

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, JANUARY 29, 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 – Nominations for Life Savings Award
 - Swearing in of Police Officers
 - Introduction of Police Department Social Workers
5. Announcements
6. Public Comment

6:35 p.m. COMMITTEE INTERVIEWS

1. Joint Meeting – Falmouth Housing Authority Board of Commissioners and Select Board – Interview, vote and appoint member to the Falmouth Housing Authority Board of Commissioners
 - a. Lynne Rhodes
 - b. John Saari

6:45 p.m. PUBLIC HEARINGS

1. Fee Hearing – Discuss and vote proposed fee changes for 2024 (5 minutes)
2. 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 (continued from January 8, 2024) (5 minutes)

6:55 p.m. BUSINESS

1. Affirm appointment of Communications Director (5 minutes)
2. Update – Housing Production Plan (10 minutes)
3. Report – Human Services Committee (15 minutes)
4. Discuss and vote to establish a Fresh Water Ponds Advisory Committee (10 minutes)
5. Approve non-union wage adjustments (5 minutes)
6. Vote articles and execute warrant for April 2024 Annual Town Meeting (30 minutes)

8:10 p.m. CONSENT AGENDA

1. Licenses
 - a. Approve administrative address correction – Silver Lounge, Inc., 412 North Falmouth Highway
 - b. Approve application for a One-Day Entertainment License – The Portuguese, 424 East Falmouth Highway, Unit B101, East Falmouth – Saturday 2/10/24

2. Administrative Orders

- a. Approve request to use \$5,401.66 of the Road Race Donation originally intended for the new playground behind the Recreation Center to pay for needed parts to complete the installation of the playground at Sandwich Road
- b. Approve Falmouth Fire Rescue Department Application for FY2023 Emergency Management Planning Grant (EMPG)
- c. Approve 2024 Seasonal Population Increase Estimation Form for submittal to the Alcoholic Beverages Control Commission
- d. Approve request from Ament Klauer LLP on behalf of David A., Edward M. and Jeanne M. Pagani, managers of 352 Scranton LLC, and owners of both 227 Clinton Ave. and 352 Scranton Ave., to apply to the Conservation Commission and to the Board of Health relative to work within the road layout of Clinton Ave.
- e. Approve Letter of Support for the Town of Mashpee's Ashumet Pond Aluminum Sulfate Project

8:15 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT

8:20 p.m. SELECT BOARD REPORTS

8:30 p.m. ADJOURN

Nancy Robbins Taylor, Chair
Select Board

OPEN SESSION

4. Recognition

- Nominations for Life Savings Award
- Swearing in of Police Officers
- Introduction of Police Department Social Workers

OPEN SESSION

COMMITTEE INTERVIEWS

1. Joint Meeting – Falmouth Housing Authority Board of Commissioners and Select Board – Interview, vote and appoint member to the Falmouth Housing Authority Board of Commissioners
 - a. Lynne Rhodes
 - b. John Saari

Falmouth Housing Authority Board of Commissioners

One vacancy:

- Unexpired term until the next annual Town election (May 21, 2024)

Two applicants:

- Lynne Rhodes
- John Saari



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews – Joint Meeting

ITEM TITLE: Joint Meeting- Falmouth Housing Authority Board of Commissioners and Select Board- Interview, vote and appoint member to the Falmouth Housing Authority Board of Commissioners

MEETING DATE: 1/29/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: List of Town Committee Vacancies; Board, Committee or Commission Application Forms; Email thread with applicants and emails to Falmouth Housing Authority

PURPOSE:

The Select Board and the Falmouth Housing Authority Board of Commissioners will conduct a joint meeting for the purpose of interviewing and considering the appointment of an individual to fill a current vacancy on the Board of Commissioners.

BACKGROUND/SUMMARY:

- The current vacancy on the Falmouth Housing Authority Board of Commissioners has a term that runs through the next Town election which is May 21, 2024; the vacancy was created on October 25, 2023.

- Two applications were received following an advertisement period; the two applicants are:
 - Lynne A. Rhodes
 - John A. Saari

- Every housing authority is comprised of 5 members who serve for a term of 5 years; in a town, one member must be a tenant from the housing authority properties and one member is appointed by the EOHLC (Executive Office for Housing and Livable Communities).

- The members act as fiduciaries of the Housing Authority. These requirements are found in M.G.L. c. 121B sec. 5 (attached).

- All members are required to undergo training and instruction by the EOHLC in various areas of municipal practice, fair housing, and property management; the training requirements are outlined in M.G.L. c. 121B sec. 5B (attached).

DEPARTMENT RECOMMENDATION:

N/A

OPTIONS:

- Motion to appoint Lynne A. Rhodes to serve the unexpired term as a member of the Falmouth Housing Authority Board of Commissioners.

- Motion to appoint John A. Saari to serve the unexpired term as a member of the Falmouth Housing Authority Board of Commissioners.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

N/A

Michael Renshaw

Town Manager

1/23/2024

Date

Massachusetts General Laws Annotated
Part I. Administration of the Government (Ch. 1-182)
Title XVII. Public Welfare (Ch. 115-123b)
Chapter 121B. Housing and Urban Renewal (Refs & Annos)

M.G.L.A. 121B § 5B

§ 5B. Comprehensive training program for members of a housing or
redevelopment authority; technical assistance training for tenant members

Effective: November 4, 2014

[Currentness](#)

The department shall establish and implement a comprehensive training program for members of a housing or redevelopment authority. The training program shall be developed by the department in consultation with representatives of local housing authorities, municipal officials, public housing residents, public housing industry professional organizations and relevant state agencies.

The department shall provide instructions and training to members on the proper management of a housing or redevelopment authority. The instructions and training shall include, but not be limited to, the following laws and topics: (i) the open meeting law established pursuant to sections 18 to 25, inclusive, of chapter 30A; (ii) the public records law established pursuant to chapter 66; (iii) the conflict of interest law established pursuant to chapter 268A; (iv) the uniform procurement act established pursuant to chapter 30B; (v) state finance provisions established pursuant to chapter 29; (vi) fraud prevention; (vii) fiduciary responsibilities; (viii) fair housing laws; (ix) tenant occupancy and tenant participation policies; (x) the laws prohibiting discrimination in publicly assisted housing established pursuant to clauses 6 to 7B, inclusive, of section 4 of chapter 151B; and (xi) best practices relating to the general inspection, maintenance and repair of existing units and capital improvements in public housing. The department may consult with the attorney general and the inspector general in developing instructions and training programs pursuant to this section.

The department shall further provide independent technical assistance training to tenant members. The department shall develop the training with the goal of enabling tenant members and members of local tenant organizations to participate fully in the oversight of the housing authority's operation and capital planning. The department shall permit tenants and local tenant organizations who are not members to attend technical assistance training.

Upon appointment and reappointment or election and reelection, all members shall complete a training program, as developed by the department, within 90 days of assuming the member's position. Members shall complete a training program every 2 years. Failure to complete a training program within 90 days of assuming a position as a member or failure to complete a training program every 2 years may constitute neglect of duty and that member may be subject to removal proceedings pursuant to section 6.

Credits

Added by [St.2014, c. 235, § 6, eff. Nov. 4, 2014](#).

M.G.L.A. 121B § 5B, MA ST 121B § 5B

Current through Chapter 25 of the 2023 1st Annual Session. Some sections may be more current, see credits for details.

End of Document

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Massachusetts General Laws Annotated
Part I. Administration of the Government (Ch. 1-182)
Title XVII. Public Welfare (Ch. 115-123b)
Chapter 121B. Housing and Urban Renewal (Refs & Annos)

M.G.L.A. 121B § 5

§ 5. Housing and redevelopment authorities; membership; appointment; election; term of office

Effective: May 14, 2021

[Currentness](#)

Every housing and redevelopment authority shall be managed, controlled and governed by five members, appointed or elected as provided in this section, of whom three shall constitute a quorum. Every member of a housing or redevelopment authority shall be a fiduciary of the housing or redevelopment authority.

In a city, four members of a housing or redevelopment authority shall be appointed by the mayor subject to confirmation by the city council; provided, that, the members shall be appointed to serve for initial terms of one, two, four and five years, respectively.

In a town, 4 members of a redevelopment authority that is not a housing authority shall be elected by the town; provided, however, that of the members originally elected at an annual town meeting, the candidate who received the highest number of votes shall serve for 5 years, the candidate who received the next highest number of votes shall serve for 4 years, the candidate who received the next highest number of votes shall serve for 2 years and the candidate who received the next highest number of votes shall serve for 1 year. Notwithstanding the preceding sentence, upon the initial organization of a redevelopment authority that is not a housing authority, if a town so votes at an annual or special town meeting called for the purpose of organizing a redevelopment authority that is not a housing authority, 4 members of the redevelopment authority shall be appointed immediately by the board of selectmen to serve only until the qualification of their successors; provided, however, that the successors shall be elected at the next annual town meeting as provided in this paragraph.

Notwithstanding [section 20 of chapter 43B](#) or any other general or special law to the contrary, in a town, 1 member of a housing authority shall be a tenant member appointed by the board of selectmen and 3 members shall be elected by the town; provided, however, that of the members originally elected at an annual town meeting, the candidate who received the highest number of votes shall serve for 5 years, the candidate who received the next highest number of votes shall serve for 4 years and the candidate who received the next highest number of votes shall serve for 2 years. Notwithstanding the preceding sentence, upon the initial organization of a housing authority, if a town so votes at an annual or special town meeting called for the purpose of organizing a housing authority, 3 members of the authority shall be appointed immediately by the board of selectmen to serve only until the qualification of their successors; provided, however, that the successors shall be elected at the next annual town meeting as provided in this paragraph.

A tenant, where applicable, shall be appointed by the town from a list of names submitted by a duly recognized tenants' organization in the town. A tenants' organization may submit a list to the board of selectmen that shall contain not less than 2 and not more than 5 names and the board shall make the appointment from among the names so submitted; provided, however, that if there is no such tenants' organization, the housing authority shall immediately post notices throughout the common areas of the authority and provide each household with notice of the opportunity to be appointed to the housing authority board and, if any person wishes to be considered for such appointment, that person shall submit their name within 30 days thereafter to the town clerk; provided further, that the notice shall include contact information for the town clerk and for any independent technical training programs available pursuant to [section 5B](#). The board of selectmen shall appoint a tenant member from the

list; provided, however, that where federal law requires the town to maintain a member who is a federally-subsidized tenant, a federally-subsidized tenant shall be given preference for the appointment. If there are no public housing units owned and operated by the local housing authority and if there are no such units owned and operated on behalf of the local housing authority, the board of selectmen shall appoint a person meeting the eligibility requirements for a tenant member. If a list of names is not submitted within 60 days after a vacancy occurs, the board of selectmen shall appoint a tenant member of its own choosing to the authority. The town shall provide any written notice to tenants' organizations as required by this section not less than 90 days before the expiration of the term of a tenant member. If a vacancy occurs in the term of a tenant member for any reason other than the expiration of a term, the town shall provide written notice to the tenants' organizations within 10 business days after the vacancy occurs. The board of selectmen shall make the appointment of the successor tenant member within a reasonable time after the expiration of 60 days following the provision of notice as provided in this section.

In a city or town, one member of a housing or redevelopment authority shall be appointed by the department for an initial term of three years. If the department does not fill a vacancy in the position of that member within 120 days from the date that the vacancy is created, the board of selectmen shall appoint, in writing, a person by a majority vote to fill such vacancy for the unexpired term. In a city, the mayor shall appoint a person subject to confirmation by the city council for the unexpired term.

Thereafter, as the term of a member of any housing or redevelopment authority expires, his successor shall be appointed or elected, in the same manner and by the same body, for a term of five years from such expiration. Membership in a housing or redevelopment authority shall be restricted to residents of the city or town.

In a city, one of the four members of a housing authority appointed by the mayor shall be a resident of that city and shall be a representative of organized labor who shall be appointed by the mayor from a list of not less than two nor more than five names, representing different unions submitted by the Central Labor Council, AFL-CIO and the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America of the city or of the district within which the city is included. If no such list of names is submitted within sixty days after a vacancy occurs, the mayor may appoint any representative of organized labor of his own choosing to the authority. In a city, one of the four members of a housing authority appointed by the mayor shall be a tenant in a building owned and operated by or on behalf of the local housing authority who shall be appointed by the mayor from lists of names submitted by each duly recognized city-wide and project-wide tenants' organization in the city. A tenants' organization may submit a list which contains not less than two nor more than five names to the mayor who shall make his selection from among the names so submitted; provided that, where no public housing units are owned and operated by the local housing authority and no such units are owned and operated on behalf of the local housing authority, the mayor shall appoint any tenant of the housing authority from lists submitted in accordance with this section. If no list of names is submitted within sixty days after a vacancy occurs, the mayor shall appoint any tenant of his choosing to the authority. The mayor shall notify in writing tenant organizations as specified herein not less than ninety days prior to the expiration of the term of a tenant member. Whenever a vacancy occurs in the term of a tenant member for any reason other than the expiration of a term, the mayor shall notify in writing the tenant organizations specified herein within ten working days after the vacancy occurs. The mayor shall make an appointment within a reasonable time after the expiration of sixty days after said notice.

Vacancies, other than by reason of expiration of terms, shall be filled for the balance of the unexpired term, in the same manner and by the same body, except elected members in towns whose terms shall be filled in accordance with the provisions of [section eleven of chapter forty-one](#). Every member, unless sooner removed, shall serve until the qualification of his successor.

As soon as possible after the qualification of the members of a housing or redevelopment authority the city or town clerk, as the case may be, shall file a certificate of such appointment, or of such appointment and election, as the case may be, with the department, and a duplicate thereof, in either case, in the office of the state secretary. If the state secretary finds that the housing or redevelopment authority has been organized and the members thereof elected or appointed according to law, he shall issue to it a certificate of organization and such certificate shall be conclusive evidence of the lawful organization of the authority and of the election or appointment of the members thereof.

§ 5. Housing and redevelopment authorities; membership;..., MA ST 121B § 5

Whenever the membership of an authority is changed by appointment, election, resignation or removal, a certificate and duplicate certificate to that effect shall be promptly so filed. A certificate so filed shall be conclusive evidence of the change in membership of the authority referred to therein.

Credits

Added by St.1969, c. 751, § 1. Amended by St.1971, c. 565, § 1; St.1974, c. 426; St.1979, c. 707; St.1983, c. 649, § 1; [St.1996, c. 286](#); [St.2014, c. 235, §§ 2 to 5, eff. Nov. 4, 2014](#); [St.2016, c. 218, § 216, eff. Nov. 7, 2016](#); [St.2020, c. 358, § 71, eff. May 14, 2021](#).

Notes of Decisions (6)

M.G.L.A. 121B § 5, MA ST 121B § 5

Current through Chapter 25 of the 2023 1st Annual Session. Some sections may be more current, see credits for details.

End of Document

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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 Health (1 position) (Preference date to apply: 1/26/24.)	6/30/24
Board of Survey (2 positions)	6/30/24
Building Code Board of Appeals (1 position)	6/30/25
Cable Advisory Committee (3 positions)	6/30/24, 6/30/25, 6/30/26
Cape Cod Regional Transit Authority (1 position)	6/30/26
Commission on Disabilities (4 positions)	6/30/24 (2), 6/30/25 (2)
Community Preservation Committee (1 position) (Preference date to apply: 1/26/24.)	6/30/26
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) (Preference date to apply: 1/19/24.)	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.



Town Committee Vacancies

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

Committee	Term Until
Affirmative Action Committee (1 position)	6/30/26
Board of Survey (2 positions)	6/30/24
Building Code Board of Appeals (1 position)	6/30/25
Cable Advisory Committee (3 positions)	6/30/24, 6/30/25, 6/30/26
Cape Cod Commission (1 position)	4/24/24
Cape Cod Regional Transit Authority (1 position)	6/30/26
Commission on Disabilities (5 positions)	6/30/24 (2), 6/30/25 (2), 6/30/26
Conservation Commission (3 alternate positions)	6/30/25 (2), 6/30/26
Constable (2 positions)	6/30/24 (2)
Cultural Council (3 positions)	6/30/24 (2), 6/30/26 (1)
Edward Marks Building Advisory Committee (1 position)	12/31/24
Energy Committee (1 position)	6/30/25
Falmouth Housing Authority (1 position)	Next annual Town election
Solid Waste Advisory Committee (1 position)	6/30/24
Steamship Authority Board of Governors (1 position)	12/31/26

Applications are available on the Town website <https://ma-falmouth.civicplus.com/647/Town-Committees>. Please submit applications to the Office of the Town Manager and Select Board, or email to townmanager@falmouthma.gov. The deadline for applications is Monday, November 27, 2023.



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: Lynne A Rhodes

Address: 157 Hayway Rd Village: E Falmouth ZIP: 02536

Mailing Address: 157 Hayway Rd Village: E Falmouth ZIP: 02536

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 5/14/11 (date:) / Taxpayer (date:)

Amount of time you are available to give: 10 hours a month

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

- Falmouth Housing Authority
- _____
- _____

Seeking: Permanent Position Alternate Position

To fill open position B. Massoli

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

Relevant affiliation and work and personal experiences As a resident raised here and returning to my family home, it is important to see people of color representing the town and issue B-Poc persons are trying to address

Town offices held in Falmouth or elsewhere and dates of years served: Town Meeting precinct # (deputy Captain) ²⁰⁰³ See back.

Current positions

- Falmouth Democratic Town Committee Executive Board 2019
- NAACP/National Association for Advancement of Color People Cape Cod Branch President 2022
- District Attorney's Committee for Diversity Equity & Inclusion 2023

Previous positions

- Town Committee Affirmative Action / Diversity Equity
- Selected for panel member for hiring current Police Chief

See Side Page.

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

I am a Falmouth resident and has experience navigating the economic and social barriers around fairness equity and inclusion. and I have been a Town Meeting member since 2019. I am experienced as a project manager, building and remodeling retail stores and can use this knowledge about process and regulation towards housing and the Authority (FHA).

You may attach a resume to this application.

List three (3) references:

<u>Name</u>	<u>Title</u>	<u>Phone</u>
<u>1. Soora Maria Allenby</u>	<u>Reverend</u>	
<u>2. Annalisa Eisen</u>	<u>Business owner</u>	
<u>3. Joanne Treistman</u>	<u>retired</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.

10/06/2023
DATE


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.

Diane Davidson

From: John A. Saari [REDACTED]
Sent: Friday, January 26, 2024 12:36 PM
To: Falmouth Selectboard
Cc: Diane Davidson
Subject: January 29th, Scheduled Interview

Dear Board Members,

Please be advised that I am not able to attend the FHA Board interview scheduled on Monday January 29th at 6:30 pm. As you may know, I have been out of State on vacation for the past several weeks.

During that time, I had to cancel several annual appointments in the V. A. Health Care System. These appointments were rescheduled by the V.A. on both January 29th and January 30th at the Clinic in Worcester, Ma. Because of the location, I will be spending the night of the 29th at my Son's home in Worcester.

I am still very interested in being a member of the FHA Board and believe my knowledge and experience working for both the Worcester Housing Authority, and the New Orleans Housing Authority, along with several other State and Federal Housing Programs would be beneficial to the Town of Falmouth and the Housing Authority.

If, possible, please re-schedule my interview for Monday February 12th.

Respectfully,



John A. Saari
72 Riddle Hill Rd. Apt. E
Falmouth, Ma 02540
[REDACTED]

Diane Davidson

From: John A. Saari [REDACTED]
Sent: Monday, November 27, 2023 1:40 PM
To: Diane Davidson
Subject: Application for FHA Board
Attachments: Application for Falmouth Housing Authority Board (4).pdf; 1b4. John A Saari Resume updated 7.18.2022.doc

Hello Diane,

My name is John A. Saari and I am very interested in being a member of the Falmouth Housing Authority Board of Commissioners. Attached is the completed Application.

I have also attached is a copy of my Resume which illustrates my experience in the Public housing field. Additionally, I have spent the last 30 plus years working as a Housing Rehabilitation Consultant working for non-profit Organizations, Cities, and Towns, across the State of Massachusetts.

Respectfully,



John A. Saari
[REDACTED]



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 A. Saari

Address: 72 Riddle Hill Rd. Apt. E Village: Falmouth ZIP: 02540

Mailing Address: 72 E Riddle Hill Rd. Apt. E Village: Falmouth ZIP: 02540

Telephone: _____ Email: _____

How long have you been a Resident (date: 2000) / Taxpayer _____ (date: _____)

Amount of time you are available to give: _____

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

1. Housing Authority Board
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? Not recently

Relevant affiliation and work and personal experiences: I have work in the Non-profit Housing area since the 1990s and still do. I am the Owner of John A. Saari LLC, a Housing Rehab Consulting Co., servicing Cites, Towns and Non-profits to across Ma.

Town offices held in Falmouth or elsewhere and dates of years served: See attached Resume

Briefly describe the particular skills you feel you will add to the committee or board: I have
a very substantial background in the rehabilitation of Subsidized Housing
As assistant Director of the WHA Modernization Dept.
As the Director of the Design/Construction Dept of HANO
As a Housing Rehab Consultant to Non-Profits across the
State of Massachusetts.

You may attach a resume to this application.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Dorothy Brissette</u>	<u>Director, Attleboro CDC</u>	<u>[REDACTED]</u>
2.	<u>Jane Kudcey</u>	<u>Weymouth Housing Coordinator</u>	<u>[REDACTED]</u>
3.	<u>Dawn-Odell-Lemon</u>	<u>Director ,Birkshire Housing</u>	<u>[REDACTED]</u>

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

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

11/25/2023
DATE

John A. Saari Digitally signed by John A. Saari
Date: 2023.11.26 13:33:44 -05'00'
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.

John A. Saari, L.L.C.
Housing Rehabilitation Consultant
14 Darby Street, Worcester, MA 01605
Phone: [REDACTED] Email: [REDACTED]

I am a people-oriented builder, businessman and manager with notable achievements in the housing development and housing rehabilitation industry. Some of my achievements follow:

SELECTED MAJOR ACCOMPLISHMENTS

HOUSING REHAB CONSULTANT/DEVELOPER/CONSTRUCTION MANAGER:

Housing Rehab Consultant: From January 2008 to the present, I have provided Housing Rehabilitation services to The Resources, Inc. (TRI); the Town of Dartmouth; the Town of Weymouth and the City of Attleboro and several other Cities and Towns. The services provided are broad and include the initial home inspections with Program Managers and Homeowners to identify the repairs to be included in the Scope of Work, prioritizing items that are in violation of the State Sanitary Code, and State Residential Codes. Energy Conservation is also considered. All information compiled is utilized in the development of individual Work Write-ups, Cost Estimates, Quote/Bid Sheets, and other related data for the project/s. Once complete, the documents are submitted to Non-Profit organization, the Town or City who then requests Quotes/Bids from qualified General Contractors.

Once a Contractor is selected, and the construction starts, I monitor the projects to ensure adherence to the Scope of Work by the General Contractors. When the work is completed, I conduct a final walk-thru inspection and project completion sign-off. These services were performed for approximately 1600 qualified Homeowners and Public Housing Authority units throughout Massachusetts.

Additionally, from 2009 until 2021, I provided a full complement of Housing Rehabilitation and design services for several multifamily projects in the City of New Bedford and the City of Brockton.

Developer/Builder: A self-employed, builder in both the Worcester and Falmouth areas, concentrating on purchasing older homes dating from 1805 to the early 1900s, and then substantially rehabilitating the properties while maintaining the integrity of the historic properties. Responsible for the property investigation and purchase, work write-ups, design changes and configurations, legal and permitting requirements, cost estimating, sub-contracting and the overall management of the construction and property marketing.

GENERAL AND OPERATIONAL MANAGEMENT:

Acting Director of Design and Construction for the New Orleans Housing Authority: During the period from April 1998 to September 2000, I was directly involved in managing an annual Comprehensive Grant budget of \$30M as part of the team that was directly responsible for bringing the Modernization Department off Troubled list (PHMAP score of 26) to a Standard Performer with a score of 85. This was accomplished while developing and putting into play department Policies and Procedures and obligating nearly \$200M of old Comprehensive Grant monies from years 1992 through 1997. Successfully administrating tens of millions of dollars worth of construction; a task considered impossible 24 months prior. Directly responsible for all contract compliance reporting and all program management for the Housing Authority of New Orleans.

Construction Manager and Assistant Director: During the period from 1992 through April 1998, I participated in the overall management of the Worcester Housing Authorities Modernization/New Development Department which, had an annual budget of \$6M + and was involved in the capital planning and improvements of all State and Federal Public funded Housing owned by the WHA. Responsibilities ranged from needs assessments through estimating and the grant application process to developing RFP's; selecting project architects; supervising the design from schematics through contract documents, and negotiations with trade unions, to overall project management.

GENERAL AND OPERATIONAL MANAGEMENT continued:

Vice President of Operations: From 1988 to 1989 while employed by a \$6M residential and light commercial business, was influential in turning an annual loss of 10% into a 3.5% profit margin by changing the structure of the Company from an internal labor-based company to a sub-contractor-based company thus allowing for better controls on all aspect of cost.

PROJECT MANAGEMENT:

During the period from 1974 to 1979, I expanded and grew with a \$55M Real Estate Development firm which operated in the subsidized housing market. Became a central player in the areas of project planning, design development, project costing, contractor identification, and agency review, then completed to the occupancy, 10 to 15 projects worth in \$150M.

Contracted to complete 70% of a 304-unit apartment complex and build another 96 units. Both projects were completed on time and within budget.

CONSULTING:

During the period from 1982 to 1988, I contracted to negotiate with Federal housing agencies, the project architect, the contractor, and the developers to complete construction of three subsidized housing projects valued at \$17M which were in jeopardy because the prime contractor had filed for bankruptcy protection. Organized the separate interest groups into a working unit and successfully guided the team. All three projects were completed to agency standards and approximately 300 units were occupied.

PROFESSIONAL EXPERIENCE

John A. Saari LLC Housing Rehabilitation Consultant		2008 to present
John A Saari	Builder	2000 to 2008
Housing Authority of New Orleans New Orleans, LA	Director Design & Construction	1998 to 2000
Worcester Housing Authority Worcester, MA	Assistant Director Modernization Dept	1992 to 1998
Limestone Realty Trust Worcester, MA	General Partner	1989 to 1992
G. M. Bergeron, Inc. Worcester, MA	Vice President for Operations	1988 to 1989
J. A. Saari Associates Worcester, MA	Real-Estate/Construction Consultant	1982 to 1988
Winn Development Company	Project Development Director	1974 to 1979

EDUCATION

Worcester Polytechnic Institute	MS, Project/Construction Mgmt.	1989 to 1991
Worcester State College	BS, Urban Studies/Business Mgmt.	1974 to 1978

OPEN SESSION

PUBLIC HEARINGS

1. Fee Hearing – Discuss and vote proposed fee changes for 2024 **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearings 1.

ITEM TITLE: Fee Hearing- Discuss and vote to approve proposed fee changes for 2024

MEETING DATE: 1/29/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Public Hearing Notice of Fire and Rescue Department Ambulance Fee Changes dated January 19; Letter from Fire Rescue Department Chief Smith to Select Board dated October 23, 2023

PURPOSE:

The Select Board will first conduct a Public Hearing regarding proposed new ambulance rates for 2024. Following the hearing, the Select Board will deliberate and potentially vote to approve and adopt the 2024 rate changes as presented.

BACKGROUND/SUMMARY:

- Toward the end of each calendar year, Town departments are directed to review their existing fee schedules and analyze whether the fees are adequate or if they need to be adjusted.
- The result of the departmental reviews and subsequent fee revision requests are then published in the local paper as a Public Hearing Notice, with a side-by-side comparison of present fees alongside any new proposed fee.

- Following the public hearing, and if approved and adopted by the Select Board, the new fee schedule will be effective immediately.

DEPARTMENT RECOMMENDATION:

Following the Public Hearing and discussion, the Town Manager is recommending that the Select Board approve and adopt the 2024 Fire and Rescue Department ambulance rate changes as presented.

OPTIONS:

- Motion to approve and adopt the 2024 revised Fire and Rescue Department ambulance rates as presented.
- Motion to deny approval and adoption of the 2024 revised Fire and Rescue Department ambulance rates presented.
- Some other Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

Following the Public Hearing and discussion, the Town Manager is recommending that the Select Board approve and adopt the 2024 Fire and Rescue Department ambulance rate changes as presented.

Michael Renshaw

Town Manager

1/24/2024

Date

**TOWN OF FALMOUTH
SELECT BOARD
PUBLIC HEARING NOTICE**

As provided under Chapter 119, of the Code of Falmouth, a Public Hearing will be held in the Select Board Meeting Room, Falmouth Town Hall on MONDAY, JANUARY 29, 2024 at 6:45 PM to establish and promulgate fees, which are EFFECTIVE AS OF JANUARY 9, 2024 to be charged by Town Departments and agencies, except as provided by M.G.L., School Department, Planning Board, Library, Town Clerk, Town Treasurer and Collector of Taxes.

The proposed changes in fees are listed below:

Nancy Robbins Taylor, Chair
SELECT BOARD

<u>DEPARTMENT</u>	<u>PRESENT FEE</u>	<u>PROPOSED FEE</u>
<u>FIRE AND RESCUE DEPARTMENT</u>		
<u>AMBULANCE RATES</u>		
BLS:		
Base Rate	\$1,294.00	\$1,958.00
ALS1:		
Base Rate	\$1,800.00	\$2,433.00
ALS2:		
Base Rate	\$2,400.00	\$3,358.00
Mileage Rate	\$34.00	\$36.00

Publication date: Friday, January 19, 2024; Falmouth Enterprise.

Account #: 2056.

**TOWN OF FALMOUTH
SELECT BOARD
PUBLIC HEARING NOTICE**

As provided under Chapter 119, of the Code of Falmouth, a Public Hearing will be held in the Select Board Meeting Room, Falmouth Town Hall on MONDAY, JANUARY 29, 2024 at 6:45 PM to establish and promulgate fees, which are EFFECTIVE AS OF JANUARY 30, 2024 to be charged by Town Departments and agencies, except as provided by M.G.L., School Department, Planning Board, Library, Town Clerk, Town Treasurer and Collector of Taxes.

The proposed changes in fees are listed below:

Nancy Robbins Taylor, Chair
SELECT BOARD

<u>DEPARTMENT</u>	<u>PRESENT FEE</u>	<u>PROPOSED FEE</u>
<u>FIRE AND RESCUE DEPARTMENT</u>		
<u>AMBULANCE RATES</u>		
BLS:		
Base Rate	\$1,294.00	\$1,958.00
ALS1:		
Base Rate	\$1,800.00	\$2,433.00
ALS2:		
Base Rate	\$2,400.00	\$3,358.00
Mileage Rate	\$34.00	\$36.00

January 19, 2024



FALMOUTH FIRE RESCUE DEPARTMENT

TIMOTHY R. SMITH
CHIEF OF DEPARTMENT

399 MAIN STREET
FALMOUTH, MA 02540
PHONE: 508-495-2500
FAX: 508-495-2519

SCOTT J. THRASHER
DEPUTY CHIEF

CHAD E. ABSTEN
DEPUTY CHIEF

October 23, 2023

Falmouth Select Board
59 Town Hall Square
Falmouth, MA 02540

RE: Ambulance Rate Increase

Dear Select Board Members,

To hire the 14 Fire Fighters required to adequately staff the operation the Town successfully passed an override of \$950,000. The full cost to add these personnel is estimated at \$1,500,000. The difference was to be made up of other revenue sources including increasing ambulance fees to the current average in other communities.

Currently having lower than average fees benefits the insurance company and the federal government to the disadvantage of the Town. While the Medicare fees are fixed, the Fire Department has been very successful annually in reporting actual costs and getting supplemental revenue from Medicare.

While there is a requirement for all in Massachusetts to have health insurance for these situations it is possible for some to fall through the cracks. The Town has a process to evaluate these situations and waive the fees for hardship situations.

The proposed fees are as follows:

	Current Rates	Barnstable County (BC) Average	Proposed Rates BC Avg Rounded
Basic Life Support (BLS) Base Rate	1,294.00	1,958.16	1,958.00
Advanced Life Support (ALS1) Base Rate	1,800.00	2,432.79	2,433.00
Advanced Life Support (ALS2) Base Rate	2,400.00	3,358.35	3,358.00
Mileage Rate	34.00	35.74	36.00

The anticipated revenue toward the additional funding needed above the override is \$225,000 annually.

Respectfully,



Tim Smith, Chief of Department
Falmouth Fire Rescue Department

CC: Mike Renshaw, Town Manager
Ed Senteio, Finance Director

OPEN SESSION

PUBLIC HEARINGS

2. 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 (continued from January 8, 2024) **(5 minutes)**

January 29, 2024

LEBHERZ & LEBHERZ

Attorneys at Law

Christopher G. Lebherz

Of Counsel

Hon. George H. Lebherz, Jr. (Ret.)

(508) 548-6600

FAX (508) 457-0268

EMAIL: lebherzlaw@gmail.com

January 23, 2024

Town of Falmouth Selectboard
59 Town Hall Square
Falmouth, MA 02540

Hand Delivered

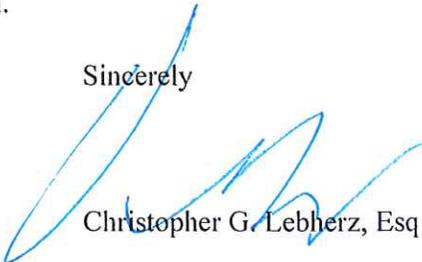
RE: Sams Seafood Application
Change of Premises

Dear Members of the Board:

Please accept this letter as applicant's notice of withdrawal for the above-referenced application, without prejudice.

Thank you for your kind attention.

Sincerely



Christopher G. Lebherz, Esq

OPEN SESSION

BUSINESS

1. Affirm appointment of Communications Director **(5 minutes)**

OPEN SESSION

BUSINESS

2. Update – Housing Production Plan **(10 minutes)**

January 29, 2024



ITEM NUMBER: Business 2.

ITEM TITLE: Housing Production Plan Update

MEETING DATE: 1/29/2024

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

SUBMITTED BY: Jed Cornock, Town Planner and Kim Fish, Housing Coordinator

ATTACHMENTS: Draft Strategies Boards and Affordable Housing Map from January 10, 2024 Public Meeting

PURPOSE:

We seek Select Board input on the Housing Production Plan Draft Strategies that were presented at the January 10, 2024 public meeting. The purpose of this review is to help guide the development of the final Housing Production Plan, which will include a number of goals and strategies aimed at producing affordable housing over the next five years.

BACKGROUND/SUMMARY:

- Procedural Overview:
 - A Housing Production Plan must receive local adoption by the Planning Board and Select Board (or City Council) before submission to the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) for approval.
 - The current timeline for local adoption is as follows:
 - Provide the strategies to the Planning Board on 1/23/24
 - Provide the strategies to the Select Board on 1/29/24
 - Provide the draft plan to the Planning Board on 2/13/24

- Provide the draft plan to the Select Board on 2/26/24
- Have the Planning Board vote to approve the final plan on 3/12/24
- Have the Select Board vote to approve the final plan on 3/25/24

This approach allows town staff and our consultants to receive input from both Boards concurrently and if necessary, revise the draft strategies or final document along the way.

- Once local approval is complete and the final HPP is sent to the state, the Executive Office of Housing and Livable Communities (EOHLC) will conduct an initial 30-day completeness review and will notify the municipality of any deficiency and offer an opportunity to remedy the deficiency. Within 90 days after EOHLC finds that the HPP is complete, they shall approve the HPP if it meets the specified requirements.

➤ Project Description:

- A Housing Production Plan facilitates development and preservation of homes that meet the requirements of the state's affordable housing law, commonly known as Ch.40B.
- Although the primary focus of an HPP is to move a community toward its 10% statutory minimum of SHI eligible units under Chapter 40B, it also addresses the creation of "attainable" housing for the community.
- A Housing Production Plan is required to include the following three elements: 1) Housing Needs Assessment, 2) Housing Goals, and 3) Implementation Strategies.
- The Draft Implementation Strategies are the focus of this update. Staff is asking for input on the items that were presented at the public meeting and additional ones that may have been missed.

➤ Project Benefits:

- If a community has an EOHLC approved HPP and is granted certification of compliance with the plan by EOHLC, a decision by the Zoning Board of Appeals (ZBA) relative to a comprehensive permit application will be deemed "consistent with local needs" under MGL Chapter 40B. "Consistent with local needs" means the ZBA's decision will be upheld by the Housing Appeals Committee.
- Falmouth will have a new Housing Production Plan which will provide helpful strategies for creating more affordable housing in a time when it's desperately needed.

DEPARTMENT RECOMMENDATION:

The Town Planner and Housing Coordinator are not making a formal recommendation at this time, rather a request that the Select Board review the Draft Strategies and Affordable Housing Map and provide input prior to the draft plan being released for public comment.

OPTIONS:

1) Take no action, do not approve or disapprove the Draft Strategies and Affordable Housing Map

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:

No formal action is requested at this time.

Michael Renshaw

Town Manager

1/25/2024

Date



Housing Production Plan: Draft Strategies



For each potential strategy for the Town's HPP update, add a dot sticker in the column that aligns with your opinion. If you agree with a strategy, indicate whether it is a high priority in the last column. Please use sticky notes to add additional thoughts.

DRAFT CAPACITY-BUILDING STRATEGIES

STRATEGY	AGREE	DISAGREE	NEED MORE INFO	IF AGREE: HIGH PRIORITY	NOTES
Conduct ongoing community outreach and education regarding affordable housing needs locally and regionally.	12 dots	0 dots	0 dots	8 dots	division of neighborhoods, census tracts, affordable housing
Market the accomplishments of the Falmouth Affordable Housing Fund.	12 dots	1 dot	0 dots	0 dots	40B must follow main Economic Policy Act + Budget rule source again 40B is not rule issue Recent legislation
Strengthen local and regional partnerships to share ideas and resources, learn from others, and explore new ways of creating affordable housing.	10 dots	0 dots	1 dot	3 dots	
Formalize a program to monitor existing deed-restricted housing units and enforce current conditions.	12 dots	0 dots	2 dots	1 dot	Are there any existing programs
Develop informational materials for developers and property owners on a series of topics (building affordable housing and filing LIP applications, permitting and constructing ADUs, etc.).	12 dots	0 dots	0 dots	4 dots	



Housing Production Plan: Draft Strategies



For each potential strategy for the Town's HPP update, add a dot sticker in the column that aligns with your opinion. If you agree with a strategy, indicate whether it is a high priority in the last column. Please use sticky notes to add additional thoughts.

DRAFT AFFORDABLE HOUSING STRATEGIES

STRATEGY	AGREE	DISAGREE	NEED MORE INFO	IF AGREE: HIGH PRIORITY	NOTES
Make <u>suitable</u> public property available for affordable housing.	12 dots	0 dots	4 dots	3 dots	<p>Use Town Land: to purpose public school. Best for a 1st school</p> <p>with Forest Lane Recharge area</p>
Develop criteria with other departments for assessing the best use of current and future Town-owned properties.	12 dots	0 dots	2 dots	3 dots	<p>select board needs to be more supportive of housing initiatives</p>
Issue a standing Request for Proposals (RFP) to acquire property for the development of affordable housing.	12 dots	1 dot	3 dots	3 dots	
Encourage development that includes a number of units for special needs populations such as formerly homeless households or persons with disabilities.	12 dots	1 dot	4 dots	1 dot	
Develop comprehensive permit guidelines that outline priority housing needs, scale of developments, design review, and areas of town that may be suitable for moderate- to higher-density development.	12 dots	0 dots	3 dots	1 dot	
Consider allocating a percentage of sewer capacity for affordable/community housing projects.	12 dots	0 dots	4 dots	2 dots	<p>Consider changes to phosphate collection at the sewer</p>

land or rebuilding

School Admin Day
School Land - review for school

Use Town Land: to purpose public school. Best for a 1st school

with Forest Lane Recharge area

select board needs to be more supportive of housing initiatives

Consider changes to phosphate collection at the sewer

Housing Production Plan: Draft Strategies



For each potential strategy for the Town's HPP update, add a dot sticker in the column that aligns with your opinion. If you agree with a strategy, indicate whether it is a high priority in the last column. Please use sticky notes to add additional thoughts.

DRAFT FINANCE & SUBSIDY STRATEGIES

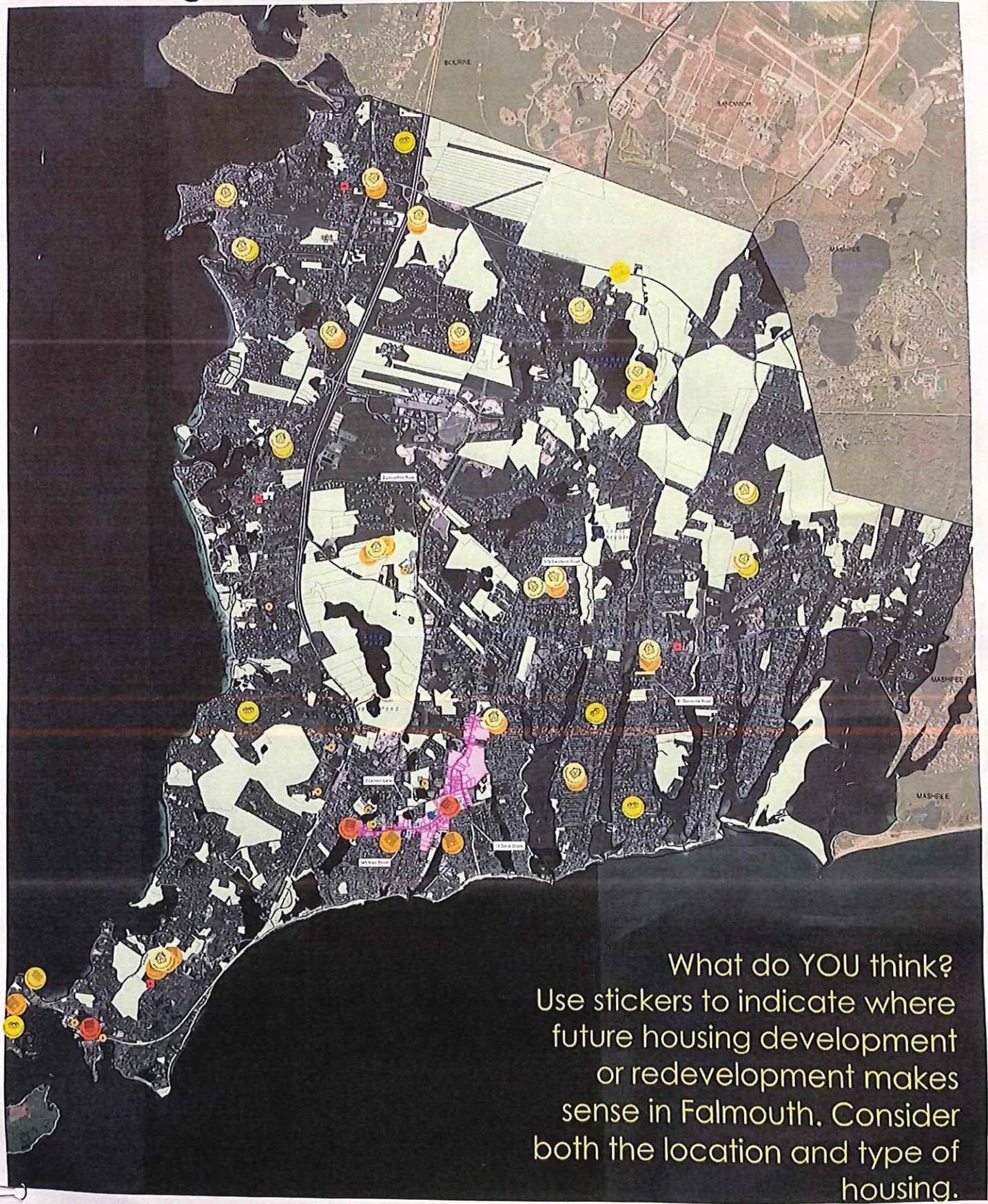
Land or rebuilding?

Proactive
Plan

STRATEGY	AGREE	DISAGREE	NEED MORE INFO	IF AGREE: HIGH PRIORITY	NOTES
Encourage unique development approaches that utilize the Falmouth Affordable Housing Fund.	•••••	•••••	•••••		Same open space Adhere to NEPA - Tiny home communities as modeled in Austin, TX 200 sq. foot bedroom houses with 300 sq. ft. and a central shared common kitchen/bath
Explore the applicability of federal, state, and regional programs to finance affordable or mixed income housing projects.	•••••		•		
Provide support for the Falmouth Affordable Housing Fund by exploring additional resources and strategies to capitalize the Fund.	•••••	•	•••••		transfer fee
Explore tax relief for property owners who offer year-round affordable rentals.	•••••		•	•••••	Yes, first require short term rentals and then incentive long term rental by some percentage of the net income
Consider utilizing the state's Tax Increment Financing (TIF) program as an opportunity to encourage affordable housing development in designated commercial areas.	•••••	•		•••••	

1. fee for use
land preservation program
as outlined by the State
on 11/11/17

Where should new housing development be encouraged in the Housing Production Plan?



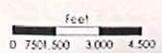
What do YOU think?
Use stickers to indicate where
future housing development
or redevelopment makes
sense in Falmouth. Consider
both the location and type of
housing.



- Map Boundary
- Parish
- Food Retail and Commercial District
- Amtrak Station
- Proposed Future Development

- Fire Station
- Police Station
- Library

Date: 10/2024
Data Source: Bureau of Geographic Information
MassGIS, Commonwealth of Massachusetts, Executive
Office of Technology and Security Services, Town of
Falmouth



OPEN SESSION

BUSINESS

3. Report – Human Services Committee **(15 minutes)**

January 29, 2024



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 3.

ITEM TITLE: Report- Human Services Committee

MEETING DATE: 1/29/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Presentation

PURPOSE:

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

BACKGROUND/SUMMARY:

- The Human Services Committee is comprised of nine members, appointed by the Select Board, whose role is to advise the Select Board regarding human services related needs and funding for the Town of Falmouth.
- The goals of the Committee are:
 - To advocate for and support the role of the Human Services Department in the town of Falmouth;
 - To identify and prioritize unmet and emerging human service needs in the community;

- To advise the Board of Selectmen and educate the community at large regarding these community trends/needs;
- To stimulate the development of new programs, services and initiatives by public and private entities and/or partnerships to address human service related needs in Falmouth;
- To recommend human services related funding to the Board of Selectmen and Town Meeting members.

DEPARTMENT RECOMMENDATION:

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

OPTIONS:

N/A

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

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

Michael Renshaw

Town Manager

1/23/2024

Date

Diane Davidson

From: Kerin Delaney <Kerind@falmouthservicecenter.org>
Sent: Friday, January 26, 2024 8:16 AM
To: Diane Davidson
Cc: Suzie Hauptmann; Deb Berglin
Subject: Re: Human Services Committee Report to Select Board

Hi Diane,
For the Committee presentation on Monday:

- Introduction
- Human Services Committee Goals
- Partnering with the Human Services Department
- Strategic Planning

Thank you!
Kerin

Kerin Delaney

Executive Director

Falmouth Service Center

611 Gifford Street

Falmouth, MA 02540

508-548-2794

www.falmouthservicecenter.org



**FALMOUTH
SERVICE CENTER**
more than a food pantry

OPEN SESSION

BUSINESS

4. Discuss and vote to establish a Fresh Water Ponds Advisory Committee **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 4.

ITEM TITLE: Discuss and vote to establish a Fresh Water Ponds Advisory Committee

MEETING DATE: 1/25/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Charter section C7-1, Appointing Authority: General; Select Board Committee Appointment Policy, as updated May 18, 2011

PURPOSE:

The Select Board will discuss and consider whether to formally establish a Fresh Water Ponds Advisory Committee.

BACKGROUND/SUMMARY:

- We are fortunate to live in a town with more freshwater ponds than any other community on Cape Cod. They contribute to our quality of life, property values, tourism, and economy.
- Importantly, over the past few years, we have witnessed increased evidence that our ponds are degrading.
- Consequently, the creation of a volunteer Freshwater Ponds Advisory Committee that would have as its mission advising the Select Board on the protection and preservation

of Falmouth's freshwater ponds. Formulating recommendations for integration into the Select Board's FY23-FY27 Strategic Plan would be a positive step towards the protection of the Town's freshwater ponds.

- There are currently no other Select Board established advisory committees that focus their efforts on the protection and preservation of our fresh water ponds.
- Sections C3-6 and C7-1 of the Town Charter specifically grant the Select Board the exclusive power to appoint other governmental bodies such as advisory committees.
- If the Select Board opts to vote to create the Fresh Water Ponds Advisory Committee, the Town Manager recommends that the Committee membership be set at five (5) members.
- The Committee Appointment Policy (attached), originally adopted by the Select Board on September 29, 1993 and as amended on May 18, 2011, outlines the process for advertising vacancies for the consideration of candidates, as well as the qualifications for applicants to be considered for appointment.
- Should the Select Board choose to create this Committee, the Town Manager recommends the Committee be asked to draft a mission statement in consultation with the Town Manager's office as its first order of business.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board vote to establish the Fresh Water Ponds Advisory Committee to be comprised of five members who are appointed by the Select Board in accordance with the Town Charter and the Committee Appointment Policy.

OPTIONS:

- Motion to establish a Fresh Water Ponds Committee comprised of five members as presented, and to properly advertise for applications.
- Motion to deny approval of the establishment of a Fresh Water Ponds Committee 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 vote to establish the Fresh Water Ponds Advisory Committee to be comprised of five members who are appointed by the Select Board in accordance with the Town Charter and the Committee Appointment Policy.

Michael Renshaw

1/25/2024

Town Manager

Date

**Town of Falmouth
Board of Selectmen
COMMITTEE APPOINTMENT POLICY**

Adopted September 29, 1993

Updated March 15, 1999, April 30, 2007 and May 18, 2011

The Falmouth Board of Selectmen has the responsibility of appointing over 300 persons to over 44 committees. As this is among the most important responsibilities of the Board, these policies and procedures are intended to provide guidelines for the appointment of all persons serving thereon. The Board of Selectmen will make every effort to encourage participation in and to effectively communicate with these volunteer committees, which are a major component of effective town government.

Definitions

Committee – Any multi-member body; for example, a board, committee or commission.

Advisory committee - Boards, committees and/or commissions which act only in an advisory capacity to the Board of Selectmen; for example, Bikeways Committee, Waterways Committee, Transportation Management Committee.

Regulatory committee – Boards, committees and/or commissions with financial and/or regulatory authority granted by state law and/or the town charter. These include, Conservation Commission, Zoning Board of Appeals, Historical Commission, Historic Districts Commission, Community Preservation Committee and Board of Health.

Applicability

All policies and procedures set forth under the General Law of the Commonwealth of Massachusetts and all provisions of ARTICLE VII, “Appointed Town Boards”, of the Falmouth Home Rule Charter shall be applicable. This policy applies to all committees appointed by the Board of Selectmen and its subordinates.

General Policy and Responsibility

1. As stipulated in Article VII of the Charter, all vacancies for committee appointment shall be publicized in advance of consideration of candidates.
2. Applications for committee appointment are available in the Selectmen’s office or on the Town website, which can be submitted at any time to express interest in serving the Town. Applications shall be retained for 6 months so that a pool of applicants will be available in the event of a vacancy. Applications more than 6 months old shall be discarded.
3. The appointment of completed terms of office shall be considered at a regularly scheduled public meeting of the Board in June. Pending appointments, due to both completion of terms and vacancies, shall be considered together.

4. Unless circumstances require greater expediency (for example, there is no quorum of members), all vacancies not filled in June will be advertised and filled at a regularly scheduled public meeting of the Board on a quarterly basis.
5. Incumbents are asked to indicate in writing their interest in continuing to serve on their respective committees.
6. To qualify for membership on a committee, a person must be a resident or taxpayer of the Town of Falmouth.
7. Length of terms shall be for three years, unless otherwise specified. No member of a committee shall serve more than three consecutive three-year terms (for the Zoning Board of Appeals, two five-year terms). After leaving a committee due to term limits, candidates may not return to the same committee until a minimum of one year has lapsed.
8. All applicants shall be interviewed by the Board at a regularly scheduled public meeting.
9. ~~If the only applicant to an advisory committee is an incumbent in good standing seeking reappointment, the Board may waive the requirement for a public interview by a majority vote.~~
10. The requirement of a public interview for applicants to regulatory committees may not be waived because of the authority granted to these committees by State Law and/or the Town Charter.
11. ~~The Board shall take no public comment during the public interviews, but will solicit public feedback about the fitness of the applicants for appointment.~~
12. Appointments are made by a vote of no less than three selectmen, and confirmed in writing. If only three members of the Board are present, the vote must therefore be unanimous.
13. Committees appointed for a specific purpose shall be given a charge and provided with guidelines and dates of completion.
14. Attendance, among other factors, shall be considered by the Board when reappointing incumbents; therefore, each board shall forward annually to the Selectmen the attendance records of all members.

§ C7-1 Appointing Authority: General.

- A. The Select Board shall have authority as defined by the General Laws to appoint members to those governmental bodies specifically listed in Article VII. The Board shall also have full appointing authority for other governmental bodies as defined in § C3-6C. Prior to making appointments to governmental bodies, the board shall publicize all vacancies to be filled together with information on the filing of applications by prospective members, and the deadline for receiving applications. The board shall also require all chairs of governmental bodies to file with the Town Clerk a description of the duties and responsibilities of the governmental body and the members thereof. The board shall further consult with the governmental body to which appointments are to be made to obtain the names of prospective candidates for appointment. The board shall interview all applicants and make appointments in a timely manner, but no appointments shall be made until the last day for filing applications has passed.
[Amended ATE 5-17-2022, Question 6]
- B. In cases where the Moderator is the appointing authority to a governmental body, the Moderator shall follow a procedure similar to the procedure set forth in paragraph A above: provided, however, the Moderator may delegate the function to a duly appointed nominating committee, which shall follow a similar procedure.

§ C7-2 General provisions.

- A. Governmental bodies established in this article shall possess and exercise all powers given to them under the Constitution and laws of the Commonwealth and shall possess and exercise such additional powers and duties as may be authorized by this charter, bylaw or vote of Town Meeting. This Charter names those governmental bodies which 1) are mandated or authorized by the laws of the Commonwealth and 2) exercise regulatory or other authority.
[Amended ATE 5-19-2020, Question 10]
- B. All governmental bodies of the Town shall organize annually; elect necessary officers; adopt rules of procedure and voting, including the development of agendas; maintain minutes of meetings and records of attendance, copies of which shall be public record and shall be regularly filed with the Town Clerk. It is the responsibility of each chairperson to file a current description of the duties and responsibilities of the governmental body and its members with the Town Clerk. Governmental bodies may nominate prospective employee(s) of their choice, who shall then be considered for appointment by the Town Manager. All such employees shall be under the day-to-day supervision of the Town Manager.
- C. All governmental bodies shall submit a written report to or meet with the Select Board at least once in each year.
- D. All such governmental bodies shall conduct their meetings in accordance with the Open Meeting Law.
- E. During the term for which a member is appointed to a governmental body and for one (1) year following expiration of such term, no member of any appointed governmental body shall be eligible to accept any paid position under any such governmental body.
- F. Any person duly appointed to any such governmental body shall take up the duties of office immediately.
- G. The unexcused absence, without good cause, of a member from one-half (1/2) of the total number of meetings during any twelve-month period or from four (4) or more consecutive meetings of any such governmental body shall serve to vacate the office. The vacancy shall be determined by the chairperson and confirmed by a majority vote of the governmental body. When such vacancy has been so determined, it shall be filled in accordance with the General Laws, when applicable, or the process to fill the vacancy shall begin within thirty (30) days.
[Amended ATE 5-18-2021, Question 5]
- H. No member of a governmental body shall serve more than three (3) consecutive three year terms, except that members of governmental bodies who serve five (5) year terms shall serve for no more than two (2) consecutive five year terms: provided, however, that the appointment of a member to fill an unexpired term of another member shall not be counted in determining this term limitation.

§ C7-3 (Reserved) ^[1]

[1] Editor's Note: Former § C7-3, Change in composition of appointed governmental bodies, was repealed ATE 5-17-2022, Question 7.

§ C7-4 Appointive authority; term.

Except as otherwise provided, the governmental bodies established in this article shall be appointed by the Select Board for overlapping three-year terms.

§ C7-5 Board of Assessors.

[Amended ATE 5-19-2020, Question 11]

A Board of Assessors of three (3) members shall be appointed and shall be exempt from the provisions of § C7-2H relative to term limits.

§ C7-6 Conservation Commission.

A Conservation Commission of seven (7) members shall be appointed.

§ C7-7 Board of Health.

A Board of Health of five (5) members shall be appointed.

§ C7-8 Council on Aging.

A Council on Aging of nine (9) or more members shall be appointed.

§ C7-9 (Reserved)

§ C7-10 (Reserved) ^[1]

[1] Editor's Note: Former § C7-10, Recreation Committee, was repealed ATE 5-18-2021, Question 6.

§ C7-11 (Reserved) ^[1]

[1] Editor's Note: Former § C7-11, Waterways Committee, was repealed ATE 5-18-2021, Question 6.

§ C7-12 (Reserved) ^[1]

[1] Editor's Note: Former § C7-12, Beach Committee, was repealed 5-18-2021, Question 6.

§ C7-13 (Reserved) ^[1]

[1] Editor's Note: Former § C7-13, Human Services Committee, was repealed 5-18-2021, Question 6.

§ C7-14 Zoning Board of Appeals.

A Zoning Board of Appeals of five (5) members and two (2) associate members shall be appointed.

§ C7-15 Falmouth Historical Commission.

A Historical Commission shall be appointed as provided by the provisions of Massachusetts General Laws, Chapter 40C, and applicable Town bylaw.

§ C7-16 Community Preservation Committee.

[Added ATE 5-19-2020, Question 10; amended ATE5-18-2021, Question 6]

A Community Preservation Committee shall be appointed as provided by the provisions of Massachusetts General Laws Chapter 44B and applicable Town bylaw consisting of nine (9) voting members, four (4) members to be appointed by the Select Board, and one (1) each appointed by the following five (5) governmental bodies: Conservation Commission, Historical Commission, Housing Authority, Planning Board and Recreation Committee.

§ C7-17 Economic Development and Industrial Corporation.

[Added ATE 5-19-2020, Question 10]

An Economic Development and Industrial Corporation shall be appointed as provided by the provisions of Massachusetts General Laws, Chapter 121C and applicable vote of Town Meeting.

OPEN SESSION

BUSINESS

5. Approve non-union wage adjustments **(5 minutes)**



ITEM NUMBER: Business 5.

ITEM TITLE: Non-Union Wage Adjustments

MEETING DATE: 1/29/2024

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

SUBMITTED BY: Peter Johnson-Staub, Assistant Town Manager

ATTACHMENTS: Seasonal Wage Schedule, Non-Aligned Wage Schedule

PURPOSE:

The Select Board is asked to approve wage rate increases for two groups of non-union employees: Seasonal and "Non-Aligned"

BACKGROUND/SUMMARY:

- Seasonal wage rates are adopted for a calendar year to align with hiring for a season that typically runs from the spring through summer.
 - An increase of 15% was adopted for calendar year 2023 which greatly improved hiring results.
 - An increase of 3% is requested for this calendar year. This increase is consistent with the Beach Committee recommendation and can be accommodated within the FY2024 approved and FY2025 proposed budgets.
- The positions classified as non-aligned have not received a market adjustment in many years.
 - We are proposing a 10% increase for this fiscal year FY2024 and a 4.5% increase for FY2025.

- This increase will improve recruitment and retention and can be accommodated within the FY2024 approved and FY2025 proposed budgets.
- The proposed wage rates for both Seasonal and Non-Aligned are attached.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends approval of the pay plans as proposed for:

- Seasonal wage rates for calendar 2024 – 3% increase
- Non-Aligned wage rates for FY2024 – 10%
- Non-Aligned wage rates for FY2025 – 4.5%

OPTIONS:

- Motion to approve the wage plans as presented.
- Motion to approve the proposed wage plans with amendments.
- Motion to defer action at this time.

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 non-union wage adjustments as presented.

Michael Renshaw

Town Manager

1/24/2024

Date

Proposed FY24 Non-Aligned Salary Table - 10% Increase
Effective the First Full Pay Period of July 2023

GRADE	POSITION TITLE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
NA-01		\$ 15.62	\$ 16.24	\$ 16.93	\$ 17.61	\$ 18.30	\$ 19.03	\$ 19.80
NA-02		\$ 16.72	\$ 17.36	\$ 18.10	\$ 18.83	\$ 19.58	\$ 20.37	\$ 21.19
NA-03	PT Bridge Tender	\$ 17.89	\$ 18.60	\$ 19.36	\$ 20.14	\$ 20.92	\$ 21.77	\$ 22.64
	PT Library Aide							
NA-04		\$ 19.13	\$ 19.93	\$ 20.69	\$ 21.54	\$ 22.40	\$ 23.33	\$ 24.24
NA-05	Senior Services PT Laborer	\$ 20.50	\$ 21.33	\$ 22.19	\$ 23.07	\$ 24.00	\$ 24.93	\$ 25.93
	Senior Services PT Receptionist							
NA-06	Recreation PT Front Desk Receptionist	\$ 21.92	\$ 22.81	\$ 23.71	\$ 24.66	\$ 25.65	\$ 26.69	\$ 27.75
	PT Library Assistant							
	Substitute Library Assistant							
	PT Recycling and Solid Waste Coordinator							
NA-07	Senior Services PT Volunteer Coordinator	\$ 23.46	\$ 24.39	\$ 25.39	\$ 26.39	\$ 27.43	\$ 28.56	\$ 29.71
NA-08	Temporary PT Computer Support Specialist and Zoom Moderator	\$ 25.10	\$ 26.11	\$ 27.15	\$ 28.25	\$ 29.36	\$ 30.53	\$ 31.75
NA-09		\$ 26.87	\$ 27.94	\$ 29.05	\$ 30.24	\$ 31.45	\$ 32.69	\$ 34.00
NA-10		\$ 28.74	\$ 29.88	\$ 31.09	\$ 32.34	\$ 33.62	\$ 34.98	\$ 36.42
NA-11	PT CPC Coordinator	\$ 30.77	\$ 32.01	\$ 33.29	\$ 34.56	\$ 35.96	\$ 37.42	\$ 38.89
	Senior Services PT Kitchen Supervisor							

Proposed CY24 Seasonal Salary Table - 3% Increase

Grade	TITLE	Step 1	Step 2	Step 3	Step 4	Step 5
2	Parking Attendant - Day Shift	\$16.88	\$17.72	\$18.61	\$19.54	\$20.52
	Parking Attendant - Sunset Shift					
3	Clerk I	\$17.56	\$18.44	\$19.36	\$20.33	\$21.35
	Parking Lot Security - Beach Collateral Duty					
	Head Parking Attendant					
	Camp Counselor					
4	Clerk II	\$18.79	\$19.73	\$20.72	\$21.76	\$22.85
	Lifeguard					
	Harbor Assistant					
	Sailing Instructor					
5	Swim Instructor	\$20.11	\$21.12	\$22.18	\$23.29	\$24.45
	Assistant Head Lifeguard					
	Pump Out Boat Operator - Harbormaster					
	Certified Sailing Instructor					
6	Head Lifeguard	\$21.52	\$22.60	\$23.73	\$24.92	\$26.17
	Assistant Animal Control Officer					
	Community Service Representative					
	Beach Maintenance Laborer					
	Seasonal Parks Laborer					
7	Clerk Supervisor	\$23.02	\$24.17	\$25.38	\$26.65	\$27.98
	Lifeguard Supervisor					
	Parking Attendant Supervisor					
	Assistant Harbormaster - Constable					
	Shellfish Technician					
	Seasonal Police Officer					
	Beach Maintenance Equipment Operator					
8	Swim Program Director	\$24.63	\$25.86	\$27.15	\$28.51	\$29.94
	Beach Coordinator					
	Assistant Harbormaster - Dockmaster					
	Beach Maintenance Foreman					
9	Assistant Beach Superintendent	\$26.35	\$27.67	\$29.05	\$30.50	\$32.03
11	Beach Superintendent	\$30.03	\$31.53	\$33.11	\$34.77	\$36.51
	Inspector	\$15.45				
	Election Clerk	\$16.23				
	Deputy Warden/Deputy Clerk	\$16.23				
	Election Warden	\$17.33				

Proposed FY25 Non-Aligned Salary Table - 4.5% Increase
Effective the First Full Pay Period of July 2024

GRADE	POSITION TITLE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
NA-01		\$ 16.33	\$ 16.97	\$ 17.70	\$ 18.41	\$ 19.14	\$ 19.90	\$ 20.70
NA-02		\$ 17.48	\$ 18.15	\$ 18.92	\$ 19.69	\$ 20.47	\$ 21.30	\$ 22.15
NA-03	PT Bridge Tender	\$ 18.70	\$ 19.45	\$ 20.24	\$ 21.06	\$ 21.87	\$ 22.76	\$ 23.67
	PT Library Aide							
NA-04		\$ 20.00	\$ 20.84	\$ 21.63	\$ 22.52	\$ 23.41	\$ 24.39	\$ 25.35
NA-05	Senior Services PT Laborer	\$ 21.44	\$ 22.30	\$ 23.20	\$ 24.12	\$ 25.09	\$ 26.06	\$ 27.11
	Senior Services PT Receptionist							
NA-06	Recreation PT Front Desk Receptionist	\$ 22.92	\$ 23.85	\$ 24.78	\$ 25.78	\$ 26.82	\$ 27.90	\$ 29.01
	PT Library Assistant							
	Substitute Library Assistant							
	PT Recycling and Solid Waste Coordinator							
NA-07	Senior Services PT Volunteer Coordinator	\$ 24.53	\$ 25.50	\$ 26.54	\$ 27.59	\$ 28.68	\$ 29.85	\$ 31.06
NA-08	Temporary PT Computer Support Specialist and Zoom Moderator	\$ 26.24	\$ 27.30	\$ 28.38	\$ 29.53	\$ 30.69	\$ 31.91	\$ 33.19
NA-09		\$ 28.09	\$ 29.21	\$ 30.37	\$ 31.61	\$ 32.88	\$ 34.18	\$ 35.55
NA-10		\$ 30.05	\$ 31.23	\$ 32.50	\$ 33.81	\$ 35.14	\$ 36.57	\$ 38.08
NA-11	PT CPC Coordinator	\$ 32.17	\$ 33.47	\$ 34.80	\$ 36.13	\$ 37.59	\$ 39.12	\$ 40.65
	Senior Services PT Kitchen Supervisor							

OPEN SESSION

BUSINESS

6. Vote articles and execute warrant for April 2024 Annual Town Meeting **(30 minutes)**



TOWN OF FALMOUTH

APRIL 2024 ANNUAL TOWN MEETING

Select Board Announce Annual Town Meeting Schedule Monday, December 4, 2023

Close Warrant Friday, January 12, 2024

Select Board Vote Articles & Execute Warrant.....Monday, January 29, 2024

Publish Articles Only Friday, February 2, 2024

Petition Article PresentationsMonday, February 12, 2024

Select Board Vote Article Recommendations.....Monday, February 26, 2024

Send Warrant with Recommendations to Printer and Newspaper.....Monday, March 4, 2024

Publish Warrant with Recommendations and Mail Warrant Booklets Friday, March 15, 2024

Town MeetingMonday, April 8, 2024



ITEM NUMBER: Business 6.

ITEM TITLE: Vote articles and execute warrant for the April 2024 Annual Town Meeting

MEETING DATE: 1/29/2024

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

SUBMITTED BY: Peter Johnson-Staub, Assistant Town Manager

ATTACHMENTS: Town Meeting Index - DRAFT, Town Meeting Warrant - DRAFT

PURPOSE:

The Select Board will vote the articles and execute the warrant for April 2024 Annual Town Meeting.

BACKGROUND/SUMMARY:

- The Town Meeting warrant is scheduled to be voted by the Select Board on January 29, 2024 and published in the newspaper February 2nd. The Board will vote recommendations on articles at the meeting on February 26th.
- The proposed April 2024 Annual Town Meeting warrant includes 37 articles in total of which 25 are financial, including 1 petition article and 5 Community Preservation articles. Three articles are non-financial petition articles, 3 are zoning articles, and the remainder address miscellaneous topics.
- We have included an article to amend the Position Classification Plan. The specific changes to the Classification Plan will be identified in the recommendation. The article will include a large number of classification changes for existing positions

following a classification review for the Technical Administrative Management positions and Library positions. This article will also include a new full-time Recycling Coordinator position and possibly a Deputy Finance Director position which we will describe in detail before the Board votes its' recommendation for this article.

- One article of note seeks Town Meeting authorization to petition the Massachusetts legislature for approval of a real estate transfer tax to fund affordable housing. Governor Healy has proposed legislation which would authorize towns to adopt this tax on the sale of real estate and she is encouraging towns to adopt this special legislation as a means of demonstrating political support to the leaders of the Massachusetts Senate and House of Representatives. The Falmouth Affordable Housing Committee recommends this article. A slide presentation is included in your packet.
- There is an article that seeks authorization to enter leases and power purchase agreements for a term of up to 30 years for solar projects at three locations. The research done by Sustainability Coordinator Stephanie Madsen shows that this power purchase agreement/lease approach best fits the Town's needs. This approach puts the onus of maintenance on a third party and guarantees a positive financial benefit to the Town.
- A similar article seeks Town Meeting authorization to enter a lease agreement of up to 30 years for the Falmouth County Club golf course. The current lease expires at the end of this calendar year. We will confer with the Golf Advisory Committee on the length of the next lease and other lease provisions before bringing forward a request for proposals for Select Board approval. In the interim, we seek Town Meeting authorization to give the Board the ability to enter a lease of no more than 30 years.
- The Board will hear petition article presentations at the February 12th meeting.
- The last day for the Select Board to vote article recommendations is February 26th.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board vote the articles and execute the warrant for the April 2024 Annual Town Meeting.

OPTIONS:

- Motion to vote the articles and execute the warrant for the April 2024 Annual Town Meeting as presented.

- Motion to vote the articles and execute the warrant for the April 2024 Annual Town Meeting with specified amendments.

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 the articles and execute the warrant for the April 2024 Annual Town Meeting.

Michael Renshaw

Town Manager

1/25/2024

Date

Real Estate Transfer Fee Overview

- *Dave Garrison – Chairman AHC*
- *Wayne Lingafelter – Falmouth EDIC*

What is a real estate transfer fee?

- It is a fee charged on the transfer of residential real estate.

What are the proposed exceptions?

- The fee would be charged ONLY on sales of residential property exceeding \$1 million and ONLY on the amount in excess of this threshold.
- Several other exceptions would be required such as the fee would not apply to property transfers in divorce settlements and transfers to government or non-profits organizations.

How much would the fee be?

- The fee could be anywhere from 0.5% to 2% of the amount above the threshold. The amount would be set by the locality.
- The Falmouth Affordable Housing Committee recommends that the fee be set at 2%.

What would the revenue from the fee be used for?

- The revenue from the fee would go directly into the Falmouth Affordable Housing Fund.

2022 & 2023 Residential Home Sales Data for Falmouth

(Source: Cape & Islands MLS including Single Family and Condominiums sales)

Sales Value of Home	2022 Units	2022 Volume	2023 Units	2023 Volume
Above \$2M	22	\$ 75,536,000	33	\$118,613,000
Above \$1M	121	\$212,678,000	126	\$243,506,000

Hypothetical 2023 Gross Annual Transfer Fee Proceeds for Falmouth*

Rate of Transfer Fee (%)	Threshold Value (\$)	
		\$1,000,000
2%	\$2,350,127	\$1,052,260
1%	\$1,175,060	\$526,130
.5%	\$587,530	\$263,065

**These estimates make no adjustments for exclusions to the transfer fee as contemplated by proposed bill or the benefit of private sales not captured in Realtors database.*

How much revenue would a 2% fee produce in a year?

- In 2023, there were 126 residential real estate sales in Falmouth that exceeded \$1 million. If a 2% transfer fee had been in effect in that year, it would have raised \$2.35 million for the Falmouth Affordable Housing Fund.
- For example, a house that sold last year for \$1.5 million would have paid a fee of \$10,000.
- $(\$1,500,000 - \$1,000,000) = \$500,000 \times 2\% = \$10,000$

Who would pay the fee?

- In theory, a fee of this sort could be paid by either the buyer or seller or a combination of the two. Governor Healey's proposal is that the seller pay the fee. The Falmouth Affordable Housing Committee recommends that Falmouth follow the Governor's lead and have the seller pay the fee.

How has the proposal for a transfer fee come before the Select Board?

- Authority for localities to have the option to enact a real estate transfer fee has been requested of the state legislature by Governor Healey.
- The Falmouth Affordable Housing Committee recommends that our Town approve a Home Rule petition to set up a residential transfer fee and send it to the legislature. The AHC hopes that having the Town approve a petition this spring prior to the legislature acting on the Governor's proposal will make it possible for Falmouth to opt into the program more quickly once it is authorized.

What are the next steps in the consideration of this proposal?

- The Select Board has agreed to put a place holder for a transfer fee proposal on the list of warrant articles for the April Town Meeting. The Board will consider the comments received from the public at this meeting along with its review of the elements of such a program. The Board will likely make its decision in February or early March.

Have other localities in Massachusetts sent in Home Rule Petitions asking for this authority?

- Seventeen Massachusetts localities have submitted petitions, including on the Cape Chatham, Provincetown, Truro, Wellfleet, Nantucket and the several villages that comprise Martha's Vineyard.

Does Falmouth really need such a fee?

- For our Town to meet the serious challenge posed by the lack of affordable housing, it must have sufficient resources on hand to provide subsidies for qualifying projects.
- To incentivize the development community, we need to have regular, recurring flows of revenue into the Affordable Housing Fund.
- **A transfer fee program would be an important tool in the revenue toolbox for affordable housing projects.**



Warrant for the Annual Town Meeting
Monday, April 8, 2024
TOWN OF FALMOUTH
Select Board

BARNSTABLE, SS. To the Constables of the Town of Falmouth

GREETINGS:

In the name of the Commonwealth, you are hereby directed to notify and summons the inhabitants of the Town of Falmouth who are qualified to vote in Town Affairs to meet at Memorial Auditorium, Lawrence School, 113 Lakeview Avenue, Falmouth on Monday, April 8, 2024 at 7:00 p.m. for the purpose of acting on the Town Meeting articles of attached warrant:

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 29th day of January, 2024.

Nancy R. Taylor, Chair

Edwin P. Zylinski II, Vice Chair

Douglas C. Brown

Onjalé Scott Price

Robert P. Mascali

FALMOUTH SELECT BOARD

Barnstable, SS.

Falmouth, MA

By the virtue of this warrant, I have this day notified and summoned the inhabitants of the Town Of Falmouth qualified to vote, as said Warrant directs by posting an attested copy thereof in Town Hall and Every Precinct in the town.

Constable, Town of Falmouth

Date

ANNUAL TOWN MEETING (4/8/2024)

Article Number	Description
1	Choose Town Officers
2	Hear Reports from Committees and Town Officers
3	Fix Salaries of Elected Officials
4	Amend: Position Classification Plan
5	Fund: Fiscal Year 2025 Operating Budget
6	Fund: School Fiscal Year 2025 Special Education Expenses with Special Education Stabilization Fund (2/3rd)
7	Fund: Capital Stabilization Fund (Raise & Appropriate + Free Cash)
8	Fund: Debt Stabilization Fund (Raise & Appropriate)
9	Fund: Wage Settlements
10	Terminate: Health Insurance Stabilization Fund (2/3rds)
11	Fund: Other Post Employment Benefits Trust Fund
12	Terminate: Renewable Energy Stabilization Fund (2/3rds)
13	Authorize: Fiscal Year 2024 Budget Transfers from Other Appropriations
14	Authorize: School Capital Article Increases from Unspent Bond Proceeds (2/3rds)
15	Authorize: School Capital Article Increases from Unspent Articles
16	Authorize: Fiscal Year 2024 School Special Education Expenses with Special Education Stabilization (2/3rds)
17	Authorize: Rescind Borrowing Authorizations
18	Authorize: Revolving Fund
19	Fund: Various One Time Items from Free Cash
20	Fund: Design, Engineering and Construction of Northeast Maravista and Teaticket Path Peninsula Sewer Service Area (2/3 rd)
21	Fund: Design, Engineering and Construction of North Falmouth Elementary Roof and Damage Resulting from Leaks (2/3 ^{rds})
22	Petition: Fund Urine Diversion Pilot Project
23	Petition: Water Tower Easement – Falmouth Technology Park
24	Petition: Have the Town Petition the State for Speed Limit Changes
25	Authorize: Thirty (30) Year Leases for Solar Projects (2/3 ^{rds})
26	Authorize: NStar dba Eversource Electric Company Easements
27	Authorize: Thirty (30) Year Lease Agreement for Falmouth Country Club Golf Course(2/3 ^{rds})

Article Number	Description
28	Community Preservation Committee (CPC): Trotting Park Old Skate Park Rehabilitation
29	CPC: North Falmouth Woodlands
30	CPC: First Congregational Church of Falmouth Steeple Rehabilitation
31	CPC: Falmouth Affordable Housing Fund
32	CPC: Administrative Expenses
33	Authorize: Home Rule Petition for a Real Estate Transfer Tax
34	Amend Chapter 240 – Zoning to Reformat Article 3 Definitions
35	Amend Chapter 240 - Zoning to Expand and Modify the Senior Care Retirement District Zoning District
36	Amend Chapter 240 - Zoning to Modify the Conversion of a Dwelling Use Standards
37	Amend Chapter 240 - Zoning to Modify the Mixed Residential and Commercial Overlay District (MRCOD)
40	Approve: Acceptance of Library Grant funds for East Falmouth Library
41	Fund: East Falmouth Library Design

ANNUAL TOWN MEETING
April 8, 2024

ARTICLE 1: To choose all other necessary Town Officers for the year in accordance with nominations to be offered at Town Meeting.

ARTICLE 2: To hear reports of Committees and Town Officers and act thereon.

ARTICLE 3: To see if the Town will vote to fix the salaries of the Elected Officials as follows:

Title	Amount
Moderator	\$1,500
Town Clerk	\$111,583
Select Board Members	\$5,000
Chair of Select Board	\$6,000

And further, the Town Clerk is authorized to receive a Cost-of-Living Adjustment on the same terms and conditions of Technical Administrative and Management (TAM) employees. Or do or take any other action in the matter. On request of the Select Board.

ARTICLE 4: To see if the Town will vote to amend the Town's Position Classification Plan. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 5: To see if the Town will vote to appropriate such sums of money as may be deemed necessary to defray the Town's expenses for Fiscal Year 2025 and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 6: To see if the Town will vote to appropriate a sum of money from the Special Education Stabilization Fund for the purpose of funding costs associated with the provision of Special Education, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

Approval of this Article requires a 2/3 Town Meeting vote.

ARTICLE 7: To see if the Town will vote to appropriate a sum of money to the Capital Improvement Stabilization Fund for the purpose of funding future capital improvements, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 8: To see if the Town will vote to appropriate a sum of money to the Debt Stabilization Fund for the purpose of managing the cost of Capital improvements, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 9: To see if the Town will vote to appropriate a sum of money for the purpose of wage settlements to employees of the Town, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 10: To see if the Town will vote to transfer the balance in the Health Insurance Stabilization Fund to the Other Post Employment Trust Fund (OPEB) and vote to terminate the Health Insurance Stabilization Fund. Or do or take any other action on the matter. On request of the Select Board.

Approval of this Article requires a 2/3 Town Meeting vote.

ARTICLE 11: To see if the Town will vote to raise and appropriate a sum of money to the Other Post-Employment Benefits Trust Fund for further appropriation, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 12: To see if the Town will vote to terminate the Energy Stabilization Fund. Or do or take any other action on the matter. On request of the Select Board. Approval of this Article requires a 2/3 Town Meeting vote.

ARTICLE 13: To see if the Town will vote to transfer a sum of money within the budget to make necessary adjustments thereto. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 14: To see if the Town will vote to appropriate an additional sum of money for the purpose of school capital articles and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 15: To see if the Town will vote to appropriate a sum of money to supplement the funding for school capital projects, and any other costs incidental or related thereto, and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 16: To see if the Town will vote to appropriate a sum of money from the Special Education Stabilization Fund for the purpose of funding costs associated with the provision of Special Education services for Fiscal Year 2024, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

Approval of this Article requires a 2/3 Town Meeting vote.

ARTICLE 17: To see if the Town will vote to rescind an amount of unissued borrowing. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 18: To see if the Town will vote to authorize continued use of the following Revolving Funds for certain Town departments under M.G.L. c. 44 § 53E½ for the fiscal year beginning July 1, 2024, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year as follows:

Line	Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	Fiscal Year 2025 Spending Limit	Disposition of Fiscal Year 2025 Fund Balance
1	Recreation Department	Recreation Director	Participation Fees	Departmental Special Activities	\$40,000	Available for expenditure
2	Historical Commission	Historical Commission	Sale of Books	Administer Book Program	\$20,000	Available for expenditure
3	Shellfish Propagation	Conservation Commission	Mitigations and Donations	Purchase of Shellfish Seed	\$15,000	Available for expenditure
4	Shellfish and Aquiculture	Marine & Environmental Svcs	Rental Equipment	Propagation & Aquaculture	\$150,000	Available for expenditure
5	Senior Services	Senior Services Director	Fees	Activities	\$500,000	Available for expenditure
Total Spending					\$725,000.00	

Or do or take any action on the matter. On request of the Select Board.

ARTICLE 19: To see if the Town will vote to appropriate a sum of money for capital and other spending and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 20: To see if the Town will vote to appropriate a sum of money to fund the engineering, design and construction of the wastewater collection system for the northeastern part of the Maravista peninsula and the Teaticket Path peninsula, the booster pump stations and force main to convey the wastewater to the Town's Main Wastewater Treatment Facility, and the improvement and, if necessary, the expansion of the Town's existing northernmost open sand beds for discharge of treated wastewater (Great Pond Phase 1 Sewer Project), including, without limitation, all costs incidental and related thereto, to determine whether this amount shall be raised by borrowing or otherwise, and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

Approval of this Article requires a 2/3 Town Meeting vote.

ARTICLE 21: To see if the Town will vote to appropriate a sum of money to fund the engineering, design and replacement of the North Falmouth Elementary School Roof, including gutters, drainage areas and catch basins, fascia, repairs to front entranceway and canopy, masonry work, exterior painting, and loading dock driveway reconfiguration to allow for better drainage, interior damage from leaks including but not limited to floors, ceiling tiles, wall repairs, painting, and insulation replacement. The project scope also includes architectural, engineering and HVAC evaluation of cost for future addition of air conditioning and possible addition of solar energy panels and including costs incidental and related

thereto, to determine whether this amount shall be raised by borrowing or otherwise, and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

Approval of this Article requires a 2/3 Town Meeting vote.

ARTICLE 22: To see if the Town will vote to appropriate \$1,900,000 for the purpose of financing a provisional pilot project, consistent with any recommendations by the Massachusetts Department of Environmental Protection, to evaluate urine diversion as a method for effectively reducing the amount of nitrogen and phosphorus entering Town waters in support of the Town's comprehensive wastewater management plan, and to determine how the same will be raised and by whom expended. Or do or take any action on the matter. On petition of Earle Barnhart, Hilda Maingay, Kim Comart, Ron Zweig, Green Center Inc. and Others. Approval of this Article requires a 2/3 Town Meeting vote.

ARTICLE 23: To see if the Town will vote to Authorize the Selectmen to modify the shape and area of the existing Town water tower easement more particularly described in that certain Easement filed with the Barnstable County Registry District of the Land Court as Document 371,731, as affected by that certain Modification of Easement filed with the Barnstable County Registry District of the Land Court as Document 1,007,776 over a portion of the land owned by the Falmouth Economic Development and Industrial Corporation at 64 Technology Park Drive, Falmouth Assessors Parcel 15-04-027A-021. On petition of Wayne Lingafelter.

ARTICLE 24: SMART (Southeast Massachusetts Regional Transportation Task Force) requests that the Select Board petition the State Traffic Engineer for speed limit changes along the so-called ferry corridor in Falmouth pursuant to General Law chapter 90 section 18 as recently amended by Chapter 358 of the Acts of 2022. Maps outlining the existing conditions and proposed changes are attached.* On petition of Nathaniel Trumbull.

ARTICLE 25: To see if the Town will vote to authorize the Select Board to lease certain portions of land or buildings owned by the Town as further described below for the installation of solar photovoltaic energy facilities and supplying solar energy, for a term up to thirty (30) years, on terms acceptable to the Select Board, and on such other terms and conditions and for such consideration as the Select Board deems appropriate; and to authorize the Select Board to enter into such leases and to grant such access, utility, and other easements in, on and under said land as may be necessary or convenient to construct, operate and maintain such solar photovoltaic energy facilities and supply solar energy, and to authorize the Select Board to take any actions and execute any documents necessary to accomplish the foregoing; and further to authorize the Town Manager to enter into any power purchase agreements with any lessee of such property to purchase all or a portion of the electricity produced. Approval of this Article requires a 2/3 Town Meeting vote.

ARTICLE 26: To see if the Town will vote to authorize the Select Board to grant certain easements to NStar Electric Company dba Eversource Energy in connection with the construction of an electric vehicle charging station on, in, over, under and across certain Town property, including but not limited to:

1. The municipal parking lot located at 20 Academy Lane, Peg Noonan Parking Lot;

Said easements to be for the purpose of the installation and maintenance of underground power supply to the electric vehicle charging station upon such terms and conditions as the Select Board deems reasonable and proper. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 27: To see if the Town will vote to authorize the Select Board to lease for a term up to thirty (30) years, on terms acceptable to the Select Board, and for such consideration as the Select Board deems appropriate, portions of one or more of the town-owned parcels currently used for the Golf Course and facilities.

Approval of this Article requires a 2/3 Town Meeting vote.

ARTICLE 28: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money for the Trotting Park Old Skatepark Rehabilitation project located at 545 Gifford Street; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 29: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN two conservation restrictions, restricting in perpetuity in accordance with M.G.L. c. 44B, § 12 and M.G.L. c. 184, §§ 31-33, on all or a portion of land in Falmouth, Barnstable County, Massachusetts, now or formerly owned by LTC, LLC (c/o Ruth and Steven Augusta) on Benjamin Nyes Lane and Quaker Road in Falmouth, Barnstable County, Massachusetts identified as 48 Benjamin Nyes Lane (Parcel ID# 05 02 022 004) and 0 Quaker Road (Parcel ID# 05 01 085 002), being two parcels of vacant land, together containing 49.69-acres as further described in a deed from Cape Properties Nominee Trust I to LTC, LLC, dated June 8, 2023, said conservation restrictions to be administered by the Conservation Commission for open space and passive recreational purposes and such other uses as may be permitted under the conservation restrictions, the forms of which shall be subject to approval by the Conservation Commission and the Select Board and subject to all necessary statutory and regulatory approvals.

And, further, to appropriate the sum of Three Million (\$3,000,000.00) Dollars from the Community Preservation Fund for the purposes of this article to be expended under the jurisdiction of the Select Board.

And, further, that the Town Manager and/or Conservation Commission, be authorized to file, on behalf of the Town, any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, including under the Massachusetts Local Acquisitions for Natural Diversity (LAND) Program, the Massachusetts Land and Water Conservation Fund (LWCF) and/or any other sources deemed necessary under the Self-Help Act, M.G.L. c. 132A, § 11, and/or any others in any way connected with the scope of this Article, and the Town and Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchases, and to receive and accept such grants or reimbursements for this purpose from these sources for the acquisitions within the scope of this Article, said grants or reimbursements to be deposited in the Town's Community Preservation Fund, or take any other actions relative thereto. Or do or take any action on the matter. On request of the Select Board and the Community Preservation Committee.

ARTICLE 30: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money as a grant to the First Congregational Church of Falmouth for the steeple rehabilitation project located at 68 Main Street; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 31: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money as a grant to the Falmouth Affordable Housing Fund; to determine how the same

shall be raised and by whom expended. Or do or take any action on the matter. On the request of the Community Preservation Committee.

ARTICLE 32: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to fund the administrative expenses of the Community Preservation Committee; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 33: To see if the Town will vote to authorize the Select Board to petition the General Court for a special act that would impose a real estate transfer fee to be used by the Town for the purposes acquiring, creating, preserving, rehabilitating, restoring and supporting affordable housing in the Town. Or do or take any action on the matter. On request of the Select Board.

ARTICLE 34: To see if the Town will vote to amend Chapter 240 – Zoning – of the Code of Falmouth, Article 3, Definitions, by 1) deleting certain definitions from Section 240-3.3, Definitions, and inserting the text of the deleted definitions into their subject specific sections for the purpose of creating convenience and ease of use, 2) deleting all category titles from Section 3.3, Definitions, and reformatting the definitions to be in alphabetical order, and 3) deleting Section 240-3.2, Index of Defined Terms, in its entirety. The proposed amended bylaw shall read as shown in the appendix, with the deletions and insertions made as follows:

Amend Section 240-7.5C by deleting the text in its entirety and inserting in its place the definitions for the Mixed Residential and Commercial Overlay District from Section 240-3.3.

Amend Section 240-7.7A(3) by deleting the text in its entirety and inserting in its place the definitions for the Water Resource Protection Overlay District from Section 240-3.3.

Amend Section 240-9.6B by deleting the text in its entirety and inserting in its place the definitions for Marijuana Treatment Centers from Section 240-3.3.

Amend Section 240-9.8C by deleting the text in its entirety and inserting in its place the definitions for Wind Energy Systems from Section 240-3.3.

Amend Section 240-14.3C by deleting the text in its entirety and inserting in its place the definitions for Landscaping from Section 240-3.3.

Amend Section 240-14.4D by deleting the text in its entirety and inserting in its place the definitions for "Farm" and "Farm Related Business" from Section 240-3.3.

Delete from Section 240-3.3, Definitions, the definitions for the following categories: Mixed Residential and Commercial Overlay District, Water Resource Protection Overlay District, Marijuana Treatment Centers, Wind Energy Systems, and Landscaping.

Delete from Section 240-3.3, Definitions, Agriculture & Farm Related Terms, the definitions for "Farm" and "Farm Related Business".

Delete category titles from Section 3.3, Definitions, by deleting the following phrases: "Accessory Related Terms", "Adult Related Terms", "Agriculture & Farm Related Terms", "Automobile, Motor Vehicle & Trailer Related Terms", "Building & Structure Related Terms", "Day-Care & Child Related Terms", "Drive-Thru

Related Terms", "Environmental Related Terms", "Home Occupation Related Terms", "Industrial Related Terms", "Kennel Related Terms", "Landscape Related Terms", "Lodging Related Terms", "Lot & Yard Related Terms", "Marijuana Treatment Centers Related Terms", "(MRCOD) Mixed Residential and Commercial Overlay District Terms", "Residential / Dwelling / Housing / Family Related Terms", "Restaurant Related Terms", "Streets, Roads & Driveways Related Terms", "Use Related Terms", "Waterfront Related Terms", "Water Resource Protection Related Terms", and "Wind Energy System Related Terms".

Delete Section 240-3.2, Index of Terms, in its entirety.

Alphabetize all definitions and otherwise reformat definitions and references thereto as may be appropriate.

Or do or take any other action on this matter. On request of the Planning Board.

Approval of this Article requires a 2/3 Town Meeting vote.

ARTICLE 35: To see if the Town will vote to amend Chapter 240 – Zoning – of the Code of Falmouth by 1) deleting Section 240-6.7 Senior Care Retirement District in its entirety and inserting the text below in its place; 2) amending the Official Zoning Map by deleting the phrase "Senior Care Retirement District" and inserting "Senior Care Retirement and Workforce Housing District" in its place and expanding said District to include both the Senior Care Retirement Subdistrict (SCRSD), as well as the Workforce Housing Subdistrict (WHSD); and 3) deleting the phrases "Senior Care Retirement" or "SCR" throughout the bylaw and inserting the phrases "Senior Care Retirement and Workforce Housing" or "SCRWH" in their place wherever they appear in other provisions of the Zoning Bylaw.

Deletions and insertions are made as follows:

1) The proposed amended bylaw will read as follows, and a redlined version of the deletions and insertions appears in the appendix along with the revised map.

240 – 6.7 Senior Care Retirement and Workforce Housing District
240 – 6.7A PURPOSE

The purpose of this district is to allow for alternative housing for senior citizens in a setting that provides them with personal and health-related services and programs and allows for their maximum independence in compliance with Fair Housing Laws. The additional purpose of this district is to encourage the creation of Workforce Housing as a separate and distinct housing community option within the district, which is not restricted as to age, to offer an intergenerational residential environment and to provide housing opportunities, including opportunities to those whose incomes are too high to qualify for affordable housing and are not sufficient for market rate housing.

For the purposes of Section 240-6.7 et. al., Fair Housing Laws shall include Federal Fair Housing Act, 42 USC Section 3607(b), as amended, the regulations promulgated thereunder at 24 CFR Section 100.300 et seq., Subpart E—Housing For Older Persons, as amended, and MGL c. 151B, Section 4.

240 – 6.7B DEFINITIONS

Workforce Housing - Housing that is affordable to a household of one or more persons whose maximum income does not exceed 140 percent of the area median income, adjusted for household size, as

published by the US Department of Housing and Urban Development. Workforce Housing is designed to incorporate a range of affordability, and may include units which may qualify for the Town's Subsidized Housing Inventory (SHI). Workforce Housing Units are not restricted as to age, and such units shall be separately operated from any housing facility or community that contains Senior Care Retirement Community (SCRC) units.

240 – 6.7C USE TABLE

N = Not allowed

Y = Allowed by-right

SP-Z = Zoning Board of Appeals Special Permit SP-P = Planning Board Special Permit

Uses	Standards	Senior Care Retirement Subdistrict (SCRSD)	Workforce Housing Subdistrict (WHSD)
Permitted Uses			
Bank		Y	N
One family detached dwelling		Y	N
Medical clinic, medical and allied health office		Y	N
Professional office		Y	N
Public or nonprofit housing for seniors, subject to the requirements of § 240 – 11.6D		Y	N
Restaurant, Class I or II		Y	N
Religious institution	including a residence for the institution	Y	Y
Child day care center		Y	Y
Special Permit Uses			
Senior Care Retirement Community (SCRC)	(See § 240 – 6.7D below)	SP-P	N
Workforce Housing Community (WHC)	(See § 240 – 6.7D below)	N	SP-P

240 - 6.7D SCRC and WHC SPECIAL PERMIT STANDARDS

1. SCRC DESCRIPTION – A SCRC contains one or more residential buildings with living units described below, that provides residences that must be occupied by at least one person 55 years of age or older (consistent with Fair Housing Laws), and which includes common areas and community dining facilities. The SCRC provides personal services such as social, psychological,

- educational, and health-related programs and services, designed to allow residents to safely "age in place" with maximum independence and with skilled caregivers available continuously on-site.
2. **SCRC UNITS** – A SCRC may include independent living units (ILUs) for persons who may not require regular assistance with daily living, as well as assisted living units (ALUs) for persons in need of daily assistance from skilled caregivers, and may include skilled nursing rooms (SNRs), as defined by the Massachusetts Department of Public Health. For the purposes of this Bylaw, ILUs, ALUs and SNRs shall be known as "SCRC" units.
 3. **STAFF HOUSING** – A SCRC may also include staff housing units (Staff Housing units), provided that the number of Staff Housing units shall not exceed 10% of the SCRC units. No unit in a SCRC may contain more than 2 bedrooms. Assisted living units shall be no less than 350 square feet but no greater than 800 square feet in size. Each skilled nursing room may contain no more than 2 beds.
 4. **WHC UNITS** – A WHC shall include Workforce Housing units as defined above. Workforce Housing units shall: (a) not be restricted as to age; (b) consist of multifamily dwellings; (c) be a separate community from non-Workforce Housing units; and, (d) not include Staff Housing units, or supportive services except for a resident service/leasing coordinator office available to meet any needs of residents. Any Workforce Housing units must be constructed in the Workforce Housing Subdistrict (WHSD) and be built in conjunction with the creation of a Senior Care Retirement Community (SCRC).
 5. **DENSITY** – For purposes of compliance with density requirements under this district, SCRC units, Staff Housing units, and/or WHC units shall be collectively included within the overall permitted density per acre for the entire district property regardless of the subdistrict, which shall not exceed six units per acre unless density bonus requirements are approved up to 8 units per acre as provided under Subsection (14) below. Although a SCRC and WHC are separate and distinct communities, they may be included on the same or separate lots, and access or utilities are permitted to serve all uses throughout the district.
 6. **DIMENSIONAL COMPLIANCE** – For purposes of compliance with dimensional requirements under this district, a SCRC and WHC may be located on one or more parcels, and if not located on the same lot, shall be required to separately comply with applicable dimensional requirements. A SCRC and WHC shall comply with dimensional requirements of the Zoning Bylaw unless otherwise waived by the Planning Board under unique circumstances and on a limited basis as a part of the special permit. Moreover, the dimensional requirements identified under Article 11 for SCRC shall also apply to a SCRC and WHC, and to the extent the dimensional requirements of this § 240-6.7. directly conflict with the requirements of Article 11, the provisions of § 240-6.7. shall control.
 7. **LOT AREA, FRONTAGE & OPEN SPACE** – A SCRC shall have a minimum total area of 15 acres and a WHC shall have a minimum of 5 acres. Lot frontage shall be a minimum of 100 feet. In calculating the minimum total area the provisions of § 240-9.7E(2)a shall apply. At least 65% of the total area must be set aside as open space consistent with § 240-9.7H. Up to ½ or 5 acres of the required open space, whichever is greater, may be located off-site at the discretion of the Planning Board.
 8. **SETBACKS** – Front yard building setbacks shall be a minimum of 50 feet. Side and rear yard building setbacks shall be a minimum of 25 feet. The Planning Board may require greater setbacks, up to 100 feet for front yard and up to 50 feet for rear and side yard setbacks where needed to provide screening and buffer from the street or adjacent properties. Redevelopment of existing buildings may maintain existing setbacks at the discretion of the Planning Board. Redevelopment does not include the voluntary demolition of an existing building and subsequent rebuilding.
 9. **HEIGHT** – The maximum building height of any SCRC and WHC building shall not be more than 3 stories and not more than 35 feet as defined for community service uses. The Planning Board

in its discretion may increase this height to 45 feet, upon good cause shown by the applicant, provided that for every one-foot increase in height all minimum setbacks shall be increased by 2 feet.

10. ACCESSORY FACILITIES – The development may incorporate, within a residential building, accessory facilities intended solely for the use or benefit of the residents and staff of the development, such as banking and recreational facilities. The development may also incorporate accessory uses and structures not attached to residential or other structures which may be shared among lots within the district for the purposes of wastewater treatment, community maintenance, a child day care center, and a clubhouse facility as limited and approved by the Planning Board.
11. IMPACTS – The Planning Board, in order to approve the special permit for a SCRC or WHC, shall find that the overall impacts in terms of traffic, wastewater, nutrient loading, and fiscal impact to the Town have been adequately mitigated, and that the proposed uses are in harmony with the general purposes and intent of the district as described under § 240-6.7A. Speculative uses, such as applications made under G.L. c. 40B, shall not be considered in making the comparison of cumulative impacts. The Planning Board may require the applicant to provide specialized studies or information as necessary in order to make such a finding.
12. WASTEWATER – The Planning Board shall not approve a SCRC or WHC unless tertiary treatment of wastewater is provided. To enhance treatment capabilities, a wastewater treatment facility and related sewer line improvements may be shared by a SCRC and WHC if approved with a groundwater discharge permit issued by the Massachusetts Department of Environmental Protection (DEP). Tertiary treatment shall include enhanced nitrogen removal when a SCRC or WHC is located in a Coastal Pond Overlay District.
13. PLANNING BOARD REVIEW – The Planning Board may require the applicant to reduce the size, including the height, of any residential structure or to adjust its placement on the lot to reduce impacts on neighborhood visual character, including views or vistas. The Planning Board, in order to approve the special permit for an SCRC or WHC, shall make a positive finding under § 240-9.7A(1)g., Planned Residential Development, and 4 or more of the purposes of § 240-9.7A. The Planning Board may require or allow that the development be constructed in phases if necessary to minimize neighborhood impacts or to meet financing or regulatory requirements.
14. PARKING – Parking shall be located in side or rear yards behind the front facade line of the building, except that parking may be allowed in front of the building line at the discretion of the Planning Board if appropriately screened or landscaped as determined by the Planning Board. The number of parking spaces for SCRC units shall be determined according to the following: one space per independent living unit; one-half space per assisted living unit; one space per employee. The number of parking spaces for WHC units shall be determined according to the following: one and one-half spaces for dwelling units having fewer than 2 bedrooms; and, two spaces per dwelling unit having 2 or more bedrooms. The number of parking spaces required for other allowed uses within the district shall be as provided under § 240-14.1E. The Planning Board may apply parking reductions for uses allowed under this district as provided for in § 240-14.1F as part of the special permit.
15. DENSITY BONUS – Section 240-6.7D(2) & (3) & (4) & (5) notwithstanding, a density bonus may be allowed at the sole discretion of the Planning Board as part of the special permit process for a SCRC and/or WHC. The Board may allow up to 8 units per acre, if the applicant provides at least 15% of the SCRC units (not including staff units) as affordable, subject to the requirements below, and one or more of the following: a) tertiary treatment of wastewater that achieves an annual average nitrogen reduction to a level of nine mg/l or less, or; b) the application results in no net increase in nitrogen loading or; c) the SCRC is tied into the municipal sewer system.

As a condition of any density bonus the applicant shall be required to execute an affordable housing restriction and regulatory agreement for recordation at the Registry of Deeds, consistent with the requirements of the Massachusetts Executive Office of Housing and Livable Communities, for qualification of the affordable units towards the Town's subsidized housing inventory (SHI). Notwithstanding anything to the contrary in Article 3, the WHC Units are not required to qualify as affordable units for purposes of the SHI, but the Board may allow for a density bonus to eight units per acre if at least 25% of the WHC units in the Workforce Housing Subdistrict qualify as affordable units for purposes of the SHI, subject to the execution of a workforce housing restriction and regulatory agreement approved as to form by Town Counsel, for recordation at the Registry of Deeds.

2) Amend the Official Zoning Map by renaming the "Senior Care Retirement District" as the "Senior Care Retirement and Workforce Housing District" and by expanding said District to include both the Senior Care Retirement Subdistrict (SCRSD), as well as the Workforce Housing Subdistrict (WHSD), as they are more particularly shown on a map entitled "Proposed Senior Care Retirement and Workforce Housing District, Town of Falmouth Zoning Map Amendment" dated December 18, 2023. This map, as it may be amended from time to time, is hereby made part of the Town Zoning Bylaw and is on file at the office of the Town Clerk.

3) Amend the Zoning Bylaw by replacing the words "Senior Care Retirement" or "SCR" with the words or phrases "Senior Care Retirement and Workforce Housing" or "SCRWH" respectively wherever they appear in other provisions of the Zoning Bylaw, and amend the Official Zoning Map Legend to rename said district as "Senior Care Retirement and Workforce Housing."

Or do or take any other action on this matter. On request of the Planning Board. Approval of this Article requires a simple majority Town Meeting vote.

ARTICLE 36: To see if the Town will vote to amend Chapter 240 – Zoning – of the Code of Falmouth by deleting certain language related to the Conversion of a Dwelling in Section 240-6.2B, Business District Use Table, Section 240-6.5A, Public Use District Use Table, and Section 240-6.6B, Single Residence District Use Table and by inserting and adding language as shown below. The proposed amended bylaw will read as follows, with deletions shown in ~~striketrough~~ and replacement and additional language shown in red:

240 – 6.2B Business District Use Table

Uses	Standards	B-1	B-2	B-3	BR
Special Permit Uses					
Conversion of a dwelling unit	<p>May be converted to not more than 4 dwelling units if:</p> <ol style="list-style-type: none"> 1. the dwelling was in existence as of January 1, 2000 as of January 1, 1980; 2. there is no material change to the exterior of the existing dwelling building; and 3. the Board of Appeals determines that the size of the dwelling and the lot are suitable for the conversion remodeling 	SP-Z	SP-Z	SP-Z	N

Section 240-6.5A Public Use District Use Table

Uses	Standards	Public Use District
Special Permit Uses		
Conversion of a dwelling	<p>May be converted to not more than 4 dwelling units if:</p> <ol style="list-style-type: none"> 1. <u>the dwelling has been in existence as of January 1, 2000</u>an existing dwelling on a lot as of January 1, 1980, into not more than 4 units if the conversion involves; 2. <u>there is</u> no material change to the exterior of the <u>existing dwelling;</u> and 3. if the Board of Appeals determines that the size of the dwelling and the lot are suitable for the conversion 	SP-Z

Section 240-6.6B Single Residence District Use Table

Uses	Standards	SR-AA	SR-A	SR-B	SR-C	GR
Special Permit Uses						
<p>Conversion of a dwelling unit into multiple units</p>	<p>May be converted into not more than 4 dwelling units if:</p> <ol style="list-style-type: none"> 1. In the GR District, the Zoning Board of Appeals finds that: <ol style="list-style-type: none"> a. the dwelling was in existence as of January 1, 2000; lot was in existence as of January 1, 1980; b. there is no material change to the exterior of the existing dwelling, including architectural features; and c. the size of the dwelling and the lot are suitable for the conversion remodeling; d. all resulting rental dwelling units shall have a minimum one year rental period 2. May be converted into not more than 4 dwelling units in the SR-AA, SR-A, SR-B and SR-C Districts, if the Zoning Board of Appeals finds that: <ol style="list-style-type: none"> a. the dwelling was in existence as of January 1, 2000; lot was in existence as of January 1, 1980; c. there is no material change to the exterior of the existing dwelling, including architectural features; the conversion will not increase the gross floor area of the dwelling as it existed on January 1, 2000; d. there are no additional bedrooms above the number in existence in the dwelling as of January 1, 2000; 3. there are no additional bedrooms above the number in existence in the dwelling as of January 1, 1980; <ol style="list-style-type: none"> e. there are no home occupations or taking of boarders; f. all resulting rental dwelling units shall have a minimum one year rental period; and g. if the dwelling to be converted is located within the Water Resources Protection Overlay District or within a Coastal Pond Overlay District, the minimum lot size is 15,000 square feet for one additional dwelling unit; 20,000 square feet for 2 additional dwelling units; and 25,000 square feet for 3 additional dwelling units. 3. The Zoning Board of Appeals may grant the following exceptions in approving a special permit: <ol style="list-style-type: none"> a. Affordable units, as defined in Article 3, need not comply with the additional square footage requirements in subsection (2)g above as long as the minimum lot size is 15,000 square feet. b. Preexisting conversions performed without the benefit of a special permit under this section shall be exempt from the requirements of subsection (2)g above if an application to obtain a special permit under this section is received by the Board of Appeals within one year of the effective date of the bylaw and the special permit is subsequently approved. 	SP-Z	SP-Z	SP-Z	SP-Z	SP-Z

Or do or take any other action on this matter. On request of the Planning Board. Publications: 12.22.23, 12.29.23

Approval of this Article requires a simple majority Town Meeting vote.

ARTICLE 37: To see if the Town will vote to authorize the Board of Library Trustees of the Falmouth Public Library to apply for, accept, and expend Massachusetts Public Library Construction Program ("MPLCP") grant funds if approved, and vote to appropriate the sum of \$150,000, or any other sum if said MPLCP grant is approved, for the purpose of funding the assessment, planning, feasibility and/or design related to construction of the East Falmouth Library, and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Board of Library Trustees.

OPEN SESSION

CONSENT AGENDA

1. Licenses

- a. Approve administrative address correction – Silver Lounge, Inc., 412 North Falmouth Highway

January 29, 2024



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Licenses 1.a.

ITEM TITLE: Approve administrative address correction- Silver Lounge, Inc. 412 North Falmouth Highway

MEETING DATE: 1/29/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Licensing Authority Certification Form dated 1/12/2024; ABCC 2024 Retail License Renewal Form dated 11/16/2023; Unofficial Property Record Card; Copy of All Alcoholic Common Victualler License

PURPOSE:

The Select Board is requested to approve an administrative address correction for the Silver Lounge.

BACKGROUND/SUMMARY:

- While reviewing 2024 Retail License Renewal Forms received from the Alcoholic Beverages Control Commission, a member of the Select Board/Town Manager office staff noted what appeared to be an incorrect premise address listed for the Silver Lounge, Inc as 999 Route 28A, Falmouth.
- The staff member, with the assistance of the Assessor's Office, researched the actual legal address on record and found it to be 412 North Falmouth Highway.

- This process will administratively correct the premise address that the ABCC has on file.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the administrative address correction for the Silver Lounge to reflect its correct legal address as 412 North Falmouth Highway as presented.

OPTIONS:

- Motion to approve the administrative address correction for the Silver Lounge to reflect its correct legal address as 412 North Falmouth Highway as presented.
- Motion to deny the approval of the administrative address correction for the Silver Lounge to reflect its correct legal address as 412 North Falmouth Highway 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 administrative address correction for the Silver Lounge to reflect its correct legal address as 412 North Falmouth Highway as presented.

Michael Renshaw

Town Manager

1/24/2024

Date



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth
City/Town

00055-RS-0390
ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee Silver Lounge, Inc. DBA

Street Address 412 North Falmouth Highway Zip Code 02556

Manager Richard K. Haupt

Granted under Special Legislation? Yes No

If Yes, Chapter
of the Acts of (year)

\$12 Restaurant ▼ Annual ▼ All Alcoholic Beverages ▼

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

One Floor: Dining room, caboose, kitchen, cellar for storage.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date 1/12/2024 Time 3:08 pm

Advertised Yes No Date Published n/a Publication

Abutters Notified: Yes No Date of Notice n/a

Date APPROVED by LLA 01/29/2024 Decision of the LLA Approves this Application ▼

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

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



Jean M. Lorizio, Esq.
Commission Chairman

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

2024
Retail License Renewal

License Number: 00055-RS-0390

Municipality: FALMOUTH

License Name : Silver Lounge Inc

License Class: Annual

DBA :

License Type: Restaurant

Premise Address: 999 Route 28A Falmouth, MA 02556

License Category: All Alcoholic Beverages

Manager: Richard K Haupt

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).

Richard K Haupt

Signature

RICHARD K. HAUPT

Printed Name

November,

16, 2023

PRES

Title

Additional Information:

Please complete and return this form to the Local Licensing Authority.

Phyllis Downey

From: Trisha Favulli
Sent: Wednesday, January 10, 2024 3:43 PM
To: Phyllis Downey
Subject: RE: Address confirmation request-Silver Lounge

The legal address is :
412 North Falmouth Hwy

Hope that helps.

Trisha

Trisha Favulli
Director of Assessing
Town of Falmouth
508-495-7377
Trisha.favulli@falmouthma.gov
Kindly remember that the Secretary of State deems most e-mails to be public record.

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Tuesday, January 9, 2024 9:58 AM
To: Trisha Favulli <trisha.favulli@falmouthma.gov>
Subject: Address confirmation request-Silver Lounge

Good morning Trisha,

May I please confirm the address of a licensee before taking steps to address a possible error? The ABCC lists the address for the Silver Lounge as 999 Route 28 A which I cannot find on the town GIS.

The Tax Obligation spreadsheets and the liquor license have the address listed as 412 Route 28A. I would appreciate your help confirming the address before taking steps to amend the ABCC's paperwork.

Thank you,
Phyllis

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

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



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

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

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

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

Unofficial Property Record Card - Falmouth, MA

General Property Data

Parcel ID **05 07 002 000**
Prior Parcel ID **--**
Property Owner **K E MARSH LLC**

Mailing Address **PO BOX 1091**

City **NORTH FALMOUTH**
Mailing State **MA** Zip **02556**
Parcel Zoning **B2**

Account Number **NORTH FALMOUTH**

Property Location **412 NORTH FALMOUTH HWY**
Property Use **RST/BAR**
Most Recent Sale Date **7/27/2006**
Legal Reference **21221-36**

Grantor **HAUPT,RICHARD K**
Sale Price **100**
Land Area **1.100 acres**

Current Property Assessment

Card 1 Value Building Value **559,600** Xtra Features Value **47,300** Land Value **495,500** Total Value **1,102,400**

Building Description

Building Style **Restaurant**
of Living Units **1**
Year Built **1940**
Building Grade **5 1.20**
Building Condition **Average**
Finished Area (SF) **6095**
Number Rooms **0**
of 3/4 Baths **0**

Foundation Type
Frame Type **Wood**
Roof Structure **Gable/Hip**
Roof Cover **Asphalt**
Siding **Wood Shingle**
Interior Walls **Drywall**
of Bedrooms **0**
of 1/2 Baths **0**

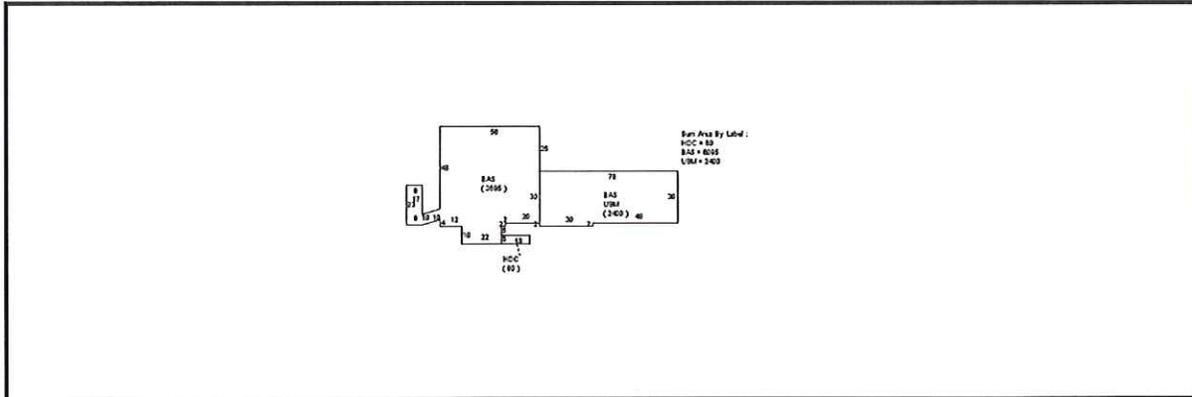
Flooring Type **Hardwood**
Basement Floor **N/A**
Heating Type **Frcd Hot Air**
Heating Fuel **Gas**
Air Conditioning **100%**
of Bsmt Garages **0**
of Full Baths **0**
of Other Fixtures **0**

Legal Description

Narrative Description of Property

This property contains 1.100 acres of land mainly classified as RST/BAR with a(n) Restaurant style building, built about 1940, having Wood Shingle exterior and Asphalt roof cover, with 1 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

2024

License

00055-RS-0390

Fee: 1750

Alcoholic Beverages

The Licensing Board of
The Town of Falmouth
Massachusetts
Hereby Grants a

All Alcoholic Common Victualler

License to Expose, Keep for Sale, and to Sell
All Kinds of Alcoholic Beverages

To Be Drunk On the Premises

To Silver Lounge, Inc. d/b/a Silver Lounge
Richard Haupt, Manager
412 Route 28A
North Falmouth, MA 02556

On the following described premises:

One Floor: Dining room, caboose, kitchen, cellar for storage.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities.

This license is valid from the 1st day of January 2024 until the 31st day of December 2024, unless earlier suspended, cancelled or revoked.

The hours during which Alcoholic Beverages may be sold are from:

8 AM - 1 AM WEEKDAYS; 12 NOON - 1 AM - SUNDAY. NOTE: ALL GLASSES OFF TABLES/BAR AND PATRONS OUT BY 1:30 AM

BUILDING MUST BE SO INSULATED THAT ALL ENTERTAINMENT, MUSICAL OR OTHERWISE, WILL NOT BE HEARD OUTSIDE THE BUILDING.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 29th day of December 2023

[Signature]

[Signature]

[Signature]

[Signature]

Licensing Board

THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ

OPEN SESSION

CONSENT AGENDA

1. Licenses

- b. Approve application for a One-Day Entertainment License –
The Portuguese, 424 East Falmouth Highway, Unit B101,
East Falmouth – Saturday, 2/10/24



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Licenses 1.b.

ITEM TITLE: Approve application for a One-Day Entertainment License- The Portuguese, 424 East Falmouth Highway, Unit B101, East Falmouth- Saturday 2/10/2024

MEETING DATE: 1/29/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form; Entertainment License Application dated 1/18/2024; Establishment Floorplan;

PURPOSE:

The Select Board will consider the approval of a One-Day Entertainment License for The Portuguese located at 424 East Falmouth Highway, Unit B101.

BACKGROUND/SUMMARY:

- The applicant The Portuguese submitted its application for a One-Day Entertainment License on January 18, 2024.
- The application states that the event will take place on Saturday, February 10, 2024 and will involve live musical entertainment comprised of a piano and guitar (two musicians).
- The event hours are listed as being 5:00 PM to 10:00 PM.

- The Police and Fire Rescue Departments have reviewed the application and had no objections to its approval.
- The Building Commissioner reviewed the application and submitted floor plan and had no issues/concerns.

DEPARTMENT RECOMMENDATION:

The Town Manager is recommending that the Select Board approve the One-Day Entertainment License as submitted by The Portuguese, located at 424 East Falmouth Highway, Unit B101 for Saturday, February 10, 2024.

OPTIONS:

- Motion to approve the One-Day Entertainment License as submitted by The Portuguese, located at 424 East Falmouth Highway, Unit B101 for Saturday, February 10, 2024.
- Motion to deny the approval of the One-Day Entertainment License as submitted by The Portuguese, located at 424 East Falmouth Highway, Unit B101 for Saturday, February 10, 2024.
- Some other Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager is recommending that the Select Board approve the One-Day Entertainment License as submitted by The Portuguese, located at 424 East Falmouth Highway, Unit B101 for Saturday, February 10, 2024.

Michael Renshaw

Town Manager

1/24/2024

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: The Portuguese

Address: 424 East Falmouth Highway, Unit B101

License Type: _____

New or Transfer of License New One-Day Entertainment License

or

Change of License _____

Police No objection

Fire No issues

Building No issues

Health _____

Zoning _____

Planning _____

DPW _____

Assessor _____

Tax Collector _____

Wastewater _____

NOTES:

The application is for a piano and a guitar to perform on Saturday, 2/10/24, from 5:00 to 10:00 pm in celebration of Valentine's Day.



Town of Falmouth

Office of the Town Manager/Selectmen
59 Town Hall Square, Falmouth, MA 02540
508-495-7320

ENTERTAINMENT LICENSE APPLICATION (per day)

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

NAME OF ESTABLISHMENT The Portuguese

ADDRESS 424 East Falmouth, Unit B101

East Falmouth MA 02536

NAME OF OWNER/MANAGER Celia Braz

TELEPHONE #: [Redacted]

EMAIL: theportuguese1@gmail.com

NARRATIVE DESCRIBING ENTERTAINMENT:

The event will be on February 5th for Valentine's Day. There will be an piano and guitar

**LOCATION OF ENTERTAINMENT See plan attached

**Attach a Floor Plan showing where on the premises Live Music or Dancing will take place.

DAY or DAYS APPLIED FOR: check all that apply MON [] TUE [] WED [] THR [] FRI [] SAT [X]

SUNDAY ENTERTAINMENT: Y/N [] (if YES, also complete State application+ fee - contact the Select Board Office)

Hours entertainment will be offered 5pm - 10pm

PLEASE CHECK THE APPROPRIATE BOX FOR ALL TYPES OF ENTERTAINMENT:

- 1. DANCING By Patrons Y/N [] Other Dancing Y/N []
2. MUSIC Recorded Y/N [] Live Y/N [X] No. of Musicians [2] Amplification Y/N []

Type of Instruments Piano and guitar

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

DATE 1/18/24

X Celia Braz
OWNER, MANAGER OR AUTHORIZED AGENT

Town Fees:
FILING FEE: \$10.00
PERMIT FEE: \$25.00 per day

Access to second floor

Back Door

Private Bath

walk in freezer

Bakery

Storage

RECEIVED
SEP 06 2023
By _____

Buffet

Drink area

2 Bath 1 closet

sitting area

Blocked Door

Kitchen

cafeteria

Music music

front door

2nd door

inside seats = 34
inside tables = 18
outside seats = 26
outside tables = 8

Parking

DRAWINGS REVIEWED BY
FALMOUTH BUILDING DEPARTMENT
CONSTRUCTION SUBJECT TO MA
BUILDING CODE COMPLIANCE
ONE SET OF STAMPED PLANS SHALL
BE KEPT AT THE BUILDING SITE
9/12/23
DATE BUILDING OFFICIAL

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- a. Approve request to use \$5,401.66 of the Road Race Donation originally intended for the new playground behind the Recreation Center to pay for needed parts to complete the installation of the Playground at Sandwich Road



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

ITEM TITLE: Approve a request to use \$5,401.66 of the Road Race Donation originally intended for the new playground located behind the Recreation Center to instead pay for needed parts to complete the installation of the playground at Sandwich Road.

MEETING DATE: 01/29/2024

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

SUBMITTED BY: Joe Olenick

ATTACHMENTS: None

PURPOSE:

The Recreation Department is seeking approval from the Select Board to use donated funds that were originally planned to be used for a new playground to be located behind the Recreation Center to instead be used to purchase required parts to complete the playground located at Sandwich Road.

BACKGROUND/SUMMARY:

- These funds will be used to complete the installation at the Sandwich Road Fields of the playground that was removed for the building of the Senior Center.
- During the installation the installer found some old parts that needed to be replaced; this cost placed the reinstatement of the playground over the \$125,000 capital budget request.

DEPARTMENT RECOMMENDATION:

The Recreation Department recommends approval of the use of these funds to complete this project. The Department has received numerous calls from neighbors asking when this playground will open.

OPTIONS:

- Motion to approve the use of \$5,401.66 of the Road Race donation funds originally intended for the new playground located behind the Recreation Center to instead pay for necessary parts to complete the installation of the playground on Sandwich Road.

- Motion to deny the request to use \$5,401.66 of the Road Race donation funds to pay for necessary parts to complete the installation of the playground located on Sandwich Road.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
Donations Rec- Playground	Recreation	280-3570- 5632	\$45,000	\$37,910.01	\$5,401.66	\$32,598.35

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board approve the use of \$5,401.66 of the Road Race donation funds originally intended for the new playground located behind the Recreation Center to instead pay for necessary parts to complete the installation of the playground on Sandwich Road as presented.

Michael Renshaw

01/26/2024

Town Manager

Date

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- b. Approve Falmouth Fire Rescue Department Application for FY2023 Emergency Management Planning Grant (EMPG)

January 29, 2024



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

ITEM TITLE: Emergency Management Planning Grant (EMPG) approval

MEETING DATE: 1/29/2024

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

SUBMITTED BY: Falmouth Emergency Management Division

ATTACHMENTS: Memo to the Town Manager, EMPG Notice of Funding Opportunity, Grant Application

PURPOSE:

The Emergency Management Division is seeking the Selectboard’s approval of accepting the Massachusetts Emergency Management Agency’s (MEMA) FFY 2023 Emergency Management Planning grant.

BACKGROUND/SUMMARY:

- The EMPG Program is one of the grant programs that constitute DHS/FEMA’s focus on all-hazards emergency preparedness, including the evolving threats and risks associated with climate change.
- This grant program is part of a comprehensive set of measures authorized by Congress and implemented by DHS. Among the goals noted in the DHS Strategic Plan, the EMPG Program supports the goal to Strengthen Preparedness and Resilience.
- The primary objective of the EMPG Program is to provide funds to assist local emergency management agencies/departments in preparing for all hazards, both natural and man-made and to support the National Preparedness Goal of a secure and resilient nation.

DEPARTMENT RECOMMENDATION:

The Emergency Management Division is seeking the Selectboard's approval of accepting the Massachusetts Emergency Management Agency's (MEMA) FFY 2023 Emergency Management Planning grant.

The Town of Falmouth has been successful in receiving this grant since 2010. This grant is instrumental to continuing the work of promoting and building a culture of preparedness within our community through community outreach programs and updating our emergency management and hazardous materials emergency response plans.

OPTIONS:

Please consider approval of accepting the FFY 2023 Emergency Management Preparedness grant.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

RECOMMEND TO APPROVE AS PRESENTED.



Town Manager

1/25/24

Click or tap to enter a date.

Date



FALMOUTH FIRE RESCUE DEPARTMENT
ADMINISTRATIVE MEMO

To: Michael Renshaw, Town Manager
From: Kim Strohm, Administrative Assistant
Subject: Contract signature -Emergency Management Planning Grant
Date: January 8, 2024

Attached please find the paperwork for the Emergency Management Planning Grant (EMPG). The Town of Falmouth has been successful in receiving this grant since 2010. This grant is instrumental to continuing our work of promoting and building a culture of preparedness within our community and updating our Comprehensive Emergency Management Plan, our Emergency Operations Center and Emergency Shelter plan, our Hazardous Materials Response Planning, planning and organizing training, exercises and operations within the Local Emergency Planning Committee (LEPC).

Would you kindly provide this information to the Selectboard for their reviewed and approved so that we can then provide you with the contract for your signature once approved?

Thank you for your attention to this matter.

Federal Fiscal Year 2023
Department of Homeland Security, Federal Emergency Management Agency
Emergency Management Performance Grant

Massachusetts Emergency Management Agency
Notice of Funding Opportunity

Program Overview/Description

EMPG Program is one of the grant programs that constitute DHS/FEMA's focus on all-hazards emergency preparedness, including the evolving threats and risks associated with climate change. These grant programs are part of a comprehensive set of measures authorized by Congress and implemented by DHS. Among the goals noted in the DHS Strategic Plan, the EMPG Program supports the goal to Strengthen Preparedness and Resilience.

The 2022-2026 FEMA Strategic Plan outlines a bold vision and three ambitious goals designed to address key challenges the agency faces during a pivotal moment in the field of emergency management. Wide-ranging and long-term, the goals defined in the plan respond to the changing landscape in which we find ourselves. The goals to meet this challenge are:

- Goal 1 - Instill Equity as a Foundation of Emergency Management**
- Goal 2 - Lead Whole of Community in Climate Resilience**
- Goal 3 - Promote and Sustain a Ready FEMA and Prepared Nation**

All EMPG Program recipients are encouraged to review the 2022-2026 FEMA Strategic Plan and consider how FY 2023 EMPG Program funding can be used to support the Plan's goals and objectives as they apply to state/territory's specific needs and the needs of the whole community.

Objective

The primary objective of the FY 2023 EMPG Program is to provide funds to assist state, local, tribal, and territorial emergency management agencies to implement the National Preparedness System (NPS) and to support the National Preparedness Goal (the Goal) of a secure and resilient nation. To that end, program objectives include: 1) closing capability gaps that are identified in the state or territory's most recent Stakeholder Preparedness Review (SPR); and 2) building or sustaining those capabilities that are identified as high priority through the Threat and Hazard Identification and Risk Assessment (THIRA)/SPR process and other relevant information sources.

Purpose

The Emergency Management Performance Grant (EMPG) provides funds to assist local and tribal governments with emergency management departments in preparing for all hazards and to obtain the resources required to support FEMA's National Preparedness Goal's Mission Areas and Core Capabilities. Funds may be used to support local and/or regional emergency management activities in the following cost categories: ***Planning, Organizational, Equipment, Training, and Exercises.***

Full details regarding EMPG can be found by going to FEMA's website: <https://www.fema.gov/emergency-management-performance-grant-program>

FEMA Priorities

Applicants are required to develop and submit application that fall within one or more of the following national priorities: Equity; Climate Resilience; and Readiness

Projects should involve a collaborative negotiation process through which a common set of priorities will emerge based on a combination of national, state, regional, and community priorities. These priorities should be primarily driven by the THIRA/SPR process and other relevant information sources such as after-action reports, following exercises and real-world events; audit and monitoring findings; Hazard Mitigation Plans; and other deliberate planning products.

FEMA's Authorized Equipment List: <https://www.fema.gov/grants/guidance-tools/authorized-equipment-list>

Funding Availability

Funding for this NOFO comes from the anticipated FFY 2023 EMPG (pending Federal Award, NOFO # DHS-22-GPD-043-01-01), estimated total EMPG Federal Award amount \$7,077,439; Federal Period of Performance for this grant; October 1, 2022, through September 30, 2025; Assistance Listing # 97.042.

MEMA has allocated \$2.5 million for pass-through subgrants. Funding allocations are listed on pages 5-7 of this NOFO.

Eligible Applicants

Each Town, City and Federal-recognized tribes within Massachusetts, with an Emergency Management Department, are eligible to apply for and receive FFY2023 EMPG funds. MEMA will only accept one application per eligible entity. Applications must be completed by or in coordination with the respective Local/Tribal Emergency Management Director(s).

For regional projects, you must include email(s) from the jurisdiction(s) that is contributing their funds stating that they: 1) support the project, and 2) identify the amount of funds that they will contribute towards the project. This email must come from the jurisdiction's EMD.

Cost Share or Match

The EMPG program has a dollar-for-dollar cost-share requirement. The contribution can be cash (hard match) or in-kind (soft match). Communities and tribes shall agree to make available eligible match equal to or greater than the allocated award amount listed on pages 5-8. Match must be allowable, verifiable, and documented.

Unique Entity Identifier and System for Award Management (SAM)

Unique entity identifier and System for Award Management (SAM) - Required. This paragraph must state clearly that each applicant (unless the applicant is an individual or Federal awarding agency that is excepted from those requirements under 2 CFR 25.110(b) or (c), or has an exception approved by the Federal awarding agency under 2 CFR 25.110(d)) is required to:

- Be registered in SAM before submitting its application;
- Provide a valid unique entity identifier (formally known as DUNS #) in its application; and
- Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application

MEMA will not make a federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time MEMA is ready to finalize/sign a contract, MEMA will close project with no activity.

Reimbursement-Based Grant

This is a reimbursement-based grant which means the community/tribe must spend their money then submit a request for reimbursement from MEMA. To be eligible for reimbursement, proper documentation must be submitted with the EM Grants Unit's Reimbursement Request Form.

All purchases must comply with 2 CFR 200.318 procurement laws and equipment must be tagged, maintained and inventoried.

Equipment, according to 2CFR200, means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000.

Applicants cannot begin their projects or obligate 23EMPG grant funds until they have received a Notice to Proceed issued by the EM Grants Unit. Obligations that take place prior to this notice will be deemed ineligible and not reimbursement by MEMA.

Annual Services/Fees

MEMA will only consider the months within the contract period as eligible costs. Months/services outside the contract period may be used for match but can not be claimed for reimbursement.

Social Vulnerability Index

Social vulnerability refers to the potential negative effects on communities caused by external stresses on human health. Such stresses include natural or human-caused disasters, or disease outbreaks. Reducing social vulnerability can decrease both human suffering and economic loss. To better assist communities, MEMA has increased original award by 30% for those communities with a Social Vulnerability Index of .75 or greater. Those community awards are listed on page 8 of this NOFO.

SVI Communities will be required to describe how their proposed project will benefit their vulnerable populations, define how their project will lessen the effects on them during emergencies and disasters. If project does not have a direct link, the additional 30% funding will not be awarded.

FEMA Mission Area and Core Capabilities

The National Preparedness Goal defines what it means for the whole community to be pared for all types of disasters and emergencies. The goal itself is succinct: *A secure and resilient nation with the capabilities required across the whole community to prevent, project against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk.* These risks include events such as natural disasters, disease pandemics, chemical spills and other man-made hazards, terrorist attacks and cyber-attacks.

The National Preparedness Goal describes five mission areas (listed above) and includes thirty-two (32) activities, called core capabilities, that address the greatest risks to the nation. Each of these core capabilities is tied to a capability target. These targets recognize that everyone needs the flexibility to determine how they apply their resources, based on the threats that are most relevant to them and their communities.

Applicants will need to need to include information regarding Mission Area and Core Capability your project falls within. Your project may fall within more than one so please only select the one that best fits your project.

Further information regarding Mission Area and Core Capabilities may be found on FEMA’s website: <https://www.fema.gov/emergency-managers/national-preparedness/mission-core-capabilities>

Grant Application Briefings

MEMA will conduct grant application briefings that will walk through our revised application and submission process (schedule below). They will also answer questions regarding allowable expenses, match and other items as requested. You are strongly encouraged to join one of the following briefings.

DATE	TIME	Webinar Link	Call In #	PIN #
11/9/2023	10:00 am	Click here to join the meeting	857.327.9245	863 153 361#
11/10/2023	9:00 am	Click here to join the meeting	857.327.9245	171 521 583#
11/10/2023	12:00 noon	Click here to join the meeting	857.327.9245	672 460 593#
11/13/2023	3:00 pm	Click here to join the meeting	857.327.9245	928 589 936#

If you are unable to attend one of the above Applicant Briefings, we encourage you to reach out to the EM Grants Unit for full details and a one-on-one briefing. Your request should be submitted via email to: EM.Grants@mass.gov

Full details including the NOFO, Application and a copy of the Applicant Briefing is available ion MEMA’s website: <https://www.mass.gov/info-details/emergency-management-performance-grant-empg>

Submission Process

Eligible applicants must complete MEMA's EM Grants Unit Application. Please follow the below instructions:

Application - Due Date 12/29/2023 (hard date)

1. Complete your application and email it back to the EM Grants Unit at EM.Grants@mass.gov.
2. Do not mail hard copies, this will only delay the review/approval process
3. Your application will be reviewed for completeness and eligibility.
4. MEMA's EM Grants Unit staff will contact you if we have questions or need further information regarding your application

Proof of SAM Registration - Due Date 12/29/2023 (hard date)

1. Email the EM Grants Unit at EM.Grants@mass.gov your community's certificate (downloaded from SAM.gov).
2. SAM's documentation should be available from your CFO, Treasurer, and/or Town/City Manager. This registration is for the community as a whole, each department should NOT have their registration.
3. Do not mail hard copies as this will only delay the review/approval process

EHP, ICIP, Drone, etc. – Due (via email) within 45 days after receiving from EM Grants Unit

1. If your project required additional information (EHP, ICIP, Drone approval), EM Grants Unit staff will provide you these forms and offer assistance with completing them.
2. Once completed you will need to email completed forms back to EM Grants Unit at EM.Grants@mass.gov along with any additional documentation required.
3. Do not mail hard copies as this will only delay the review/approval process
4. You will not be given a notice to proceed until all approvals have been received

Contract / CASL- Due (original signed hard copies) within 45 days after receiving from EM Grants Unit

1. Once your application is approved, the EM Grants Unit will email your contract and CASL, to be signed.
 2. MEMA has incorporated the Federal Articles of Agreement (terms and conditions), Procurement Certification and MEMA Special Conditions into the MA Standard Contract
 3. By signing the MA Standard Contract, your Town/City/Tribe is agreeing to comply with all items incorporated into that contract.
 4. The CASL is typically completed by Town/City/Tribal Officials will need to complete the CASL (Selectman, Council Member, Mayor, Manager, Administrator, etc.)
 5. In most cases, the Emergency Manager/Director cannot appoint themselves as an authorized official; you may be listed on the CASL as an authorized signer.
 6. Only an authorized signer, as listed on the CASL, can sign the contract
 7. Original signed CASL and Contract must be mailed directly back to the EM Grants Unit at the following address:
Massachusetts Emergency Management Agency
EM Grants Unit
400 Worcester Road
Framingham, MA 01702
 8. Do not email signed scanned copies as this will only delay the review/approval process
 9. All contracts will have a 6/30/2024 end date
 10. You cannot begin your project until you have received a "Notice to Proceed" from the EM Grants Unit.
 11. Obligations prior to this notification will be considered ineligible and not approved for reimbursement.
- Please contact the EM Grants Unit if you have any questions or would like to discuss your project one-on-one by sending your request via email to: EM.Grants@mass.gov

Funding Tiers / Community Award Breakout (communities with an * see page 7 for awards)

Tier 1					Population 1-999	\$2,500
Alford	Aquinnah	Cummington	Florida	Goshen		
Gosnold	Hancock	Hawley	Heath	Leyden		
Middlefield	Monroe	Montgomery	Mt Washington	New Ashford		
New Braintree	New Salem	Peru	Plainfield	Rowe		
Sandisfield	Savoy	Tolland	Tyringham	Warwick		
Washington	Wendell	Windsor				

Tier 2					Population 1,000-7,999	\$ 2,700.00
Ashburnham	Ashby	Ashfield	Avon	Barre		
Becket	Berkley	Berlin	Bernardston	Blandford		
Bolton	Boxborough	Boylston	Brimfield	Brookfield		
Buckland	Carlisle	Charlemont	Chatham	Cheshire		
Chester	Chesterfield	Chilmark	Clarksburg	Colrain		
Conway	Dalton	Deerfield	Devens	Dover		
Dunstable	East Brookfield	Eastham	Edgartown	Egremont		
Erving	Essex	Gill	Granby	Grandville		
Great Barrington	Groveland	Hadley	Halifax	Hamilton		
Hampden	Hardwick	Harvard	Hatfield	Hinsdale		
Holland	Hopedale	Hubbardston	Huntington	Lanesborough		
Lee	Lenox	Leverett	Lincoln	Marion		
Manchester-by-the-Sea		Mashpee Wampanoag Tribe		Mattapoissett		
Mendon	Merrimac	Millville	Monterey	Nahant		
New Marlborough	Newbury	North Brookfield	Northfield	Oak Bluff		
Oakham	Orange	Orleans	Otis	Paxton		
Pelham	Petersham	Phillipston	Plympton	Provincetown		
Princeton	Richmond	Rochester	Rockport	Rowley		
Royalston	Russell	Sheffield	Shelburne	Sherborn		
Shirley	Shutesbury	Southampton	Sterling	Stockbridge		
Stow	Sunderland	Tisbury	Topsfield	Truro		
Wales	Warren	Wellfleet	Wenham	West Boylston		
Wampanoag Tribe of Gay Head/Aquinnah			West Bridgewater	West Brookfield		
West Newbury	West Stockbridge	West Tisbury	Westhampton	Whately		
Williamsburg	Williamstown	Worthington				

Tier 3					Population 8,000-9,999	\$ 2,900.00
Adams	Ayer	Blackstone	Boxford	Cohasset		
Dighton	Douglas	Freetown	Georgetown	Lancaster		
Middleton	Millis	Monson	Montague	Plainville		
Rutland	Salisbury	Southwick	Sturbridge	Sutton		
Templeton	Townsend	Upton	Westminster			

Funding Tiers / Community Award Breakout cont. (communities with an * see page 7 for awards)

Tier 4					Population 10,000-14,999	\$ 3,500.00
Acushnet	Athol	Bedford	Brewster	Carver		
Charlton	Dennis	Dudley	East Bridgewater	Groton		
Hanover	Hanson	Harwich	Holbrook	Holliston		
Hull	Ipswich	Kingston	Lakeville	Leicester		
Littleton	Lunenburg	Lynnfield	Maynard	Medfield		
Medway	Millbury	Nantucket	Norfolk	North Adams		
Norwell	Oxford	Palmer	Pepperell	Rehoboth		
Southborough	Spencer	Tyngsborough	Uxbridge	Ware*		
Wayland	Weston	Wilbraham	Winchendon	Wrentham		

Tier 5					Population 15,000-19,999	\$ 4,600.00
Abington	Amesbury	Ashland	Auburn	Belchertown		
Bellingham	Clinton	Concord	Duxbury	East Longmeadow		
Easthampton	Fairhaven	Foxborough	Grafton	Greenfield*		
Holden	Hopkinton	Longmeadow	Mashpee	Newburyport		
North Reading	Northborough	Norton	Pembroke	Raynham		
Rockland	Scituate	Seekonk	Sharon	Somerset		
South Hadley	Southbridge*	Sudbury	Swampscott	Swansea		
Webster*	Westport	Westwood	Whitman	Winthrop		
Northbridge						

Tier 6					Population 20,000-24,999	\$ 5,100.00
Acton	Bourne	Canton	Gardner	Hingham		
Hudson	Ludlow*	Mansfield	Marblehead	Middleborough		
Sandwich	Stoneham	Wareham	Westborough	Westford		
Wilmington	Winchester					

Tier 7					Population 25,000-29,999	\$ 6,500.00
Agawam	Belmont	Bridgewater	Burlington	Danvers		
Dedham	Easton	Gloucester	Marshfield	Melrose		
Milton	Northampton	Reading	Saugus	Stoughton		
Wakefield	Walpole	Wellesley	West Springfield*	Yarmouth		

Tier 8					Population 30,000-34,999	\$ 8,500.00
Dartmouth	Dracut	Falmouth	Franklin	Lexington		
Milford*	Needham	North Andover	North Attleborough			
Norwood	Randolph*	Tewksbury				

Tier 9					Population 35,000-39,999	\$ 9,500.00
Amherst	Andover	Braintree	Chelmsford	Holyoke*		
Natick	Shrewsbury	Watertown				

Community Award Breakout with a .75 or higher social vulnerability index (SVI)

Tier 10				Population 40,000-49,999	\$ 15,500.00
Arlington	Attleboro*	Barnstable	Beverly*	Billerica	
Chelsea*	Everett*	Fitchburg*	Leominster	Marlborough*	
Pittsfield*	Salem*	Westfield*	Woburn		

Tier 11				Population 50,000-59,999	\$ 21,500.00
Chicopee	Medford	Methuen*	Peabody*	Taunton*	
Weymouth*					

Tier 12				Population 60,000-89,999	\$ 25,600.00
Brookline	Framingham*	Haverhill*	Lawrence*	Malden*	
Newton	Plymouth	Revere*	Somerville	Waltham	

Tier 13				Population 90,000-149,999	\$ 39,600.00
Brockton*	Cambridge	Fall River*	Lowell*	Lynn*	
New Bedford*	Quincy*				

Tier 14			Population 150,000-7,000,000	\$ 71,335.00
Boston*	Springfield*	Worcester*		

Community Award Breakout with a .75 or higher social vulnerability index (SVI)

Attleboro	\$ 20,150.00
Beverly	\$ 20,150.00
Boston	\$ 92,735.50
Brockton	\$ 51,480.00
Chelsea	\$ 20,150.00
Chicopee	\$ 27,950.00
Everett	\$ 20,150.00
Fall River	\$ 51,480.00
Fitchburg	\$ 20,150.00
Framingham	\$ 33,280.00
Greenfield	\$ 5,980.00
Haverhill	\$ 33,280.00
Holyoke	\$ 12,350.00
Lawrence	\$ 33,280.00
Lowell	\$ 51,480.00
Ludlow	\$ 6,630.00
Lynn	\$ 51,480.00
Malden	\$ 33,280.00
Marlborough	\$ 20,150.00
Methuen	\$ 27,950.00
Milford	\$ 11,050.00
New Bedford	\$ 51,480.00
Peabody	\$ 27,950.00
Pittsfield	\$ 20,150.00
Quincy	\$ 51,480.00
Randolph	\$ 11,050.00
Revere	\$ 33,280.00
Salem	\$ 20,150.00
Somerville	\$ 33,280.00
Southbridge	\$ 5,980.00
Springfield	\$ 92,735.50
Taunton	\$ 27,950.00
Ware	\$ 4,550.00
Webster	\$ 5,980.00
West Springfield	\$ 8,450.00
Westfield	\$ 20,150.00
Weymouth	\$ 27,950.00
Worcester	\$ 92,735.50

**Massachusetts Emergency Management Agency
FFY 2023 EMPG Application**

APPLICATANT INFORMATION

TOWN/CITY/TRIBE:	FALMOUTH		
UEI # (required):	E1UGXV4JUNG5	SAMs Registration Expiration Date (required):	12/17/24

POINT OF CONTACT (Emergency Manager/Director)

NAME:	KIM STROHM		
TITLE:	ADMINISTRATIVE ASSISTANT/ASSISTANT EMERGENCY MANAGEMENT DIRECTOR		
EMAIL:	KIM.STROHM@FALMOUTHFIREMA.GOV	PHONE:	508-495-2517

STATEMENT OF WORK

Description of your project (who, what, when, where, why, and how)

The Town of Falmouth will continue its work in building a culture of preparedness and improve our ability to prevent, protect, mitigate, respond, and recover from all threats and hazards. Our work will include reviewing emergency management core capabilities within existing emergency plans and identifying capability gaps related to organization, planning, exercises, training, and equipment as well as updating where needed.

The Town of Falmouth Emergency Management Division is dedicated to creating a culture of preparedness. We can accomplish this task by continuing our work of promoting and building a culture of preparedness by discussing the threats and hazards that concern and impact us most, particularly here on Cape Cod, but also nationwide.

Our work will involve educating and encouraging all members of our community, including neighborhood organizations, elderly population and non-profit organizations that provide assistance to our residents, to understand the core capabilities, emergency preparedness mission goals and public communication tools.

We believe this planning and outreach will enable us to build on short-term and long-term preparedness priorities, provide invaluable information to our community and prepare together for the inevitable impacts of future disasters.

Will anything be installed? (yes / no)	NO
Are you purchasing any communication equipment? (yes / no)	NO
Are you purchasing a SUAS (drone) or accessories? (yes / no)	NO
Are you purchasing sonar equipment? (yes / no)	NO

BUDGET

What is your Total Eligible Award Amount?			\$ 8,500.00
Is this a Regional Project? If YES, list all communities and their awards below			NO
Town/City/Tribe Name(s)	Award Amount	Town/City/Tribe Name(s)	Award Amount

SVI COMMUNITIES (only)

Are you an SVI Community? (yes / no)	NO
IF YES, explain how this project will benefit your vulnerable population	

PROJECT COSTS

List Expenditures	AEL #	Portable or Installed	Quantity	Total Costs
PLANNING, ORGANIZATIONAL			APPROX.	\$ 8,500.00
			160	
			HOURS	
TOTAL				\$ 8,500.00

MATCH

Your match amount must be equal to your award amount and must be allowable activities/expenses. List what you will use for match (R911, Code Red, CAD, EM salary/stipend, EM volunteer hrs, etc.)	
THE ASSISTANT EMERGENCY MANAGEMENT DIRECTOR AND EMERGENCY	\$ 8,500.00
MANAGEMENT DIRECTOR ARE PAID WEEKLY STIPENDS. THESE STIPENDS	
WILL BE USED FOR THE MATCH.	
TOTAL	\$ 8,500.00

Mission Areas <i>(chose the one that best fits your project)</i>	
Prevention, Protection, Mitigation, Response or Recovery	PROTECT

Core Capabilities <i>(check the one that best fits your project)</i>			
Planning	X	Situational Assessment	X
Operational Coordination		Economic Recovery	
Screening, Search & Detection		Housing	
Cybersecurity		Public Information & Warning	X
Community Resilience	X	Forensics & Attribution	
Critical Transportation		Access Control & Identity Verification	
Physical Protective Measures		Supply Chain Integrity & Security	
Risk & Disaster Resilience Assessment		Environmental Response/Health and Safety	
Fire Management & Suppression		Mass Care Services	
On-scene Security		Protection & Law	
Public Health		Healthcare	
Emergency Medical		Infrastructure Systems	
Health & Social Services		Natural & Cultural Resources	
Fatality Management Services		Mass Search & Rescue Operations	
Risk Management for Protection Programs		Logistics & Supply Chain Management	

National Goals / Priorities <i>(check the one that best fits your project)</i>	
Goal # 1 - Instill Equity as a Foundation of Emergency Management	
Goal # 2 - Lead Whole of Community in Climate Resilience	
Goal # 3 - Promote and Sustain a Ready FEMA and Prepared Nation	X

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- c. Approve 2024 Seasonal Population Increase Estimation Form for submittal to the Alcoholic Beverages Control Commission



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Approve the 2024 Seasonal Population Increase Estimation Form for submittal to the Alcoholic Beverages Control Commission

MEETING DATE: 1/29/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: 2024 Seasonal Population Increase Estimation Form dated January 9, 2024

PURPOSE:

The Select Board is requested to approve the 2024 Seasonal Population Increase Estimation Form prior to its submittal to the Alcoholic Beverages Control Commission.

BACKGROUND/SUMMARY:

- Each year the Town must submit to the state Alcoholic Beverages Control Commission a Seasonal Population Increase Estimation Form, prepared by the Town Clerk, to meet the quota determination requirement of Title XX Chapter 138, Section 17 of the General Law.
- Title XX, Chapter 138 Section 17. Except as otherwise provided in this chapter, the number of licenses issued in any city or town under sections twelve and fifteen and in force and effect at any one time during any license year shall be limited as hereinafter provided:

- The local licensing authorities of any city or town, except the city of Boston, may grant one license under the provisions of section twelve for each population unit of one thousand or additional fraction thereof, and, in addition, one such license for each population unit of ten thousand or fraction thereof, over the first twenty-five thousand, but may, regardless of population, grant at least fourteen licenses under said section twelve; and the local licensing authorities may also grant one license under the provisions of section fifteen for each population unit of five thousand or additional fraction thereof, but may, regardless of population, grant at least two licenses under said section fifteen.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the 2024 Seasonal Population Increase Estimation Form as presented.

OPTIONS:

- Motion to approve the Seasonal Population Increase Estimation Form as presented.
- Motion to deny approval of the Seasonal Population Increase Estimation Form 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 2024 Seasonal Population Increase Estimation Form as presented.

Michael Renshaw

1/26/2024

Town Manager

Date

COMMONWEALTH OF MASSACHUSETTS
ALCOHOLIC BEVERAGES CONTROL COMMISSION

95 Fourth Street, Suite 3, Chelsea, MA 02150

2024 Seasonal Population Increase Estimation Form

Municipality:

Date:

Alcoholic Beverages Control Commission
c/o Licensing Department
95 Fourth Street, Suite 3
Chelsea, MA 02150

To Whom It May Concern:

Acting under authority contained in M.G.L. Ch. 138, s17, as amended, our Board at a meeting held on

estimated that the temporary increased resident population

of

, as of July 10, 2024 will be .

This estimate was made and voted upon by us at a meeting called for the purpose, after due notice to each of the members of the time, place and purpose of said meeting, and after investigation and ascertainment by us of all the facts and after cooperative discussion and deliberation. The estimate is true to the best of our knowledge and belief. The above statements are made under the pains and penalties of perjury.

Very truly yours,

Local Licensing Authorities

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- d. Approve request from Ament Klauer LLP on behalf of David A., Edward M. and Jeanne M. Pagani, managers of 352 Scranton LLC, and owners of both 227 Clinton Ave. and 352 Scranton Ave., to apply to the Conservation Commission and to the Board of Health relative to work within the road layout of Clinton Ave. (5 minutes)



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Approve request from Ament Klauer LLP on behalf of David A., Edward M. and Jeanne M. Pagani, managers of 352 Scranton LLC, and owners of both 227 Clinton Ave. and 352 Scranton Ave., to apply to the Conservation Commission and to the Board of Health relative to work within the road layout of Clinton Ave.

MEETING DATE: 1/26/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Letter from Ament Klauer LLP dated December 12, 2023; Plan drawings; Email thread

PURPOSE:

The Select Board is being requested by Ament Klauer LLP, on behalf of their clients the Pagani family, to apply to the Conservation Commission and Board of Health for work within the Town layout on Clinton Ave.

BACKGROUND/SUMMARY:

- The managers of 352 Scranton LLC and the owners of both 352 Scranton and 227 Clinton Ave. are in the process of applying to the Board of Health and Conservation Commission to replace the existing wastewater system on the property.
- Their plan is to install a tight tank to be located at 352 Scranton Ave. which would require crossing under a portion of Clinton Ave abutting both properties that is Town-owned.

- If the Select Board approves the request to allow the applicant to apply to the Conservation Commission and Board of Health, if the project is ultimately approved by those bodies for work within the layout, the applicant must still come back to the Select Board for the actual Temporary Grant of Access License to perform the work.
- The Town Engineer reviewed the request and, although he had no objections to the application, stated that his office will require a detailed existing conditions plan prior to approving any work as there are existing utilities and tie backs from the bulkhead that must not be disturbed.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the request from Ament Klauer LLP on behalf of David A., Edward M. and Jeanne M. Pagani, managers of 352 Scranton LLC, and owners of both 227 Clinton Ave. and 352 Scranton Ave., to apply to the Conservation Commission and to the Board of Health relative to work within the road layout of Clinton Ave.

OPTIONS:

- Motion to approve request from Ament Klauer LLP on behalf of David A., Edward M. and Jeanne M. Pagani, managers of 352 Scranton LLC, and owners of both 227 Clinton Ave. and 352 Scranton Ave., to apply to the Conservation Commission and to the Board of Health relative to work within the road layout of Clinton Ave.
- Motion to deny approval of the request from Ament Klauer LLP on behalf of David A., Edward M. and Jeanne M. Pagani, managers of 352 Scranton LLC, and owners of both 227 Clinton Ave. and 352 Scranton Ave., to apply to the Conservation Commission and to the Board of Health relative to work within the road layout of Clinton Ave.
- Some other Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board approve the request from Ament Klauer LLP on behalf of David A., Edward M. and Jeanne M. Pagani, managers of 352 Scranton LLC, and owners of both 227 Clinton Ave. and 352 Scranton Ave., to apply to the Conservation Commission and to the Board of Health relative to work within the road layout of Clinton Ave.

Michael Renshaw

Town Manager

1/26/2024

Date

AMENT KLAUER LLP

Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

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



December 12, 2023

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

RE: Request for permission to apply to Conservation Commission and Board of Health relative to septic system components within road layout abutting 227 Clinton Avenue (Assessor Parcel ID No. 47C 08 030B 000A) and 352 Scranton Avenue (Assessor Parcel ID No. 47C 06 001 000)

Dear Mr. Renshaw:

Our office represents David A. Pagani, Edward M. Pagani and Jeanne M. Pagani, the managers of 352 Scranton LLC, and the owners of both 227 Clinton Avenue (Assessor Parcel ID No. 47C 08 030B 000A) and 352 Scranton Avenue (Assessor Parcel ID No. 47C 06 001 000). These two parcels are bisected by a stub end of Clinton Avenue that terminates along the harbor bulkhead.

The Pagani family is in the process of applying to the Conservation Commission and Board of Health to replace the wastewater system at the property. They are proposing a tight tank located on 352 Scranton and in order to do so, would need to cross under a portion of Clinton Avenue that abuts both properties that is owned by the Town. As such, they are requesting the Selectboard's permission to seek approval from the Conservation Commission and Board of Health for that work under the road layout, which. The work and area in question is depicted on the attached plan labeled as "Site Plan – Proposed Tight Tank for #227 Clinton Avenue & #352 Scranton Avenue Prepared for Clancy Construction in Falmouth, MA" dated November 1, 2023, prepared by Falmouth Engineering.

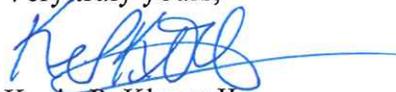
This request is simply for the Pagani family to be able to seek permission from the Conservation Commission and Board of Health for work within the road layout. If the proposal is allowed, we would of course have to come back to the Selectboard for a license to undertake the work. There is relatively recent precedent for a similar allowance – the septic system for 286 Grand Avenue is located approximately 500' away on the vacant parcel known as 0 Central Park Avenue and the system components are located within the layout for both Grand Avenue and Central Park Avenue.

Michael Renshaw, Town Manager
December 12, 2023
Page 2

I would ask that the applicant's request for permission to apply to the Conservation Commission and Board of Health relative to work within the road layout of Clinton Avenue be placed on the Selectboard's agenda at your earliest convenience and notify me accordingly of the schedule.

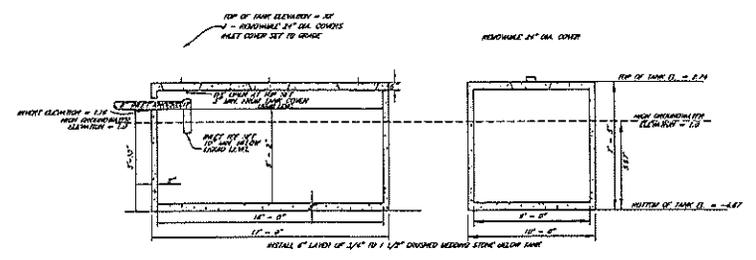
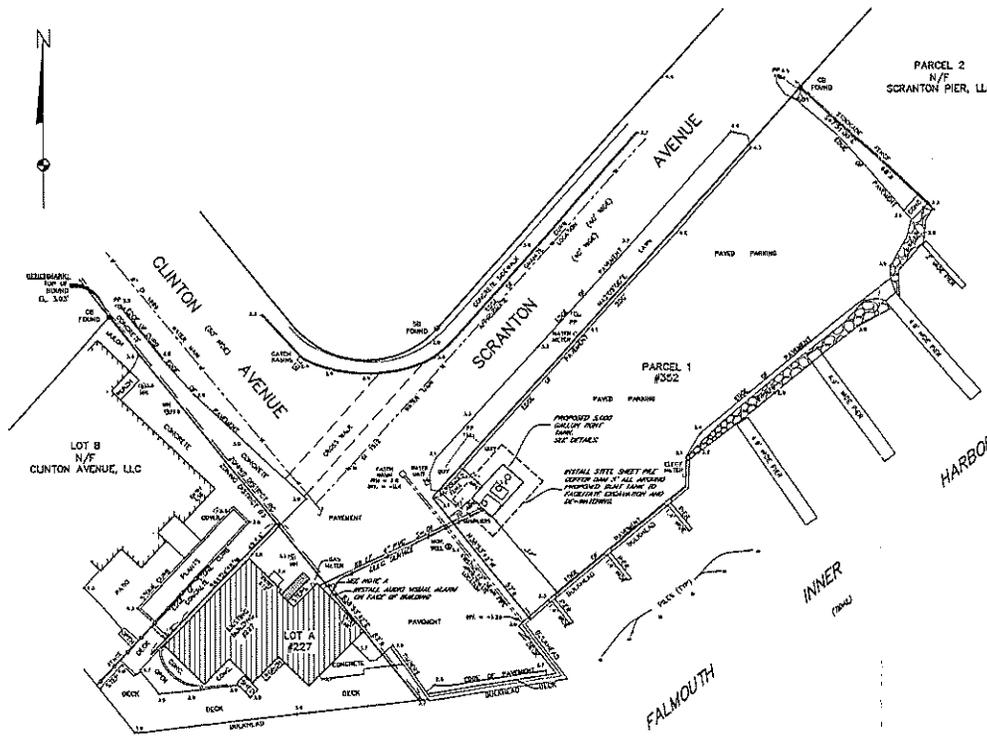
Please do not hesitate to contact me with any questions or concerns. Thanks very much for your consideration of this request.

Very truly yours,



Kevin P. Klauer II

Enclosure



5,000 GALLON TIGHT TANK (H-20 LOADING)
 NOT TO SCALE
 ACIUC - SHOBBY PRECAST ITEM BY 1009 OR APPROVED EQUAL

CONSTRUCTION NOTES:

1. INSTALLATION OF THE PROPOSED TIGHT TANK SHALL BE IN ACCORDANCE WITH TITLE 5 AND THE BOARD OF HEALTH REGULATIONS.
2. A COPY OF THE PLANS SHALL BE AVAILABLE ON SITE FOR REFERENCE AT ALL TIMES DURING THE INSTALLATION OF THE TIGHT TANK.
3. NO CHANGES TO THE DESIGN SHALL BE PERFORMED WITHOUT THE APPROVAL OF BOTH FALMOUTH ENGINEERING, INC. AND THE BOARD OF HEALTH.
4. THE TIGHT TANK IS SUBJECT TO INSPECTION BY FALMOUTH ENGINEERING, INC. AND THE BOARD OF HEALTH.
5. THE CONTRACTOR SHALL NOTIFY FALMOUTH ENGINEERING, INC. AND THE BOARD OF HEALTH TO INSPECT THE TIGHT TANK PRIOR TO BACKFILL. IN SOME INSTANCES, MORE THAN ONE INSPECTION MAY BE NEEDED. THE CONTRACTOR SHALL ONLY BACKFILL THE PORTIONS OF THE SYSTEM THAT HAVE BEEN INSPECTED AND APPROVED BY FALMOUTH ENGINEERING, INC. AND THE BOARD OF HEALTH.
6. IF THE CONTRACTOR ENCOUNTERS ANY VARIATIONS IN SITE CONDITIONS, SUCH AS DIFFERING SOILS, TOPOGRAPHIC, GROUNDWATER ELEVATIONS OR OTHER CONDITIONS THAT MAY REQUIRE RE-EVALUATION OF THE DESIGN, THE CONTRACTOR SHALL IMMEDIATELY CONTACT FALMOUTH ENGINEERING, INC.

TIGHT TANK NOTES:

1. PROVIDE ABOVE/GROUND ALARM LOCATED IN A CLEARLY VISIBLE LOCATION. ALARM SHALL ACTIVATE AT 1/2 TANK CAPACITY.
2. PROVIDE AT LEAST ONE 24" DIAMETER ACCESS COVER FOR PUMPING AND MAINTENANCE.
3. THE ACCESS COVERS SHALL BE FITTED WITH WATERPROOF AND WATER-TIGHT GASKET SEALS TO PREVENT ENTRANCE OF SURFACE WATER.
4. CONTENTS ENTERING TANK SHALL BE DOMESTIC WASTE ONLY.
5. THE TANK SHALL BE CERTIFIED WATERPROOF AND WATER-TIGHT. CERTIFICATION SHALL BE IN WRITING FROM THE MANUFACTURER.
6. THE CONTENTS SHALL BE HAULED TO AND DISPOSED OF AT AN APPROVED FACILITY.
7. THE ALARM SYSTEM SHALL BE TESTED AND INSPECTED ON A SEMI-ANNUAL BASIS.

LEGEND

- +3.5 EXISTING SPOT ELEVATION
- +6.0 PROPOSED SPOT ELEVATION
>PP 10- EXISTING UTILITY POLE
- MH 0 EXISTING SEPTIC MANHOLE COVER
- SB FOUND 0 STONE BOUND
- OR FOUND 0 CONCRETE BOUND
- DRAINAGE FLOW

BUOYANCY CALCULATIONS:

ESTIMATED HIGH OCEANWAVE ELEVATION = 1.0
 BOTTOM OF TANK ELEVATION = -4.67
 VOLUME OF WATER DISPLACED = 10' X 18' X 3.67' = 664 CU YD FEET
 HEIGHT OF WATER DISPLACED = 3.64 CU YD FEET X 62.4 LBS./CU YD FEET = 60,154 LBS.
 HEIGHT OF 5,000 GALLON TANK FROM MANUFACTURER = 63,500 LBS. > 60,154 LBS.

SPECIFICATIONS

1. CONCRETE MINIMUM STRENGTH: 5,000 PSI @ 28 DAYS.
2. STEEL REINFORCEMENT: ASTM A-615, GRADE 60
3. DESIGN LOADING: H-20/H-20
4. PRODUCT WEIGHT: 63,500 LBS. AS PER MANUFACTURER

GENERAL NOTES:

1. ASSessor's INFORMATION: 47C 05 0303 00A (#227) 47C 09 001 000 (#352)
2. FLOOD ZONE: VE1S (FDMA MAP 2500IC0736A)
3. ZONING DISTRICTS: 03 (#227) & RC (#352)
4. WIND EXPOSURE CATEGORY: C
5. OVERLAY DISTRICT: PORTION OF LOTS WITHIN NHESP CRITICAL NATURAL LANDSCAPE
6. WIND BORNING DESIGN REGION: HIGH
7. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
8. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1986.

NOTE A:

THE CONTRACTOR SHALL EXCAVATE AND UNCOVER THE EXISTING WASTE PIPE PRIOR TO TIGHT TANK INSTALLATION TO VERIFY PIPE INVERT. CONTACT ENGINEER WHEN UNCOVERED FOR INSPECTION. ADJUST PIPE INVERT TO ELEVATION I.B. VERIFY WITH LICENSED PLUMBER.

THE CONTRACTOR SHALL CONTACT DIG-SAFE AND THE FALMOUTH DEPARTMENT OF PUBLIC WORKS TO MARK THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION. IF THE CONTRACTOR DISCOVERS ANY CONFLICTS WITH THE PROPOSED SEPTIC SYSTEM INSTALLATION, THE CONTRACTOR SHALL NOTIFY THE ENGINEER AS SOON AS POSSIBLE TO RESOLVE THE CONFLICT.

SITE PLAN - PROPOSED TIGHT TANK
 FOR #227 CLINTON AVENUE & #352 SCRANTON AVENUE
 PREPARED BY
CLANCY CONSTRUCTION
 FALMOUTH, MA

PLAN DATE: NOVEMBER 1, 2023 PLAN SCALE: 1"=20'

CIVIL ENGINEERING WATERWAY DESIGN TITLE & PLAN PLANNER LAND USE PLANNING		VELENA POGGIATO CONTR. ENGINEERING PLOTS AND BOOKS CONCRETE/RESIDENTIAL
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17 ACADSHY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508-495-1225

PROJECT NUMBER: 23053 CAD FILE NAME: 2003035P DRAWING DTG: LJM/ SHEET 1 OF 1

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- e. Approve Letter of Support for the Town of Mashpee's
Ashumet Pond Aluminum Sulfate Project



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent – Administrative 2.f.

ITEM TITLE: Approve a Letter of Support for the Town of Mashpee's Ashumet Pond Aluminum Sulfate Project

MEETING DATE: 1/29/2024

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

SUBMITTED BY: Mark Kasprzyk

ATTACHMENTS: Draft Letter of Support, Board of Health Letter of Support, Mashpee CPC Application

PURPOSE:

To provide a letter of support to the Mashpee Community Preservation Committee for the application of alum treatment to Ashumet Pond.

BACKGROUND/SUMMARY:

- Ashumet Pond is 220 acres, about 32% in Falmouth and 68% in Mashpee. Alum treatments that took place in 2001 and 2010 to address phosphorus issues showed marked improvements in water quality after implementation. In 2023, cyanobacteria levels were the highest ever and are being contributed to elevated phosphorus levels in the pond.
- Ashley Fisher, Mashpee Dept of Natural Resources has applied to the Mashpee Community Preservation Committee for funding towards another alum treatment. Ms. Fisher has also reached out to the U.S. Air Force who have agreed to fund 50% of the project cost, estimated at \$550,000. The cost includes permitting and engineering, alum treatment and monitoring for 3+ years. In the

absence of watershed sewerage, reducing homeowner fertilizers and stormwater improvements, the treatment is estimated to last 10 to 15 years.

- The alum treatment will take place only in the deepest part of the pond, all located within Mashpee. All past treatments and wetland permit filings have gone through Mashpee as will this next proposal.
- The Mashpee Community Preservation Committee has requested a possible contribution from Falmouth in their May Town Meeting Article draft to go towards the \$275,000 cost of remediation for Ashumet Pond. Approximately 32% of Ashumet Pond is located in Falmouth, 68% in Mashpee.
- Approval of the request is recommended to remediate high phosphorus levels.

DEPARTMENT RECOMMENDATION:

The Conservation Department supports this work. The Board of Health reviewed the alum treatment procedure at their 1/8/2024 meeting and sent a letter of support.

OPTIONS:

- Motion to approve the Letter of Support for the Town of Mashpee’s Ashumet Pond Aluminum Sulfate Project.
- Motion to deny approval of the Letter of Support for the Town of Mashpee’s Ashumet Pond Aluminum Sulfate Project.

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 Letter of Support for the Town of Mashpee's Ashumet Pond aluminum sulfate project as presented, and to authorize the Chair to sign the letter.

Michael Renshaw

Town Manager

1/24/2024

Date



Falmouth Health Department

Falmouth Town Hall • 59 Town Hall Square • Falmouth, Massachusetts 02540

(508) 495-7485 • Fax (508) 548-4290

health@falmouthma.gov

January 12, 2024

On January 8, 2023, the Falmouth Board of Health voted to support the Town of Mashpee's plans to treat Ashumet Pond with aluminum sulfate (alum) to reduce phosphorus levels that are contributing to high cyanobacteria levels. The support comes with the Board's statement that both Mashpee and Falmouth should strive to better understand the pond's ecology and to better understand how to manage the pond. Hopefully, there will not be a need for future alum treatments with the addition of better management practices, particularly in the area of fertilizer use and landscape practices.

Scott McGann
Health Agent



COMMUNITY PRESERVATION FUNDING APPLICATION
Town of Mashpee

Submit (12) copies And,
And (1) electronic copy to: scoleman@mashpeema.gov

Town of Mashpee
Community Preservation Committee
c/o Office of the Select Board & Town Manager
16 Great Neck Road North, Mashpee MA 02649
508-539-1401

For application questions, email CPC Secretary Kathleen Soares at ksoares@mashpeema.gov

Category (check all that apply)
Open Space <input checked="" type="checkbox"/> Recreation <input checked="" type="checkbox"/> Historic Preservation <input type="checkbox"/> Affordable Housing <input type="checkbox"/>

Name of Applicant: Mashpee Natural Resources

Co-Applicant; if applicable: _____

Contact Person: Ashley Fisher

Daytime Phone: 508-539-1410 Email: afisher@mashpeema.gov

Mailing Address: 31 Mercantile Way Unit 6/7

Town: Mashpee State: MA Zip Code: 02649

What is your authority to submit this application? Please document.
Mashpee Director of Natural Resources

Proposal Title: Ashumet Pond Nutrient Inactivation

Project Address (or Assessor's parcel ID) N/A → Ashumet Pond

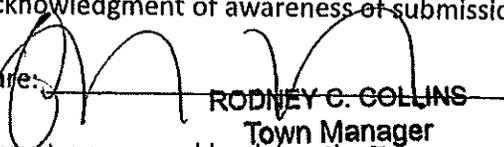
Amount of CPA Funding request: \$ 675,000

Total Cost of Proposed Project: \$ 1,000,000 + JBCC cost share

Date: 10/26/2023

A. If the proposal is being submitted by a Town Department, Committee, Board or Commission, the application requires acknowledgment of awareness of submission by the Town Manager.

Town Manager signature:


RODNEY C. COLLINS
Town Manager

Town Manager Approval Date: 10/27/23

B. If the proposal involves town-owned land, has the Town approved the use of said Town-owned land?

Yes: Please document.

No: What are the plans to secure approval?

Falmouth Town Landing - Shared waterway

C. If this proposal has been permitted, reviewed or discussed at a Town Committee, Commission or Board meeting, include copies of the minutes of meeting where this proposal was discussed.

Project Description:

See Attached.

Answer the following questions; be brief, but complete and include any supporting materials. All questions must be answered.

1. Control of Site:

A. Indicate if applicant owns or has a purchase agreement for the property.

- Attach the current deed/title to the application.
- If under agreement, attach a copy of agreement.
- If applicant does not own the site, what is the relationship between applicant and owner?

B. If this is a land acquisition request, is the property currently listed for sale?

C. Are there any Deed Restrictions/other Restrictions on the land?

2. Goals: What are the goals of the proposed project?

3. Community Need:

A. Why is this project needed? How does it reflect the criteria as defined by the CPC Committee? (See attached criteria)

B. Describe and quantify the need: number of people who will directly benefit from the project once it is completed; and /or resources that will be protected as a result of this project.

C. Is this part of an approved Town Plan, for example the Local Comprehensive Plan.

4. Community Support:

A. What is the nature and level of support for this project? Please see Information Checklist re: letters of support and petitions.

B. Has there been any communication with project abutters? Yes: No:



TOWN OF MASHPEE
DEPARTMENT OF NATURAL RESOURCES
31 Mercantile Way Unit 6/7
Mashpee, Massachusetts 02649
Telephone – (508) 539-1410



November 1st 2023

Community Preservation Committee

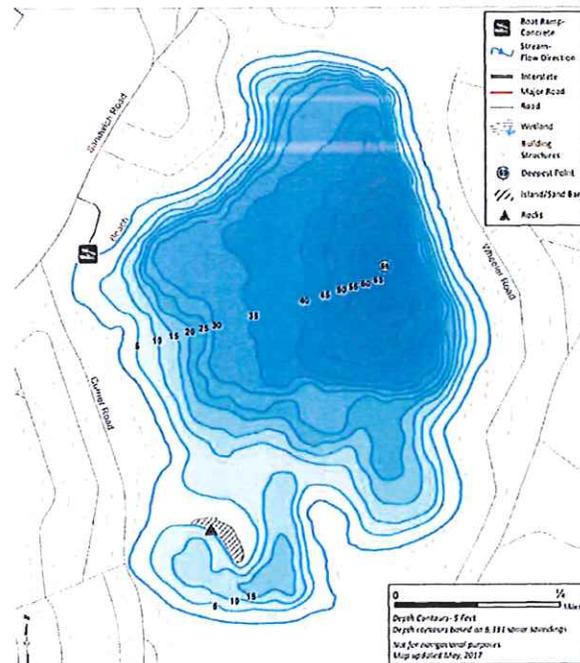
Re: Community Preservation Funding Application: Ashumet Pond Nutrient Inactivation

To whom it may concern,

The Mashpee Department of Natural Resources formally requests that the Community Preservation Committee recommend funding for a Nutrient Inactivation Treatment on Ashumet Pond.

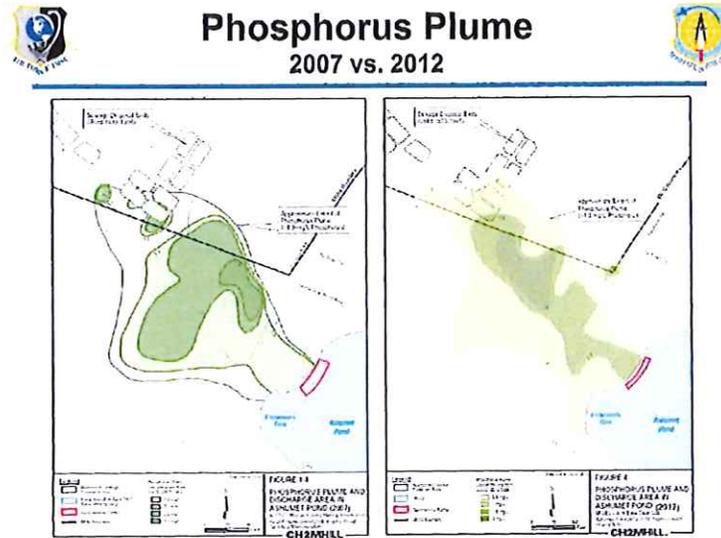
Background of Ashumet Pond:

Ashumet Pond is a true glacial “flow through” kettle hole pond, with a total surface area of roughly 220 acres with an average depth of 20 feet and a maximum depth of 69 feet. Its total groundwater flux rate is between 454,000 and 474,000 cubic feet per day. The pond has a small inlet on its North West shore near a series of abandoned cranberry bogs and the Orenda Linda Bound Sanctuary. The pond has produced Brook Trout, Rainbow Trout, Tiger Trout, Brown Bullhead, Chain Pickerel, Yellow Perch, White Perch, and Sunfish and is regularly stocked with Rainbow Trout and Brook Trout and sometimes Tiger Trout.



Ashumet Pond Topography: Mass. Division of Fisheries and Wildlife.

Ashumet Pond has a long history of nutrient impairment stemming from a phosphorus enriched groundwater plume. This plume was detected by Mass. Military Reservation in the early 1990s when it was discovered that the rapid infiltration beds, located approximately 2,000 ft northwest of the pond, of their wastewater treatment facility were discharging phosphorous (P) rich water into the ground. The plume, as a result has affected water quality of Ashumet Pond by increasing the amount of available phosphorous needed to support algal growth. See figure of plume below:



In 1995 the Air Force's Civil Engineer Center led a cleanup team to treat the adjacent groundwater and accumulated nutrients within Ashumet Pond. A new wastewater treatment facility was built with a new discharge pipeline directed away from Ashumet and to the Cape Cod Canal, a permeable reactive barrier (geochemical barrier) was installed at the groundwater interface abutting Ashumet Pond in 2004, and two nutrient inactivation treatments were completed in 2001 and 2010.

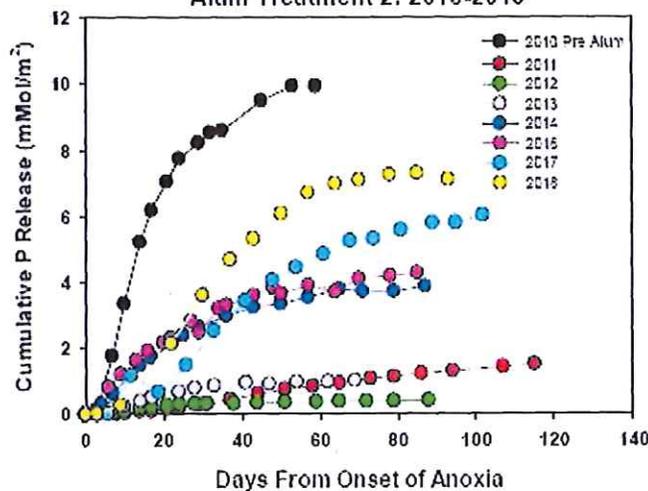
For years, a plume of phosphorus from the old wastewater treatment plant on the base discharged to Ashumet Pond in Falmouth/Mashpee, elevating phosphorus levels. Too much phosphorus can negatively overload the pond's ecosystem. Phosphorus is a nutrient for plants, including algae, which deplete the water of oxygen. The Air Force performed two aluminum-based chemical treatments which immobilized much of the available phosphorus. A permeable reactive barrier consisting of iron filings mixed with native sand in the area of upwelling phosphorus was installed. It significantly reduces the amount of phosphorus entering the pond thus improving pond water quality and clarity. Photo depicts aluminum-based chemical treatment application.



From SMAST analysis and data review, pre-alum levels of P release are returning, primarily due to onsite residential septic system influences on groundwater, fertilizer, and stormwater runoff. JBCC takes some responsibility for legacy phosphorous still entering Ashumet Pond, which is why they are willing to contribute 50% of the cost to treat, permit the treatment, and monitor post-treatment. See below P release data from 2010-2018. Levels from 2018 show an increasing trend to near pre-treatment levels. Further testing of nutrient P release will be conducted in 2024 (sediment nitrate and soluble reactive phosphorus (SRP) flux rates).



Anaerobic Phosphorus Release
Ashumet Pond (30-40 ft Depth)
Alum Treatment 2: 2010-2018



In 2022, Mashpee DNR conducted increased sampling on Ashumet Pond. In 2022, data trends showed an increase in P concentrations within the water column, therefore a more aggressive monitoring program was formed. In 2023, Mashpee DNR budgeted for monthly nutrient analysis from April to October. In September 2023 cyanobacteria cell counts exceeded 250,000 cells/ml, nearly quadruple the state's recommended advisory threshold of 70,000 cells/ml. In October of 2023, discussions with SMAST, JBCC, and the Town of Falmouth began to plan for a future nutrient inactivation treatment.

What is Aluminum Sulfate?

Aluminum sulfate is a salt with the formula $Al_2(SO_4)_3$. It is soluble in water and is mainly used as a coagulating agent in the purification of drinking water and wastewater treatment facilities. Due to the chemical makeup of alum, it binds with a wide range of particles from clay and sand sediment to nutrients such as nitrogen and phosphorus. When the alum binds with these nutrients, it renders them useless, and if done correctly can prevent plant growth before it happens. Fortunately, this chemical property solves two of the biggest problems; eutrophication and clarity issues. The solid precipitate forms a flocculent material, referred to as a floc, which has a high capacity to adsorb phosphates. The aluminum hydroxide blanket, when applied appropriately, separates the sediment from the water column, which reduces internally supplied phosphorus. Alum has been used in several Cape Cod ponds, including Ashumet Pond, Mystic Lake, Hamblin Pond, Lovell's Pond, Long Pond, Cliff Pond, Lovers Lake, Stillwater Pond,

Herring Pond and Great Pond. (See Wagner et.al. 2017). Comparison of pre-treatment and post-treatment summer Phosphorous concentrations between surface or bottom sampling locations indicate a decrease in all cases.

Goals:

Complete a third nutrient inactivation treatment on Ashumet Pond to further reduce P release from bottom sediments and thus reduce public health risks associated with dense cyanobacteria blooms. The DNR will work with federal, state, and local partners to continue to monitor P release from groundwater sources such as legacy P from JBCC, onsite septic loading, fertilizer use, and stormwater runoff.

Community Need:

This project is needed to help protect Ashumet pond abutters and visitors from the potential health risks associated with cyanobacteria blooms. These algal blooms also directly impact the overall health of the pond by creating anoxic (no oxygen) conditions and or fish kills. When treated, available phosphorus declines which reduces the likelihood of high concentration algal blooms and low dissolved oxygen events.

There are currently 94 homeowners that are within the 300 feet of Ashumet Pond that would directly benefit from this treatment. Homeowners have expressed initial support for an additional treatment during public informational sessions focused around Ashumet Pond's overall health.

The Mashpee community continues to support clean water initiatives within all planning efforts, including the recent completion of the Town's Local Comprehensive Plan.

Community Support:

Ashumet area residents support this pursuit of an additional aluminum sulfate (nutrient inactivation) treatment. The Friends of Ashumet Pond have requested an additional treatment since 2020. Please see attached letter of support from the Friends of Ashumet Pond.

JBCC – U.S. Air Force also agrees with the need of an additional treatment – Environmental Services Agreement to follow.

Timeline:

Year 1: Preparations:

- 1.) Legal Review: U.S. Airforce Environmental Services Agreement.
- 2.) Dosing: Hire consultants to conduct an aluminum sulfate dosing assessment.
- 3.) Permitting: Conservation Commission sign off for a Department of Environmental Protection permit with National Heritage approval. Permit review under the Wetland Protection Act (Chapter 130, §40) and regulations (310 CMR 10.00) and Town of Mashpee Wetlands Bylaw (Chapter 172). Previous 2010 DEP # issued: File #043-2617; recorded at the Barnstable County Registry of Deeds on August 13, 2010. Office of Fishing and Boating Access – Ramp use permit. Permitting will most likely be streamlined due to past completed treatments within the pond.
- 4.) Review with JBCC for cost sharing.

Year 2: Treatment:

- 1.) Hire a contractor to apply a treatment with buffer solution. A structured work plan will be required.
- 2.) Coordinate with Town of Falmouth and The Office of Fishing and Boating Access.
- 3.) Coordinate with JBCC for cost sharing.

Year 3: Monitoring:

- 1.) Work with consultants to create an expanded monitoring program to track improvements post-alum treatment.
- 2.) Review with JBCC for cost sharing.
- 3.) Receive Conservation Commission Certificate of Compliance.

Community Partners:

United States Air Force – Civil Engineer Center

Friends of Ashumet Pond

Town of Falmouth: Board of Health and Conservation Commission

Town of Mashpee: Board of Health and Conservation Commission

Success:

The success of the treatment will be measured by future P release and treatment longevity. In the absence of watershed wide sewerage, improved homeowner land use practices (fertilizer and LID practices), and stormwater improvements the treatment should last for approximately 10 -15 years.

Budget:

Year 1:

Item Description:	Cost Estimate:	CPA Funds:	Other Funds:
Permitting and Engineering	\$50,000	\$50,000	JBCC to contribute

Year 2:

Item Description:	Cost Estimate:	CPA Funds:	Other Funds:
Contracting – Alum Treatment	\$500,000	\$500,000	JBCC to contribute

Year 3:

Item Description:	Cost Estimate:	CPA Funds:	Other Funds:
Monitoring Program (3 yrs+)	\$60,000	\$60,000	JBCC to contribute and Mashpee DNR Operating Budget

Budget will need to add a 10 % contingency based on the price costs estimated for actual purchase of the solution.

Town of Falmouth: Falmouth is willing to participate and fund portions of the project. Coordination with the Town's Health Agent and Conservation Agent is ongoing.

Total Requested: \$675,000

Cost of the project may fluctuate based on the cost of the solution. However, costs will not exceed 1,000,000, therefore town reimbursement of funds expended will be determined for each phase of the project.

Maintenance:

No maintenance is required, however water quality monitoring will be ongoing post treatment. These funds will be allocated within the DNR's operating budget.

Coordination with Town Departments:

There will be considerable coordination with the Conservation Commission, Conservation Agent, The Department of Public Works, Board of Health, and the Health Agent for the completion of this project.

The Conservation Agent will help in the permitting aspect of the project.

The Conservation Commission will directly be involved with the hearing of the Notice of Intent filing to Mass. Department of Environmental Protection under jurisdiction of the Wetland Protection Act.

The Board of Health and Health Agent, and The Department of Public Works will assist in review of the project and work plan.

Coordination with Other Towns:

The Town of Mashpee will be coordinating with the Town of Falmouth throughout the entirety of this project. The Falmouth Conservation Agent and Health Agent have been contacted directly and commend Mashpee for taking the lead on this project. Letters of support to follow (Falmouth Board of Health and Conservation Commission unable to meet and approve prior to deadline).

The State Office of Fishing and Boating Access will also be involved in onsite approval of equipment stationing at the Falmouth State Ashumet Boat Launch located at 589 Currier Road. This location was previously used in stationing during the past two treatments in 2001 and 2010.

Attached Documents:

- 1.) Air Force Civil Engineer Center: Ashumet Pond Background and Status
- 2.) Ashumet Pond Abutter List
- 3.) Cape Cod Commission – Mashpee Ponds Profile
- 4.) Kenneth J. Wagner, Dominic Meringolo, David F. Mitchell, Elizabeth Moran & Spence Smith (2017) Aluminum treatments to control internal phosphorus loading in lakes on Cape Cod, Massachusetts, Lake and Reservoir Management, 33:2, 171-186, DOI: 10.1080/10402381.2017.1308449
- 5.) Letter of Endorsement : Friends of Ashumet Pond
- 6.) Letter of Endorsement : Mashpee Ponds Coalition
- 7.) Letter of Support : Mashpee Conservation Agent, Andrew McManus
- 8.) Letter of Support: Mashpee Health Agent, Zackary Seabury
- 9.) Office of Fishing and Boating Access – General Permit

Supporting Links:

- 1.) Ashumet Pond Nutrient Inactivation Report – 2010 CH2MHILL:
https://www.mashpeema.gov/sites/g/files/vyhlf3426/ff/pages/ashumet_pond_nutrient_inactivation_treatment_2010_report_0.pdf

Air Force Civil Engineer Center



**Ashumet Pond
Background and
Status**

Jon Davis, P.E.
SOL Solutions
AFCEC/CZO

Battle Ready...Built Right!

1

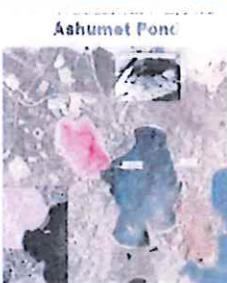
Ashumet Pond Overview

- History
- Remedial Actions
 - Alum Treatment #1
 - Permeable Barrier
 - Alum Treatment #2
- Results
 - Sediment P Release
 - Barrier Monitoring
 - Pond Trophic Health Monitoring

2

Ashumet Pond History

- Decreased water quality noted as early as 1969
- First assessment by AF published in 1988
 - Data indicated pond was trending toward eutrophic
 - Alternatives for nutrient loading reductions needed to be assessed



Ashumet Pond

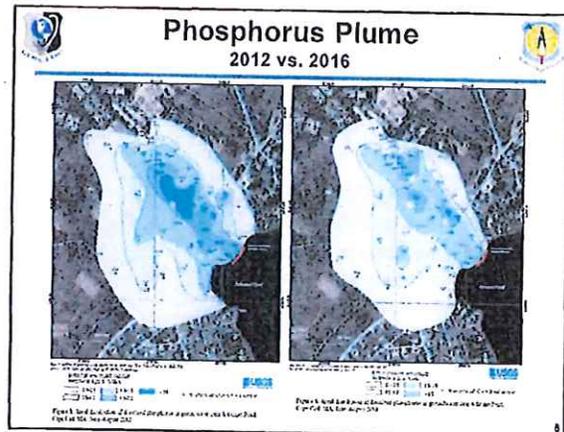
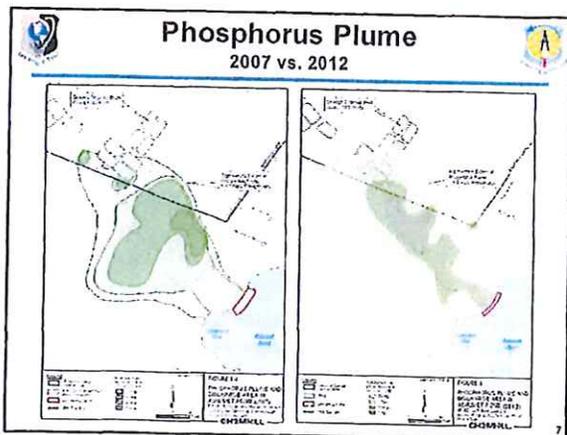
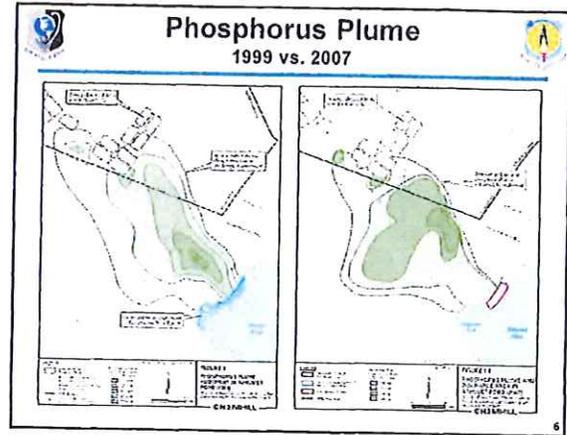
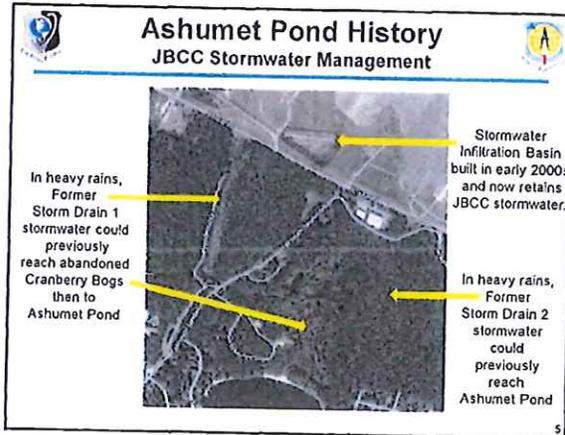
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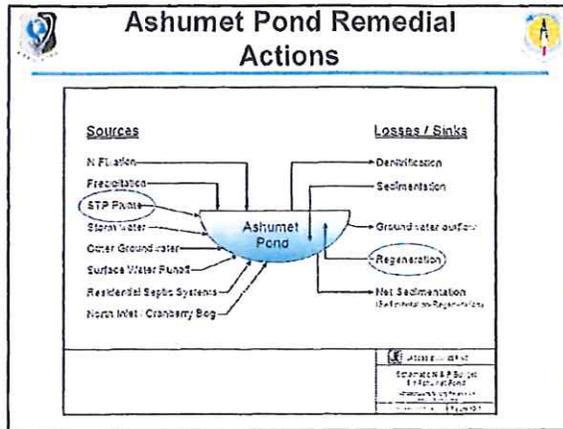
Ashumet Pond History
JBCC Wastewater Treatment Plant




- JBCC Treated Wastewater discharge on base (1936-1995)
- 1984 - Closed eastern infiltration beds
- 1995 - Closed wastewater treatment plant
 - New treatment plant discharges near Cape Cod Canal

1





Ashumet Pond Remedial Actions

The left photograph shows a large white structure, likely a pump or treatment unit, in the water. The right photograph shows an excavator working on a large pile of material, possibly a permeable barrier.

- Two Alum Treatments (2001 and 2010)
- Permeable Barrier in pond bottom along shore (2004)
 - Uses zero-valent iron to remove P from emerging groundwater

Ashumet Pond Alum Treatment #1 - Sep 2001

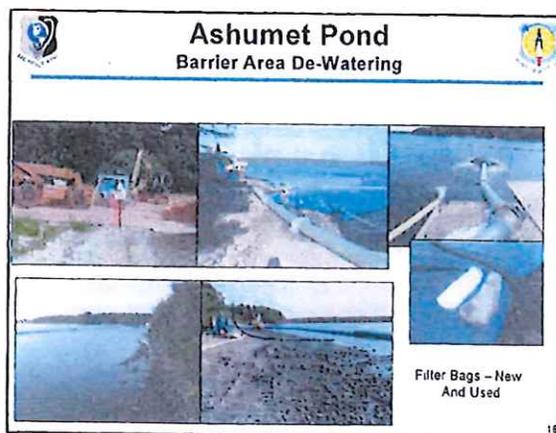
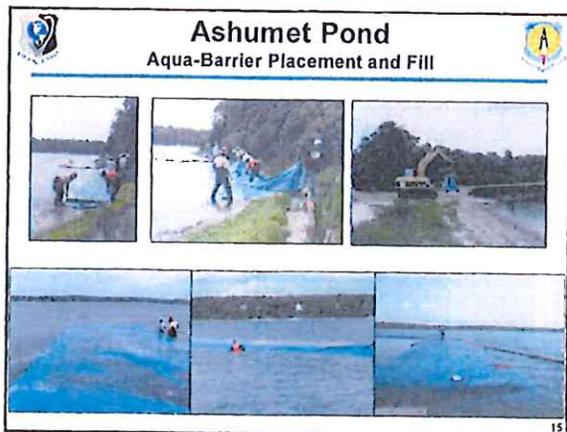
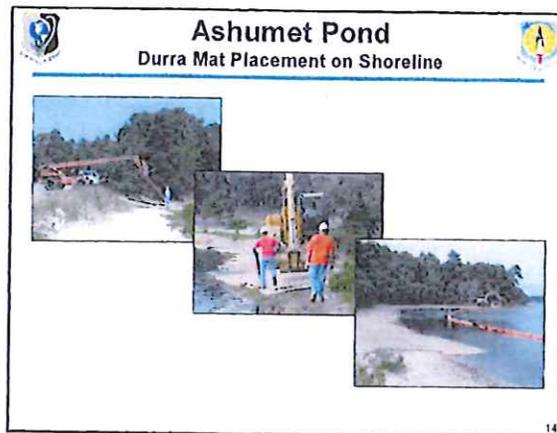
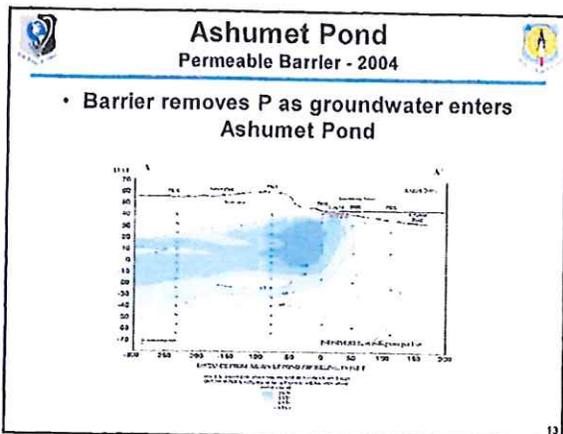
- 28 acres treated
 - Pond is ~220 acres
- Injected at a depth of 35'

The map shows the outline of Ashumet Pond with a shaded area indicating the 28 acres treated. A legend at the bottom right identifies symbols for 'Ashumet Pond' and 'Treated Area'. The photograph shows a boat on the water.

Ashumet Pond Permeable Barrier - 2004

- Conducted study in 2003 to determine optimum location for barrier.

The map shows the location of the permeable barrier along the shore of Ashumet Pond, with a green arrow pointing to the barrier's location. The photograph shows a close-up of the barrier material, which is a mix of gravel and zero-valent iron.



Ashumet Pond Zero-Valent Iron and Sediment Mixing

37 Tons of Iron

17

Ashumet Pond Demobilization

18

Alum Treatment #2 – Sep 2010

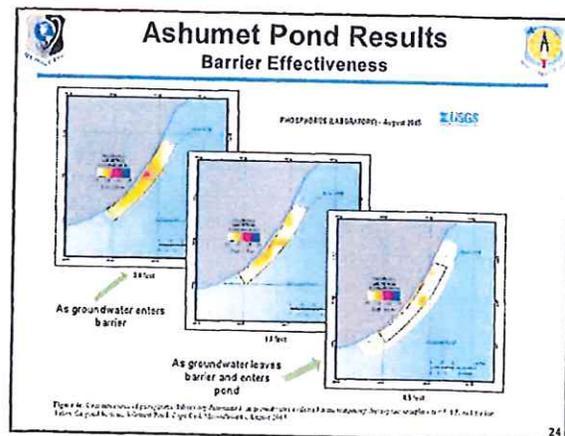
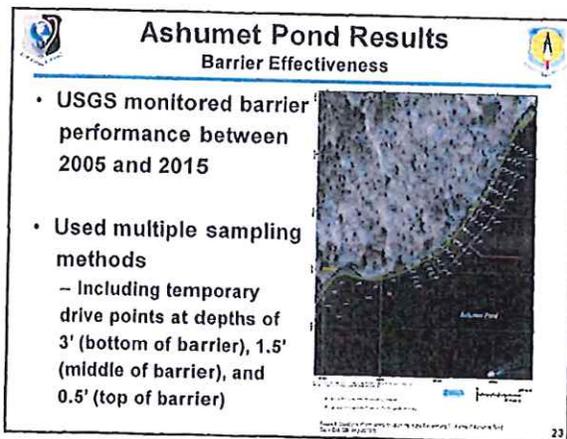
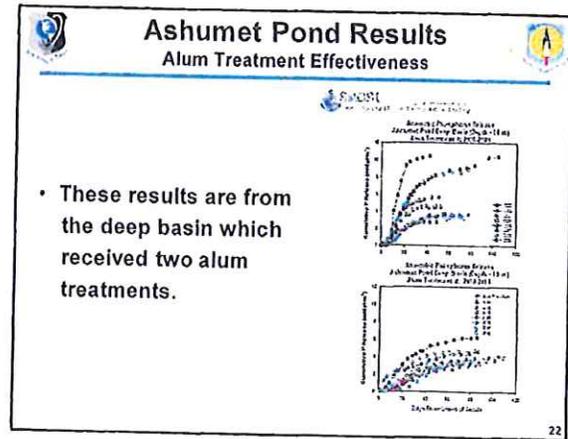
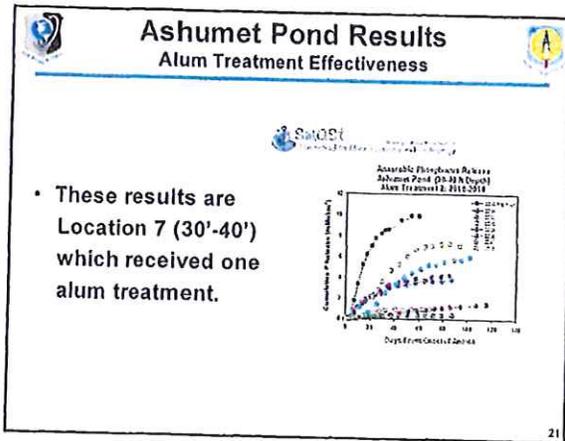
- 56.5 acres
- Injected at a depth of 10'
 - Included mussel monitoring

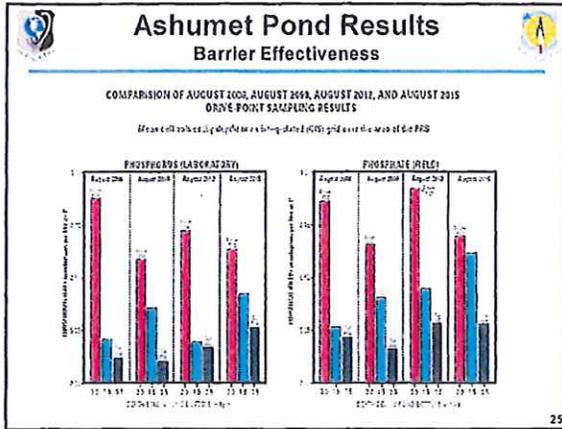
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Ashumet Pond Results Alum Treatment Effectiveness

- S Mast evaluates sediment cores
- Collected each winter (2000 – 2018)
- Measure P release after anoxia
 - Simulates sediment P regeneration in pond

20

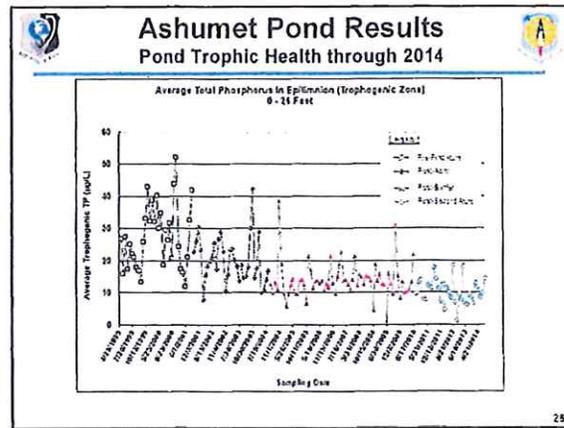
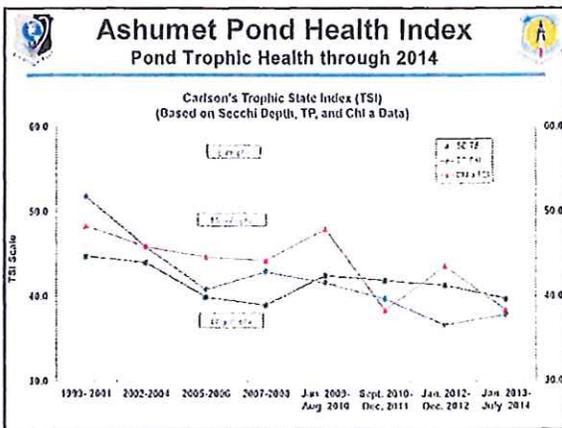


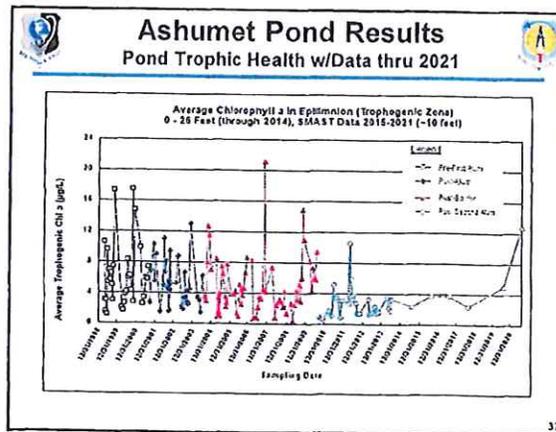
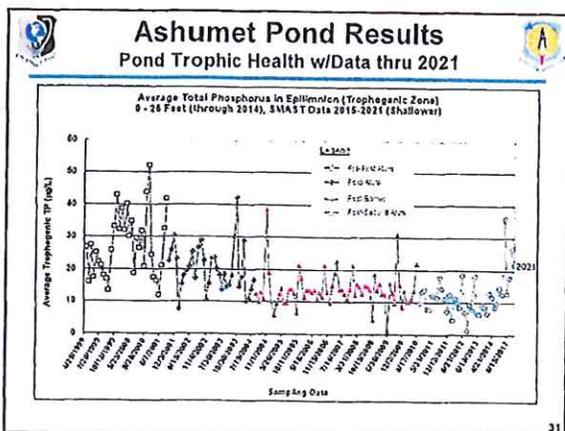
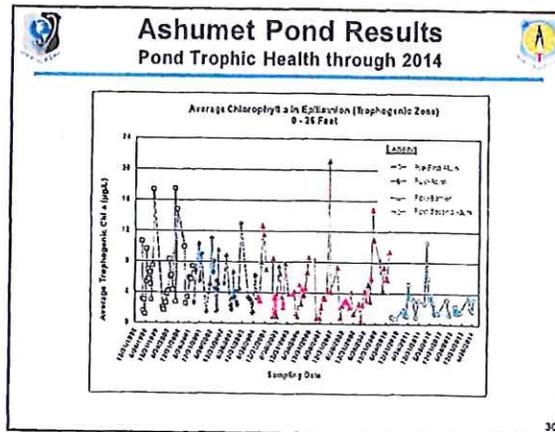
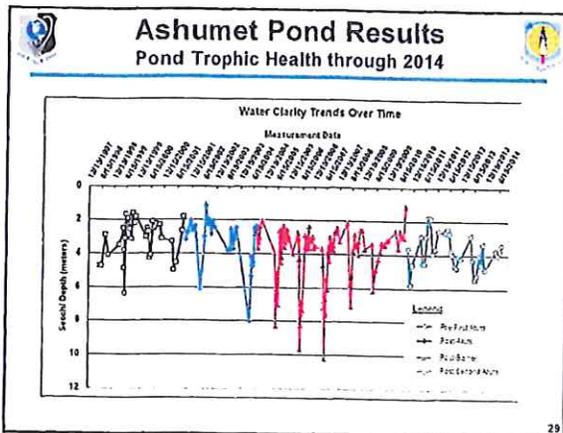


Ashmet Pond Results Pond Trophic Health through 2014

- Three Key Targets
 - Lower phosphorus levels
 - Higher Secchi depths (clarity)
 - Lower chlorophyll a (algae indicator)
- Pond improved from borderline eutrophic in 1999 to meso/oligotrophic in 2014
 - See Health Index on next slide

28







Ashumet Pond Summary

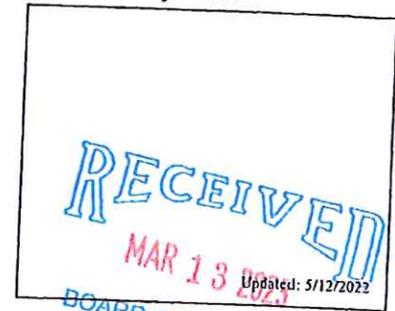
- Phosphorus load from JBCC significantly reduced
 - Continually declining
- Other loads: septic, fertilizers, stormwater
- Climate change has a negative impact
- Algae blooms in Cape Cod ponds increasing
 - Wakeby, Santuit (Mashpee); Fresh, Mares (Falmouth)
- AFCEC developing an Ashumet Pond Summary Report
 - Planned completion Jan 2023

33



Received by BOA:

TOWN OF MASHPEE BOARD OF ASSESSORS
16 Great Neck Rd North, Mashpee, MA 02649
Phone # (508) 539-1404
Fax # (508) 539-1142
e-mail: assessing@mashpeeema.gov



REQUEST FOR ABUTTERS LIST

Please note that the Assessing Dept. will respond to this request within ten (10) business days.

ABUTTERS TO: MAP ___ PARCEL ___ EXT ___ Ashumet Pond
ADDRESS OF SUBJECT PARCEL: Ashumet Pond

- ⇒ Check box if abutters list is for the Cape Cod Commission:
- ⇒ Check box if abutters list is for a Liquor License: Business Name: _____

★ PLEASE CHECK THE TYPE OF ABUTTERS LIST THAT YOU ARE REQUESTING:
(Refer to requirements of the regulating authority requiring abutters list.)

- DIRECT ABUTTERS – Directly adjacent to subject parcel and visible from across the street
- PARCELS WITHIN A: 100 FOOT // 300 FOOT // ___ (OTHER) RADIUS OF SUBJECT
- OTHER TYPE (SPECIFY) Mashpee Residents within 300ft of Ashumet Pond

◀ ALL ABUTTERS LISTS ARE PRINTED WITH A MAP ON 8 1/2 x 11 PAPER ▶

• Standard mailing labels of abutters are available for a charge of \$1.00 per a full or partial page.

LABELS NO (YES or NO) NUMBER OF SETS OF LABELS _____
LIST ONLY

REQUESTED BY: (PLEASE PRINT) NAME: Ashley Fisher DNR Director
ADDRESS: 31 Mercantile Way unit 6
PHONE: (508) 365-2831

DATE: 03/13/23 SIGNATURE: Ashley John

FEES:	QUANTITY	AMOUNT	FOR OFFICE USE ONLY
BASIC ABUTTERS LIST (one subject parcel)	_____	\$5.00	- FOR OFFICE USE ONLY -
MAILING LABELS	_____	\$1.00 PER PAGE	
COMPLEX ABUTTERS LIST (multiple subject parcels)	_____	\$10.00 - \$50.00 (varies by processing time)	
TOTAL AMOUNT DUE: \$		<u> </u>	

Fee structure based on state guidelines for record production and copy costs.

Abutters to: Ashumet Pond

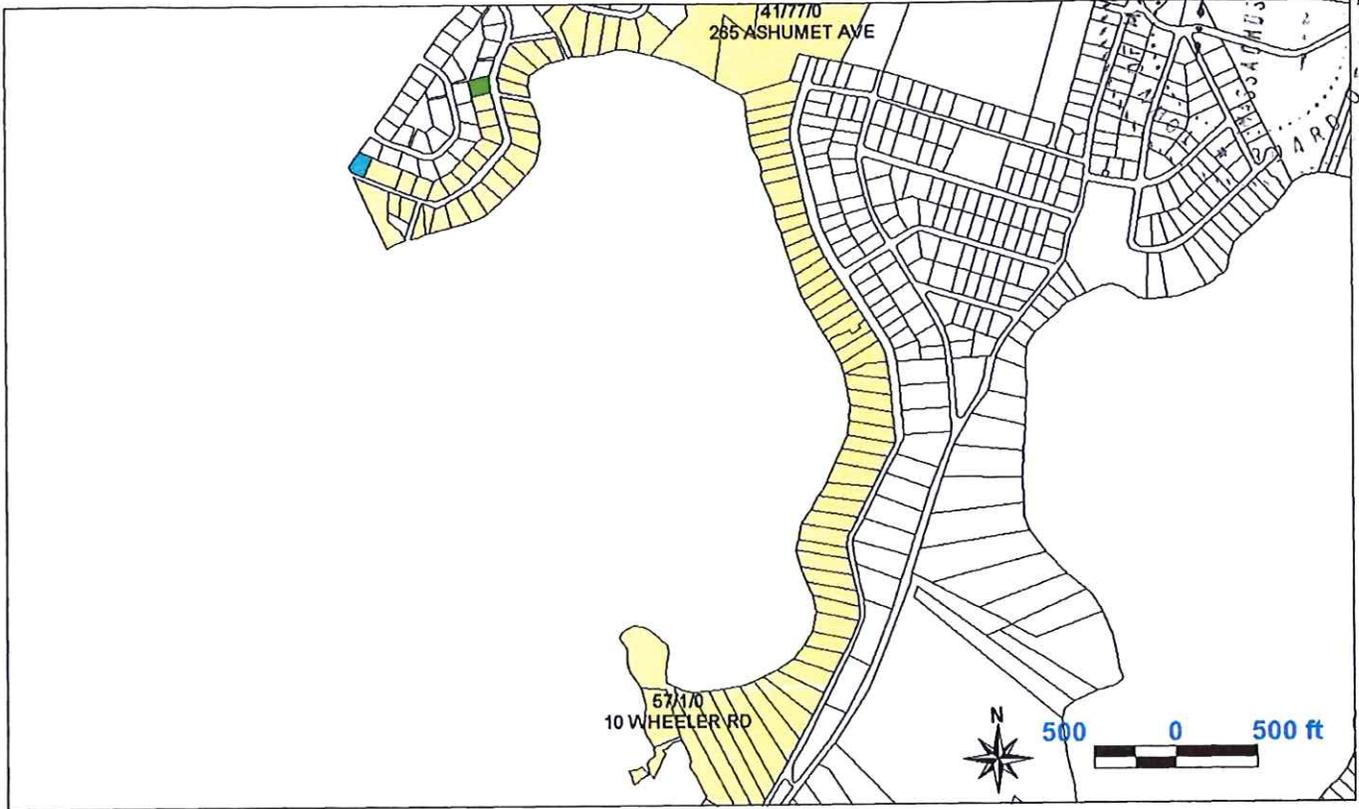
Certified by: Kolenee

TOWN OF MASHPEE, MA
BOARD OF ASSESSORS
16 Great Neck Rd., North, Mashpee, MA 02649

Date: 3/14/2023

Number of Abutters: 94

Custom Abutters List



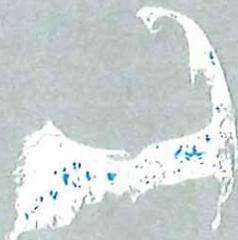
Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
2109	40-4-0-R	CONRAD, GORDON A TRUSTEE GORDON A CONRAD FAMILY TRUST	95 HORSESHOE BEND WAY	42 MELODY LANE	WALTHAM	MA	02451
2110	40-5-0-R	FOUNTAIN, IRMA TR DELMONACO FAMILY TRUST	89 HORSESHOE BEND WAY	405 LYNN FELS PARKWAY	SAUGUS	MA	02155
2111	40-6-0-R	HARIDAT, DHANESSAR & HARIDAT LAKRANIE	87 HORSESHOE BEND WAY	103 VAN COURTLANDT AVE W	W BRONX	NY	10463
2112	40-7-0-R	RIHA, MICHAEL J	81 HORSESHOE BEND WAY	41 HIGHLAND STREET	SOUTH EASTON	MA	02375
2113	40-8-0-R	CHILINGERIAN, JON A & DIANE	77 HORSESHOE BEND WAY	89 MONTROSE STREET	NEWTON	MA	02458
2114	40-9-0-R	ANGIERI, MICHAEL J & SUSAN L	69 HORSESHOE BEND WAY	250 CENTRAL AVE	NEEDHAM	MA	02494-2436
2115	40-10-0-R	CHRISTMAN JR, JOSEPH	65 HORSESHOE BEND WAY	65 HORSESHOE BEND WAY	MASHPEE	MA	02649
2120	40-15-0-R	CLAY, TIMOTHY R & THACKSTON, TAYLOR	78 HORSESHOE BEND WAY	78 HORSESHOE BEND WAY	MASHPEE	MA	02649
2121	40-16-0-R	SOWA, CHRISTINE M TR SOWA REALTY TRUST	72 HORSESHOE BEND WAY	72 HORSESHOE BEND WAY	MASHPEE	MA	02649
2122	40-17-0-R	DUTSON, CLAIRE A	68 HORSESHOE BEND WAY	68 HORSESHOE BEND WAY	MASHPEE	MA	02649
2123	40-18-0-R	HADLEY, ROBERT A & ROBIN	60 HORSESHOE BEND WAY	60 HORSESHOE BEND WAY	MASHPEE	MA	02649
2151	40-47-0-R	PRIME PROPERTIES LTD PTNSHP	29 LAKEVIEW DR	PO BOX 1	MASHPEE	MA	02649
2152	40-48-0-R	PRIME PROPERTIES LTD PTNSHP	31 LAKEVIEW DR	PO BOX 1	MASHPEE	MA	02649
2153	40-49-0-R	PRIME PROPERTIES LTD PTNSHP	33 LAKEVIEW DR	PO BOX 1	MASHPEE	MA	02649
2154	40-50-0-R	PRIME PROPERTIES LTD PTNSHP	37 LAKEVIEW DR	PO BOX 1	MASHPEE	MA	02649

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
2155	40-51-0-R	NAIR, MOHAN KRISHNAKUMAR & NAIR, PARVATHY KRISHNAN	41 LAKEVIEW DR	41 LAKEVIEW DR	MASHPEE	MA	02649
2177	41-13-0-R	CLARK, LEE S & JACQUELINE R TR ASHUMET POND TRUST	248 WHEELER RD	248 WHEELER RD	MASHPEE	MA	02649
2178	41-14-0-R	GRIENER, JOHN L & EILEEN K	252 WHEELER RD	252 WHEELER RD	MASHPEE	MA	02649
2179	41-15-0-R	BRIARWOOD-MASHPEE ASSOC INC	256 WHEELER RD	PO BOX 138	MASHPEE	MA	02649
2229	41-77-0-E	ORENDA WILDLIFE LAND TRUST INC	265 ASHUMET AVE	PO BOX 669	WEST BARNSTABLE	MA	02668
2231	41-79-0-R	PRIME PROPERTIES LTD PTNSHP	0 FALMOUTH-SANDWICH RD	PO BOX 1	MASHPEE	MA	02649
2234	41-82-0-R	PRIME PROPERTIES LTD PTNSHP	45 LAKEVIEW DR	PO BOX 1	MASHPEE	MA	02649
2695	48-1-0-R	WATERMAN, ROBERT & DEBRA TRS WATERMAN FAMILY REALTY TRUST	59 HORSESHOE BEND WAY	362 FOREST STREET	RAYNHAM	MA	02767
2696	48-2-0-R	LAWRY, J THOMAS & LOUISE L	55 HORSESHOE BEND WAY	PMB 364, PO BOX 1989	BEAR LAKE	CA	92315
2697	48-3-0-R	SULLIVAN, JOHN L	51 HORSESHOE BEND WAY	PO BOX 2042	MASHPEE	MA	02649
2698	48-4-0-R	LAWRENCE, KENNETH D & DOREEN G	45 HORSESHOE BEND WAY	45 HORSESHOE BEND WAY	MASHPEE	MA	02649
2699	48-5-0-R	DURANT, ROBERT S & MARY P TRS ROBERT & MARY DURANT FM TRUST	43 HORSESHOE BEND WAY	26 DEER RUN RD	NORTH HAMPTON	MA	03862
2700	48-6-0-R	DURANT, ROBERT S & MARY P TRS ROBERT & MARY FAM TRUST	37 HORSESHOE BEND WAY	26 DEER RUN RD	NORTH HAMPTON	MA	03862
2701	48-7-0-R	DURANT, ROBERT S & MARY P TRS ROBERT & MARY DURANT FM TRUST	33 HORSESHOE BEND WAY	26 DEER RUN RD	NORTH HAMPTON	NH	03862
2702	48-8-0-R	CRISAFULLI, ANTHONY J & ANDREA E	29 HORSESHOE BEND WAY	P O BOX 982	MASHPEE	MA	02649
2703	48-9-0-R	THIBODEAU, MARY JEAN	27 HORSESHOE BEND WAY	37 GOVERNOR WENWORTH RD	AMHERST	NH	03031
2704	48-10-0-R	ROBBINS, RICHARD B & REGINA M LIFE ESTATE	23 HORSESHOE BEND WAY	90 PRATT PLACE	HANSON	MA	02341
2706	48-12-0-R	ROBBINS, RICHARD B & REGINA M LIFE ESTATE	21 HORSESHOE BEND WAY	90 PRATT PLACE	HANSON	MA	02341
2707	48-13-0-R	GILMORE, ELIZABETH S	15 HORSESHOE BEND WAY	PO BOX 54	NO FALMOUTH	MA	02556
2708	48-14-0-R	FISK, TIMOTHY B & CHRISTINE H	9 HORSESHOE BEND WAY	9 HORSESHOE BEND WAY	MASHPEE	MA	02649
2709	48-15-0-R	MCCARTHEY, KAREN & GALLAGHER, CAROLYN & KURKER, &	2 HORSESHOE BEND WAY	KURKER, LYNN 4 TALBOT DR	NORTON	MA	02766
2710	48-16-0-R	PULSONE, ANTONIO & MARIE TRSTE PULSONE REALTY TRUST	14 HORSESHOE BEND WAY	24 HOBBS BROOK RD	WESTON	MA	02493
2711	48-18-0-R	BILL, SITTA CHADDOCK	18 HORSESHOE BEND WAY	18 HORSESHOE BEND WY	MASHPEE	MA	02649
2712	48-19-0-R	BAIRD, JESSIE C	24 HORSESHOE BEND WAY	24 HORSESHOE BEND WAY	MASHPEE	MA	02649
2713	48-20-0-R	MCDONALD, DEBORAH A	30 HORSESHOE BEND WAY	55 MANSE HILL RD	SOMERS	CT	06071
2714	48-21-0-R	BONNETT, MICHAEL L & PLUMMER, CATHERINE H	38 HORSESHOE BEND WAY	38 HORSESHOE BEND RD	MASHPEE	MA	02649
2715	48-22-0-R	HANSCOM, HOPE P	44 HORSESHOE BEND WAY	44 HORSESHOE BEND WAY	MASHPEE	MA	02649
2716	48-23-0-R	TAGTMEYER, ERICH M	50 HORSESHOE BEND WAY	50 HORSESHOE BEND WAY	MASHPEE	MA	02649
2717	48-24-0-R	KOLKA, KATHRYN A	54 HORSESHOE BEND WAY	54 HORSESHOE BEND WAY	MASHPEE	MA	02649
2727	49-1-0-R	THE 124 WHEELER ROAD LLC	124 WHEELER RD	45 COLUMBINE ROAD	NEWTON	MA	02459
2728	49-2-0-R	HORSMAN, RICHARD J TR RICHARD JOSEPH HORSMAN TRUST	130 WHEELER RD	SANDRA THOMAS HORSMAN TRUST 130 WHEELER RD	MASHPEE	MA	02649
2729	49-3-0-R	C/O EGGLESTON, SUZANNE P TR LENTELL FAMILY IRREVOC TRUST	134 WHEELER RD	134 WHEELER RD	MASHPEE	MA	02649
2730	49-4-0-R	THE MARY F TANNER FAMILY TRUST	140 WHEELER RD	98.5 MAIN ST - UNIT G	ANDOVER	MA	01810
2731	49-5-0-R	FARRICY, FRANCIS & LINDA TRS FARRICY FAMILY 2013 TRUST	144 WHEELER RD	144 WHEELER RD	MASHPEE	MA	02649
2732	49-6-0-R	Ferreira, Christine A & Ferreira, Werber G	150 WHEELER RD	150 WHEELER RD	MASHPEE	MA	02649
2733	49-7-0-R	DORADO, DENISE A & ZACHARY L TR ZACJACMAT 2012 REALTY TRUST	154 WHEELER RD	154 WHEELER RD	MASHPEE	MA	02649
2734	49-8-0-R	GOUTHAM, CHANAKYA S & ANU	160 WHEELER RD	29 PINWOOD RD	WELLESLEY	MA	02482
2735	49-9-0-R	BARBER, STEPHEN D & DONNA	166 WHEELER RD	166 WHEELER RD	MASHPEE	MA	02649
2736	49-10-0-R	MGRDICHIAN, MICHAEL & LORIANN	172 WHEELER RD	51 SQUIRE ROAD	WINDSOR	CT	24659
2737	49-11-0-R	FISCHER, DAVID & DEBORAH L	178 WHEELER RD	178 WHEELER RD	MASHPEE	MA	02649
2738	49-12-0-R	MCCLUSKEY, KENNETH & SUZANNE	182 WHEELER RD	182 WHEELER RD	MASHPEE	MA	02649

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
2739	49-13-0-R	PULSONE, ANTONIO ETAL TRUSTEES PULSONE REALTY TRUST	184 WHEELER RD	24 HOBBS BROOK RD	WESTON	MA	02193
2740	49-14-0-R	KILIULIS, CESLOVAS c/o TOMAS KILIULIS (POA)	188 WHEELER RD	55 WOODLAND RD	ASHLAND	MA	01721
2741	49-15-0-R	KILIULIS, CESLOVAS % TOMAS KILIULIS, PoA	192 WHEELER RD	55 WOODLAND RD	ASHLAND	MA	01721
2742	49-16-0-R	WRESINSKI, R MICHAEL ET AL TRS WRESINSKI FAMILY TRUST	196 WHEELER RD	196 WHEELER RD	MASHPEE	MA	02649
2743	49-17-0-R	LANGLEY, INGEBOG LIFE ESTATE	200 WHEELER RD	% JUDITH TAVARES 27 CHILMARK DRIVE	EAST FALMOUTH	MA	02536
2744	49-18-0-R	WENG REAL ESTATE LLC	204 WHEELER RD	21 SUNNYSIDE AVE	WELLESLEY	MA	02482
2745	49-19-0-R	AGUIAR, JARED R	208 WHEELER RD	208 WHEELER RD	MASHPEE	MA	02649
2746	49-20-0-R	FAGAN, DOUGLAS A CAROL A LIFE ESTATES	212 WHEELER RD	212 WHEELER RD	MASHPEE	MA	02649
2747	49-21-0-R	PANDOLFINO, PETER & LORRAINE T PJP THE REALTY TRUST	214 WHEELER RD	132 E MAIN ST - APT 206	HOPKINTON	MA	01748-1315
2748	49-22-0-R	ABBOTT, ROSEMARY	218 WHEELER RD	13 HIGHLAND ROAD	WESTPORT	CT	06880
2749	49-23-0-R	ECKER, JOSHUA T C SR& RACHEL A	222 WHEELER RD	227 WHEELER RD	MASHPEE	MA	02649
2750	49-24-0-R	OBRINSKY, ALLEN & KRISTEN W TR OBRINSKY FAMILY TRUST	226 WHEELER RD	1205 TULANE DRIVE	WALNUT CREEK	CA	94596
2751	49-26-0-R	DUFFY, JOSEPH & BARBARA ANN TR JW & BA DUFFY FAMILY TRUST	234 WHEELER RD	19 TRUNNEL LANE	NORWELL	MA	02061
2752	49-27-0-R	DEGON, MARY & THOMAS DUPREE TR GLENSPRIDE IRREVOC TRUST	236 WHEELER RD	20 GENTRY FARM DR	COVENTRY	RI	02816
2753	49-28-0-R	MARK, HARVEY	240 WHEELER RD	240 WHEELER RD	MASHPEE	MA	02649
2754	49-29-0-R	GOGAN, ROBIN F & DENISE M TRS GOGAN LIVING TRUST	244 WHEELER RD	244 WHEELER RD	MASHPEE	MA	02649
3381	57-1-0-R	ASHUMET POINT LLC	10 WHEELER RD	75 WASHINGTON STREET	NATICK	MA	01780
3382	57-2-0-R	NAHIGIAN, KAREN A & ROBERT O	12 WHEELER RD	PO BOX 1055	N FALMOUTH	MA	02556
3383	57-3-0-R	CRYAN, BARTHOLOMEW & HELENA TR B & H NOMINEE TRUST	14 WHEELER RD	34 OAK CREST DRIVE	NORTH ATTLEBORO	MA	01938
3384	57-4-0-R	GANGEMI, RONALD P	20 WHEELER RD	PO BOX 1167	MASHPEE	MA	02649
3385	57-5-0-R	26 WHEELER ROAD LLC	26 WHEELER RD	20 WHEELER RD	MASHPEE	MA	02649
3386	57-6-0-R	STURTEVANT, JOHN G & TRUXEL GEORGE & TRUXEL MARTHA	32 WHEELER RD	175 WALLENS HILL RD	WINSTED	CT	06098
3387	57-7-0-R	DEJESUS, MARCIO	42 WHEELER RD	14 RANDELL RD	SAUGUS	MA	01906
3388	57-8-0-R	PHILLIPS, DIANE C	50 WHEELER RD	PO BOX 2520	MASHPEE	MA	02649
3389	57-9-0-R	OSBORNE, DAVID F & SHIRLEY M T OSBORNE FAMILY REV TRUSTS	56 WHEELER RD	33 JOSEPH WAY	READING	MA	01867
3390	57-10-0-R	LARKIN, EDWARD C & PAULA B TR EDWARD C LARKIN TRUST	64 WHEELER RD	59 OLD FIELD ROAD	SANDWICH	MA	02563
3392	57-12-0-R	LOUNSBURY, RONALD W	72 WHEELER RD	16 DRUMLIN RD	WEST SIMSBURY	CT	06092
3393	57-13-0-R	IRWIN, KATHLEEN & BRACCO, MARK A	76 WHEELER RD	PO BOX 104	MASHPEE	MA	02649
3394	57-14-0-R	HERBST, RALPH TRUSTEE HERBST REAL ESTATE TRUST	82 WHEELER RD	121 REGIS ROAD	EAST FALMOUTH	MA	02536
3395	57-15-0-R	NORTON, JAMES JR & GREGORY J T NORTON IRREVOCABLE CAPE TRUST	88 WHEELER RD	200 REVERE ST., #312	CANTON	MA	02021
3396	57-16-0-R	CARR, JUDITH S TR CARR FAMILY REVOCABLE TRUST	90 WHEELER RD	2 OLD SUDBURY RD	WAYLAND	MA	01778
3397	57-17-0-R	BAKER, JOHN R	96 WHEELER RD	20 LISK HILL RD	GLADSTONE	NJ	07934-2011
3398	57-18-0-R	BAKER, WILLIAM E	100 WHEELER RD	532 DAISY ST	GREENWOOD	AR	72936
3399	57-19-0-R	BCS PROPERTIES LLC	106 WHEELER RD	264 SALEM ST	MEDFORD	MA	02155
3400	57-20-0-R	LOWE, RUSSELL W & OROURKE, KAREN A	110 WHEELER RD	110 WHEELER RD	MASHPEE	MA	02649
3401	57-21-0-R	URSAKI, KENNETH D & LINNE W	114 WHEELER RD	2 MERRITT WOODS	BURLINGTON	CT	06013
3402	57-22-0-R	FORD, JOHN W & MARY ELLEN TRS FORD WHEELER REALTY TRUST	120 WHEELER RD	120 WHEELER RD	MASHPEE	MA	02649
3411	57-42-0-R	NAHIGIAN, ROBERT O& KAREN A TR KARON REALTY TRUST	4 WHEELER RD	PO BOX 1055	NORTH FALMOUTH	MA	02556

Mashpee Ponds Profile

A RESOURCE OF THE CAPE COD FRESHWATER INITIATIVE



Water quality is critical to the vitality of the region's pond ecosystems and coastal embayments. Yet pollutants found in stormwater runoff, and in groundwater by which ponds are recharged, threaten the region's freshwater quality. Understanding the broad issues that impact Cape Cod's freshwater ponds, characteristics of the region's ponds, and actions at the local level all help set a baseline for understanding and action.

Mashpee

TOWN AREA
16,584 acres



POND AREA
1,566 acres

9% of total town area is comprised of freshwater ponds and lakes

Top 5 Largest Ponds

POND	AREA
1. Mashpee-Wakeby Pond	735.9 acres
2. Johns Pond	336.7 acres
3. Ashumet Pond	220.2 acres
4. Santuit Pond	175.4 acres
5. Peters Pond	135.0 acres

Top 5 Deepest Ponds

POND	DEPTH
1. Ashumet Pond	84 ft.
2. Jim Pond	65 ft.
3. Witch Pond	65 ft.
4. Peters Pond	57 ft.
5. Pimlico Pond	25 ft.

69
PONDS

12
10+ Acre Ponds

21
Named Ponds

25 ACRES
Average Pond Size

35 FEET
Average Pond Depth

5 Fish Stocked Ponds

10 Ponds Adjacent to Cranberry Bogs

7 Ponds that Cross Town Boundaries

4 Ponds with Public Access

6 State Listed Great Ponds

14% Impervious Surfaces in Pond 300ft Buffer

0 Ponds with Coastal Plain Pondshores

23 Ponds with Rare Species Habitat

Pond Monitoring

Of the town's 69 ponds, 4 have three consecutive years of recent monitoring data and only 22% of all the ponds have available monitoring data. The data record for this monitoring spans 19 years with an average of 0.4 sampling event at each monitored pond per year.

15 Ponds Monitored

4 Ponds with 3 Consecutive Years of Recent Data (2016-2021)

Water Quality Impairments

A lack of consistent and available monitoring data for all ponds means that we may be underestimating threats to waterbody health.

23 Harmful Algal Bloom Advisories Issued by EPA Since 2017

5 Ponds listed on MassDEP's Draft 2022 Integrated List of Waters

3 Freshwater Bathing Beaches with Sampling Failures for Fecal Coliform in 2022

7% Ponds Impaired

93% Ponds Not Listed

Mashpee Ponds Profile

A RESOURCE OF THE CAPE COD FRESHWATER INITIATIVE

Pond Watersheds

The land area that contributes to freshwater ponds and lakes is referred to as a pond watershed. Relatively few pond watersheds have been delineated across the Cape. Land area within pond watersheds is much larger than the water bodies themselves. In Mashpee, 24% of the town's total land area is within a delineated pond watershed.

9 Pond Watersheds Delineated 4,001 Acres of Pond Watershed Area 8 Pond Watersheds that Cross Town Boundaries

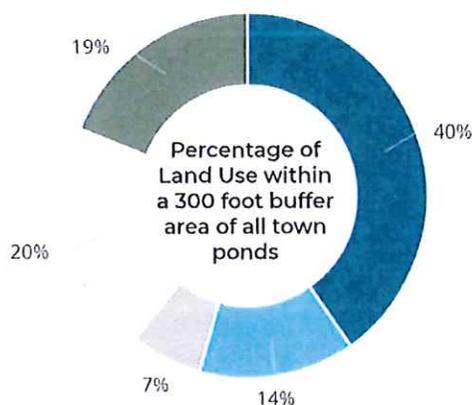


■ Freshwater Ponds
■ Pond Watershed Area

Some contributing pond watershed areas also extend beyond town boundaries and include additional acreage in neighboring towns.

Land Use in Pond Buffer Area

Understanding the way that land is used around our freshwater ponds contributes to a better understanding of potential pond impacts, stressors, and viable strategies to protect or restore pond health. 1,441 acres (or 9%) of the town's total land area is within 300 feet of a freshwater pond.



■ Residential Land Use ■ Right of Way Land Use
■ Commercial & Industrial Land Use ■ Other Land Use
■ Protected Open Space

Documented Town Reports and Actions

0 Town Specific Freshwater Reports

3 Pond Specific Freshwater Reports

Local Pond Organizations

Independent groups, organizing around a single or multiple ponds, voluntarily conduct educational and advocacy efforts and collect water quality monitoring data, which is not always available or sufficient for regional analysis.

- Save Mashpee Wakeby Pond Alliance
- Friends of Santuit Pond
- Friends of Santuit Pond and Santuit Pond Estates Association
- Friends of Ashumet Pond

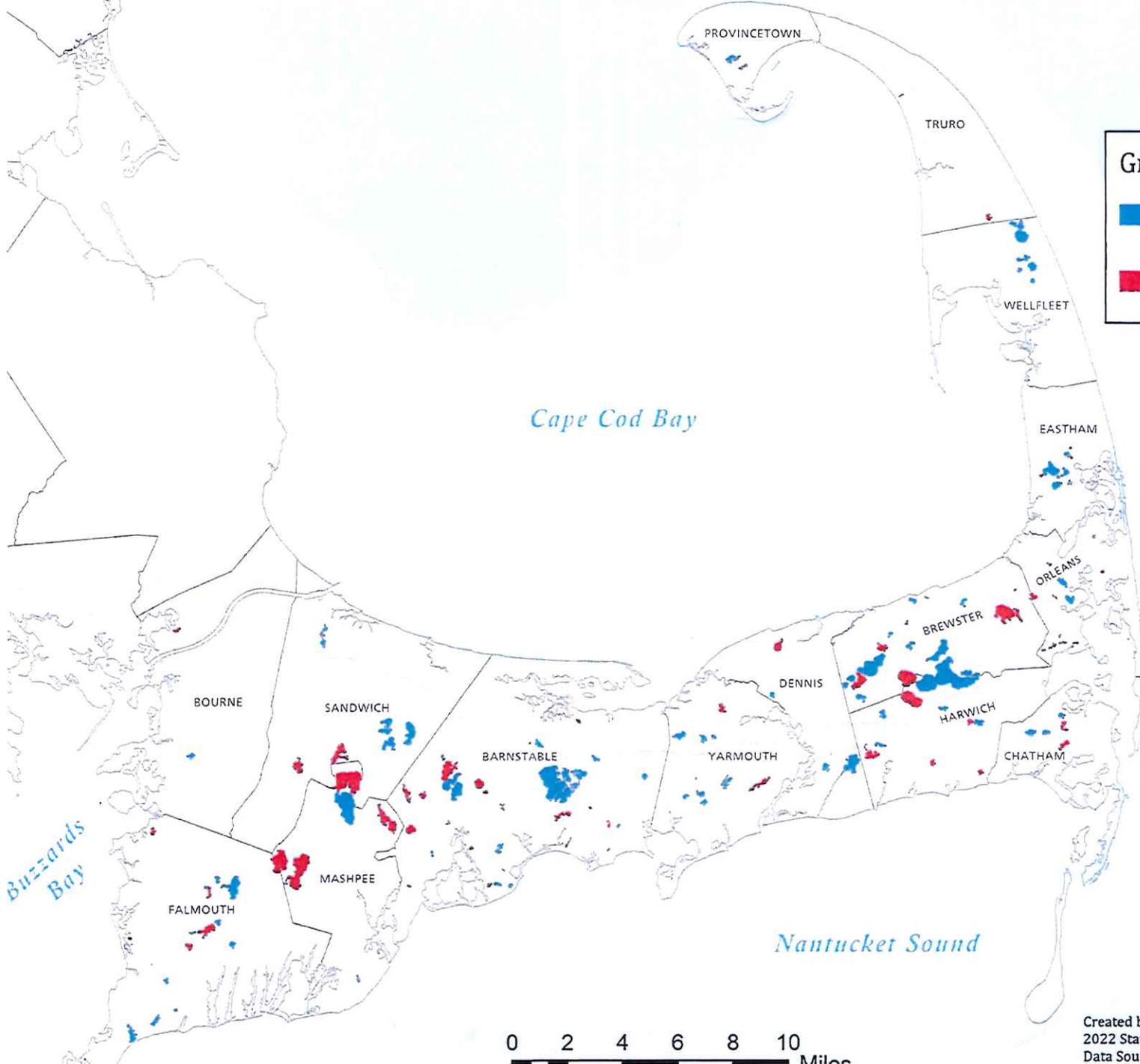


Pond Strategies Implemented

Updates and additional projects will be added as information becomes available. Review project details at: cccom.link/pond-restoration-projects

- 📍 Ashumet Pond, Alum Treatment
- 📍 Ashumet Pond, PRB
- 📍 Santuit Pond, Circulators (Solarbee)

2022 Pond Status

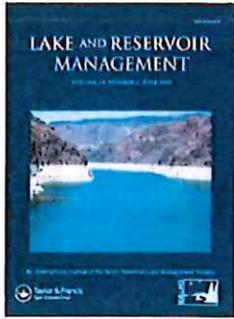


Grade

-  Acceptable; Ongoing Protection is Required
-  Unacceptable; Immediate Restoration is Required



Created by Association to Preserve Cape Cod | 12/13/20:
2022 State of the Waters: Cape Cod Report
Data Source: Towns, Cape Cod Commission, Mashpee



Aluminum treatments to control internal phosphorus loading in lakes on Cape Cod, Massachusetts

Kenneth J. Wagner, Dominic Meringolo, David F. Mitchell, Elizabeth Moran & Spence Smith

To cite this article: Kenneth J. Wagner, Dominic Meringolo, David F. Mitchell, Elizabeth Moran & Spence Smith (2017) Aluminum treatments to control internal phosphorus loading in lakes on Cape Cod, Massachusetts, Lake and Reservoir Management, 33:2, 171-186, DOI: [10.1080/10402381.2017.1308449](https://doi.org/10.1080/10402381.2017.1308449)

To link to this article: <https://doi.org/10.1080/10402381.2017.1308449>



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Published online: 08 May 2017.



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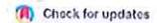
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Aluminum treatments to control internal phosphorus loading in lakes on Cape Cod, Massachusetts

Kenneth J. Wagner^a, Dominic Meringolo^b, David F. Mitchell^c, Elizabeth Moran^d, and Spence Smith^e

^aWater Resource Services, Inc. 144 Crane Hill Road, Wilbraham, MA; ^bSOLitude Lake Management, 590 Lake Street, Shrewsbury, MA; ^cAbt Associates (retired), 27 Woodside Circle, Sturbridge, MA; ^dEcoLogic LLC, 9 Albany Street, Suite 3J, Cazenovia, NY; ^eCH2M, 18 Tremont Street, Suite 700, Boston, MA

ABSTRACT

Wagner KJ, Meringolo D, Mitchell DF, Moran E, Smith S. 2017. Aluminum treatments to control internal phosphorus loading in lakes on Cape Cod, Massachusetts. *Lake Reserv Manage.* 33:171–186.

Ten lakes on Cape Cod, Massachusetts have been treated with aluminum since 1995, with 2 of those lakes receiving a second treatment. Elimination of cyanobacterial blooms was the goal in each case. Cape Cod lakes are mostly kettleholes with long detention times. Precipitation and groundwater dominated hydrologic inputs, but internal load contributed a major portion of the total phosphorus (TP) load to treated lakes. Aluminum sulfate and sodium aluminate were used in treatments with the intent to maintain a near-neutral pH in low alkalinity waters. Aluminum doses ranged from 10 to 100 g/m², depending on mobile P concentrations in the upper 10 cm of sediment. Results varied, although all treatments lowered TP, provided relief from blooms, increased water clarity, and reduced oxygen demand for multiple years. Important lessons learned over 2 decades include how to apply aluminum to prevent fish mortality, options for dose calculation, and expectations for duration of benefits. To control internal loading and minimize cyanobacterial blooms at the lowest cost, treatment of Cape Cod lakes should apply aluminum at a concentration at least 10 times the mobile P concentration in the upper 10 cm of sediment exposed to anoxia and at concentrations that leave no more than 100 mg/kg of iron-bound P in laboratory inactivation assays. Cost of treatment in 2016 dollars averaged \$150/g/m² of applied aluminum per ha treated. Aluminum treatment has been demonstrated as a valued lake management tool to improve water quality and reduce nuisance algal blooms in Cape Cod lakes.

KEYWORDS

Algae management;
aluminum; P inactivation;
water clarity

Aluminum (Al) has been used in water treatment as a coagulant for more than 200 years but has been used to inactivate phosphorus (P) in lakes for only about the last 45 years (Cooke et al. 2005). It has become more common as a means to reverse eutrophication in recent years but has been subject to technical constraints relating to dose determination, management challenges in external load control, and regulatory limitations related to potential Al toxicity. Many advances that maximize performance have been made in the last few decades (e.g., Welch and Cooke 1999, Huser 2012, James and Bischoff 2015, Huser et al. 2016b). Yet concern has lingered about conducting successful treatments with minimal negative effects on fish and invertebrates in low alkalinity lakes, where applied Al compounds can cause pH shifts that create toxic conditions.

Beginning in the 1990s, evaluation of kettlehole lakes on Cape Cod in Massachusetts revealed high internal loading as the dominant P source supporting cyanobacterial blooms (e.g., BEC 1993, ENSR 2001, 2008). Watershed management alone could not rehabilitate these lakes, and in-lake management options were sought. Treatment with Al was perceived as having high potential, but potential toxicity in lakes with alkalinity typically <10 mg/L as calcium carbonate (CaCO₃) equivalents and pH normally <6.5 standard units in the absence of blooms necessitated caution in applications. The experience with Al treatments in Cape Cod lakes over the last 20 years is reported here. We summarize physical features, hydrology, and P loading to targeted lakes, dose determination for Al treatment, both positive and negative treatment effects, duration of benefits, and costs.

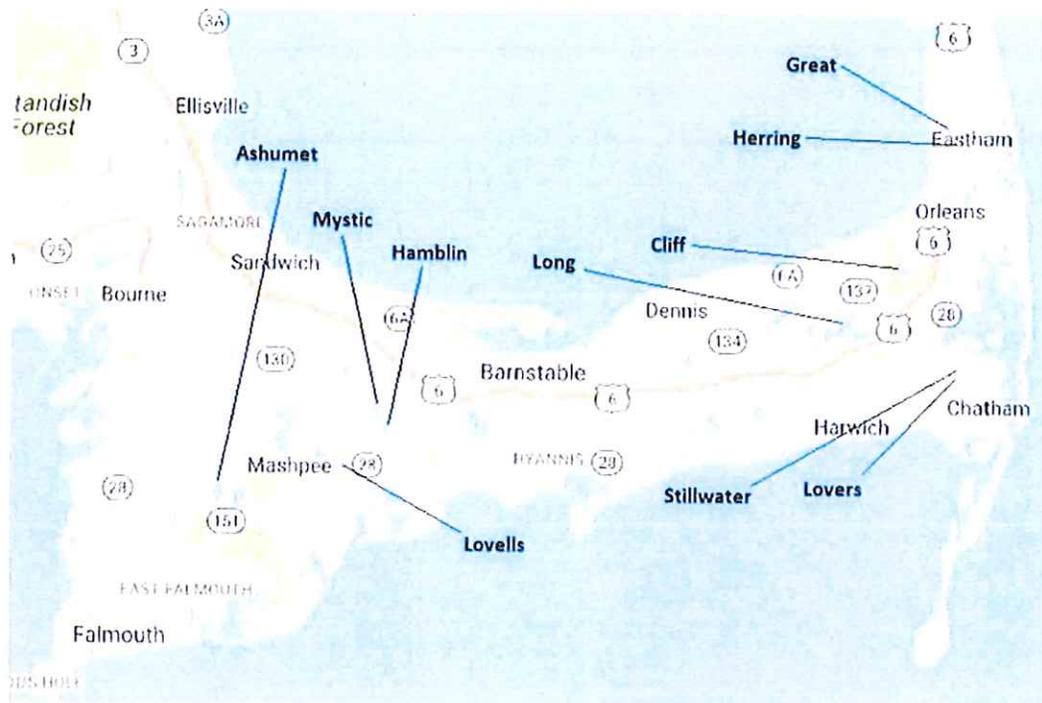


Figure 1. Locations of treatment lakes on Cape Cod, MA. Base map from Acme Mapper 2.1.

Material and methods

Treatment lakes

The 10 kettlehole lakes treated through 2016 (Fig. 1) ranged in size from 7.5 to 296 ha with maximum depths ranging from 10 to 26.7 m (Table 1). Each lake is deep enough to stratify in summer and all have alkalinity <10 mg/L as CaCO₃ equivalents. All but 2 are called ponds as part of their names, and although there is no universally accepted threshold for separating ponds and lakes, most lake managers would consider these waterbodies to be lakes.

Each lake was studied prior to treatment under programs sponsored by various organizations, including

the Commonwealth of Massachusetts, the Cape Cod Commission, the School for Marine Science and Technology at University of Massachusetts-Dartmouth, the Air Force Civil Engineer Center, and the towns in which the lakes lie. These diverse studies (BEC 1987, 1991, 1993, AFCEE 2001, 2015, ENSR 2001, 2008, Loon Environmental 2012, Moran 2014a, 2014b, WRS 2011, 2014a, 2014b) led to a common recommendation for P inactivation to reduce internal loading, with iron-bound P (Fe-P) as the dominant form of P released from sediment under anoxia. Few of the lakes have any surface tributaries, and direct precipitation and groundwater comprise at least 94% of hydrologic inputs for all but Stillwater Pond in Chatham, which gets

Table 1. Features of lakes treated with aluminum between 1995 and 2015.

Lake	Area ha	Depth		Detention yr	Tributaries	Hydrologic load		Phosphorus load		
		Mean m	Maximum m			Precipitation %	Groundwater %	Internal %	Surface Flow %	Groundwater %
Hamblin	46.0	8.3	18.8	1.0	No	11	87	67	9	11
Ashumet	82.0	7.0	20.0	1.9	No	17	72	47	4	45
Long	296.0	8.8	21.2	3.5	No	51	44	64	17	9
Mystic	59.0	4.6	14.3	1.0	No	18	80	46	15	21
Lovers	15.0	4.6	10.0	1.2	No	39	55	43	27	12
Stillwater	7.5	6.8	13.9	1.2	From Lovers	13	25	55	32	5
Herring	17.7	6.2	10.9	2.8	No	42	55	40	1	46
Great	44.7	3.6	11.0	0.4	2 small ones	14	83	26	8	45
Lovell's	22.0	5.7	11.4	2.1	1 diverted	43	53	62	4	16
Cliff	83.0	8.6	26.7	5.3	No	71	23	67	5	6

most of its water from upstream Lovers Lake, another treatment lake. Detention time for all but Great Pond in Eastham is >1 year. Internal load of P was estimated at 40–67% of the total load, except for Great Pond estimated at 26%. Most of the lakes were impacted by some watershed activity in the past that contributed to the accumulation of P in the sediments, but influences other than residential development were largely absent by the time of treatment. The environmental setting for each lake (see the online supplemental materials) illustrates the commonalities and idiosyncrasies of these cases.

Dose determination

Chemical doses for nutrient inactivation were calculated using various methods over the years, initially based on the amount of P accumulated in the hypolimnion that required inactivation and later by both direct testing of Fe-P in surficial sediment and lab assays with sediment and Al (BEC 1993, WRS 2014b). The fractionation method of Psenner et al. (1988) allowed assessment of key P fractions for dose planning, but later work (Rydin and Welch 1999, Rydin et al. 2000, Reitzel et al. 2005, James and Bischoff 2015) helped advance dose determination.

The process used for lake treatments on Cape Cod after 2001 involved initial testing for total P (TP), loosely sorbed P, and Fe-P in the upper 10 cm of sediment exposed to anoxia. Loosely sorbed P was low and nearly always below the detectable threshold; Fe-P is the dominant form of mobile P in these waterbodies. Based on percent solids and sediment gravity, P was calculated as grams per square meter in the top 10 cm, and the Al dose was set at a minimum of 10 times Fe-P concentration. The active zone of interaction is possibly >10 cm, but 10 cm has been a traditionally applied threshold for Al-P formation (Welch et al. 2017). Where there is considerable spatial variation of sediment P concentrations, area-specific doses have been established for treatment zones.

An alternative approach applied to some of the lakes was based on modification of the method of Rydin and Welch (1999), following the general approach of Pilgrim et al. (2007). Al as aluminum sulfate and sodium aluminate at a 2:1 volumetric ratio was added to 5 g of sediment suspended in 50 mL of distilled water at amounts corresponding to treatment in grams per square meter and allowed to interact under agitation for at least 12 hours. A sediment pellet was

reconstituted by centrifugation and subjected to extraction of Fe-P, which likely includes porewater and loosely sorbed P. By repeating this process with different Al concentrations, a dose response curve (Fig. 2) can be generated, and the tradeoff among dose, degree of P inactivation, and cost can be considered. The range of total doses for Cape Cod lakes has been 10 to 100 g/m² (Table 2), although application on any day was limited to 25 g/m² to minimize potential Al toxicity.

Aluminum application

All but the original Hamblin Pond treatment (conducted by Sweetwater Technology from Minnesota) were performed by Aquatic Control Technology (now part of SOLitude Lake Management) of Massachusetts. Treated areas typically included the sediment area exposed to anoxia, although reduction in treated area occurred if sediment testing revealed low Fe-P concentrations or low organic sediment content. The treatment footprint most often reflected the area overlain by soft organic sediment; where organic substrate dominates, oxygen depletion often occurs, whereas Fe-P and oxygen demand tend to be low in sandy areas. The first Ashumet Pond treatment was an exception; a smaller area was treated to temporarily improve conditions while the geochemical barrier was installed, and the second treatment in 2010 covered twice as much area at a similar dose.

Al compounds were added from a self-propelled barge with 2 tanks, 1 for aluminum sulfate and 1 for sodium aluminate. Each Al compound was injected separately by metered pumping through ports on a manifold lowered to a depth of about 2.5 m below the lake surface. A deeper (10 m) depth of injection, involving a specialized boom, was mandated by permit in the first Ashumet treatment in 2001 to minimize possible impacts to biota in the epilimnion. Although this slowed treatment, added cost, and limited the opportunity to strip P from the entire water column, it was necessary to ensure permit approvals after the Hamblin Pond treatment in 1995 caused fish mortality. The second treatment in 2010 was approved for injection in the epilimnion at a depth of 3 m. GPS guidance was used on the treatment barge to ensure an accurate and even application.

The default ratio for chemical addition was 2 parts aluminum sulfate to 1 part sodium aluminate by volume, although this ratio can be altered to maintain the targeted pH range of 6.0 to 8.0 standard units. Based

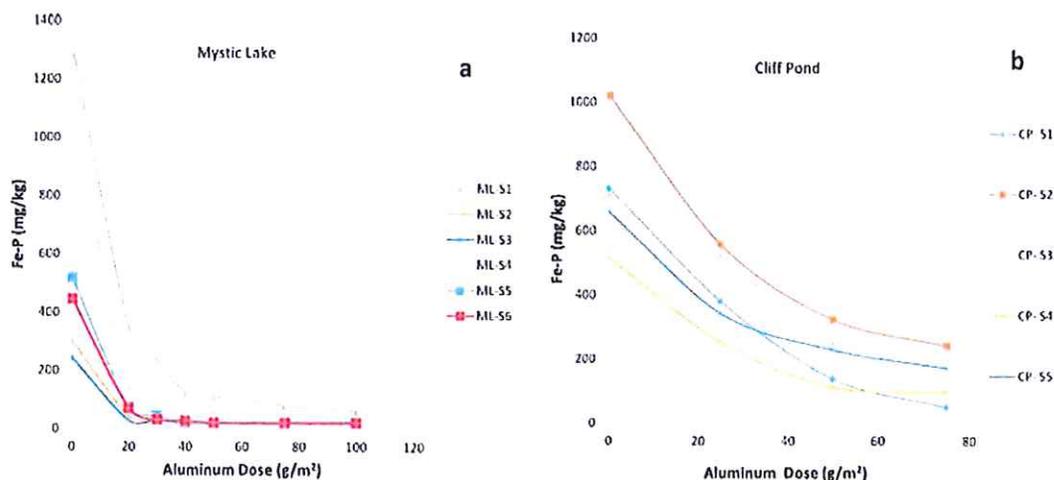


Figure 2. Dose response curve for Fe-P in (a) 6 sediment samples from Mystic Lake and (b) 5 sediment samples from Cliff Pond treated with aluminum in the laboratory.

on experience gained in Cape Cod lakes and elsewhere in New England, but particularly applicable to low alkalinity lakes, Al was applied at rates that resulted in no more than 5 mg/L in the mixed zone behind the barge, which was typically 5 m deep. This Al concentration has been found to minimize toxicity to fish and invertebrates, even if the pH exceeds the target range (unpublished lab assay data); therefore, any dose >25 g/m² was applied in at least 2 periods separated by at least 1 day. Additionally, the target treatment area was broken into zones (Fig. 3), and contiguous zones were not treated consecutively if possible. This 3-level protection system (pH control, dose control, treatment area control) has prevented significant fish mortality in all treatments after 2000 in New England, defined as no more than 50 dead fish observed per day during the treatment period in permit documents. Impacts to fish eggs or fry are possible but were not observed.

Treatment in spring was preferred because algae concentrations were lower (limited interference with Al reactions), little P had yet been released from targeted sediment (improved treatment efficiency), and thermal gradients were minimal (allowed a larger vertical mixing zone and limited toxicity). Yet the timing of treatment was subject to regulation by permit, with concern expressed by state agencies over treatment in lakes with herring runs during April into June. Treatments of lakes with herring runs were therefore performed in September and early October while the lakes were still stratified and P and algal concentrations were elevated.

Monitoring program and analytical methods

Al treatments had no standard monitoring protocol, and measured water quality features and frequency of sampling varied based on permit conditions

Table 2. Information for 12 treatments of 10 lakes on Cape Cod.

Lake	Year Treated	Season Treated	Aluminum application			
			Treatment area		Treatment dose	
			ha	% of lake	g/m ²	max. mg/L
Hamblin	1995	Spring	32.3	69.6	45	9.0
Hamblin	2015	Spring	27.0	58.7	45–71	4.5
Ashumet	2001	Summer	11.3	13.8	43	4.3
Ashumet	2010	Fall	22.8	27.8	40	4.0
Long	2007	Fall	148.0	50.0	10–30	3.0
Mystic	2010	Fall	23.2	39.3	30–50	3.3
Lovers	2010	Fall	10.0	66.7	100	5.0
Stillwater	2010	Fall	5.0	66.7	100	5.0
Herring	2012	Fall	8.0	45.2	75	5.0
Great	2013	Fall	11.2	25.1	25	5.0
Lovell's	2014	Spring	14.0	63.6	50	2.5
Cliff	2016	Spring	31.0	37.3	75	3.8



Figure 3. Treatment zones and dates of treatment (month/day in 2007) for Long Pond.

and funding. All the treatment lakes were studied in advance of the treatment (supplemental material), so pre-treatment conditions were generally well known. For this analysis, we used data from up to 3 years prior to treatment to establish pre-treatment water quality. Monitoring during treatment was focused on maintaining pH within the acceptable range, conducting treatment during favorable weather conditions (i.e., avoiding high wind and waves), and visual surveys for any fish and mussel mortality or behavioral anomalies.

For most lakes, post-treatment monthly data from May through September were collected for at least 2 years. For some lakes data were available for the April through October period, and in some cases monitoring has continued in all years since treatment. In a few cases, only a single assessment was made in late summer each year as part of the Pond and Lake Steward (PALS) program for Cape Cod, administered by the School for Marine Science and Technology at the University of Massachusetts, Dartmouth. Up to 3 years of data were used to establish post-treatment conditions for comparison to pre-treatment water quality. Where a longer (>3 years) record was available, long-term trends after treatment were examined to assess longevity of benefits, but additional data were not factored into the basic pre- and post-treatment

comparisons. The extent of available data is addressed in the supplemental material.

Monitoring included surface (upper 1 m) and bottom (lower 1 m) TP, summer Secchi disk transparency, summer chlorophyll *a* (Chl-*a*) and temperature-dissolved oxygen profiles for all lakes. TP was assessed by multiple analytical laboratories, usually by Standard Method SM 4500 PE (APHA 2005). Secchi transparency was measured using a view tube in almost all monitoring events. Chl-*a* was assessed by Standard Method 10200 H for discrete samples but was sometimes supplemented with field fluorescence measurements using probes from Turner Designs. Temperature and dissolved oxygen were assessed with calibrated field probes on YSI or Hach multi-probe instruments.

Additional monitoring conducted for some lakes included phytoplankton and zooplankton identification and enumeration by Standard Methods 10200 F and G, respectively, dissolved and/or total Al by Standard Method 3500-Al B, and forms of nitrogen (N; nitrate, ammonium, total Kjeldahl N, and total N), also by standard methods. Conductivity, turbidity, and pH were usually assessed with calibrated field probes on YSI or Hach instruments. Alkalinity was measured by titration in the field or laboratory (SM 2320 B).

Table 3. Summary of pre- and post-treatment monitoring results for treated Cape Cod lakes.

Lake	Surface total P		Bottom total P		Summer Secchi depth		Summer Chl- <i>a</i>		Oxygen demand	
	Pre-trtmt µg/L	Post-trtmt µg/L	Pre-trtmt µg/L	Post-trtmt µg/L	Pre-trtmt m	Post-trtmt m	Pre-trtmt µg/L	Post-trtmt µg/L	Pre-trtmt mg/m ² /d	Post-trtmt mg/m ² /d
Hamblin 1995	42	10	454	46	1.8	5.6	21.3	2.0	1720	219
Hamblin 2015	20	7	310	13	1.9	7.8	37.9	1.2	980	515
Ashumet 2001	26	17	290	100	2.8	3.5	6.4	4.1	1034	No data
Ashumet 2010	16	10	300	60	2.9	3.8	5.7	3.2	No data	No data
Long	30	16	163	62	2.8	5.4	12.6	5.5	1823	935
Mystic	35	15	555	65	1.2	3.9	19.7	3.5	780	213
Lovers	32	12	116	24	1.0	3.0	32.2	2.4	1500	555
Stillwater	28	11	290	38	1.3	3.3	21.6	1.8	1500	311
Herring	21	11	357	21	0.5	4.4	19.0	2.9	866	334
Great	22	14	57	32	2.3	2.5	8.4	6.5	1625	300
Lovell's	61	12	167	35	2.0	4.2	14.3	2.3	1310	530
Cliff	23	5	87	12	2.0	5.7	12.6	1.8	2465	1680

Oxygen demand was calculated as the mass difference over time in oxygen in the water column below the depth at which the thermocline normally forms (in mg/m²/d). Changes in uptake kinetics dictate that oxygen demand is not fully expressed when values decline to <2 mg/L, so only profiles with values >2 mg/L at all assessed depths were used; these occurred mainly in spring. As the water warmed over this period and held less oxygen, demand was adjusted for losses due to temperature change.

Comparisons among lakes were mainly graphical, and changes were apparent without need for statistical analysis. However, the relationships among water clarity, Chl-*a*, and P were explored with least squares linear regression in Microsoft Excel, as were relationships between Al dose versus P concentration and oxygen consumption versus temperature.

Results

Phosphorus

Comparison of pre-treatment and post-treatment summer P concentrations between surface or bottom sampling locations indicate a decrease in all cases (Table 3). P near the bottom during stratification was elevated prior to treatment and much lower after treatment, consistent with Al binding of surficial sediment P and decreased release from that sediment. All post-treatment average P concentrations for bottom samples were <100 µg/L, with 8 of 12 averages <46 µg/L. The difference between pre- and post-treatment bottom P was smallest for Great Pond, which was treated preemptively rather than to remediate existing algal blooms. Pre-treatment summer P concentrations in surface waters were not as high as near the bottom, so

differences between pre- and post-treatment surface P were not as striking. Yet the decrease was substantial in terms of nutrient supplies for algal blooms, with the surface P concentration declining to <17 µg/L in all cases and <12 µg/L in 8 of 12 treatments (Table 3).

There was no strong relationship between surface and bottom P concentration before treatment or the decrease in bottom or surface P concentration with Al dose (all R^2 values <0.01), but there was a relationship between surface and bottom P concentrations after treatment ($R^2 = 0.57$). The mechanisms by which P released from sediments accumulates in the hypolimnion or reaches the photic zone are more complicated than can be explained by such simple comparisons, but reducing hypolimnetic P does limit how much P can be transported into the epilimnion. The 4 spring treatments yielded surface P reductions that ranged from 65% to 80% compared to 35% to 63% for the 8 summer or fall treatments, suggesting that spring treatments may be more effective in suppressing P recycling.

Water clarity

Post-treatment Secchi transparency values increased from pre-treatment values (Table 3) in all cases, but the relative changes were highly variable. Pre-treatment Secchi transparency during summer ranged from 0.5 to 2.9 m with an average of 1.9 m, whereas post-treatment summer values ranged from 2.5 to 7.8 m with an average of 4.4 m. Great Pond experienced only a 0.2 m increase in Secchi transparency, whereas transparency increased in nearby Herring Pond by almost 4 m and in Hamblin Pond by 5.9 m through 2 years after the second (2015) treatment.

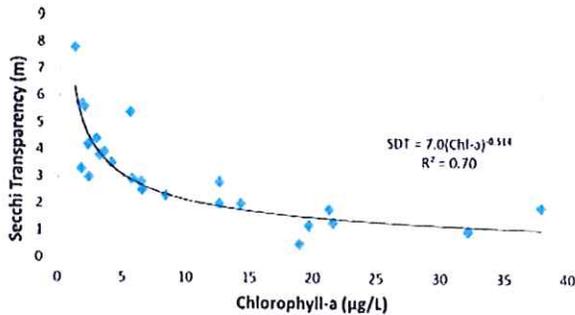


Figure 4. Average summer chlorophyll *a* vs. Secchi transparency for study lakes.

Water clarity in all treated lakes is mainly a function of algal abundance (Fig. 4); inflows are low even during storms, and wind-induced turbulence rarely extends to depths where soft sediments are abundant, limiting other sources of turbidity. Algal abundance is clearly linked to surface P (Fig. 5), but the relationship is not as strong as for Chl-*a* and transparency, so additional factors beyond P concentration are important to algae abundance.

Algae

The quantity of algae in each lake after treatment was reduced, based on the change in Chl-*a* concentration (Table 3). Equally important was meeting the important restoration objective to decrease dominance of the phytoplankton community by cyanobacteria. This algal reduction was not evident from Chl-*a* values but has been reported from all treated lakes in which cyanobacterial blooms significantly impaired lake uses. Long Pond provides the best algae record and experienced a major decline (from 69% pre-treatment to 9% post-treatment on average) in the portion of algal biomass represented by cyanobacteria for April to October samples since treatment (Fig. 6). Hamblin Pond was

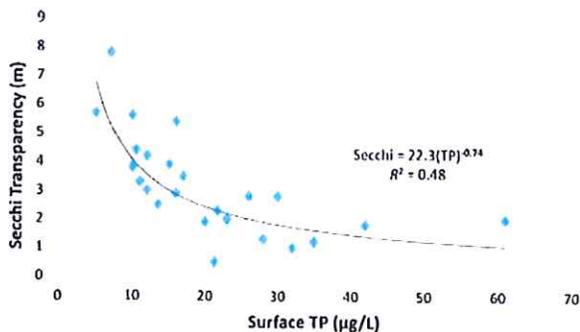


Figure 5. Average surface total phosphorus (TP) vs. Secchi transparency for study lakes. SDT = Secchi disk transparency.

free of cyanobacterial blooms for almost 19 years after its first treatment, and after a 1-year period of resumed blooms by the same genus of cyanobacterium (*Dolichospermum*), the second treatment again eliminated blooms. However, although algal biomass was reduced in Lovell's Pond and cyanobacteria were limited for most of 2 summers, cyanobacteria resurged in late 2015 (Fig. 7) and continued to increase in 2016 with a concurrent decrease in clarity.

Oxygen demand

Reduction of algal biomass that eventually sinks and decays is expected to cause a decrease in oxygen demand in response to Al treatment. Decreased oxygen demand (Table 3) was observed in all treated lakes except for Ashumet, where the monitoring program did not include spring sampling and precluded assessment of oxygen demand as calculated here. The range of estimated pre-treatment hypolimnetic oxygen demand (HOD) ranged from 866 to 2465 mg/m²/d with an average of 1418 mg/m²/d, whereas post-treatment HOD has ranged from 213 to 1680 mg/m²/d with an average of 559 mg/m²/d. Individual lake HOD decreases ranged from 32% to 87% with an average decline of 63%. The highest values for both pre- and post-treatment HOD of 2465 and 1680 mg/m²/d, respectively, occurred in Cliff Pond, treated in 2016. Only one value was available for each period from Cliff Pond, and the post-treatment value represents a period when algae settled from the water column by treatment would be decaying. The next highest HOD values for the dataset were 1823 mg/m²/d (pre-treatment) and 935 mg/m²/d (post-treatment) from Long Pond, where more data were available.

Despite reduced oxygen demand, treated lakes still experienced anoxia in deep water, but complete hypolimnetic anoxia was shifted to later in summer and did not always occur after treatment. Monitoring at Long Pond provided HOD assessments over multiple years (Fig. 8), indicating the variability in HOD among post-treatment years and among the 2 basins of the lake, both treated, but at different doses (30 g/m² east, 15 g/m² west). There was no clear trend over time, although HOD has declined in recent years. Weather seemed to play a major role in development of anoxia, and there was a positive linear correlation between hypolimnetic temperature and oxygen demand in Long Pond ($R^2 = 0.62$ and 0.70 , respectively).

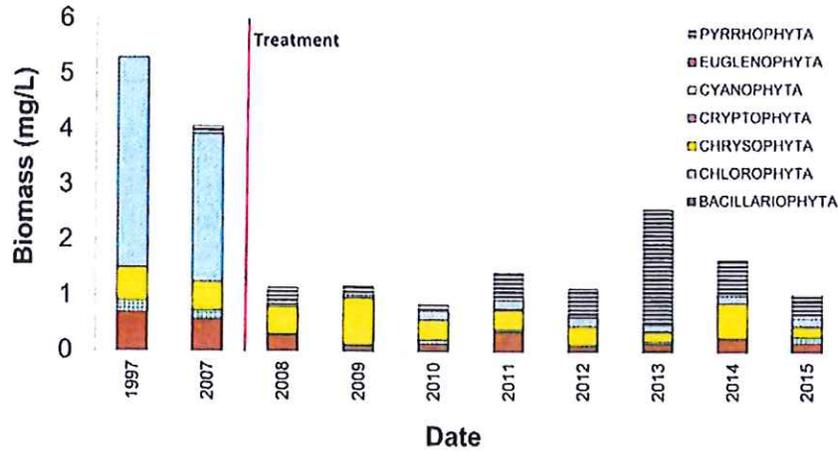


Figure 6. Average Jun–Sep biomass of major algal divisions in Long Pond before and after treatment with aluminum.

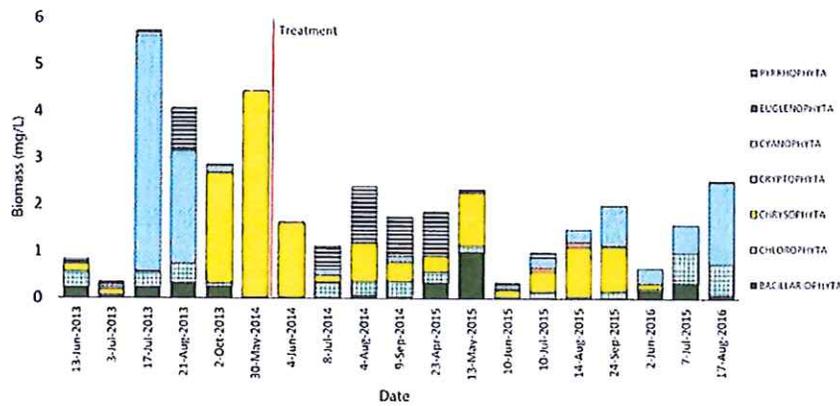


Figure 7. Biomass of major algal divisions in samples from Lovell's Pond.

The reduction in HOD translated into greater volumes of “trout water,” the water layer defined by an upper boundary where the temperature exceeds 21 C and a lower boundary where oxygen is <5 mg/L during stratification. Many Cape Cod lakes are stocked with trout, but survival over summer is limited where there is no suitable habitat. Hamblin and Cliff Ponds have long been considered premier trout fishing lakes on

Cape Cod and are stocked every year, but neither had any trout water for multiple summers prior to Al treatment. Cliff Pond was treated in 2016 and the record was too limited to draw any conclusion. The depth of water available to trout in Hamblin Pond increased by about 5 m after the first treatment (Fig. 9a), and most of that benefit lasted until the second treatment. The second treatment increased trout water by 2 m (Fig. 9b), returning the volume of water available to trout to that available shortly after the first treatment.

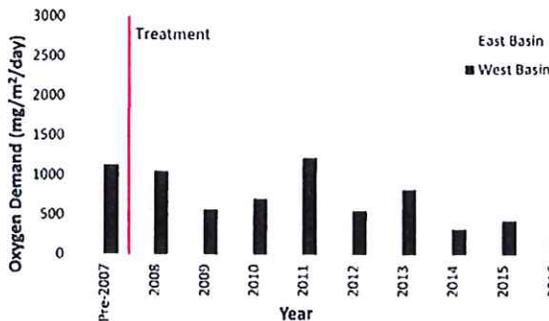


Figure 8. Hypolimnetic oxygen demand in 2 basins of Long Pond over time.

Nontarget impacts

Fish mortality beyond that allowed by permit for treatments of Cape Cod lakes occurred only during the first Hamblin Pond treatment, where a low ratio of aluminum sulfate to sodium aluminate (1.66:1) caused the pH to rise to >9 standard units from about 6.3 standard units over the 2 days of treatment covering ~70% of the lake. Average Al concentration was estimated at 9 mg/L. Assays and jar tests conducted prior

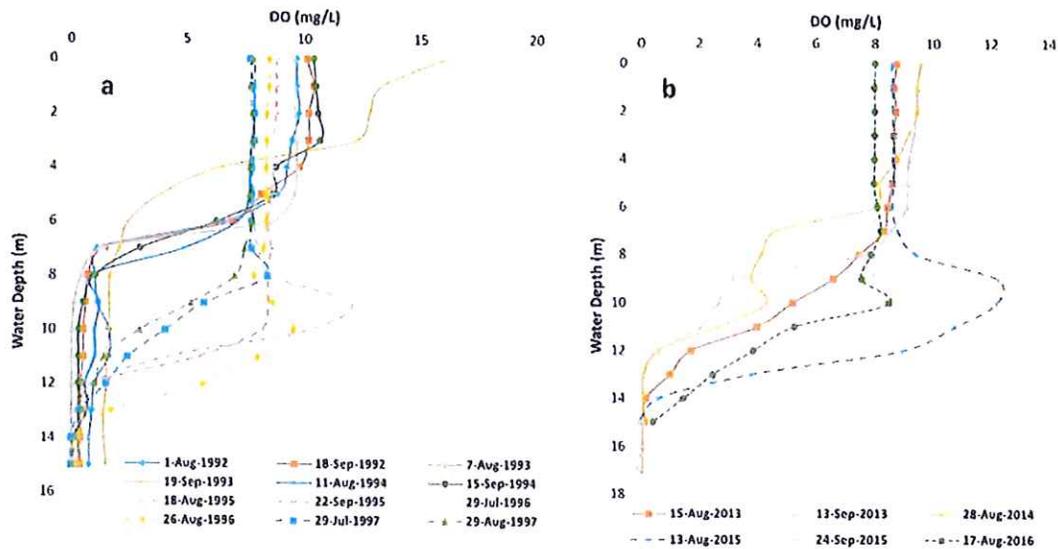


Figure 9. Dissolved oxygen (DO) profiles for Hamblin Pond before (solid lines) and after (dashed lines) (a) 1995 and (b) 2015 aluminum treatments.

to treatment did not properly guide treatment, and the Massachusetts Department of Environmental Protection estimated that ~16,000 fish (perch, bass, and trout) were killed (unpublished data). This and a similar incident in Connecticut in 2000 resulted in more detailed but unpublished laboratory work that shaped the treatment limits and procedures after 2000. By maintaining the pH between 6 and 8 standard units and Al concentrations <5 mg/L, along with treating non-contiguous zones in successive treatments, observable fish mortality has been avoided in all other treatments on Cape Cod.

Permits issued to date for lakes that support herring runs have required timing of treatment to avoid the spawning period in late April to early June; instead, such lakes were treated in September and October. Although treatments are generally applied in water deeper than that used by fish for spawning, slight drift of floc into shallower water is common during treatment if there is any wind. There is no evidence of egg or fry mortality from Al toxicity, however, and monitoring during late summer treatments has detected many young-of-the-year herring swimming in the Al floc with no evident mortality.

Impacts to invertebrates have been poorly documented, but concern over potential damage to endangered mussel populations has influenced some treatments. A permit for treatment of Mystic Lake was initially denied due to concerns over possible Al toxicity to mussels, but after massive mussel mortality occurred following a cyanobacterial bloom, control

of cyanobacteria was viewed more favorably and treatment was approved. The dose was limited to $\leq 50 \text{ g/m}^2$, and a pilot test in an area with surviving mussels was required to study direct impacts. No mortality or behavioral impairment for mussels in a zone treated at 50 g/m^2 was found (Nedeau 2011). No mussel mortality has been observed via visual surveys associated with treatments of Long, Lovell's, or Cliff ponds. Hamblin Pond contained no mussels at the time of the first treatment in 1995; physical habitat is quite suitable and nearby lakes have many mussels, so they may have been eliminated by algal blooms or other pre-treatment conditions. The invasive Asian clam (*Corbicula fluminea*) has been detected in the town swimming area of Hamblin Pond as of 2015, but no other mussels have been found.

The response of soft-bodied benthic invertebrates has not been quantitatively assessed in any of the treated Cape Cod lakes. Fishermen reported reduced insect hatches from Hamblin Pond following the 2015 treatment, suggesting a potential impact for at least 2 summers. Because all treated sediment of Cape Cod lakes experience anoxia, however, losses are likely limited to chironomids and other invertebrates tolerant of extremely low oxygen.

Zooplankton were monitored in some of the treated Cape Cod lakes and included a suite of cladocerans, copepods, and rotifers at highly variable abundance. Some of the treated lakes support herring runs but others do not. Where herring fry grow through the summer, zooplankton biomass peaked in winter and was

minimal in summer. Winter zooplankton biomass in Mystic Lake, which has a herring run, was between 50 and 100 $\mu\text{g/L}$, whereas summer biomass was $<20 \mu\text{g/L}$ (WRS 2011). Long Pond, which also has a herring run, had summer zooplankton biomass $<10 \mu\text{g/L}$ (AECOM 2009). Lakes without herring runs exhibited variability of zooplankton biomass in relation to fish community structure and water quality, but data were insufficient to adequately examine and explain the variability.

Based on zooplankton samples from treated Cape Cod lakes (not all data are shown), the Al treatment initially depressed zooplankton abundance; the coagulation process may remove zooplankton as well as algae and other particulates. The second treatment of Hamblin Pond in 2015 severely depressed zooplankton biomass immediately following treatment, but biomass recovered substantially by June 2016 (Fig. 10). Biomass was also depressed following treatment of Lovell's Pond in 2014 (Fig. 11), but in 2015 and 2016 biomass recovered to concentrations higher than average for the 2013 pre-treatment study period.

Plants have generally been unaffected by Al treatment in Cape Cod lakes, based on our observations. Treatments target areas deeper than plants grow in these lakes, and many of the lakes have limited plant communities because of light limitation by algal blooms and coarse sandy sediment in the littoral zone. Few studies have been conducted, but quantification of the plant community in Long Pond before and after treatment revealed no appreciable change (AECOM 2009). Some colonization by macrophytes of shallow areas in Lovers Lake has been reported by residents, but quantitative data are lacking. The improved clarity in most lakes after treatment has not resulted in substantial expansion of plant growth. This lack of growth was most evident in Hamblin Pond, which was clear for more than 18 years after the first treatment and has a limited plant community.

Duration of treatment benefits

Only 2 of 10 treated lakes have been retreated: Hamblin after 20 years and Ashumet after 9 years. Hamblin Pond provides the longest and most complete record for Al treatment on Cape Cod. The first treatment was conducted in May 1995 over 70% of the lake area at a dose of 45 g/m^2 and provided rapid and lasting improvement in water clarity (Fig. 12) with elimination of cyanobacterial blooms. A slight decline in

clarity may be perceived over 18 years following the first treatment, but clarity decreased abruptly in late August 2013 with a cyanobacterial bloom and remained low throughout the 2014 summer season. A second treatment was planned with an advanced approach that included extensive sediment testing to accurately identify areas in need of treatment and to set appropriate doses. Relative to the first treatment, a smaller portion (59%) of the lake was treated the second time, in mid-June 2015, with the target area divided into 3 zones receiving differential doses of 45, 58, and 71 g/m^2 , which eliminated algal blooms and restored high water clarity. Watershed land use has changed little since the 1995 treatment.

The first Ashumet Pond treatment was limited in scope and area and was only part of the overall P control project. Only the deepest area was treated, with an expectation of improved conditions for up to 5 years, enough time to implement other P controls, especially an Fe-based geochemical barrier for inactivation of high P in a groundwater plume (AFCEC 2015). Monitoring into 2008 indicated increasing P concentration in deep water and high Chl-*a* in surface water, and a second treatment over twice the original area at a similar dose was applied in 2010. That second treatment has provided satisfactory results for about 6 years to date.

The next oldest treatment was at Long Pond in 2007, now 9 years old. The average monthly Secchi transparency depths for June through September were 60% to 100% greater than pre-treatment depths (Fig. 13). There was variation among months, but summer averages did not decline through 2015, 8 years post-treatment. Watershed land use has changed little since the 2007 treatment.

All other treatments are no older than 7 years (Table 2). Mystic Lake experienced increased clarity more gradually than the other treated lakes, likely related to slow flushing and the processing of a large organic P load from dead mussels prior to treatment that was not efficiently stripped from the water column during treatment (WRS 2011); summer P concentrations continued to decline for several years after treatment. Great Pond has shown little improvement, but the internal P load represented the smallest fraction of the TP load for all treated lakes (Table 1). Lovell's Pond has experienced declining clarity since the year after treatment for unknown reasons; Secchi transparencies were much higher than before treatment but were not

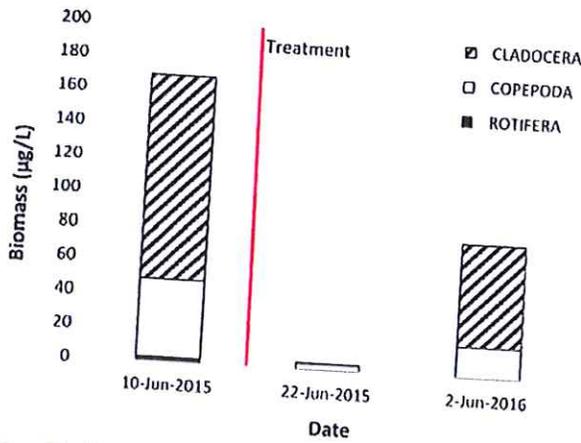


Figure 10. Zooplankton biomass in Hamblin Pond from June samples before and after treatment.

as stable as for other treated lakes. External inputs do not seem to have increased, so the dose may have been low or more area may have required treatment for sustained results. Biogenic P sources were possibly more important in Lovell's Pond than previously determined, and increased oxygen in deeper water after treatment may have promoted the release of organically bound P. The other 5 treated lakes experienced rapid and sustained clarity since treatment.

Costs

The cost of treatments varied mostly by area treated and dose but was also influenced by inflation, market swings, and changes in technology. The cost of Al chemicals was only moderately stable and represented about half the cost of most treatments. On a unit cost basis, considering the cost per gram of Al applied to a square meter of lake area and the total area of application, average cost for the chemicals and labor to conduct a treatment was about \$150/g/m² per ha in 2016 dollars. For example, treatment of 25 ha at a dose of 50

g/m² would cost about \$187,500. The cost of permitting and pre- and post-treatment studies was additional and has varied substantially but was much lower than the application cost.

Discussion

Projects on Cape Cod have furthered our knowledge of dosing to inactivate P in surficial sediment in stratified waterbodies with low alkalinity. As glacially created kettlehole lakes, the treated Cape Cod lakes have much in common, notably relatively long detention time, an infertile sandy bottom overlain in deeper water by organic material that can cause oxygen depletion, and high Fe concentrations that bind P under oxic conditions but release it under anoxia. These characteristics makes them ideal candidates for Al treatment, but concern over low alkalinity and the potential for Al toxicity if the pH moves outside the range of 6 to 8 standard units produced a cautious regulatory stance to this technique. Documentation of minimal or temporary adverse impacts to biota since 2001 has facilitated and expedited permitting by regulatory agencies.

An additional concern has been the addition of sulfur with aluminum sulfate because sulfur tends to bind with Fe and make it unavailable as a P binder, thus reducing the natural capacity to inactivate P in lakes. Although sulfur is added in these treatments, there is little indication it will lead to severe Fe shortages. Herring Pond does have some saltwater influence (average conductivity of 625 µS) and may well have an Fe shortage as a result of sulfur influx with seawater, but the amount of sulfur added through treatment would be minor in comparison. The other ponds are not influenced by saltwater (average conductivity <150 µS) and are continually supplied with considerable Fe through

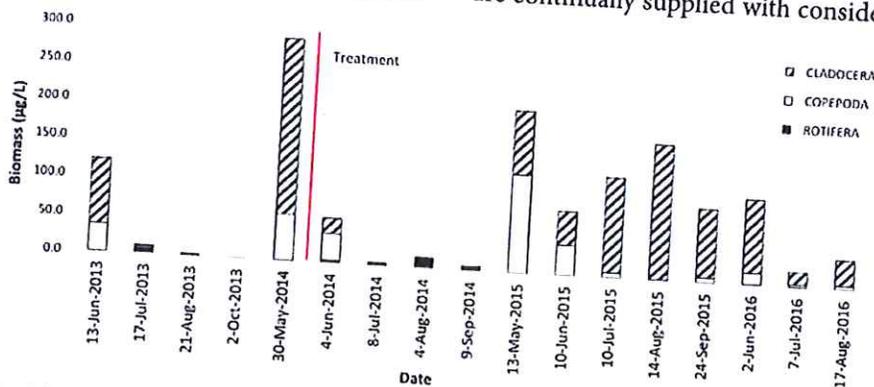


Figure 11. Zooplankton biomass in Lovell's Pond before and after treatment.

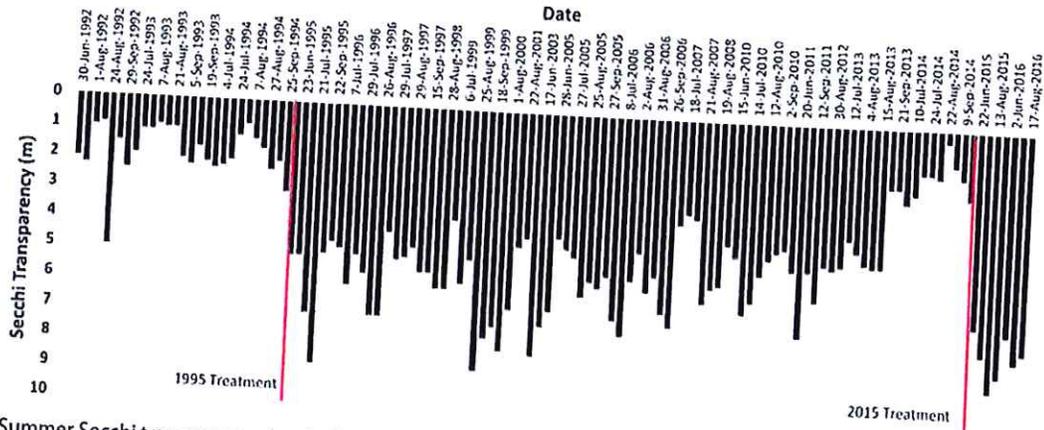


Figure 12. Summer Secchi transparency depths from Hamblin Pond between 1992 and 2016 through 2 aluminum treatments.

groundwater inflow, as evidenced from sampling in many of the same studies that established P loads and the importance of internal loading (e.g., BEC 1993, ENSR 2001, WRS 2014b). Hypolimnetic dissolved Fe levels frequently exceed 1 mg/L during late summer. Additionally, with the use of sodium aluminate to balance the pH from aluminum sulfate additions, about 54% less sulfur is added than if only aluminum sulfate was applied.

Consideration of the serious habitat and use impairment occurring in the absence of lake management has also convinced many towns and agencies on and off Cape Cod to consider Al treatment when internal recycling is scientifically established as a major P source. For example, Mattson (2015) reported a successful Al treatment to follow up cranberry bog management to achieve water quality standards in a lake

between Boston and Cape Cod that was sponsored by the Massachusetts Department of Environmental Protection with Section 319 funds, a first for that agency. Both watershed and in-lake management were necessary to meet water quality goals, and work on Cape Cod helped shape that treatment. Certainly ecological risks are associated with Al treatment, but the potential benefits are substantial. This treatment is not a substitute for watershed management but a complement to it, much as bailing water out of a boat complements patching a leak; in many cases both may be necessary to achieve the desired result.

One major benefit of Al treatment is the differential reduction in available P versus N. Al treatment reduces the internal load of P but seems to have little effect on N concentrations in Cape Cod lakes (data not shown). Although reduction of both P and N may seem desirable, especially in a coastal environment like Cape Cod, greater reduction of P in a lake will result in higher N:P ratios and favor algae other than cyanobacteria (Smith 1983, Harris et al. 2014). Except for Great Pond, all the treated lakes experienced severe cyanobacterial blooms prior to treatment, and all showed not just a reduction in overall algal biomass but also in the portion of the community represented by cyanobacteria.

P concentrations were reduced by Al treatment to <17 µg/L but rarely <8 µg/L, the ecoregion threshold for preventing algal blooms in this area (USEPA 2014). The shift in nutrient ratios seems to favor a different algal community, one that is more easily assimilated into the pelagic food web and results in a lower standing crop of algae. A thorough investigation of complete food web effects is lacking, but any decrease in actual algal productivity may be countered by an increase in edible and nutritious algae rapidly assimilated into

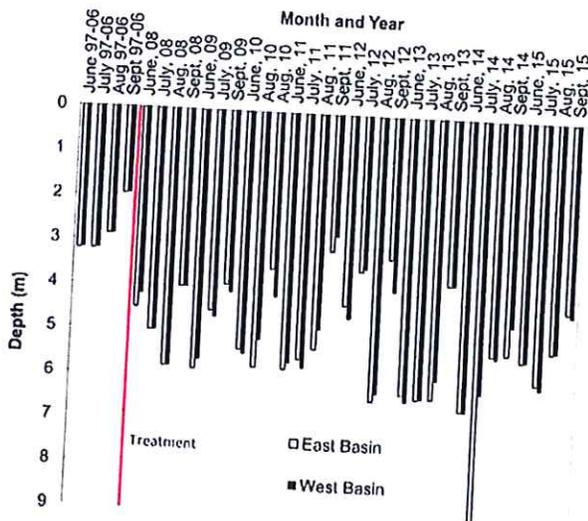


Figure 13. Summer Secchi transparency in 2 treated basins of Long Pond between 1997 and 2015.

the food web and thus not measured as algal biomass. Low zooplankton biomass beyond initial reductions during treatment may be related to food limitation or predation. Budget cuts have minimized valuable fish surveys by the Division of Fisheries and Wildlife in Massachusetts since the 1980s, leaving most fishery effects to speculation.

An indirect benefit of Al treatment is reduced oxygen demand. Reduced algal biomass translates into less organic matter decomposing in the water column or on the bottom, and HOD has been substantially lowered by Cape Cod treatments. Prior to treatment, most of these lakes had no oxygen below the thermocline by sometime in July. Where the decrease in HOD is large enough and the depth is great enough, a zone just below the thermocline can remain oxygenated through the summer and support trout, which are stocked annually in many of these lakes. The ability to maintain holdover fish increases size and angling enjoyment.

The oxic zone below the thermocline may also be important to minimizing algal blooms by creating a zone in which P released from anoxic sediment recombines with Fe to precipitate and settle before it reaches the photic zone to fuel algal growth. Several of the treated lakes were known to have intense metalimnetic cyanobacterial blooms (especially *Planktothrix* in Mystic and Cliff) that mixed into upper waters during windy periods and were associated with toxic events. Others have experienced synchronous rises of cyanobacteria (*Dolichospermum lemmermannii* in Hamblin and *Microcystis aeruginosa* in Lovell's) from sediment in shallower portions of the hypolimnion exposed to anoxia. Lowering the anoxic interface within the hypolimnion seems to minimize development of such blooms.

Although lower oxygen demand is a benefit experienced by all treated lakes on Cape Cod, 4 of the treated lakes would still be classified as eutrophic based on Hutchinson's (1957) threshold of 550 mg/m²/d for HOD, and the others would be considered mesotrophic. Oxygen demand is still sufficient to cause some anoxia after treatment, so the overall metabolism of treated lakes was not changed nearly as much as increases in water clarity might suggest. Al treatments address the serious issue of excessive algal biomass and cyanobacterial blooms but are not completely restorative in terms of other eutrophication issues.

Al treatment addresses internal loading to reduce P availability and shift nutrient ratios to favor more

desirable algae and improve food web function. Benefits may be compromised if external loading remains elevated (Brattebo et al. 2017), but where the internal load is the dominant P source and external loads are minimized, many years of improved water quality can be expected. Where internal load is the dominant P source, Welch and Cook (1999) suggested a reasonable expectation of 15 years of improvement for treated stratified lakes, and Huser et al. (2016b) documented an average duration of benefits of 15 years for all lakes and 21 years for stratified lakes. While all but 2 Cape Cod treatments occurred <10 years ago, and the first Ashumet treatment was not intended to provide long-term improvement by itself, results for Hamblin Pond are consistent with those estimates.

The reasons for eventual diminution of treatment benefits include ongoing P loading from the watershed, release of P through organic decay, bioturbation of treated sediment, and upward movement of Fe-P from beneath the inactivated zone (Huser et al. 2016b). In stratified lakes with small watersheds, no significant point sources, and anoxic hypolimnia, the upward movement of P through the inactivated zone is likely the primary cause of a return to significant internal P flux from the sediments. The progression at Hamblin Pond seems to exemplify this mechanism, although increased Fe-P possibly represents an accumulation from organic decay followed by precipitation with Fe. Only a gradual decline in water clarity was observed over almost 19 years (Fig. 12), after which conditions deteriorated quickly. Both watershed inputs and organic decomposition would not be expected to cause such rapid deterioration, and there are no carp or major populations of deep water invertebrates to cause bioturbation. Sediment assessment revealed elevated Fe-P concentrations in the upper 10 cm in the treatment zone 19 years after treatment. An assumed effective inactivation in the upper 10 cm suggests an upward movement of mobile P at an average rate of just >0.5 cm/yr.

Welch et al. (2017) report on inactivation of sediment P in Green Lake (Washington) to a depth well beyond 10 cm, but their comparison with other studies suggests 10 cm as the typical depth of inactivation in the absence of extreme bioturbation or wind driven resuspension. Neither of these mechanisms seems to be a major force in the treated portions of the Cape Cod lakes, where anoxia limits bioturbation and strong stratification resists mixing. Huser et al. (2016a) found

that common carp greatly increased the depth of mixing and potential sediment P release in shallow lakes, but Bajer and Sorensen (2015) found no significant impact in a stratified lake. Doses for Cape Cod lakes were based on a target sediment depth of 10 cm.

The ratio of Al added to Al-P formed (by weight) varies inversely with P concentration (Huser and Pilgrim 2014, James and Bischoff 2015) and may be higher (less efficient) at high doses and where bottom slope is high (Huser 2012) but seems to average <20:1 in sediments over time (Rydin et al. 2000, Welch et al. 2017). Achieving a ratio of at least 10:1 for added Al to targeted P is a suggested threshold for extended treatment benefits (Jensen et al. 2015, Huser et al. 2016b). Most Cape Cod lakes have been treated at Al doses between 10 and 20 times the Fe-P in the upper 10 cm of sediment. Predicted Al:P binding ratios based on Huser's (2012) equation range from 6.7 to 32.8 for treated Cape Cod lakes, with an average of 16.1. One of the challenges in many treated lakes is steep bottom slope in some areas of application, focusing Al in deeper water sediments. Schütz et al. (2017) demonstrated the use of an injection system to apply Al to sediments, which might prove useful on slopes steep enough to cause focusing.

More research is needed to advance our capability to predict the duration of benefits from Al treatment, but one useful diagnostic approach is to examine slices of core samples over depths of up to 0.5 m to assess the vertical distribution of forms of P and to repeat this process over time following a treatment to evaluate redistribution and especially upward mobility of Fe-P. A chemical gradient is created by treatment, and anoxia within the sediment would be expected to allow dissociated Fe-P to move upward into the zone of lower Fe-P. This monitoring approach has been initiated on multiple Cape Cod lakes in the last few years.

Treatment timing may warrant further investigation. Spring treatments of Cape Cod lakes provided a greater reduction in TP versus pre-treatment values than fall treatments. Although reduced algae and increased clarity were observed the following summer, fall treatments exhibited TP reductions mostly below the threshold of ~60% reduction suggested by Huser et al. (2016b) as indicative of maximum longevity of benefits. All spring treatments exhibited TP reductions in excess of 60%. Inefficient stripping of the water column by fall treatment after a summer of P release from sediment may leave more P for future recycling.

However, Mystic Lake was treated in the fall and showed continued improvement in clarity over several years as "leftover" P from a major mussel kill moved through the system. Also, by contrast, Lovell's Pond has experienced lower clarity and mild cyanobacterial blooms 2 and 3 years after a spring treatment. These examples indicate multiple factors are involved, and we have more to learn about the magnitude and timing of treatment before maximum performance can be achieved with Al treatments.

The interface between science (dose) and economics (cost) is an important consideration in most treatments. High doses inactivate more sediment P, but the binding efficiency is lower and the cost per unit of P inactivated will be higher. Certainly the work of Huser (2012) and Welch et al. (2017) and laboratory assays conducted for some of the Cape Cod treatments suggest that lower doses inactivate more P per unit of Al applied, but Jensen et al. (2015) caution against adding less Al than 10 times the amount of mobile P. Because upward migration of P through the inactivated zone may be an important mechanism for diminution of treatment benefits for Cape Cod lakes, the initial benefit from all treatments of adequate dose to inactivate the upper few cm of sediment should be the same, with higher dose treatments providing those benefits for a longer time period than lower doses. Beyond some site-specific minimum required dose that determines attainment of benefits, any additional Al would be expected to determine the duration of benefits, and the shape of the dose-response curve becomes important.

In some cases (e.g., Mystic Lake) the fraction of Fe-P inactivated in laboratory assays is highest at low doses then declines sharply at higher doses (Fig. 2a), asymptotically approaching the Fe-P detection limit. In other cases (e.g., Cliff Pond), the relationship is more linear (Fig. 2b), with only a slight increase in the amount of Al needed for each successive increment of Fe-P inactivation. Where laboratory assays have been used to aid dose determination, a target of between 50 and 100 mg/kg of Fe-P remaining after Al dosing is considered to signal satisfactory inactivation. Calculation of possible P release has indicated acceptable loading at <100 mg/kg by methods put forth by Pilgrim et al. (2007), and the asymptotic approach to the detection limit from values <100 mg/kg suggests that much higher Al doses will be necessary to reduce Fe-P further. Economics have sometimes dictated a slightly higher Fe-P

target where the slope of the inactivation curve from laboratory assays declines sharply.

At the empirically derived cost of \$150/g/m² per ha treated, costs rise proportionally to dose, but there may be an economy of scale based on treated area that is not obtainable in relatively small Cape Cod lakes. Conversion of unpublished data from other treatments (e.g., Grand Lake St. Mary's in Ohio) suggest that for treatments of large areas that yield favorable economies of scale, cost per unit area declines but will be no less than \$100/g/m² per ha treated.

Treatment planning attempts to balance the minimum necessary reduction in internal loading with cost. Empirical models (e.g., Kirchner and Dillon 1975, Jones and Bachmann 1976, Larsen and Mercier 1976) are used to predict lake TP response to loading changes and translate these into expected Chl-*a*, Secchi transparency, and bloom probability (Oglesby and Schaffner 1978, Vollenweider 1982, Walker 1984). Possible target conditions (e.g., P concentration <20 µg/L, water clarity >3 m, probability of Chl-*a* >10 µg/L at <5%) must be evaluated in light of the potential to reach them with internal load reductions and the associated cost. For the Cape Cod lakes, we suggest doses based on a ratio of Al added to target P (by weight) >10:1, assay results with remaining Fe-P <100 mg/kg, and an internal load reduction of >75%.

Acknowledgments

The authors acknowledge the Towns of Barnstable, Mashpee, Falmouth, Brewster, Harwich, Chatham, and Eastham for their financial, administrative and technical support of the treatments and monitoring programs. We also wish to acknowledge the Air Force Civil Engineer Center (AFCEC) Installation Restoration Program for financial, administrative and technical support of the phosphorus inactivation and long-term monitoring work conducted at Ashumet Pond. We also thank the School for Marine Science and Technology at the University of Massachusetts Dartmouth for conducting a valuable monitoring program on Cape Cod and generously sharing data that cover all treated lakes addressed in this analysis. The comments of Associate Editors Frank Wilhelm and Steve Heiskary and 2 anonymous reviewers greatly improved this manuscript and their efforts are much appreciated.

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LETTER OF ENDORSEMENT

October 25, 2023

To: Mashpee Community Preservation Committee (CPC)
From: Friends of Ashumet Pond (FOAP)

Dear CPC Leaders,

As you are aware, Ashumet Pond in Mashpee and Falmouth is in terrible condition. The pond has had a toxic algae bloom since September 7th with no sign of stopping! This is quite alarming as the climate is much cooler than the mid-summer months and the duration is so long.

Ashumet Pond is a natural kettlehole pond which has been polluted by Joint Base Cape Cod with both sewerage, PFAS and other contaminants. In the past, JBCC has provided Alum Treatments to address the contamination, but those treatments are obviously at the end of their life.

The Friends of Ashumet Pond (FOAP) organization is a volunteer group to advocate in the best interest of the pond and the surrounding community. The pond is populated fairly sparsely with about 100 homes, many of which are seasonal, and has association beach front access for Ashumet Valley and Briarwood Associations, representing over 300 additional residents of Mashpee and Falmouth with deep interest in pond health.

FOAP has been actively engaging with the Town of Mashpee and JBCC to come up with the best approach to treat the pond as swiftly as possible, cost effectively, and in environmental favor. The community has had years of enjoyment on the pond, appreciation of the Massachusetts boat ramp, associated fishing community and two bird sanctuaries that abut the pond.

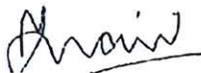
Of course, we all want what is best for the environment, but certainly community lives are at a significant disadvantage with the toxic levels in the pond. Therefore, FOAP highly recommends CPC engagement and funding for any assistance you can provide to the efforts of the Town of Mashpee in their cleanup efforts.

Upon unanimous support from the FOAP membership.

Sincerely, FOAP leadership,



Ken Ursaki
President, FOAP
114 Wheeler Rd.
Mashpee



Mohan Nair
Vice President, FOAP
41 Lakeview Dr.
Mashpee



Diane Phillips
Administration, FOAP
50 Wheeler Rd.
Mashpee

Mashpee Ponds Coalition

Ashumet Pond, Johns Pond, Mashpee-Wakeby Pond, Martha Pond, Santuit Pond
The Mashpee Ponds Coalition is a group of concerned residents dedicated to improving the health of Mashpee's Ponds

October 30, 2023

To: Arden Russell, Chair
Mashpee Community Preservation Committee

From: The Mashpee Ponds Coalition

The Mashpee Ponds Coalition is a group consisting of representatives of local pond advocacy groups from Ashumet Pond, Johns Pond, Mashpee-Wakeby Pond, Santuit Pond, and Martha Pond, as well as the Wampanoag Tribe and the Mashpee Environmental Coalition and Envision Mashpee. This group is collaborating to share knowledge and remediation experience relating to freshwater ponds in Mashpee, to advocate to the Town for specific actions, and to assist the Mashpee Department of Natural Resources in achieving its goals to remediate and protect Mashpee's freshwater ponds as well as educating the public to support these goals.

It is in this context that we express strong support for the funding application brought to the Community Preservation Committee by Mashpee's Department of Natural Resources requesting funding for an alum treatment on Ashumet Pond.

Ashumet Pond has been under a cyanobacteria advisory for nearly 2 months and, it's clear that the alum treatment of 2010 is no longer working to help reduce these harmful algal blooms. Ashumet has historically benefited from alum treatments. It sits below Joint Base Cape Cod and has been impacted by a groundwater contamination from a defunct wastewater treatment plant, among other issues.

It is our understanding that Joint Base Cape Cod and the Town of Falmouth will contribute to the cost of this treatment. We urge the committee to approve the funding request to allow Ashumet Pond to gain another 10-15 years of protection as the Town works to offer a more permanent solution to phosphorus and nitrogen reduction, and clean water.

Sincerely,

The following members of the Mashpee Ponds Coalition endorse this proposal:

Diane Phillips & Mohan Nair, Ashumet Pond

Pat Riley & George Reichenbacher John's Pond

George Schmidt, Santuit Pond

Richard Weiner, Martha Pond

Susan Dangel & Jonathan Small, Mashpee-Wakeby Pond

Dale Oakley, Director of Department of Natural Resources – Mashpee Wampanoag Tribe



Town of Mashpee

16 Great Neck Rd North
Mashpee, MA 02649

Conservation Department

10-26-23

TO: Chairperson & Members of the Mashpee Community Preservation Act Committee

FROM: Drew McManus
Conservation Agent
Town of Mashpee

RE: CPA Funding request for Ashumet Pond Alum Treatment

Dear Chairperson & Members of the Mashpee Community Preservation Act,

I am writing this letter to endorse the CPA application requesting funding for the alum treatment on Ashumet Pond. Ashumet Pond is a true kettle pond that was formed from glacial deposits. The pond has no outlet associated with it (no river or stream) and is thus limited in its ability to flush out nutrients. Like many other ponds on Cape Cod, Ashumet Pond is impacted from development within its contributing watershed, particularly from phosphorous and nitrogen loading from surrounding onsite septic systems, fertilizer usage and untreated stormwater runoff. Ashumet Pond has a history of repeated algal blooms that have often resulted in the proliferation of toxic cyanobacteria blooms, thus resulting on public health advisories. This typically coincides with the warmer months of the year. Additionally, Ashumet Pond has been impacted by a groundwater contamination plume that emanated from a now defunct wastewater treatment plant at the nearby Mass Military Base at Otis. As a result of this contamination plume, Ashumet Pond underwent two previous treatments of alum to control the phosphorous in the pond (this was done by the Air Force Civil Engineer Center). There was also a bio-reactive barrier (made up of iron filings) installed underground in the area of the groundwater plume before it entered the pond. This bio-reactive barrier helped to intercept incoming phosphorous by having it bind to the iron filings prior to entering the pond. The combination of a bio-reactive barrier and alum treatments helped to keep Ashumet Pond relatively free of algal blooms for many years. The last alum treatment was in 2010. Since that time, the groundwater contamination plume had dissipated to the point where there was no longer any effluent coming from the defunct wastewater treatment plant and thus, the Air Force Civil Engineer Center considered the plume to be effectively cleaned up and no longer was involved in remediating this situation. Fast forward to 2022-2023 and the Ashumet Pond is once again experiencing nutrient overload, only this time from the surrounding development. Alum has been proven to be an effective solution and control for preventing harmful algal blooms and treatments tend to last anywhere from 10 – 15 years before additional treatments may be necessary.

The Mashpee Conservation Department endorses the use of alum for the treatment of Ashumet Pond to reduce the frequency of harmful algal blooms. Such blooms not only impact the pond recreationally, but can also impact the pond's aquatic life by reducing the dissolved oxygen content of the pond, potentially resulting in fish kills.

Sincerely,

-Drew McManus
Mashpee Conservation Agent



Town of Mashpee
BOARD OF HEALTH
16 GREAT NECK ROAD NORTH
MASHPEE, MASSACHUSETTS 02649
(508) 539-1426 * Fax (508) 477-0496



Public Health
Prevent. Promote. Protect.

10-26-23

TO: Chairperson & Members of the Mashpee Community Preservation Act Committee

FROM: Zackary Seabury R.S
Health Agent
Town of Mashpee

RE: CPA Funding request for Ashumet Pond Alum Treatment

Dear Chairperson & Members of the Mashpee Community Preservation Act,

I am writing this letter to endorse the Department of Natural Resources' CPA application requesting funding for an alum treatment on Ashumet Pond. Like many other ponds on Cape Cod, Ashumet Pond is impacted from development within its contributing watershed, particularly from phosphorous loading from surrounding onsite septic systems, fertilizer usage and untreated stormwater runoff. Ashumet Pond has a history of repeated algal blooms that have often resulted in the proliferation of toxic cyanobacteria blooms, thus resulting on public health advisories. Additionally, Ashumet Pond has been impacted by a groundwater contamination plume that emanated from a now defunct wastewater treatment plant at the nearby Mass Military Base at Otis.

As a result of this contamination plume, Ashumet Pond underwent two previous treatments of alum to control the phosphorous in the pond. There was also a bio-reactive barrier (made up of iron filings) installed underground in the area of the groundwater plume before it entered the pond. This bio-reactive barrier helped to intercept incoming phosphorous by having it bind to the iron filings prior to entering the pond. The combination of a bio-reactive barrier and alum treatments helped to keep Ashumet Pond relatively free of algal blooms for many years. The last alum treatment was in 2010. Fast forward to 2022-2023 and the Ashumet Pond is once again experiencing nutrient overload from legacy phosphorus still entering the pond. Alum has been proven to be an effective solution and control for preventing harmful algal blooms and treatments tend to last anywhere from 10-15 years before additional treatments may be necessary. This period of alum effectiveness is dependent on the specific pond being treated and the amount of ongoing phosphorus loading.

The Mashpee Health Department endorses the use of alum for the treatment of Ashumet Pond to reduce the frequency of harmful algal blooms. Such blooms not only impact the pond recreationally, but can also impact the pond's aquatic life by reducing the dissolved oxygen content of the pond, potentially resulting in fish kills.

Sincerely,

Zackary Seabury R.S
Town Of Mashpee Health Agent

320 CMR DEPARTMENT OF FISH AND GAME

320 CMR 2.00: PUBLIC ACCESS FACILITIES

Section

- 2.01: Definitions
- 2.02: Management Measures
- 2.03: Special and General Permits
- 2.04: Prohibitions
- 2.05: Penalties

2.01: Definitions

Unless the context otherwise requires, the following words shall have the following meanings and the following rules of construction shall apply:

Amphibious Vehicle means any motored vehicle that is designed to operate both on land and in the water including but not limited to those vehicles commonly referred to as DUKWs, LARCs, Stalwarts, hybrids and United States Coast Guard Certified Amphibians.

Director of Fishing and Boating Access means the person appointed by the Commissioner of the Department of Fish and Game to act as the administrative head of the Department of Fish and Game's public access program, also known as the Office of Fishing and Boating Access.

Intended Use of a Public Boating Access Facility means the launching and retrieval of any trailered or cartop watercraft and parking of the vehicle used to launch and retrieve watercraft in a properly marked parking area.

Intended Use of a Shorefishing Area means recreational fishing.

Intended Use of a Sportfishing Pier means recreational fishing.

Public Access Facility means any public facility that is posted by signage of the Director, or the Director's designee, to provide access by the public to a land and/or water resource within Massachusetts that is subject to the authority of M.G.L. c. 21A, § 11B and 320 CMR 2.00, including, but not limited to, boat launching ramps, car-top boat access areas, parking areas, sportfishing piers and shorefishing areas, on locations designated by the Public Access Board, or public access facilities that are located on public lands with the consent of the Department of Fish and Game, or by agreement with other public agencies in charge thereof of such public lands as authorized by M.G.L. c. 21A § 11B.

Watercraft means a vessel of any kind, except seaplanes and amphibious vehicles, which is used or capable of being used as a means of transportation on water.

2.02: Management Measures

- (1) It is unlawful to operate any amphibious vehicle, airplane or seaplane in or on a public access facility.
- (2) Notwithstanding any provision of 320 CMR 2.00, the Director may establish:
 - (a) management measures governing the use of a public access facility including, but not

320 CMR DEPARTMENT OF FISH AND GAME

2.02: continued

(3) Prior to the establishment of any management measure, except those established pursuant to 320 CMR 2.02(4) or (5), the Director shall provide the following notice and afford interested persons an opportunity to comment as follows:

- (a) publish notice of the management measures in a newspaper of general circulation within the jurisdiction of the public access facility;
- (b) mail a copy of the management measure to those associations, organizations or persons most affected by the measures, or who have requested to be notified of such measures;
- (c) file a copy of the notice with the State Secretary; and
- (d) prominently post the management measures at the entrance to the public access facility and at such other conspicuous locations within the facility as the Director deems necessary and appropriate.

(4) If the Director finds that the immediate establishment of management measures is necessary for the public health, safety or general welfare, and that observance of the procedures for notice and comment provided in 320 CMR 2.02(3) would be contrary to the public interest, the Director may dispense with such procedures and establish the management measures on an emergency basis. The Director's finding and a brief statement of the reasons for his finding shall be incorporated in the emergency management measures and filed with the Secretary of the Commonwealth. The Director shall comply with the procedures for notice and comment provided in 320 CMR 2.02(3) if the management measures are to be effective for a period longer than 90 days.

(5) Notwithstanding the requirements of 320 CMR 2.02(2) and (3), where the Director determines that a public access facility shall be temporarily closed or its use by the public temporarily limited for the purpose of necessary construction, maintenance or repair, the notice requirements of 320 CMR 2.02(3) or (4) shall not be applicable. Within 24 hours of making such a determination, the Director shall place signage at the applicable public access facility and post information on the Office of Fishing and Boating Access website that informs the public of such temporary closure or limits on the use of the facility.

2.03: Special and General Permits

(1) The Director may issue special permits authorizing special activities, events, fishing derbies or contests or other public gatherings at public access facilities for no more than seven consecutive days.

(2) The Director may issue general permits for time periods that extend beyond seven consecutive days to federal, state or local authorities for uses that facilitate a public purpose provided that the Director determines such uses do not significantly interfere with the public uses of such facility.

(3) Applications for a special permit or general permit may be made to the Director.

(4) The Director may establish conditions and restrictions to the special or general permit that, in his opinion, are necessary and appropriate for the public health, welfare and safety, or are required by the type of public access facility sought to be used.

2.04: Prohibitions

320 CMR DEPARTMENT OF FISH AND GAME

2.04: continued

- (4) use a public access facility for any purpose other than its intended use;
- (5) use any parking area for a purpose other than the parking of vehicles used to launch and retrieve watercraft, or in conjunction with the intended use of the public access facility;
- (6) park a motor vehicle and/or trailer in a manner inconsistent with the striping pattern, signage or other means used to delineate the proper places to park;
- (7) exceed any posted speed limit, or violate any traffic pattern or traffic control measure;
- (8) conduct any business, commercial or trade activity that is inconsistent with the intended use of the facility;
- (9) sell or otherwise deal in wares of any sort or advertise any business, commercial activity or trade;
- (10) conduct any rental transactions, including rental of canoes, kayaks or other watercraft;
- (11) hold any public or private meeting, or conduct or participate in any tournament, contest or organized sporting, fishing or boating event;
- (12) wash motor vehicles, boats or any other personal property or equipment, or flush motors or other equipment;
- (13) fish within a 50 foot radius of any boat launching ramp or associated pier or float system, unless as otherwise authorized by the Director by signage posted at the facility;
- (14) leave any motor vehicle or boat trailer within a public access facility for more than 18 hours;
- (15) store any watercraft, trailers, equipment or other personal items, beach, dock or tie up any watercraft for more than 30 minutes, or use docks, piers or floats by watercraft not launching or retrieving;
- (16) operate watercraft at other than headway speed or waterski within 300 feet of any public access facility;
- (17) operate personal watercraft from any public access facility except for the initial launch and retrieval;
- (18) close, gate or obstruct the entrance to any public access facility or take any action or conduct any activity that prevents or impedes access to, or the intended use of a public access facility;
- (19) load or unload powered watercraft onto or off of boat trailers by means of propulsion systems in violation of signage posted at the facility by the Director that prohibit such activities at specified public access facilities; or

320 CMR DEPARTMENT OF FISH AND GAME

2.05: continued

- (3) a prohibition on the future application for or issuance of a special or general permit; and
- (4) the towing or removal at the owner's cost of any motor vehicle, trailer, watercraft or other article of personal property abandoned or left for more than 18 hours at a public access facility, or parked in a manner in violation of 320 CMR 2.00 and applicable management measures.

REGULATORY AUTHORITY

320 CMR 2.00: M.G.L. c. 21A, §§ 2(8), 2(28), 8 and 11B.

OPEN SESSION

TOWN MANAGER'S SUPPLEMENTAL REPORT

January 29, 2024



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 29, 2024

Simpson's Landing Bulkhead Project Receives Seaport Economic Council Grant

On January 26 the Town was advised that its 2024 Phase II Seaport Economic Council grant was awarded for construction phase in the amount of \$344,000. In 2022, the Seaport Council has awarded \$45,720 for Phase I Engineering and Permitting.

The Seaport Economic Council helps coastal communities develop and improve local assets to facilitate economic growth. The Council serves all 78 of Massachusetts' diverse coastal communities and helps each to use their unique economic assets to grow the economy and unlock job creation. The Council also awards grants to create jobs and build resilience to climate change.

As background, in 2021 the Town attempted to repair this bulkhead by installing sheathing behind the existing wood bulkhead. Due to large obstructions (old bridge revetments) we could not get all the sheathing driven. The result was continued problems with sink holes developing after large rain events.

The Phase II grant will fund 75% of the cost of a new bulkhead. Test piles were driven the entire length of the bulkhead seaward of the existing bulkhead to ensure no obstructions would be encountered. The new bulkhead will be installed approximately 1 foot seaward of the existing bulkhead. Composite sheathing will be used to ensure long life (15-20 years life expectancy).

Notice of Public Review and Comment: FFY 2024-2028 Transportation Improvement Program Amendment 1

For Immediate Release (January 22, 2024) – During a meeting held on January 22, 2024, the Cape Cod Metropolitan Planning Organization (MPO) released the Federal Fiscal Year (FFY) 2024-2028 Transportation Improvement Program (TIP) Amendment 1 for a 21-day public review and comment period. A copy of the document may be downloaded at www.capecodcommission.org/mpo.

A virtual public meeting of the Cape Cod MPO is scheduled for Monday, February 26, 2024 at 1:00 PM to hear public comments and vote for potential endorsement. More information on this meeting can be found at www.capecodcommission.org/mpo or by calling 508-362-3828.

The TIP serves as a prioritized listing of roadway, bridge, and transit projects proposed for implementation during the next five (5) federal fiscal years. The FFY 2024-2028 TIP Amendment 1 would revise the listing of Cape Cod Regional Transit Authority projects to reflect changes to planned projects for FFY2024, add a Steamship Authority Woods Hole Terminal Solar Power Project, and add a Community Transit planning grant that was awarded to Outer Cape Community Solutions.

Comments will be accepted through February 12, 2024 via mail, hand delivery, facsimile (fax), or e-mail.

Mail or hand-deliver comments to:

Cape Cod Commission Transportation Program
Colleen Medeiros, Transportation Program Manager
3225 Main Street (Route 6A)
PO Box 226
Barnstable MA 02630-0226

Send by fax to 508-362-3136 to the attention of Colleen Medeiros, Transportation Program Manager.

Email comments to colleen.medeiros@capecodcommission.org. Please use "TIP" in the subject line.

For more information, visit www.capecodcommission.org/tip or contact Colleen Medeiros, Transportation Program Manager at colleen.medeiros@capecodcommission.org.

Upcoming Meetings:

- Select Board Meeting, February 12
- Select Board Meeting, February 26
- Select Board Planning Work Shop, Saturday, March 2
- Select Board Meeting, March 11
- Select Board Meeting, March 25