

**WARRANT FOR THE APRIL ANNUAL TOWN MEETING  
MONDAY, APRIL 8, 2022 AT 7:00 p.m.  
For action on articles in the Warrant  
COMMONWEALTH OF MASSACHUSETTS**

Barnstable, SS To either of the constables of the Town of Falmouth, in said county:

In the name of the Commonwealth of Massachusetts you are directed to notify and summon the inhabitants of the Town of Falmouth qualified to vote in Town Affairs to meet at the Memorial Auditorium, Lawrence School, 113 Lakeview Avenue, Falmouth; Monday, April 8, 2022 at 7:00 p.m. for the purpose of acting on the articles contained in the following warrant:

**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:

<b>Title</b>	<b>Amount</b>
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 Fiscal Year 2024 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 Srvcs	Rental Equipment	Propagation & Aquaculture	\$150,000	Available for expenditure
5	Senior Services	Senior Services Director	Fees	Activities	\$500,000	Available for expenditure

Line	Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	Fiscal Year 2025 Spending Limit	Disposition of Fiscal Year 2025 Fund Balance
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)
<b>Permitted Uses</b>			
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
<b>Special Permit Uses</b>			
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 1/3 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 ~~strike through~~ and replacement and additional language shown in red:

240 – 6.2B Business District Use Table

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

Section 240-6.5A Public Use District Use Table

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

Section 240-6.6B Single Residence District Use Table

Uses	Standards	SR-AA	SR-A	SR-B	SR-C	GR
<b>Special Permit Uses</b>						
<p>Conversion of a dwelling <del>unit</del> into multiple units</p>	<p>May be converted into not more than 4 dwelling units <u>if</u>:</p> <p>1. In the GR District, the Zoning Board of Appeals finds that:</p> <p>a. the <del>dwelling was in existence as of January 1, 2000;</del> <del>lot was in existence as of January 1, 1980;</del></p> <p>b. there is no material change to the exterior of the existing dwelling, including architectural features; <del>and</del></p> <p>c. the size of the dwelling and the lot are suitable for the <del>conversion</del> remodeling;</p> <p>d. <u>all resulting rental dwelling units shall have a minimum one year rental period</u></p> <p>2. <del>May be converted into not more than 4 dwelling units if</del> In the SR-AA, SR-A, SR-B and SR-C Districts, <del>if</del> the Zoning Board of Appeals finds that:</p> <p>a. the <del>dwelling was in existence as of January 1, 2000;</del> <del>lot was in existence as of January 1, 1980;</del></p> <p>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;</p> <p>d. there are no additional bedrooms above the number in existence in the dwelling as of January 1, 2000;</p> <p>3. <del>there are no additional bedrooms above the number in existence in the dwelling as of January 1, 1980;</del></p> <p>e. there are no home occupations or taking of boarders;</p> <p>f. all resulting rental dwelling units shall have a minimum one year rental period; and</p> <p>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.</p> <p>3. The <u>Zoning</u> Board of Appeals may grant the following exceptions in approving a special permit:</p> <p>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.</p> <p>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.</p>	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.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of holding said meeting.

Given under our hand this 29<sup>th</sup> day of January in the year of our Lord Two Thousand Twenty-Four.

Nancy Robbins Taylor, Chair

Edwin (Scott) P. Zylinski II, Vice Chair

Douglas C. Brown

Onjalé Scott Price

Robert P. Mascali