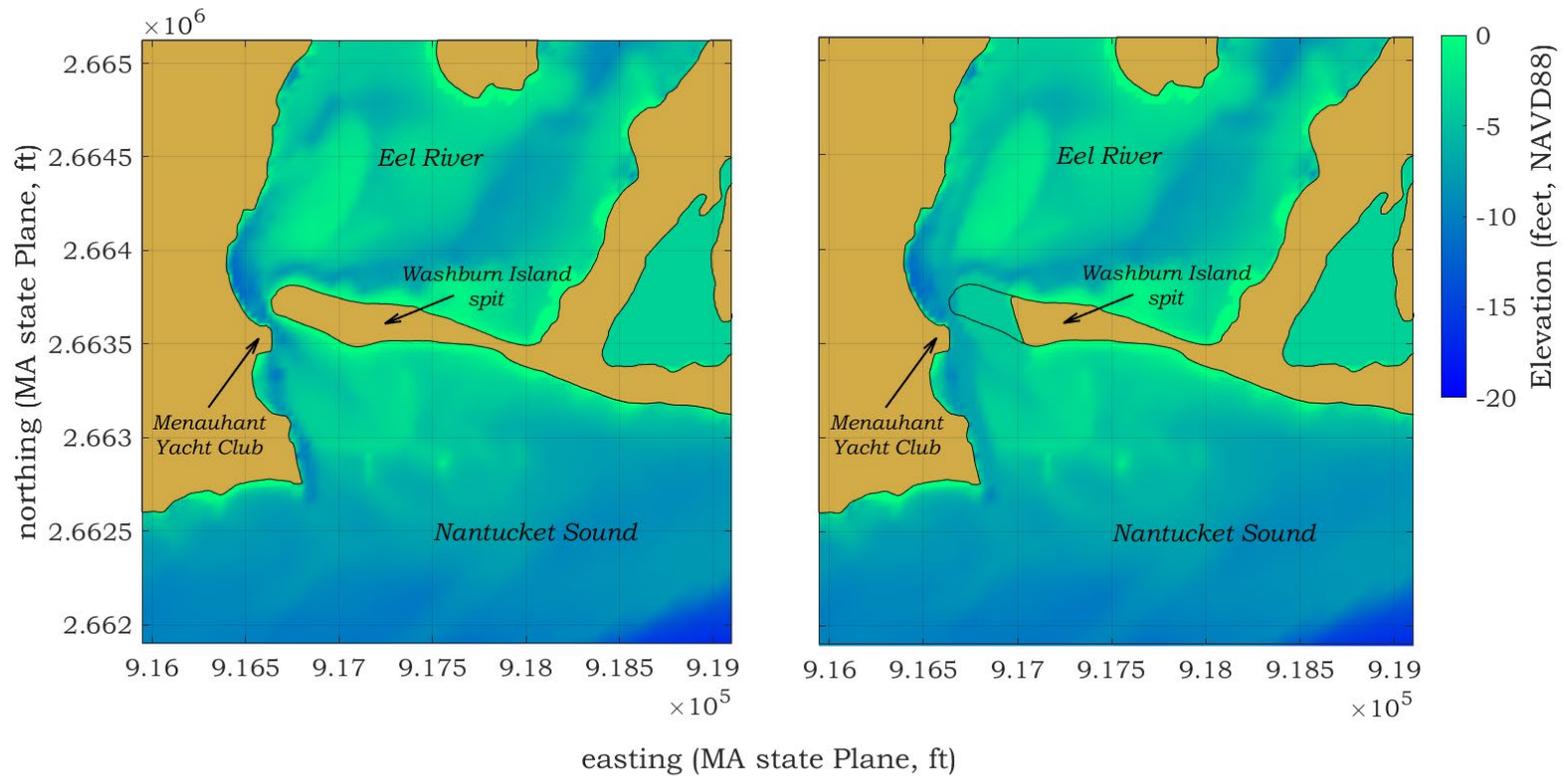


Figure 6.7 Plots of pre- and post-dredge bathymetry in a close-up detail of the Eel River model grid. Post-dredge conditions at Washburn Island include the complete 350-foot proposed cut of the spit. The inlet is dredged to varying depths; -6, -5, and -4.5 ft MLW for the Eel River Entrance Channel, Main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

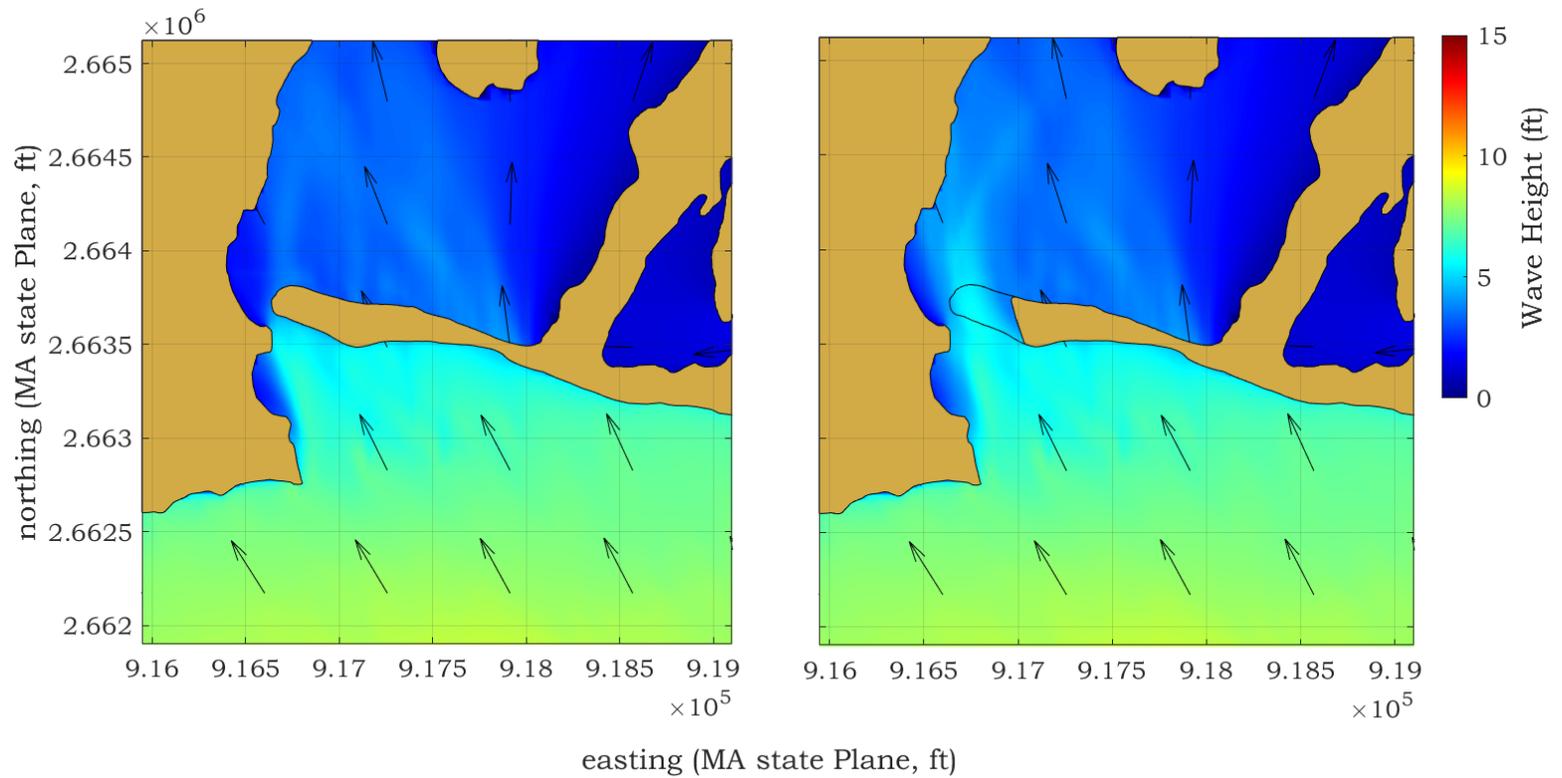


Figure 6.8

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.

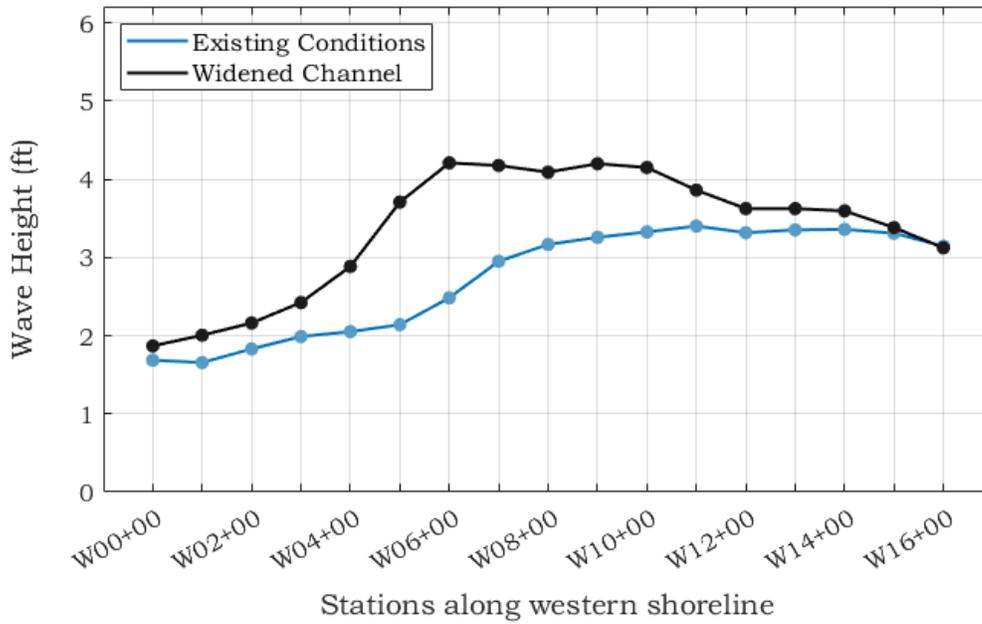


Figure 6.9 Wave model results of the pre- and post-dredge conditions along the western shoreline of Eel River Inlet during 100-year storm winds blowing from the Southeast.

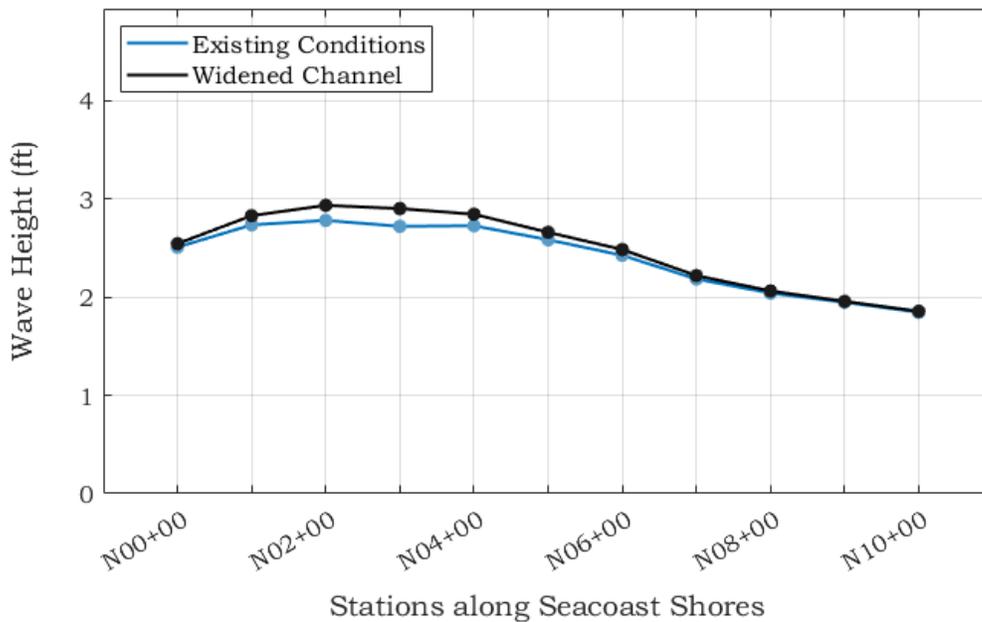


Figure 6.10 Wave model results of the pre- and post-dredge conditions along the southern edge of Seacoast Shores during 100-year storm winds blowing from the Southeast.

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.

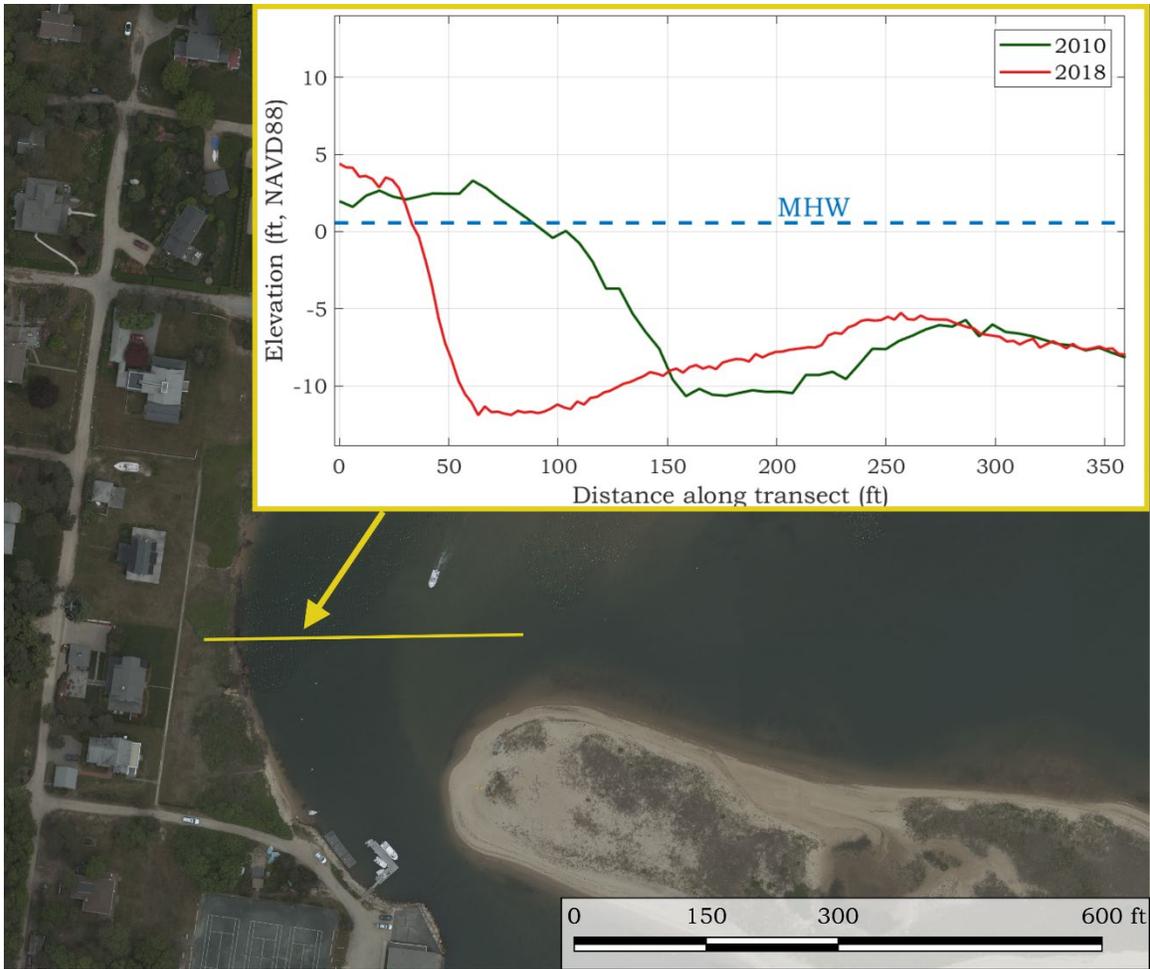


Figure 6.11 Cross-shore profiles for Eel River Inlet from 2010 (green) and 2018 (red).

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.

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APPENDIX A

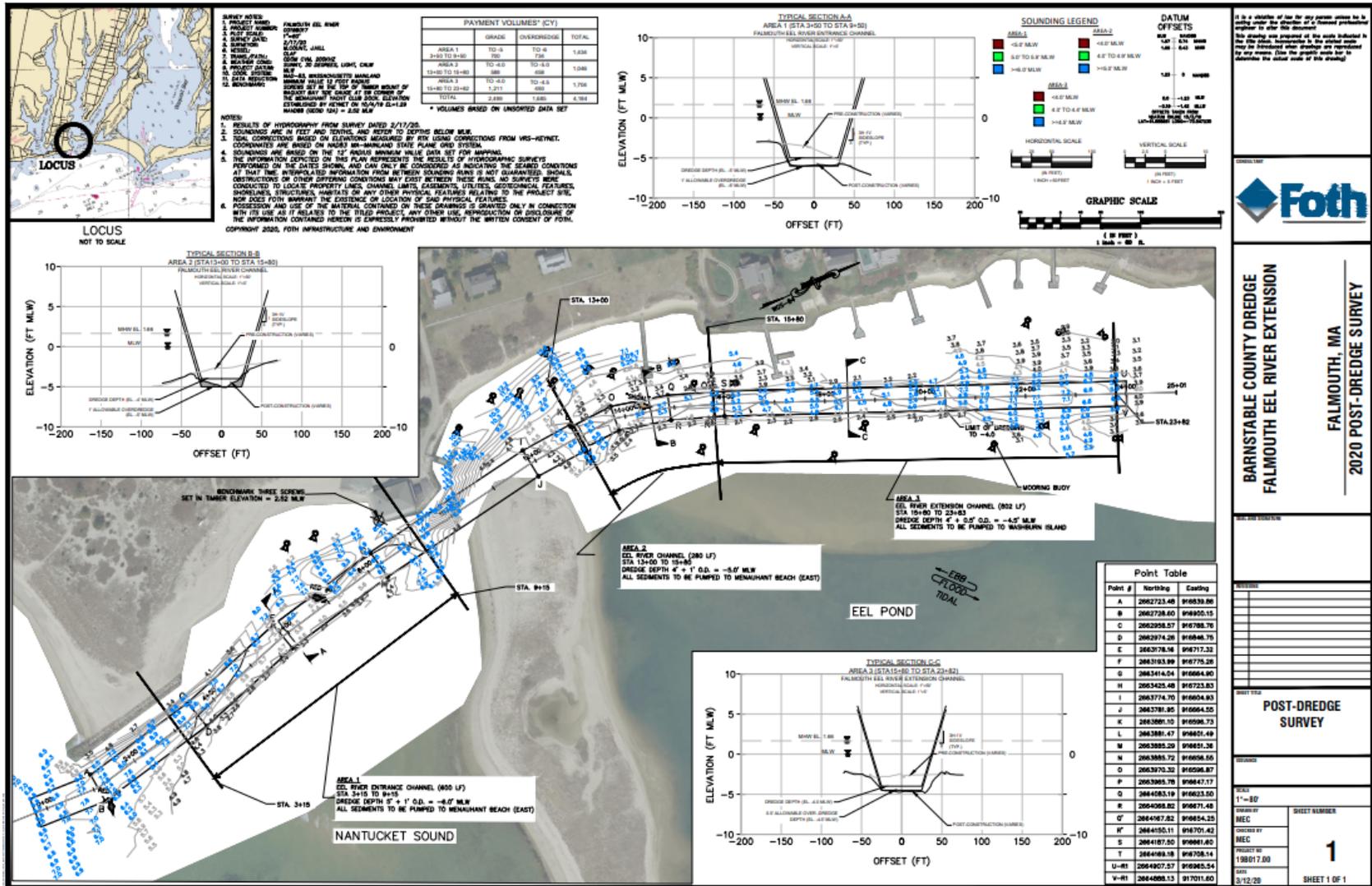


Figure A. 1 Post dredge survey conducted February 17, 2020, included with channel location dimensions as determined by the 10-Year Comprehensive Permit.

OPEN SESSION

MINUTES

1. Review and Vote to Approve Minutes of Meetings - Public Session
– December 18, 2023

January 8, 2024

TOWN OF FALMOUTH
SELECT BOARD
Open Meeting Minutes - DRAFT
MONDAY, DECEMBER 18, 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; Robert P. Mascali

Absent: Onjalé Scott Price

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

OPEN SESSION

Call to Order: By Chair Nancy Taylor

EXECUTIVE SESSION

Chair Taylor called for a motion to go into Executive Session to discuss strategy with respect to collective bargaining – Police Lieutenant impact bargaining

Motion by Mr. Zylinski: So moved Second: Mr. Brown

Roll call vote:

Zalinski: Aye

Mascali: Aye

Brown: Aye

Taylor: Aye

Chair Taylor said the Board would return to Public Session at 6:30.

OPEN SESSION

Call to Order: Chair Taylor called to order the open session of the meeting saying that the Board has come to an agreement on collective bargaining with the police lieutenant union.

Pledge of Allegiance: Led by Select Board

Recognitions:

Chair Taylor recognized the Falmouth Fire Fighters, and also asked people to keep in mind the 3 injured fire fighters who were involved with the recent 3-alarm fire, and to keep their families in their thoughts and prayers at this difficult time.

Mr. Mascali recognized 1) Daria and Michael Kasparian, this year's recipients of the Falmouth Education Fund awards in March, and 2) Tamsen George, a member of the CPC and Historical Commission, who was a 2023 finalist for the annual best book awards presented by American Book Fest.

Mr. Brown, on behalf of Ms. Scott Price, recognized the DPW for its work on the beautiful Christmas display on the Village Green. He also noted the birth of a new baby into Ms. Scott Price's family.

Announcements:

Chair Taylor announced the immediate FCTV government channel change from Channel 15 to Channel 9. She also noted the birth of Ms. Scott Price's baby, born on Dec. 14.

Mr. Brown recognized the East Falmouth Village Assn.'s first holiday festival. Mr. Zylinski said Jess Bowman has been a driving force behind that event for that community.

Public comment:

Nan Logan, Precinct 1 – referred to recent news articles regarding the re-selling of certain gun parts instead of destroying the entire gun – said this practice puts guns back in circulation – said this is a concern as we think about our shotguns and decision coming up – said she found out that Gunbusters was actually cutting up and re-purposing the guns - said her group found a scrap metal dealer who destroyed the guns while her group and a police escort watched – said there is another scrap metal dealer in Middleboro whose contact info she would share with the Board – said a third option is Swords Into Ploughshares, who would destroy the guns (Chair Taylor said the time was up) – said she would send the Board all the information.

Tammy Gilbert, 26 Hawk's Way – regarding the proposed gate at Mile 6.7 on the Shining Sea Bike Path – said residents have used this historic right-of-way for hundreds of years – said easements appear to be written into deeds – said the only reasonable access to town-owned and Salt Pond-owned land on Black Beach is this public right-of-way over private roads, which may indicate an easement by necessity – said an easement by adverse possession might also apply in this situation – said the roads have been used openly, obviously, and consistently for more than 20 years – questioned the legality of the proposed gate – asked the Board to prohibit the construction of the gate until it is determined that there is a legal right to do so – said she has not received a response yet to an email to the town manager on Dec. 12 asking for a legal review – said the association treasurer has said they have wanted a gate since 2009 - said the neighborhood association has gradually been restricting roads in this area over a number of years with signage, security guards, and now a physical gate – said it is not about safety, speeding, or what could benefit the West Falmouth community as a whole – said it could be an illegal attempt to create a private gated community allowing exclusive access to a public resource.

Richard Duby, Precinct 6 – said he assumed that Town Counsel was consulted when the policy regarding disposal of surplus firearms that the Board approved on May 23, 2022, was written – asked why anyone but the town manager was involved with the policy now – asked why Mr. Zylinski is consulting with Town Counsel as far as this is concerned – asked who the other side is that Mr. Zylinski is seeking an agreement with – asked that if there is going to be a change that it be placed on a future Select Board agenda prior to any changes taking place.

Wayne Lingafelter, Falmouth EDIC executive director – said the EDIC board made a recent decision regarding the Falmouth Station – reviewed the recent history of the station including its restoration and tenants – said that the Station Grill lease expires at the end of the month, and that the current operator has no rights to renew his tenancy in the station – said the EDIC must openly compete any lease in the state-owned property – said the EDIC board concluded that the current business configuration of the grill was unlikely to be sustainable – provided data regarding the financial operation and lease requirements of the grill – said the EDIC will consider a range of options for re-using the space and what the focus will be – gave information about the upcoming activity/hours/schedule of the station – (Chair Taylor said the time was up but allowed a brief extension) – reviewed how he addressed the grill operator's public accusations about unpaid services.

Dave Moriarty, Precinct 6 – said South Coast Wind wants to build its 6-acre sub-plant next to the Oak Grove Cemetery – said Katharine Lee Bates is buried in that cemetery – said the cemetery is listed on the Historic Register – said he believes it's illegal to build on property next to a location listed on the National Register – said citizens would like to have another info meeting with South Coast Wind as soon as possible.

PUBLIC HEARINGS

Tax Classification Hearing

Mr. Zylinski read out the hearing notice.

Trisha Favulli, Director of Assessing, reviewed the options available to the Board as listed on the document from the assessing department in the Select Board packet, also giving brief facts on the values and the residential exemption. She explained the background and ramifications of some of the exemptions currently in place.

Mr. Brown said that he would like to pursue the residential exemption. He acknowledged that it would be a big thing to take on, but Mashpee has just implemented it, he said, so it can be done. He said it would help the local year-round residents when the average price is over \$879,000. He said he would like to initiate looking into it.

Ms. Favulli said that according to the Dept. of Revenue, the average Falmouth tax bill is 11% of the annual base income of an average taxpayer. Dennis is 8%. Eastham is 13% and they have a residential exemption. Provincetown is 14% and they have a residential exemption. Truro is 14% with a residential exemption. Barnstable is 12%. She said that the residential exemption does not necessarily balance out the playing field for everybody, and

that in towns that have adopted it, it's costing taxpayers more. But she said they could take a look at it. Mr. Brown said that it's the lower income residents he is concerned about and reiterated his desire to look into it.

Mr. Mascali asked where the anticipated 10,000 applications for the exemption would come from. Ms. Favulli provided data regarding primary and secondary homeownership, and required documentation, including trusts and LLCs. Mr. Mascali said he, too, would like to begin to explore the residential exemption.

Mr. Zylinski asked Ms. Favulli if there could be an adjustment at a future Town Meeting to help with taxpayers' concerns. Ms. Favulli said there could be, that it would be a local option and the people could be identified easily. She said landlords would not be eligible. She said the Town would also need to study how values over \$1M would be affected by this exemption, and the overall effect on all residents/taxpayers.

Public comment:

Karen Bissonnette said this is a wonderful idea – said home costs are astronomical now and will get worse – said the real estate market is crazy – said there are 33 homes for sale in Falmouth so costs will continue to rise – said in November the median home price was \$870,000.

Mr. Brown said for the last three years the Board has been talking about looking into this. He said he is not trying to undermine the recommendation of the assessor but would like to get a sense from the Board that it is time to start exploring it.

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

Chair Taylor then summarized the status of the issue: That the Board has talked for 3 years about exploring this option, and that can follow the recommendation of the assessor now while directing staff to aggressively explore the residential option and its effects, as well as alternatives, such as a Town Meeting article.

Brief Board discussion revealed that two motions would be required.

**Motion by Mr. Mascali: That the Town of Falmouth continues to tax all classes at the same rate by adopting a factor of "1" and to reject the residential, commercial, and open space exemption Second: Mr. Zylinski
Vote: Yes – 4 No - 0**

Motion by Mr. Brown: That we direct the Town Manager to look into options for implementing the residential exemption or other more practical alternatives that may be out there.

Chair Taylor said that she would like to include relief for people who are in some of the town's affordable or attainable housing. Mr. Brown said he thought that inclusion would be by default due to income requirements. Chair Taylor said she would hope so but wanted to be sure because of all the Board is trying to do for the issue of affordable housing. She said she would go with Mr. Brown's motion.

Second: Mr. Zylinski Vote: Yes – 4 No - 0

BUSINESS

Discuss and vote to approve funding for 5 Esker Place

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 1 – Falmouth Housing Trust – 5 Esker Road Application to Falmouth Affordable Housing Fund (FAHF)* in the Select Board packet. He recommended approval of the requested funding.

Chair Taylor said she is part of the working group and offered strong support of the application for funding. Mr. Brown said a request of under \$74,000 to keep a house in the affordable housing inventory is a good value and that he would move approval. Chair Taylor said that it took a lot of coordinated work involving courts to make this happen. Mr. Mascali said he wanted to recognize Ms. Bissonnette and Ms. Fish for all the work they put into this effort.

Motion by Mr. Zylinski: That the Board, acting as Trustees of the Falmouth Affordable Housing Fund, grant \$73,859 to Falmouth Housing Trust (FHT) to reimburse them a portion of the cost to rehabilitate the property at 5 Esker Place and put an affordable deed restriction in perpetuity on the property and to

authorize the Town Manager to execute a commitment letter and grant agreement setting forth the terms of the financial award to Falmouth Housing Trust
Second: Mr. Brown

Vote: Yes – 4 No - 0

Approve one-time five-year extension of the Solid Waste Management Intermunicipal Agreement with the Town of Bourne

Mr. Renshaw invited DPW Director Peter McConarty to present a summary of the item. Mr. McConarty began by reviewing the time frame of the contract with Bourne, saying that it expires on Dec. 31, 2024. A one-time extension permission is part of the contract, with notification to do so sent to Bourne by Dec. 31, 2023. He said the rate structure would follow the extension.

Mr. Mascali asked about the other options. Mr. McConarty said one is to work with the current hauling company to haul the material off-Cape to Rochester. The second is to look into transporting the material off-Cape by rail through the Upper Cape regional transfer facility.

There was brief Board discussion regarding rates. Mr. McConarty said that the first step was for the Board to authorize extending the contract. Rate discussions will follow, but he said the current rate with Bourne was pretty good. He provided specific information regarding current cost per ton, and said it was a better rate per ton than other companies.

Motion by Chair Taylor: To approve the one-time 5-year extension with the Town of Bourne Integrated Solid Waste Management Facility for receiving Town of Falmouth municipal solid waste.

Second: Mr. Zylinski

Vote: Yes – 4 No - 0

FY25 Operating Budget Presentation

Using the document entitled *FY2025 Budget Presentation* and dated December 18, 2023, included in the Select Board packet, Mr. Renshaw began with an overview and timeline of the budget process with department heads and staff, and identified the 4 components of the presentation: guiding principles, revenue estimates, challenges and strategic plan priorities, and conclusions and next steps. Following this overview, Mr. Renshaw reviewed the information contained on approximately 12 screens, detailing areas such as the following: Long term fiscal stability; Revenue outlook – property taxes; Revenue outlook – local receipts; Revenue outlook – state revenues and available funds; Expenditures – challenging year; Expenditures – School department; Expenditures – strategic plan priorities; Expenditure – funding reserves; FY2025 overview. The oral presentation ended with Mr. Renshaw complimenting department heads and staff for their efficiency and commitment in performing their jobs. He also said that while the budget reflects an increase of 5% over last year, the increase is offset by increased revenue projections. It also addresses multiple strategic plan objectives and is representative of the true costs of operating a large, complex 21st century municipality. His recommendation is to consider transmitting the budget to the Finance Committee at the next Select Board meeting on January 8, 2024.

Mr. Brown asked about budget requests that couldn't be funded. Mr. Renshaw said that nothing stood out, but probably additional staffing requests could not be included at this time. He said they tried to approach the budget tactically with the revenues they had available. Neither he nor Mr. Johnson-Staub recalled denial of requests for systems or equipment. Mr. Johnson-Staub noted the focus on taking advantage of other revenue sources without tapping into the budget when there was a cost increase for a department. He said there were no real cuts along the lines of essential services.

Mr. Zylinski introduced a brief discussion about the new software approved at Town Meeting and how that would help "close some loops" with deficiencies that the Town has been unable to fund. Mr. Johnson-Staub asked if Mr. Senteio could speak to how the Integrated Financial Management System is going to impact staffing requirements and what staff is able to accomplish. Mr. Senteio said he thought the pressure on the clerical staff would be reduced through a more efficient technology platform, with more improvements/innovations to come.

Chair Taylor said she appreciated the difficulty of having to make the kinds of choices that go into the budget. She said that what cannot make it into the budget this year can be looked at again next year. Mr. Renshaw also explained how some of the existing software compared with the improved software platform for the budget process. He also noted that what had been regarded as capital costs have now been moved over to operational maintenance

costs. Chair Taylor said she appreciated the efforts to find other sources of revenue without always tapping into the budget.

Report – Energy Committee

Megan Amsler, chair of the committee, updated the Board by presenting approximately 12 screens of information, including topics such as energy efficiency, the growth of renewable energy, reducing greenhouse gas emissions and reliance on fossil fuels, the PACE program, and electrifying various modes of transportation. Using solar as a renewable energy source in a variety of ways was also covered.

Mr. Brown asked when the solar panel projects might start happening. Mr. Renshaw said that Stephanie Madsen would be at a future Select Board meeting to provide an update in this area as well as a plan moving forward. Mr. Brown also commended the opportunity that trade schools offer. Mr. Mascali said he would like more information on the PACE program, and Chair Taylor said that it, too, would be placed on a future agenda. There was brief discussion on what the role of the Board would be regarding the PACE program with no definitive answers emerging. At this point, Mr. Senteio, said that the Town would have to put the charge on the tax bill, collect the money, and then remit that money to PACE. He said that is where the software comes into play. Chair Taylor reiterated that the Board would look into this program.

Report – Board of Health

Diana Molloy, chair of the BOH, began the presentation by identifying the board's members and reading the mission statement. She went on to detail approximately 13 screens of information, including such topics as Board of Health activities in environmental codes, commercial septic concerns, solid waste regulations, housing/nuisance complaints, stable regulations, and Falmouth's local septic regulations, plus other topics such as the single-use plastic article. Ms. Molloy gave special thanks to Stephanie Miele, as well as thanked the Select Board and Health Agent Scott McGann and his team.

Mr. Brown asked a specific question: If the Town could regulate the performance of the innovative alternative septic systems to 10 milligrams per liter rather than the 19 required by the DEP. Scott McGann said that 19 is the older standard, and that the planning board is already using 12. He said 12 is what the town would be looking at for a standard.

Mr. Brown also asked about a new drug that kids are now apparently abusing. There was brief discussion about other drugs, such as ketamine, that are now presenting concerns regarding potential abuse. Ms. Molloy also said that, regarding the IA septic systems, local regulations now focus on compliance and how to enforce it.

Chair Taylor thanked Ms. Molloy for her eight years of service on the BOH.

Report – Veterans Council Committee

No presenters in attendance

Report – Falmouth Chamber of Commerce

Michael Kasparian began the presentation by explaining how the Chamber is organized, saying it's not only about businesses, but also how it is a community-focused organization. The report detailed the activities of the Chamber that demonstrate how this is true.

Chair Taylor said this report was on the agenda to help educate the Board and the Town about what the Chamber does and the importance of these activities to the community. Mr. Brown said he appreciated Mr. Kasparian's work on the Chamber, saying he felt the group has never been stronger or in better hands. Mr. Zylinski added his praise for the work Mr. Kasparian has done.

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

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 8 – Approve fourth amendment and extension of existing parking lot lease agreement with the Steamship Authority* in the Select Board packet. He recommended approval of the amendment and extended lease agreement. He said the one-year extension, to expire on 12/31/2024, would allow time to evaluate the current lease and obtain a new appraisal.

Bluefins, 295 Main Street
Cape Cod Country Club, 48 Theatre Drive
Chapoquoit Grill, 410 West Falmouth Highway
DJ's Family Sports Pub, 870 Main Street, Unit A
East End Tap, 734 Teaticket Highway
Estia, 117 Main Street
Falmouth Cinema Pub, 137 Teaticket Highway
Falmouth Jade, 143 East Falmouth Highway
Flying Bridge Restaurant, 220 Scranton Avenue
Grumpy's Pub, 29 Locust Street
Jack's Restaurant & Bar, 327 Gifford Street
La Cucina sul Mare, 237 Main Street
Liam Maguire's, 273 Main Street
New Peking Palace, 452 Main Street
Papa Jakes, 146 Sandwich Road
Paul's Pizza, 14 Benham Road
Quahog Republic Dive Bar, 97-99 Spring Bars Road
Quahog Republic's Leaside Pub, 29 Railroad Avenue
Shipwrecked, 263 Grand Avenue
Shiverick's Café & Bar, 285 Main Street
Silver Lounge, 999 Route 28A
Soprano's Casino by the Sea, 286 Grand Avenue
Sweet Rice, 167 Teaticket Highway
The Cape Club 125 Falmouth Woods Road
The Conference Table 205 Worchester Court
The Glass Onion, 37 North Main Street
Tiger Ramen, 587 Main Street, Unit 102
Timber, 23 Town Hall Square

ALL ALCOHOL INNHOLDER and INNHOLDER

Coonamessett Inn, 311 Gifford Street
Holiday Inn Falmouth, 291 Jones Road
Seacrest Concessionaire, LLC d/b/a Seacrest, 350 Quaker Road

ALL ALCOHOL CLUB

Amvets Falmouth Post 70, Inc., 336 Palmer Avenue
Cape Cod Curling Club, 37 Highfield Drive
Cape Verdean Club of Falmouth, Inc. 126 Sandwich Road
Falmouth Elks Lodge #2380, 140 Palmer Avenue
Falmouth Rod & Gun Club 25 Sportsman Lane
Falmouth Yacht Club, 290 Clinton Avenue
Green Pond Yacht Club, 366 Menauhant Road
Midway Trap & Skeet, 284 Old Meetinghouse Road
Portuguese American Assn., 55 Ashumet Road
Woods Hole Golf Club, 130 Quissett Avenue

WINE & MALT RESTAURANT with COMMON VICTUALER

Bangkok Thai Cuisine, 291 Main Street
Crabapples, 553 Palmer Avenue
Silver Beach Pizza & Seafood, 557 North Falmouth Highway, Building A
Steve's Pizzeria & More, 374 Main Street

WINE, MALT & CORDIAL RESTAURANT with COMMON VICTUALER

Country Fare, 319 Main Street

WINE & MALT INNHOLDER

Fontelux Hospitality Systems LLC d/b/a Palmer House Inn, 81 Palmer Avenue

BREWERY – WINERY

Aquatic Brewing, 661 Main Street
Bad Martha's, 876 East Falmouth Highway

COMMON VICTUALER

J2 Bagels, Inc. d/b/a Cape Cod Bagels, 419 Palmer Avenue
Coffee Obsession, 110 Palmer Avenue
Coffee Obsession, 38 Water Street
D'Angelo's, 689 Main Street
Devour, 352 Main Street
Dunkin Donuts, 614 Main Street
Dunkin Donuts, 4 Sandwich Road
Dunkin Donuts, 363 East Falmouth Highway
Dunkin Donuts, 634 Holly Park Road
Dunkin Donuts, 1184 Sandwich Road
Falmouth Hospital Cafeteria, 100 Ter Heun Drive
Homeport Sushi, 316 Gifford Street
Le Bon Jour, 424 East Falmouth Highway, Unit A3
McDonald's, 263 Teaticket Highway
Moonakis Café, 460 Waquoit Highway
Papa Gino's, 56 Davis Straits
Peel Pizza, 31 Teaticket Highway
Starbucks, 11 Davis Straits
Subway Sandwiches, 137 Teaticket Highway
Thai Kitchen, 258 Teaticket Highway
The Blended Berry, 56 Davis Straits
The Buffalo Jump, 277 Hatchville Road
The Portuguese, 424 East Falmouth Highway, Unit B101
The Stand, 75 County Road
The Vine, 824 Main Street
Lobos House of Pizza, 338 East Falmouth Highway

ENTERTAINMENT

Bad Martha's, 876 East Falmouth Highway
Cape Arts & Entertainment, 60 Highfield Drive
Cape Verdean Club, 126 Sandwich Road
Coffee Obsession, 110 Palmer Avenue
Coffee Obsession, 38 Water Street
Coonamessett Inn, 311 Gifford Street
East End Tap, 734 Teaticket Highway
Falmouth Yacht Club, 290 Clinton Avenue
Flying Bridge Restaurant, 220 Scranton Avenue
Green Pond Yacht Club, 366 Menauhant Road
Grumpy's Pub, 29 Locust Street
Holiday Inn, 291 Jones Road
Jack's Restaurant & Bar, 327 Gifford Street
Liam Maguire's, 273 Main Street
Papa Jakes, 146 Sandwich Road
Portuguese American Assn., 55 Ashumet Road
Quahog Republic Dive Bar, 97-99 Spring Bars Road
Quahog Republic's Leaside Pub, 29 Railroad Avenue
Seacrest Concessionaire, LLC d/b/a Seacrest, 350 Quaker Road
Shipwrecked, 263 Grand Avenue

Shiverick's Café & Bar, 285 Main Street
Silver Lounge, 999 Route 28A
Soprano's Casino by the Sea, 286 Grand Avenue
The Cape Club 125 Falmouth Woods Road
The Conference Table 205 Worchester Court
Timber, 23 Town Hall Square
Tony Andrews Farm 394 Old Meetinghouse Road
Woods Hole Golf Club, 130 Quisset Avenue

SUNDAY ENTERTAINMENT

Bad Martha's, 876 East Falmouth Highway
Coonamessett Inn, 311 Gifford Street
Flying Bridge Restaurant, 220 Scranton Avenue
Grumpy's Pub, 29 Locust Street
Holiday Inn, 291 Jones Road
Liam Maguire's, 273 Main Street
Portuguese American Assn., 55 Ashumet Road
Quahog Republic's Leaside Pub, 29 Railroad Avenue
Seacrest Concessionaire, LLC d/b/a Seacrest, 350 Quaker Road
Shipwrecked, 263 Grand Avenue
Shivericks Café & Bar, 285 Main Street
Soprano's Casino by the Sea, 286 Grand Avenue
The Cape Club 125 Falmouth Woods Road

MOTOR VEHICLE CLASS I

Capstan Yachts, 56 Scranton Avenue, Unit A

MOTOR VEHICLE CLASS II

Cid's Auto Brokers, 91 Carl Landi Circle
Falmouth Auto Center, 614 East Falmouth Highway
Frank's Auto Sales, 442R-444 East Falmouth Highway
Frank Battles, 14 Depot Avenue
M&N Auto Mall, 20A Village Common Drive

AUTOMATIC AMUSEMENT DEVICE

DJ's Family Sports Pub, 870 Main Street, Unit A
Falmouth Cinema Pub, 137 Teaticket Highway
Grumpy's Pub, 29 Locust Street
Quahog Republic Dive Bar, 97-99 Spring Bars Road
Seacrest Concessionaire, LLC d/b/a Seacrest, 350 Quaker Road

TAXI - LIMOUSINE

AA Taxi, 90 Boxberry Hill Road
All Seasons Taxi, 45 Simpson Lane
Falmouth Taxi, 424 East Falmouth Highway, Unit A1

Chair Taylor asked if there were any holds. Mr. Brown said there was comment from an abutter on Timber, so he would hold that one.

Motion by Mr. Zylinski: To approve as presented with the exception of Timber as a hold
Second: Mr. Mascali Vote: Yes - 4 No - 0

Public comment:

Linda Tsimortis, Main St. - said the soundproofing had been put up and initially, everything was acceptable - said since then, as expressed in her letter, things have slowly been going back to as before - said she doesn't think there is enough sound proofing - said last Saturday was out of control and she called the bar and police - said the new manager said they are doing the best they can - said she feels bad that Eddie isn't there - said in early December she spoke with Mr. Bogosian, who said well, you're going to hear something - said Mr. Bogosian said if they turned the music down, the patrons on the Axe side would not be able to hear it - said in a building that size he should be able to move the band to a better spot - said she hates bothering the Board about this - thanked the Board for listening to her and insisting on the sound proofing.

Mr. Zylinski ascertained from Ms. Tsimortis that at the outset, the sound proofing had been acceptable. He asked Ms. Tsimortis if she felt it was more a management issue than a sound issue. She said yes.

Mr. Brown noted that Mr. Bogosian was in attendance and might like to comment on what caused the change.

Public comment:

Mr. Bogosian said he was happy to support Timber - said he is an investor in the company and has taken an active interest in the entertainment component - said the night in question he was watching a single guitar player play not loud enough that he could hear it at the other side - said it was very soft - said that no matter how much he soundproofs a building, someone awake at 12 feet out is going to hear it - said it's the nature of the business - said he doesn't know what else he can do to have a commercial business be successful without having entertainment.

Chair Taylor noted the discrepancy between a band and a single guitarist. Mr. Bogosian began to explain the various types of entertainment and how they perform, using amps for sound. He said there is live music one night a week. He said business has fallen off. He said this is not a non-conforming special use business where it's located in downtown Falmouth. He said the management team does its best.

Mr. Zylinski asked if the loudness might be a result of a lower number of patrons, fewer people to absorb the sound. Mr. Bogosian said yes.

Mr. Brown said he was hoping to hear how a neighbor could say it was working at one time and no longer is. Mr. Bogosian said he does not understand that and can't pinpoint anything that could have caused the change. He said he has gone to the venue on the entertainment nights so he would know first-hand what the situation is when he came before the Board.

Mr. Mascali asked if the change in management could be related in some way to why the neighbor seems to be upset. Mr. Bogosian spoke of Eddie being a very easy, quiet, nice-spirited guy but whose management is the same as others. He said others on the team have been trying to address the issue and not ignore it.

Chair Taylor asked how the Board would like to proceed. Mr. Brown said that perhaps a bowling alley could not easily become an entertainment place. He also said that perhaps the Board didn't quite take into consideration how close the residence is before approval of the license. Mr. Zylinski said he comes down a little on the other side. He said it provides jobs for quite a few people. He said that if it was working at one time through management, he would lean toward approval, urging them to continue or enhance that behavior to make the neighbors a little happier. He would not want to punish the employees at the business without giving them some kind of push forward at this point.

Public comment:

Ms. Tsimortis said again that after the compliance, it was working. She said she doesn't understand the change and that it is very frustrating. She said she does not understand how it got approved initially, and said that if, when getting ready to close on the property, she had been notified that this was going to happen, she would have been asking then "how can you do this because it's so close?" She said no one is going to complain because everything around there is Mr. Bogosian's. She also asked if the time was still 11:00. [Mr. Zylinski said yes because it is a renewal.]

Chair Taylor again asked how the Board wished to proceed. Mr. Mascali said he agreed with Mr. Zylinski that it was proven to be working at one point and would call upon the investors and managers to take a closer look at it and tighten up the ship. He said he is prepared to go forward with approval with the understanding that the owners and managers see that it's an issue that needs to be addressed. Chair Taylor reiterated that at one point it was working, and that it's incumbent upon the business to go back and see what was making it work and what's changed, and to resolve it.

Public comment:

Mr. Bogosian suggested that the consistency of the previous bowling noise vs. live music one night a week may be contributing to the issue. Mr. Zylinski said again that it is for the business to address and resolve the problem with the neighbors. He said the fact that acceptable status occurred at one point proves that it can happen again.

Motion by Mr. Mascali: That we extend the all-alcohol restaurant with common victualler license for Timber at 23 Town Hall Square Second: Mr. Zylinski Vote: Yes – 4 No - 0

CONSENT AGENDA

1. Administrative Orders

- a. Approve the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install one (1) new FO pole labeled 10/136 with anchor approximately 137' (feet) east of existing pole 10/135 and to install one (1) new FO pole labeled 10/137 with anchor approximately 137' (feet) east of newly installed pole 10-136. This work is necessary to provide electric service to 995 Sandwich Road.
- b. Approve the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install a new handhole to be labeled 69/56-A and to install approximately 58' (feet) of conduit and cable under the town road southeasterly starting at new handhole 69/56-A at the base of existing pole 69/56. This work is necessary to provide electric service to 301 Menauhant Road.
- c. Accept donation in the amount of \$500.00 from the Falmouth Jewish Congregation to the Falmouth Cultural Council
- d. Approve Eversource easements for Depot Rd. and Locust St.

- e. Designate the Per Diem Communications Officer position as a “special employee” for the purposes of the conflict-of-interest law MGL c. 268A

Motion by Mr. Zylinski: To approve the Consent Agenda
Vote: Yes – 4 No - 0

Second: Mr. Brown

MINUTES - Review and vote to approve minutes of meeting
Public Session – July 10, 2023

Motion by Mr. Brown: To approve

Second: Mr. Zylinski

Vote: Yes – 4 No - 0

TOWN MANAGER’S SUPPLEMENTAL REPORT

Mr. Renshaw orally presented his report, referring to the memo entitled *Supplemental Report* and dated December 18, 2023, in the Select Board packet. The report included 1) a recent tour of the Falmouth Housing Authority facilities, 2) Falmouth Town marina earns special recognition, 3) an update on police social work positions, and 4) upcoming Select Board meetings.

Chair Taylor asked if the new social workers would be available to help when there are problems in the community, and people call the police looking for help. She said she hoped that the police chief would be open to this possibility. Mr. Renshaw said he would discuss this with Chief Lourie.

SELECT BOARD REPORTS

Chair Taylor reported on the following:

- A request for a community forum with South Coast Wind – (Mr. Brown said he attended the meeting with Oak Grove Cemetery and said it was more of an outreach-type meeting to Oak Grove from South Wind to gauge what their concerns would be should South Wind move forward, and that they didn’t announce that they were doing anything definite.)
- Need 2 Select Board members to look at the evaluation process of the town manager (Mr. Zylinski and Mr. Brown volunteered.)
- Confirm March 2 for workshop
- Was invited to meet with Troop 41 of Scouts on Dec. 11

Mr. Mascali reported on the following:

- Attended a Council on Aging committee meeting on Dec. 5 and praised Jill Bishop for her leadership at the Senior Center
- Attended a Bicycle and Pedestrian Committee meeting on Dec. 6
- Attended a Recreation Committee meeting on Dec. 13

Mr. Brown reported on the following:

- Said he had received a text from Karisa Abel saying she was not feeling well and would not be able to attend tonight’s meeting
- Noticed that the planning board took up their short-term rental discussion at their meeting last Tuesday
- Attended the Cape and Islands Municipal Leaders Assn. meeting a week and a half ago

Mr. Zylinski reported on the following:

- Attended the Cape Cod Metropolitan Planning Organization meeting virtually earlier today

ADJOURN

Motion by Mr. Brown: To adjourn

Second: Mr. Zylinski

Vote: Yes – 4 No - 0

Respectfully submitted,
Carole Sutherland, Recording Secretary

OPEN SESSION

TOWN MANAGER'S SUPPLEMENTAL REPORT



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

TO: Select Board
FROM: Mike Renshaw, Town Manager
SUBJECT: Supplemental Report
DATE: January 8, 2024

Rev. Dr. Martin Luther King, Jr. National Holiday Breakfast

The organization No Place for Hate- Falmouth is hosting this year's Reverend Dr. Martin Luther King, Jr. National Holiday Breakfast on Monday, January 15 from 9:00 -11:00 AM. The event will take place at the Sea Crest Resort, North Falmouth.

Tickets are \$30 adults/ \$15 students, and the deadline for advance ticket sales is January 11. Tickets may be purchased at the NPFH-Falmouth website at www.npfhfalmouth.org. Space is limited, and tickets will be sold at the door only if space is available for \$35 adults and \$20 students.

This year's speaker is Manuel Fernandez, Chief Equity Officer, Cambridge Public Schools, and DEIB Leader. The topic of the discussion will be "Fostering Equity and Inclusion in the Community."

Announcement Concerning Second Housing Production Plan (HPP) Public Meeting

On Wednesday, January 10th, there will be a second public meeting being held to gather input from the public to assist the Town with drafting a new Housing Production Plan. The meeting will take place at the Falmouth High School's Cafeteria A (note: use Door #2) from 6:30-8:00 PM.

There will be a brief presentation going over the input that was received at the first public meeting that was held on November 8th. Following this, participants will gather around various stations with boards that will outline multiple goals and strategies and ask the attendees for their comments and suggestions. We encourage the public to join us in this very important process.

Real Estate Transfer Fee Community Outreach Meeting

On Tuesday, January 16th, there will be a community outreach meeting at the Senior Center from 5:00-6:30 PM to discuss the Real Estate Transfer Fee that the Select Board is considering adding to the Spring Town Meeting. There will be a presentation describing what the Real Estate Transfer Fee is and why we are contemplating enacting it, followed by public comment and/or questions. We encourage the public to attend and look forward to the input.

Upcoming Meetings:

- Select Board Meeting, January 29
- Select Board Meeting, February 12
- Select Board Meeting, February 26
- Select Board Planning Work Shop, Saturday, March 2