

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, APRIL 1, 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 – Arbor Day – April 26, 2024
4. Recognition
5. Announcements
6. Public Comment

6:35 p.m. COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members
 - a. Affordable Housing Committee – David Sutkowy
 - b. Cultural Council – Luke Okoshi-Michel, Rima Petrosyan

6:45 p.m. PUBLIC HEARINGS

1. Application for an All Alcoholic Beverages Restaurant License, an Annual Entertainment License, and a Sunday Entertainment License for 10 Water Street, LLC d/b/a Pie in the Sky Coffee and Bakery – 10 Water Street, Woods Hole
2. Application for an All Alcoholic Beverages Restaurant License for King Kraken, Inc. d/b/a Romeo's – 75 Davis Straits, Falmouth
3. Application from Scott A. Tynell for re-certification of the Division of Marine Fisheries (DMF) dives at a land-based upweller site in Rands Canal, floating bags within Rands Canal and a 5.9-acre site in Megansett Harbor for a Shellfish Aquaculture Permit

7:00 p.m. BUSINESS

1. Approve request from PureSky Energy for a letter of support for Solar Array Projects at Cape Cod Country Club (5 minutes)
2. Sign Bond Anticipation Note(s) (BAN's) (5 minutes)
3. Discuss water conservation incentives and future water conservation recommendations (15 minutes)
4. Approve Community Preservation Committee request for approval of Highfield Hall Phase II CP Fund application (5 minutes)
5. Approve Waquoit Bay Intermunicipal Agreement (5 minutes)
6. Consider and vote Fiscal Policy update (5 minutes)
7. Vote to place proposition 2 ½ debt exemption ballot question for North Falmouth Elementary School Roof Replacement on the May 2024 election ballot (5 minutes)
8. License Renewals – 2024 Seasonal and Spring Annual (5 minutes)

SEASONAL ALL-ALCOHOL COMMON
VICTUALLER

Falmouth Raw Bar, 56 Scranton Ave.
Landfall Restaurant, 2 Luscombe Ave.
Pier 37 Boathouse, 88 Scranton Ave.
Quicks Hole Taqueria, 28 Water St., Unit C
Shuckers, 91A Water St.
The Woods Hole Wharf, 71 Water St.

SEASONAL COMMON VICTUALLER

Eulinda's, 634 West Falmouth Hwy.
Jim's Clam Shack, 227 Clinton Ave.

SECOND-HAND DEALER

Divine Consignments, 419 Palmer Ave.
Falmouth Stamp & Coin, 11 Town Hall Sq.
Hand in Hand Thrift Shop, 141 Sandwich Rd.
Home Again, 93 E. Falmouth Hwy.

St. Vincent DePaul Thrift Shop, 18A Davisville Rd.

ENTERTAINMENT

Falmouth Raw Bar, 56 Scranton Ave.
Landfall Restaurant, 2 Luscombe Ave.
Pier 37 Boathouse, 88 Scranton Ave.
Quicks Hole Taqueria, 28 Water St., Unit C
Shuckers, 91A Water St.
The Woods Hole Wharf, 71 Water St.

SUNDAY ENTERTAINMENT

Falmouth Raw Bar, 56 Scranton Ave.
Landfall Restaurant, 2 Luscombe Ave.
Pier 37 Boathouse, 88 Scranton Ave.
Quicks Hole Taqueria, 28 Water St., Unit C
Shuckers, 91A Water St.
The Woods Hole Wharf, 71 Water St.

7:50 p.m. CONSENT AGENDA

1. Licenses

- a. Application filed by Seafood Sam's Falmouth, Inc. d/b/a Seafood Sam's located at 356 Palmer Avenue, Falmouth, to amend its Common Victualler License to include outdoor picnic tables
- b. Application for a Special One-Day All Alcohol Liquor License – West Falmouth Library, 575 West Falmouth Hwy. – June Garden Party – Saturday, June 15, 2024; 5:00 p.m. to 7:00 p.m.
- c. Application for three Special One-Day All Alcohol Liquor Licenses – Falmouth Theatre Guild – Highfield Theater, 58 Highfield Drive – Friday, Saturday & Sunday: April 26, 27 & 28; May 3, 4 & 5; and May 10, 11 & 12, 2024. Friday & Saturday: 6:30 p.m.–10:00 p.m.; Sunday: 1:00 p.m.–4:30 p.m.

2. Administrative Orders

- a. Request for variance to Sign Code – §184-30 Promotional/Special Event and §184-32 Off-Premises Signs: Cape Cod Master Gardener Association – May 11-May 18, 2024
- b. Approve a Grant of License to The Osprey Project to install educational signage on town property at Guv Fuller Field, 744 Main Street

7:55 p.m. MINUTES

1. Review and Vote to Approve Minutes of Meetings

- a. Public Session – June 5, 2023; March 11, 2024

8:00 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT

8:05 p.m. SELECT BOARD REPORTS

8:15 p.m. ADJOURN

Nancy Robbins Taylor, Chair
Select Board

OPEN SESSION

3. Proclamation – Arbor Day – April 26, 2024



PROCLAMATION

WHEREAS: The Town of Falmouth benefits from the graceful canopy of tree limbs that shade us from the blazing summer sun, purify our air of contaminants, provide a peaceful respite from the ordinary world, and generally beautify our community; and

WHEREAS: The Town has been recognized by a National Program and is known far and wide as a “Tree City”; and

WHEREAS: The Falmouth Tree Warden, Falmouth Garden Club and Falmouth Public Schools recognize the aesthetic value of the beautiful trees of Falmouth by organizing a day to celebrate the purity and strength exemplified by a statuesque tree and all living green things; and thereby honor the trees of Falmouth by singing songs, sharing thoughts and teaching more about the value of our trees; and

NOW, THEREFORE, WE, Nancy Robbins Taylor, Edwin P. Zylinski II, Douglas C. Brown, Onjalé Scott Price and Robert P. Mascali as the Select Board of the Town of Falmouth, do hereby **PROCLAIM**, Friday, **April 26, 2024** as:

ARBOR DAY

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Great Seal of the Town of Falmouth to be affixed this day, Monday, April 1, 2024.

Nancy Robbins Taylor, Chair

Onjalé Scott Price

Edwin P. Zylinski II, Vice Chair

Robert P. Mascali

Douglas C. Brown

SELECT BOARD

OPEN SESSION

COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members
 - a. Affordable Housing Committee – David Sutkow
 - b. Cultural Council – Luke Okoshi-Michel, Rima Petrosyan



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.a.

ITEM TITLE: Interview, vote and appoint committee members: Affordable Housing Committee- David Sutkowy

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application Form, List of Town Committee Members, List of Vacancies

PURPOSE:

The Select Board is requested to conduct an interview and vote on the appointment of applicant David Sutkowy to serve on the Affordable Housing Committee.

BACKGROUND/SUMMARY:

- Applicant David Sutkowy submitted his application form to serve on the Affordable Housing Committee on March 19, 2024 (copy attached).
- There is currently one vacancy on the Affordable Housing Committee, with the unexpired term to expire on June 30, 2024; the vacancy was properly advertised in accordance with Select Board policy.
- Mr. Sutkowy has extensive experience in social services and addressing affordable housing challenges, having served as the Commissioner of the Onondaga County Department of Social Services.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board vote to appoint applicant David Sutkowy to serve on the Affordable Housing Committee with a term to expire on June 30, 2024.

OPTIONS:

- Motion to appoint applicant David Sutkowy to serve an unexpired term on the Affordable Housing Committee for a term to expire on June 30, 2024.

- Motion to deny the appointment of David Sutkowy to serve an unexpired term on the Affordable Housing Committee for a term to expire on June 30, 2024.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board vote to appoint applicant David Sutkowy to serve an unexpired on the Affordable Housing Committee with a term to expire on June 30, 2024.

Michael Renshaw

Town Manager

3/26/2024

Date

Affordable Housing Committee (7 members) (3-year terms)

One vacancy:

- One unexpired term ending 6/30/24

One applicant:

- David Sutkowy



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: David Sutkowoy

Address: 81 Two Ponds Rd. Village: Falmouth ZIP: 02540

Mailing Address: 81 Two Ponds Rd. Village: Falmouth ZIP: 02540

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident (date: '19) / Taxpayer (date:)

Amount of time you are available to give: I have ample time to devote.

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

1. Affordable Housing Committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences: Please see attached.

Town offices held in Falmouth or elsewhere and dates of years served: None.

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

Please see attached.

You may attach a resume to this application.

List three (3) references:

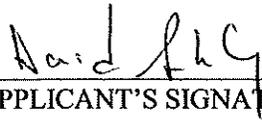
	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Please see attached</u>	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

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.

3-19-24

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.

Relevant affiliation and work and personal experiences

I am now retired. My career was in government. I was the long-time Commissioner of the Onondaga County Department of Social Services (Syracuse, NY). Housing issues, and helping lower-income citizens secure safe and affordable housing permeated our work. I became acutely aware of the negative impact housing insecurity can have on the lives of individuals, families, and the economy of a community. Since relocating to Falmouth, my involvement in the field of housing has continued. I currently volunteer in various capacities with three agencies, two of which are Falmouth-based not-for-profit agencies involved in housing, the Falmouth Housing Trust and Belonging to Each Other. With BTEO, I managed the men’s winter shelter for two years, and continue my involvement with some of the men who have transitioned to community housing.

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

I believe that my program knowledge acquired skills can make me a valuable member of the AHC. Spending most of my career as a public sector administrator in county government, I became very aware of the many dimensions of the affordable housing issue. As a department-head administrator (1,000 employees, \$200m annual budget) I had oversight responsibilities on a wide-ranging set of services that affected many constituencies. We became adept in breaking down complex issues into manageable parts, in developing actionable steps, in communicating across broad audiences that had a stake in the outcomes, and in developing sets of metrics to help monitor the effectiveness of our solutions. So adept did our management team become that many of our policy, service and administrative approaches became standard practices across New York State counties. These learned skills, I hope, would hope add value to the work of the AHC.

List three references

- 1 David Garrison Chair – AHC
- 2 Linda Karmen Dep. Commissioner/Onondaga Health Dept. (ret.)
- 3 Brian McCutcheon SCORE Mentee



Resume Highlights

Education

- Ashland University, AB
- Ohio State University, MSW

Employment

- Prevention Network, Syracuse, NY
 - Program Development for chemical addictions agency.
- United Way of Central New York, Syracuse, NY
 - Allocations associate.
- Metropolitan Commission on Aging, Syracuse, NY
 - Program development for Area Agency on Aging
- Onondaga County Department of Social Services, Syracuse, NY
 - 1) Director – Adult Services: Oversight for Protective Services for Adults, Personal Care Program, Home Energy Assistance Program, employment services for welfare system

- 2) Commissioner: Oversight for Medicaid, cash assistance and employment programs, SNAP, Child Care Subsidy program, HEAP, Child Support, Child Protective Services, Adult Protective Services, Homeless services

Onondaga County Department of Children and Family Services, Syracuse, NY

- 1) Appointed Commissioner after county reorganization of human services departments. Oversight for Child Protective Services, Juvenile Justice services, community contracted services (Youth Bureau), children's mental health services, educational support services

Elmcrest Children's Services, Syracuse, NY (residential treatment facility for youth)

Consultant for mental health services, residential services and housing services



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews – 1.b.

ITEM TITLE: Interview, vote and appoint committee members: Cultural Council - Luke Okoshi-Michel and Rima Petrosyan

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application Forms, List of Cultural Council Members,

PURPOSE:

The Select Board is requested to conduct an interview and vote on the appointment of applicant Luke Okoshi-Michel to serve on the Cultural Council as its student member.

BACKGROUND/SUMMARY:

- Applicant Luke Okoshi-Michel submitted his application form to serve on the Cultural Council on March 24, 2024 (copy attached).
- Applicant Rima Petrosyan submitted her application form to serve on the Cultural Council on March 19, 2024.
- There are currently two unexpired term vacancies on the Council with terms ending dates of June 30, 2024.

- Mr. Okoshi-Michel is an active participant in the Falmouth music scene and has been playing violin since age 4 and the piano since age 7.
- Ms. Petrosyan is an artist who works and volunteers at the Falmouth Art Center as an assistant and teacher.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board vote to appoint applicants Luke Okoshi-Michel and Rima Petrosyan to serve on the Cultural Council to fill the two unexpired terms ending on June 30, 2024.

OPTIONS:

- Motion to appoint applicants Luke Okoshi-Michel and Rima Petrosyan to serve on the Cultural Council to fill the two unexpired terms ending on June 30, 2024.
- Motion to deny the appointments of applicants Luke Okoshi-Michel and Rima Petrosyan to serve on the Cultural Council to fill the two unexpired terms ending on June 30, 2024.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board vote to appoint applicants Luke Okoshi-Michel and Rima Petrosyan to serve on the Cultural Council to fill the two unexpired terms ending on June 30, 2024.

Michael Renshaw

Town Manager

3/27/2024

Date

Cultural Council (12 members) (3-year terms)

Two vacancies:

- Two unexpired terms ending 6/30/24

Two applicants:

- Luke Okoshi-Michel
- Rima Petrosyan



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

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Name: Luke Okoshi-Michel

Address: 137 Shore St Village: Falmouth ZIP: 02540

Mailing Address: 137 Shore St Village: Falmouth ZIP: 02540

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident ^{11.5 years} (date: 2012) / Taxpayer (date:)

Amount of time you are available to give: Several hours per week

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

1. Cultural Council
2.
3.

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? no

Relevant affiliation and work and personal experiences: I am applying to serve as the youth representative on the cultural council. I am an active participant in the Falmouth music scene.

I have played violin since age 4 and piano since age 7. I take lessons at the Cape Symphony and privately.

I also play with the Falmouth Academy strings program and International ensemble. I am very invested in music in Falmouth.

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

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

As a youth representative of the board, I will bring a young person's perspective to the cultural council. I have been actively involved in both music and art in the community through performance-based activities (school, ensembles, performances at Falmouth Arts events) and through arts classes (Art Center and Falmouth Academy). I can help provide insight into what will benefit the younger members of our community.

You may attach a resume to this application.

List three (3) references:

	Name	Title	Phone
1.	George Scharr	FA Arts Chair, Council member	
2.	Caroline Inman	Council Member	
3.	Dan Flonta	Violin Teacher	

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.

3-24-24

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.

Luke Okoshi-Michel

137 Shore St, Falmouth, MA 02540

EDUCATION

Falmouth Academy, Falmouth, MA, Class of 2026, GPA = 4.0

Activities and Volunteering

Music - Violin and Piano (2022 - current)

- Violin student of Dan Flonta
 - Lead violin for Mini-Symphony Ensemble
 - Solo performer
- Piano student of Mirella Chisbora, Cape Symphony
- Falmouth Academy
 - Concertmaster of string ensemble (9th and 10th grade)
 - Violinist in International Ensemble (10th grade)
 - Advanced Instrumental Ensemble (9th grade)
 - Participated in Falmouth Academy Summer Music Tour (2022, 2023)
 - Performed at State Music Teachers Conference
- Performed at Chatham Music Club Fundraiser (2024)

Cape Cod Commission Climate Ambassador Program, Cape Cod, 9/22-5/23

- Selected for the high school program to educate, engage, and empower young people on Cape Cod to work together to combat climate change
- Developed, executed, and presented a project on reducing carbon footprint and shared it through community bulletin boards.

MA State Youth Climate Ambassador for the Governor's Office, Virtual, 9/23-5/24

- Selected to be a youth climate ambassador representing Cape Cod
- Council meets monthly to advise the Governor and the Office of Climate Innovation and Resilience on climate policy and actions to make communities more resilient

Soccer

- Falmouth Academy Varsity Team Starter (Fall 2022, Fall 2023)
- Falmouth Recreation Department Soccer Volunteer Coach for 4-5 year old team (Fall 2023)
- Certified Referee, Referee for Falmouth Soccer Club (Fall 2023, Spring 2024)
- AC Independence Club Soccer team (Fall 2022, Winter 2023, Spring 2023, Winter 2024, Spring 2023)
- Falmouth Soccer Club (Spring 2023, Spring 2024)

Tennis

- Falmouth Academy Club Team (Spring 2023, Spring 2024)

Peer Mentor

- Falmouth Academy peer mentor to two 7th grade students (2023-2024 academic year)

Children's School of Science

- Advanced Marine Biology, Summer 2023

AWARDS and HONORS

Music

Erik Menyhart Memorial Scholarship

- Awarded the 1st Erik Menyhart Scholarship for violin performance

Southeastern District Senior Festival

- 1st violin won by audition (7th chair - 2023, 3rd chair - 2024)
- All state audition recommendation (2024)

All Cape Music Festival

- Concertmaster (2024)

Science Fair

9th Grade

- 1st Place Award, SEA Scholarship Award, Falmouth Academy Fair
- 1st place High School Salt Pond Bird Sanctuary Award, Donald Zinn Memorial Scholarship, Falmouth Academy Fair
- Selected to participate in regional science fair

10th Grade

- 1st Place Award, WHOI Scholarship Award, Falmouth Academy Fair
- 1st place High School Salt Pond Bird Sanctuary Award, Donald Zinn Memorial Scholarship, Falmouth Academy Fair
- 3rd Place Regional science fair
- Selected to participate in MA State science fair (April 2024)



TOWN OF FALMOUTH

**BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM**

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Name: Rima Maria Petrosyan

Address: 311 Falmouth Woods Rd. Village: East Falmouth ZIP: 02536

Mailing Address: 311 Falmouth Woods Rd. Village: East Falmouth ZIP: 02536

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 10 years (date: 02/13) / Taxpayer N/A (date:)

Amount of time you are available to give: _____

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

- Falmouth Cultural Council
- _____
- _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? Yes, 1

Relevant affiliation and work and personal experiences: I WORK AND VOLUNTEER
At the Falmouth Art Center as an Assistant and
TEACHER.

Town offices held in Falmouth or elsewhere and dates of years served: N/A

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

AS A DAUGHTER OF 2 IMMIGRANTS AND AS A
YOUNG ARTIST, NOT ONLY DO I KNOW THE
NECESSITY OF CULTURE AND THE ARTS, BUT
I HOPE TO BRING A YOUNGER PERSPECTIVE.
I AM A HARD WORKER, EFFICIENT, AND PERSISTENT.
AS AN FHS STUDENT, I HOPE TO BRING MY INVOLVEMENT
IN THE ARTS HERE TO THE REST OF FALMOUTH AS WELL.

You may attach a resume to this application.

List three (3) references:

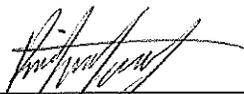
	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	JANE Barker	FHS Art Teacher	[REDACTED]
2.	Laura Reek Ford	Falmouth Art Center Director	[REDACTED]
3.	ALAN Harris	FHS School Principle	[REDACTED]

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

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

3/19/24

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.

OPEN SESSION

PUBLIC HEARINGS

1. Application for an All Alcoholic Beverages Restaurant License, an Annual Entertainment License, and a Sunday Entertainment License for 10 Water Street, LLC d/b/a Pie in the Sky Coffee and Bakery – 10 Water Street, Woods Hole



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearing 1

ITEM TITLE: Application for an All-Alcoholic Beverages Restaurant License, an Annual Entertainment License, and a Sunday Entertainment License for 10 Water Street, LLC d/b/a Pie in the Sky Coffee and Bakery- 10 Water Street, Woods Hole

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Liquor License Hearing Notice, License Application Review Form, Town of Falmouth Entertainment License Application, ABCC Application for New License, Floor Plan,

PURPOSE:

The Select Board will conduct a Public Hearing concerning an application for an All-Alcoholic Beverages Restaurant License, an Annual Entertainment License, and a Sunday Entertainment License for 10 Water Street, LLC d/b/a Pie in the Sky Coffee and Bakery- 10 Water Street, Woods Hole.

BACKGROUND/SUMMARY:

- The applicant completed the attached Entertainment License Application on February 22, 2024, and its New Liquor License and Sunday Entertainment License Application on March 15, 2024.

- The Building Commissioner has reviewed the application and approved the floor plan and has stipulated that there is to be no public access to the roof of the establishment.
- The Police Department has reviewed the application and has no concerns or objections.
- The Fires Rescue and Health Department have also reviewed the applications and have no objections to approval.

DEPARTMENT RECOMMENDATION:

Following the public hearing, the Town Manager recommends that the Select Board approve the application for an All-Alcoholic Beverages Restaurant License, an Annual Entertainment License, and a Sunday Entertainment License for 10 Water Street, LLC d/b/a Pie in the Sky Coffee and Bakery.

OPTIONS:

- Motion to approve the application for an All-Alcoholic Beverages Restaurant License, an Annual Entertainment License, and a Sunday Entertainment License for 10 Water Street, LLC d/b/a Pie in the Sky Coffee and Bakery- 10 Water Street, Woods Hole.
- Motion to deny approval of the application for an All-Alcoholic Beverages Restaurant License, an Annual Entertainment License, and a Sunday Entertainment License for 10 Water Street, LLC d/b/a Pie in the Sky Coffee and Bakery- 10 Water Street, Woods Hole.
- 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, the Town Manager recommends that the Select Board approve the application for an All-Alcoholic Beverages Restaurant License, an Annual Entertainment License, and a Sunday Entertainment License for 10 Water Street, LLC d/b/a Pie in the Sky Coffee and Bakery.

Michael Renshaw

Town Manager

3/27/2024

Date



LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that 10 Water Street, LLC d/b/a Pie in the Sky Coffee and Bakery has applied for an All Alcoholic Beverages Restaurant License. Applications have also been made under Chapter 140 §183A as amended and Chapter 136 of the General Laws for an Annual Entertainment License and an Annual Sunday Entertainment License to be exercised at 10 Water Street, Woods Hole, MA.

A hearing on the above applications will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, April 1, 2024, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

LICENSING BOARD

Nancy Robbins Taylor

Edwin (Scott) P. Zylinski, II

Douglas C. Brown

Onjalé Scott Price

Robert P. Mascali

Publication date: Friday, March 22, 2024; Falmouth Enterprise

LICENSE APPLICATION REVIEW

Restaurant/Business: Pie in the Sky Coffee & Bakery

Address: 10 Water Street, Woods Hole

License Type: _____

New or Transfer of License All Alcohol Restaurant License
 Entertainment and Sunday Entertainment Licenses

or

Change of License _____

Police No objections

Fire No objections

Building No Public Access to the roof is permitted

Health No Issues

Zoning _____

Planning _____

DPW _____

Assessor _____

Tax Collector _____

Wastewater _____

NOTES:

Hours of Entertainment and Sunday Entertainment are 7:00 pm to 10:00 pm. The application was advertised with the liquor license posting.

The applicant intends to install rope barriers going across the front of the patio, behind the existing bike rack ultimately connecting to the fence along the side of the property, and also at the rear of the property, from the bottom of the stairs over the outer rim of the deck and to the "chokepoint" (i.e., the very narrow section of raised pavers with cobblestone edging) entry at the rear corner. The applicant also proposes putting freestanding signage (on the premises) saying "No Alcohol Beyond This Point" – so the boundary is 100% clear to all customers.



Town of Falmouth

Office of the Town Manager & Select Board
59 Town Hall Square, Falmouth, MA 02540
508-495-7320 • licensing@falmouthma.gov

ENTERTAINMENT LICENSE APPLICATION

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

Required fields are outlined in red.

NAME OF BUSINESS: 10 Water Street, LLC D/B/A Pie In The Sky Coffee and Bakery
ADDRESS: 10 Water Street
TOWN: Woods Hole STATE: MA ZIP CODE: 02543
NAME OF OWNER/MANAGER: Erik T. Gura
TELEPHONE #: (508) 540-5475 EMAIL: boss@piecoffee.com
MAILING ADDRESS: 405 Main Avenue West, Suite 2D, West Fargo, ND 58078

LOCATION OF ENTERTAINMENT ON PREMISES: See attached Furnishing Plan

DAYS OF ENTERTAINMENT: Sunday through Saturday

HOURS OF ENTERTAINMENT: 7 pm - 10 pm

Provide a detailed description of proposed entertainment in the field below, and attach a FLOOR PLAN including the proposed locaton of the entertainment:

Applicant proposes to have live entertainment consisting of a solo guitarist or band, with amplified vocals and instruments.

PLEASE CHECK THE APPROPRIATE BOX FOR ALL TYPES OF ENTERTAINMENT REQUESTED:

SUNDAY ENTERTAINMENT: NO [] YES [X] (if YES, complete a separate Sunday Entertainment application - contact Select Board office)
1. DANCING By Patrons [] No Dancing [X]
2. MUSIC Recorded [] Live [X] Amplified [X] Acoustic [X] Other []

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 02/22/2024

X [Signature] Signature - OWNER or MANAGER

Total Town Fees: \$110
Filing Fee: \$10
License Fee: \$100

Fees payable to Town of Falmouth

State Fee, \$ 50
Municipal Fee, \$ 75

THE COMMONWEALTH OF MASSACHUSETTS
Town _____ OF _____ Falmouth



LICENSE

For
PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is 10 Water Street, LLC d/b/a Pie In The Sky Coffee and Bakery in or on the property at No.

_____ (address)
The Licensee or Authorized representative, Erik T. Gura in

accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
Sundays	7pm - 10pm	Solo guitarist or live band with amplified vocals and instruments

Hon. Nancy Robbins Taylor Mayor/ Chairman of Board of Selectman, Town of Falmouth (City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm - Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm - Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

Do not write in this box

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES



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

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="On-Premises-12"/>	<input type="text" value="§12 Restaurant"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Annual"/>

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

10Water Street, LLC (f/k/a BTND IN, LLC) d/b/a Pie In The Sky Coffee and Bakery is a cafe/bakery themed restaurant with indoor and seasonal outdoor patio seating. The restaurant is open seven (7) days/week, 364 days/year, and its hours of operation are currently 5:00 am - 9:00 pm, but will change to 5:00 am - 1:00 am if a liquor license is granted. The restaurant intends to expand its lunch and dinner service and desires to obtain the above referenced liquor license to offer beer, wine and spirits to its customers for on-premises consumption. Please see attached for Additional Information.

Is this license application pursuant to special legislation? Yes No Chapter Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name FEIN

DBA Manager of Record

Street Address

Phone Email

Alternative Phone Website

3. DESCRIPTION OF PREMISES

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

See attached continuation sheet for Additional Information. See attached for plans approved by Falmouth Building Commissioner: (i) Plot Plan entitled "Plot Plan - Building Reconstruction" prepared by BSS Design Inc. dated September 26, 2016, and (ii) Architectural/Floor Plan entitled "Furnishing Plans Pie In The Sky, Inc. 10 Water Street, Woods Hole, MA" prepared by William F. Roslansky, Architect, dated February 6, 2015, with a most recent revision date of March 5, 2024.

Total Square Footage:	<input type="text" value="1,785"/>	Number of Entrances:	<input type="text" value="3"/>	Seating Capacity:	<input type="text" value="67 (13 in + 54 out)"/>
Number of Floors	<input type="text" value="3"/>	Number of Exits:	<input type="text" value="3"/>	Occupancy Number:	<input type="text" value="49 (max. Indoor)"/>

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name: Phone:

Title: Email:

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	<input type="text" value="LLC"/>	Date of Incorporation	<input type="text" value="10/28/2016"/>
State of Incorporation	<input type="text" value="Indiana"/>	Is the Corporation publicly traded? <input type="radio"/> Yes <input checked="" type="radio"/> No *	

*See attached for Additional Information

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises(Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
Gary W. Copperud	1107 W Cattail Ct, Kamas, UT 84036		
Title and or Position	Percentage of Ownership	Director/ LLC Manager	
LLC Manager	see attached Flowchart	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Kenneth W. Brimmer	11505 Lakeview Lane West, Minnetonka, MN 55305		
Title and or Position	Percentage of Ownership	Director/ LLC Manager	
LLC Manager	see attached Flowchart	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Yes <input type="radio"/> No

Additional pages attached? Yes No

CRIMINAL HISTORY
 Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions. Yes No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Kenneth Brimmer and Gary Copperud	Retail Beverage	1519BT, LLC d/b/a Keegan's Seafood	Indian Rocks Beach, FL
Kenneth Brimmer and Gary Copperud	Retail Beverage	1519BT, LLC d/b/a Village Beer Garten	Cocoa, FL

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes No

10. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name

Date of Birth

Residential Address

Email

Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?*

Yes No *Manager must be a U.S. Citizen

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

Have you ever been convicted of a state, federal, or military crime?

Yes No

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

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

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

Start Date	End Date	Position	Employer	Supervisor Name
01/01/2003	05/20/2022	President (Owner/Operator)	Pie In The Sky, Inc.	Self
05/20/2022	Present	Manager	10Water Street, LLC d/b/a Pie in the Sky	Self

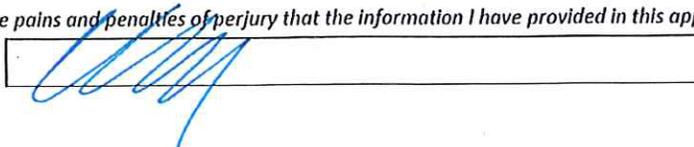
D. PRIOR DISCIPLINARY ACTION

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

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

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

Manager's Signature



Date

ADDITIONAL INFORMATION

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

Section 3 (DESCRIPTION OF PREMISES): The Premises consists of approximately 1,785 square feet and is located on the first floor of the building located at 10 Water Street, Woods Hole, Massachusetts. Customers are only allowed to utilize the first floor level interior space and the seasonal outdoor patio seating, weather permitting. The interior of the Premises has a maximum indoor occupancy of 49 and contains thirteen (13) seats. The seasonal outdoor patio seating area contains 54 seats. The Premises also contains a basement area used for storage and food prep, as well as a roof/balcony area, however, both of these areas are not accessible to the general public and no food or alcohol will be served in those areas. The restaurant is typically open from 5:00 am - 9:00 pm and focuses on breakfast and lunch, however, dinner service will soon be offered along with an expanded lunch menu, and the hours of operation will change to 5:00 am - 1:00 am. The owners of the restaurant strongly feel that the liquor license applied for under this application is important to the success of its expanded lunch and dinner service. Please note that Falmouth Building Commissioner, Gary Street, approved the attached Site Plan on January 29, 2024, and initially approved the attached Floor Plan (entitled "Furnishing Plan") on the same date, however, at the request of the Office of the Falmouth Select Board said Floor Plan was revised to more clearly depict the locations of all seats at the Premises, and such Floor Plan was subsequently approved by Commissioner Street on March 6, 2024. No revisions were made to the Site Plan following Commissioner Street's 1/29/24 approval thereof.

Sections 5 (CORPORATE STRUCTURE): 10Water Street, LLC (the "LLC") is an Indiana limited liability company, formerly known as BTND IN, LLC. The LLC is qualified to do business in Massachusetts under the d/b/a name "Pie In The Sky Coffee and Bakery" in accordance with the D/B/A Business Certificate filed with the Falmouth Town Clerk on or about September 19, 2022, attached hereto. The LLC is 100% owned by BT Brands, Inc., a Wyoming corporation publicly listed on the NASDAQ exchange as "BTBD." The following organizational and authority documents of the LLC and BT Brands, Inc. are also attached hereto: (i) Certificate of Organization and Articles of Organization for BTND IN, LLC, as filed with the Indiana Secretary of State; (ii) Certificate of Amendment and Articles of Amendment to Articles of Organization of BTND, IN, LLC, showing name change to 10Water Street, LLC, as approved and filed with the Office of the Indiana Secretary of State; (iii) Foreign LLC Application for Registration in MA for BTND IN, LLC; (iv) Foreign LLC Application for Registration in MA for 10Water Street, LLC; (v) Business Entity Summary for 10Water Street, LLC, from the Office of the Secretary of the Commonwealth of Massachusetts, listing all LLC Managers; (vi) Articles of Incorporation of BT Brands, Inc., the parent corporation of 10Water Street, LLC, as filed with the Office of the Wyoming Secretary of State; (vii) Articles of Amendment to the Articles of Incorporation of BT Brands, Inc., as filed with the Office of the Wyoming Secretary of State; (viii) Articles of Correction correcting Articles of Amendment to the Articles of Incorporation of BT Brands, Inc., as filed with the Office of the Wyoming Secretary of State; (ix) Flowchart entitled "10Water Street, LLC d/b/a Pie In The Sky Coffee and Bakery Ownership Structure" listing the Officers and Board of Directors of BT Brands, Inc. and their respective ownership percentages, as well as the names of all shareholders owning more than five percent (5%) of the outstanding shares of BT Brands, Inc.; and (x) Form 8-K of BT Brands, Inc., dated February 21, 2024, as filed with the United States Securities and Exchange Commission, listing the current Board of Directors of BT Brands, Inc.

Section 6 (PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST): The Managers of the LLC are Gary Copperud and Kenneth Brimmer, as set forth in Section 6. The LLC is 100% owned by BT Brands, Inc., which is publicly traded on the NASDAQ stock exchange under the ticker symbol "BTND". Gary Copperud is the President, Secretary, Chief Executive Officer (CEO), and Director of BT Brands, Inc. and owns approximately fifteen percent (15%) of its outstanding shares. Kenneth Brimmer is the Treasurer, Chief Financial Officer (CFO), and Director of BT Brands, Inc. and owns less than two percent (<2%) of its shares. As stated in Section 5 above, please see attached for a Flowchart listing the full Board of Directors and their respective ownership percentages in BT Brands, Inc., and also listing the names of all individuals holding at least five percent (5%) of the outstanding shares of BT Brands, Inc. Additionally, please see attached for a copy of the most recent public filing (Form 8-K) of BT Brands, Inc., dated February 21, 2024, as filed with the US Securities and Exchange Commission and listing the names of all individuals currently serving on the Board of Directors of BT Brands, Inc.

Section 8 (FINANCIAL DISCLOSURE): 10Water Street, LLC estimates that it will expend approximately [REDACTED] to purchase the initial alcohol inventory and equipment and train staff to prepare for serving alcoholic beverages to customers for on-premises consumption. For proof of funds, please find the following banking/financial statements attached to this application: (i) Three months' of [REDACTED] statements for Account No. ending in [REDACTED] for 10Water Street LLC, covering the period from 12/01/2023 - 02/29/2024; (ii) Three months' of [REDACTED] statements for Account No. ending in [REDACTED] for 10Water Street LLC, covering the period from 12/01/2023 - 02/29/2024; (iii) Three months' of [REDACTED] statements for Account No. ending in [REDACTED] for [REDACTED] covering the period from 12/01/2023 - 02/29/2024; and (iv) Three months' of [REDACTED] statements for Account No. ending in [REDACTED] or [REDACTED] and [REDACTED] (a [REDACTED] corporate affiliate of 10Water Street, LLC). Please note that the applicant is not financing any improvements or purchases via a loan or other financing. [REDACTED] currently has approximately [REDACTED] available to fund as Applicant's may require, far exceeding the Applicant's anticipated [REDACTED] expenditure.



Complete prior to applying for:
New Liquor License
Transfer of Liquor License
Alteration of Premises
Annual Entertainment/Sunday Entertainment License

APPLICANT: 10 Water Street, LLC d/b/a Pie in the Sky Coffee and Bakery

ADDRESS: 10 Water Street, Woods Hole

LICENSE APPLIED FOR: New Liquor License and Entertainment and Sunday Entertainment Licenses

The attached plan or plans described below have been approved by the Building Commissioner's Office as appropriate for this application:

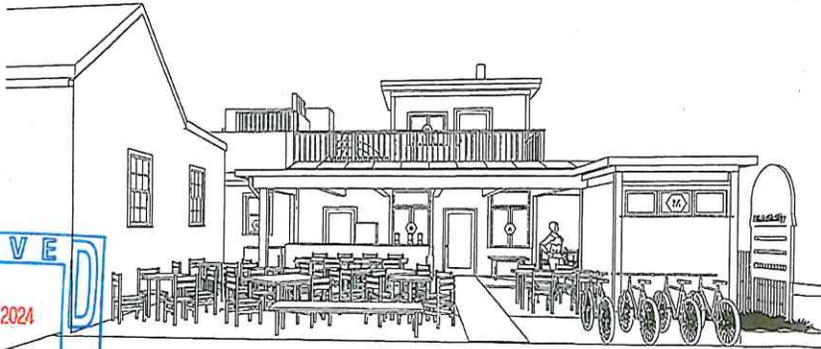
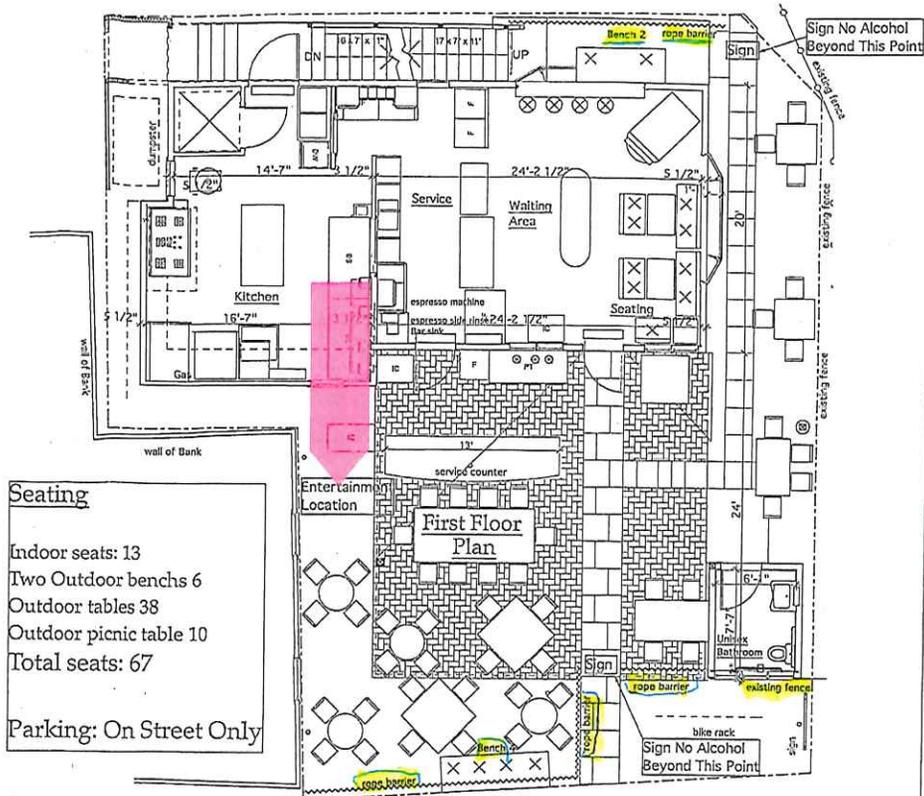
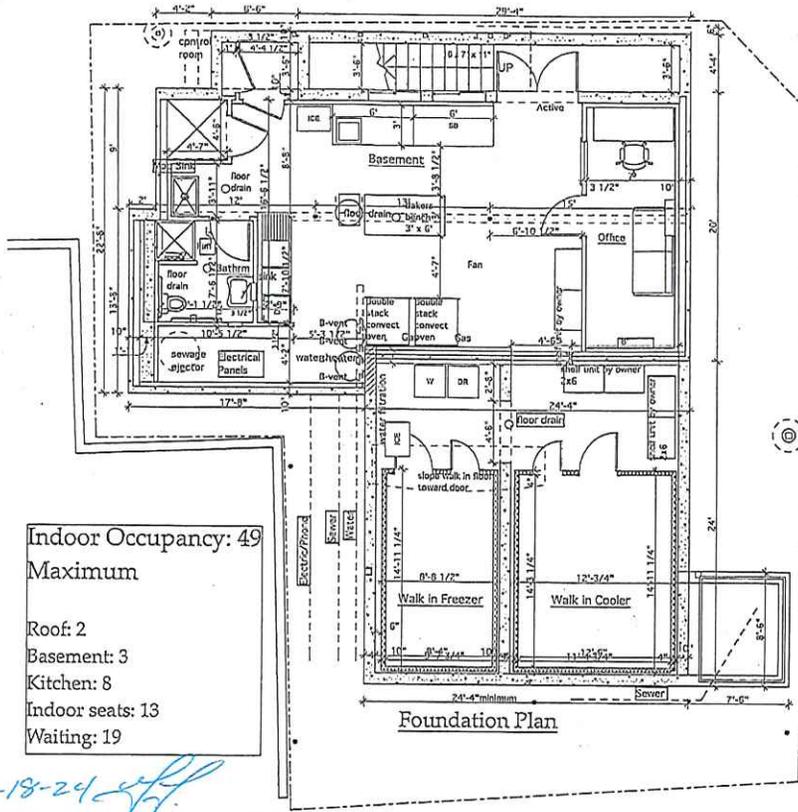
- a. A Floor Plan completed and stamped by an *Engineer or Architect* to the Building Commissioner's office. The Plan must include all seating, parking, and the occupancy load calculation.
- b. For outdoor seating, submit a plot plan or site plan completed by a *Certified Land Surveyor*.

NOTES: Plan SK2 dated 3/14/24 is submitted by the Select Board office to include bench seating that was not shown on the plan dated 3/5/24 and to show rope barriers separating the area of alcohol service from the public required by the ABCC. Please note the two seats on the rear bench may not be approvable for alcohol.

No public roof access

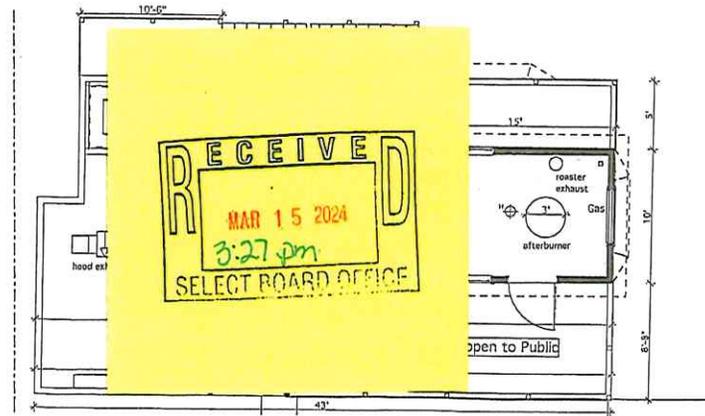
Building Commissioner: X *[Signature]*

DATE: 3-18-24



RECEIVED
 MAR 14 2024
 SELECT BOARD OFFICE

Furnished Across Water Street



ARCHITECT
 William F. Roslansky
 26 Albion Street, Woods Hole, Massachusetts, 02543
 (508) 540-8950



Furnishing Plans
 Pie In The Sky, Inc.
 10 Water Street, Woods Hole, MA

Date: 2/16/2015 Scale: 1/4" = 1'-0"
 Rev. Date & Type:
 7/15/2016 Building Backbones
 7/28/2016 Alter/Repair Room, Electrical
 11/9/2016 Permit Set
 4/17/2017 Variances, divided
 3/14/2024 Furnishings

Sheet No.
SK2
 Pie In The Sky, Inc.

OPEN SESSION

PUBLIC HEARINGS

2. Application for an All Alcoholic Beverages Restaurant License for King Kraken, Inc. d/b/a Romeo's – 75 Davis Straits, Falmouth



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearing 2.

ITEM TITLE: Application for an All-Alcoholic Beverages Restaurant License for King Kraken, Inc. d/b/a Romeo's- 75 Davis Straits, Falmouth

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Liquor License Hearing Notice, License Application Review Form, ABCC Application for a New License dated February 1, 2024, TIPS Certificate, Floor Plan

PURPOSE:

The Select Board will conduct a Public Hearing concerning an application for an All-Alcoholic Beverages Restaurant License for King Kraken, Inc. d/b/a Romeo's located at 75 Davis Straits, Falmouth.

BACKGROUND/SUMMARY:

- The applicant completed the attached Application for a New License (All Alcoholic Beverages Restaurant) on February 1, 2024.
- The Building Commissioner has reviewed the application and approved the floor plan and has stipulated that there is to be no outdoor seating approved.
- The Police Department has reviewed the application and has no concerns or objections.

- The Fires Rescue Department has reviewed the application and has no objections to its approval.
- The Health Department has reviewed the application and has stated that the approval of the application is pending the issuance of a Food Service Establishment Permit.

DEPARTMENT RECOMMENDATION:

Following the public hearing, the Town Manager recommends that the Select Board approve the application for an All-Alcoholic Beverages Restaurant License for King Kraken, Inc. d/b/a Romeo's- 75 Davis Straits, Falmouth.

OPTIONS:

- Motion to approve the application for an All-Alcoholic Beverages Restaurant License for King Kraken, Inc. d/b/a Romeo's- 75 Davis Straits, Falmouth.
- Motion to deny approval of the All-Alcoholic Beverages Restaurant License for King Kraken, Inc. d/b/a Romeo's- 75 Davis Straits, Falmouth.
- 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, the Town Manager recommends that the Select Board approve the application for an All-Alcoholic Beverages Restaurant License for King Kraken, Inc. d/b/a Romeo's- 75 Davis Straits, Falmouth.

Michael Renshaw

Town Manager

3/27/2024

Date



LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that King Kraken, Inc. d/b/a Romeo's has applied for an All Alcoholic Beverages Restaurant License to be exercised at 75 Davis Straits, Falmouth, MA.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, April 1, 2024, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

LICENSING BOARD

Nancy Robbins Taylor

Edwin (Scott) P. Zylinski, II

Douglas C. Brown

Onjalé Scott Price

Robert P. Mascali

Publication date: Friday, March 22, 2024; Falmouth Enterprise

LICENSE APPLICATION REVIEW

Restaurant/Business: King Kraken, Inc. d/b/a Romeo's

Address: 75 Davis Straits, Falmouth

License Type: _____

New or Transfer of License New All Alcoholic Beverages
Restaurant License

or

Change of License _____

Police No objections

Fire No objections

Building No outdoor seating approved

Health Pending issuance of Food Service Establishment Permit

Zoning _____

Planning _____

DPW _____

Assessor _____

Tax Collector _____

Wastewater _____

NOTES:

- No outdoor seating has been applied for or is permitted by the Floor Plan approved by the Building Commissioner.
- A Common Victualler License was approved on 3/25/2024



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

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
On-Premises-12 <input checked="" type="radio"/>	§12 Restaurant <input checked="" type="radio"/>	All Alcoholic Beverages <input checked="" type="radio"/>	Annual <input checked="" type="radio"/>

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Romeo's is a Modern American restaurant, specializing in modern influences with American ingredients and preparations. Focused on Shareable, social dining, we are pairing creative cuisine with a curated wine list, small selection of craft beer, and an upscale modern cocktail list.

Is this license application pursuant to special legislation? Yes No Chapter Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name FEIN

DBA Manager of Record

Street Address

Phone Email

Alternative Phone Website

3. DESCRIPTION OF PREMISES

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

The main floor was the dining room. It has an open view of the kitchen and bar area. There is a unisex bathroom in the back near the handicap accessible door. There are tables along the front and back walls, with two high tops towards the bar, and another three floating tables in the dining rooms. the top floor has one small unisex bathroom and the rest of the space is an office. The basement floor has a walk-in cooler, an are for food preparation and ware washing.

Total Square Footage: Number of Entrances: Seating Capacity:

Number of Floors: Number of Exits: Occupancy Number:

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name: Phone:

Title: Email:

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	<input type="text" value="Corporation"/>	<input checked="" type="radio"/>	Date of Incorporation	<input type="text" value="11/17/2023"/>
State of Incorporation	<input type="text" value="Massachusetts"/>	<input checked="" type="radio"/>	Is the Corporation publicly traded?	<input type="radio"/> Yes <input checked="" type="radio"/> No

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises(Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Thomas Pontolilo"/>	<input type="text" value="7B Schooner Ln."/>	<input type="text" value="REDACTED"/>	<input type="text" value="REDACTED"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	
<input type="text" value="Chef/Owner"/>	<input type="text" value="100"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	
		<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached? Yes No

CRIMINAL HISTORY
 Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions. Yes No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales? Yes No

10. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen? Yes No *Manager must be a U.S. Citizen
If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
Have you ever been convicted of a state, federal, or military crime? Yes No
If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

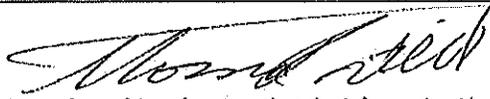
Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
12/1/2017	2/10/2024	Corporate Chef	Coje Management	Thomas Berry

D. PRIOR DISCIPLINARY ACTION

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

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



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

Manager's Signature Date

Romeo's Table

Share

Homestyle Potato Bread *roasted garlic butter, b+b pickles* \$8
Tuscan Hummus *woodfire pita* \$12
Kale and Farro salad *red wine vinaigrette, bosc pear, fennel, marscapone crème* \$3
Cape Oysters *cherry pepper mignonette* \$4/ea*
Littleneck clams *green chili sriracha* \$3/ea*
Salmon Poke *ginger-soy dressing, avocado, cucumber, togarashi* \$16*
Jonah crab claw *green chile mayo* \$6/ea
Thai Octopus *tom kah broth, kefir lime, red thai curry, chicken of the woods mushrooms-* \$23
Deviled shoyu eggs *crispy onions, green chili sriracha* \$11
Clams Casino *woodfire roasted, chourico, basil crumb* \$15
Sunday Meatballs *pork + beef, all day sauce, pecorino* \$14
Risotto all Vongole *local clams, spicy crumb, basil butter* \$25
Pappardelle *smoked lamb, all day sauce, fresh herbs* \$27
Potato Gnocchi *basil pesto, maitake mushrooms, whipped ricotta* \$24

Large

Salmon du puy *mustard yogurt, carrot fritters, white wine lentils* \$65
Holsin Duck- *black plum sauce, pickled bamboo shoots, soft egg, scallions buns-* \$75
Coq au vin *red wine, bacon lardon, marsala mushrooms* \$65
Prime NY Strip (18 oz.) *peppercorn crust, roasted garlic butter, brandy cream* \$75*
2# Maine lobster- *pink vodka, black trumpet mushrooms, spicy crumb* \$95
Thai Braised Short Rib *red thai curry, jalapenos, crispy onions, cilantro* \$85

Sides

Steak Fries *garlic mayo, steak salt* \$12
Mac and Cheese *gruyere, aged gouda, spicy crumb* \$15 Lobster Mac \$35
Sweet and Sour Kale *cider vinaigrette* \$12
Roasted Garlic Mashed Potatoes \$12
Sticky Coconut Rice \$13
Brussels Sprouts *meyer lemon, spicy agliata, pecorino* \$14
Roasted Asparagus *aged balsamic, parm crisp* \$14

**Please be advised that consuming raw or undercooked meat, poultry, seafood, shellfish, or eggs may increase the risk of foodborne illnesses. There are a lot of interesting ingredients in our kitchen, and not all of them may be listed on every dish. Please let us know if someone in your party has any allergies or dietary restrictions before ordering.*



Complete prior to applying for:
New Liquor License
Transfer of Liquor License
Alteration of Premises
Annual Entertainment/Sunday Entertainment License

APPLICANT: Thomas Pontolilo

ADDRESS: 75 Davis Straits

LICENSE APPLIED FOR: New Liquor License

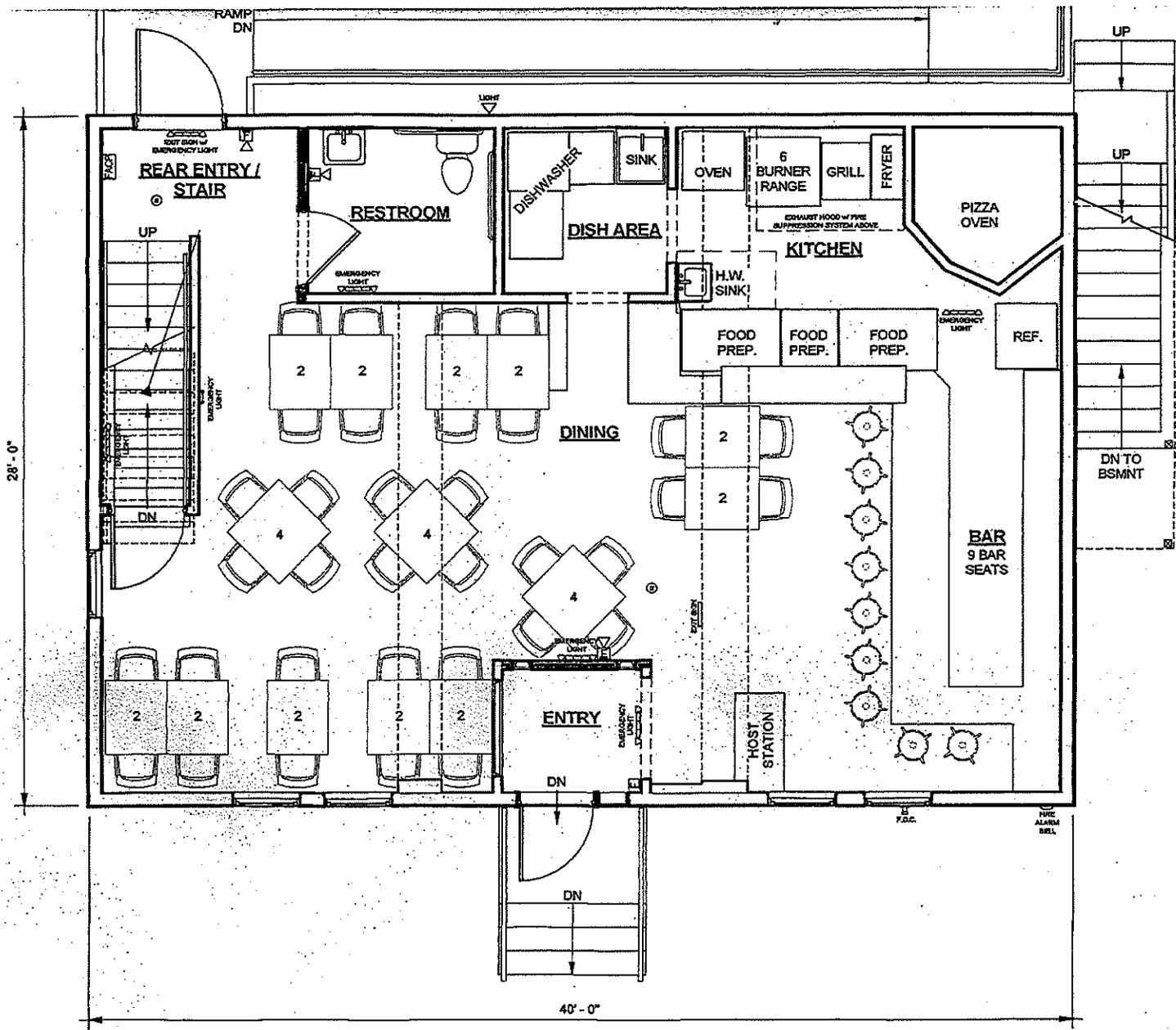
The attached plan or plans described below have been approved by the Building Commissioner's Office as appropriate for this application:

- a. A Floor Plan completed and stamped by an *Engineer or Architect* to the Building Commissioner's office. The Plan must include all seating, parking, and the occupancy load calculation.
- b. For outdoor seating, submit a plot plan or site plan completed by a *Certified Land Surveyor*.

NOTES:

Building Commissioner: X 

DATE: 3-18-24



(A) EXISTING FIRST FLOOR PLAN

KEENAN + KENNY ARCHITECTS
189 Main Street

EXISTING CONDITIONS:

ROMEO'S RESTAURANT

1ST FLOOR PLAN

OPEN SESSION

PUBLIC HEARINGS

3. Application from Scott A. Tynell for re-certification of the Division of Marine Fisheries (DMF) dives at a land-based upweller site in Rands Canal, floating bags within Rands Canal and a 5.9-acre site in Megansett Harbor for a Shellfish Aquaculture Permit



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearing 3.

ITEM TITLE: Application from Scott A. Tynell for re-certification of the Division of Marine Fisheries dives at a land-based upweller site in Rands Canal, floating bags within Rands Canal and a 5.9 acre site in Megansett Harbor for a Shellfish Aquaculture Permit

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Notice of Public Hearing; Aquaculture Description Form;

PURPOSE:

The Select Board will conduct a public hearing and consider the approval of an application from Scott A. Tynell for re-certification of the Division of Marine Fisheries (DMF) dives at a land-based upweller site in Rands Canal, floating bags within Rands Canal and a 5.9 acre site in Megansett Harbor for a Shellfish Aquaculture Permit.

BACKGROUND/SUMMARY:

- On May 25, 2016 the Select Board approved a DMF survey of a 5.9 acres site in Megansett Harbor; following this approval, the Town sent a letter to DMF and on September 13, 2016 the Town received a letter of approval from DMF.
- On November 7, 2020 the Conservation Commission issued its Order of Conditions, and subsequently an abutter raised a concern.

- On March 23, 2022 the MassDEP approved the project and a Superseding Order of Conditions were issued, and the applicant is now awaiting Army Corps of Engineers review and approval after a recertification of dive site results is obtained.
- Regarding the smaller upweller site in Rands Canal; in 2017 the Select Board gave conceptual approval to the DMF survey of the 9,000 sq. ft. site at 163 Bay Road.
- On November 7, 2020 the Conservation Commission issued its Order of Conditions, and subsequently an abutter raised a concern; on March 23, 2022 the applicant received approval from the MassDEP and a set of Superseding order of Conditions was issued, and the applicant now awaits recertification of the DMF dive site survey and Army Corps of Engineers approval.

DEPARTMENT RECOMMENDATION:

Following the public hearing, the Town Manager recommends that the Select Board approve the application from Scott A. Tynell for re-certification of the Division of Marine Fisheries dives at a land-based upweller site in Rands Canal, floating bags within Rands Canal and a 5.9 acre site in Megansett Harbor for a Shellfish Aquaculture Permit.

OPTIONS:

- Motion to approve the application from Scott A. Tynell for re-certification of the Division of Marine Fisheries dives at a land-based upweller site in Rands Canal, floating bags within Rands Canal and a 5.9 acre site in Megansett Harbor for a Shellfish Aquaculture Permit.
- Motion to deny approval of the application from Scott A. Tynell for re-certification of the Division of Marine Fisheries dives at a land-based upweller site in Rands Canal, floating bags within Rands Canal and a 5.9 acre site in Megansett Harbor for a Shellfish Aquaculture Permit.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

Following the public hearing, the Town Manager recommends that the Select Board approve the application from Scott A. Tynell for re-certification of the Division of Marine Fisheries dives at a land-based upweller site in Rands Canal, floating bags within Rands Canal and a 5.9 acre site in Megansett Harbor for a Shellfish Aquaculture Permit.

Michael Renshaw

Town Manager

3/28/2024

Date



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

TOWN OF FALMOUTH PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 § 57 on the application of Scott A. Tynell, P.O. Box 4, North Falmouth, MA 02556 for approval for the re-certification of the Division of Marine Fisheries (DMF) dives at a land-based upweller site in Rands Canal, floating bags within Rands Canal, and a 5.9-acre site in Megansett Harbor. The application was received on March 5, 2024 in the Office of the Select Board. Said hearing will be held on Monday, April 1, 2024 at 6:45 p.m. in the Select Board Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.

A copy of the application is on file in the Office of the Select Board.

LICENSING BOARD

Nancy Robbins Taylor, Chair

Edwin P. Zylinski II, Vice Chair

Douglas C. Brown

Onjalé Scott Price

Robert P. Mascali

Publication Date: Friday, March 22, 2024; Falmouth Enterprise.

Account #: 2056

TOWN OF FALMOUTH
PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 § 57 on the application of Scott A. Tynell, P.O. Box 4, North Falmouth, MA 02556 for approval for the re-certification of the Division of Marine Fisheries (DMF) dives at a land-based upweller site in Rands Canal, floating bags within Rands Canal, and a 5.9-acre site in Megansett Harbor. The application was received on March 5, 2024 in the Office of the Select Board. Said hearing will be held on Monday, April 1, 2024 at 6:45 p.m. in the Select Board Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.

A copy of the application is on file in the Office of the Select Board.

LICENSING BOARD

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

March 22, 2024

AQUACULTURE DESCRIPTION FORM

Clear Fields

Name: Last Tynell First Scott M.I. A

Business Name (optional): _____

Mailing Address P.O. Box 4

City/Town North Falmouth State MA ZipCode 02556

Telephone [REDACTED] Cell Phone [REDACTED]

E-Mail Address [REDACTED]

A. SITE DESCRIPTION

Location of proposed aquaculture license site(s) and access routes (Include a site map in USGS 1:24,000 or 1:25,000 format with site boundaries clearly outlined and both current and historic Massachusetts Department of Environmental Protection (MassDEP) mapped eelgrass layers depicted on the map. The MA-ShellfAST tool may be used for generating the map and measuring distances/acreage).

City/Town: North Falmouth

Shellfish Growing Area (SGA): Megansett Harbor and Rands Canal

of Acres: 5.9

Site boundaries defined by latitude and longitude in decimal degrees (i.e. 42.36115°, -71.057083°):
41.6561389°, -070.6318056°/41.6569167°, -070.6298611°/41.6561667°,
-070.6286667°/41.6552500°, -070.6306667° Megansett Harbor site

Have you conducted a survey of the site (Y/N)? Yes Date? 9/13/16 and 3/30/2018

Method of Survey:

Both sites were surveyed by the DMF, Megansett Harbor 9/13/16 and Rands Canal 3/30/2018

Average Depth at Mean Low Tide (MLW): 1' RC & 7' Mean

Mean High Tide (MHW): 6' RC & 20' Mean

The site is located in an: intertidal area; subtidal area; spans both intertidal and subtidal areas.

What type of sediment or bottom substrate is on the site? (Benthic Habitat Conditions):

Cobble with intermittent sandy areas at the Megansett site, mud and intermittent sand at Rands site.

Is eelgrass currently present on or within twenty-five (25) ft. of the proposed site¹ (Y/N)? No

If eelgrass is present or currently/historically mapped by DEP within the shellfish growing area, what is the shortest distance to actual or mapped eelgrass from the proposed site? N/A ft.

Are there shellfish currently on the site (Y/N)? No

If yes what species and approximate densities?

N/A

Is the proposed grant site located within an Area of Critical Environmental Concern (ACEC) (Y/N)?
No

Is the proposed grant site located within Natural Heritage & Endangered Species Program (NHESP) mapped habitat (Y/N)? *If yes, you must submit a MESA Project Review Checklist to NHESP.*

Yes

Is the proposed grant site located within an Outstanding Resource Waters²(Y/N)? No

Is there an Environmental Justice (EJ) population located within 1-mile of the project site (Y/N)?

No

If so, please complete the attached supplement to this form for projects located within 1-mile of EJ populations.

Describe whether alternative locations were considered and identify the siting criteria used to select this site and the characteristics of the site that make it suitable for aquaculture use. It may be helpful for this evaluation to be based on the siting criteria identified in DMF's Shellfish Planting Guidelines and the Army Corps of Engineers General Permit for Aquaculture.

Alternative sites were not considered due to the facts that the Rands Canal site is on the privately owned land of the applicant. The site is situated on land under water owned by the applicant and recognized by the town of Falmouth. The Megansett Harbor site was chosen due to its relative proximity to several other functional aquaculture sites that have been approved by town and state governments and recognized to negatively impact environmental assets.

Has the site been used for private shellfish propagation within the last two years (Y/N)? No

Has the site been used for municipal shellfish propagation within the last two years (Y/N)? No

1. Proposed aquaculture license sites with eelgrass present within the footprint or within 25 ft. of eelgrass will not be granted certification by DMF.

2. Any dredging or discharge of fill in ORW will require permitting through MA Department of Environmental Protection (MassDEP) (401 Water Quality Certification program). Consult with MassDEP about applicability of this requirement

B. SPECIES TO BE CULTURED

What species of shellfish do you plan to cultivate? (Select all that apply)

- Eastern Oyster
- Quahog or Hard Clam
- Softshell Clam or Steamer
- Surf Clam
- Razor Clam
- Bay Scallop
- Blue Mussel
- Other _____

Do you propose on-bottom placement of **cultch** or spat on shell on the site (Y/N)? No

**Note: cultching projects are not eligible for streamlined review under the MEPA Special Review Procedure*

If yes, explain.

N/A

C. GEAR

What methods of culture will be used (specify by species if necessary)?

On- bottom Off- bottom submerged Off- bottom floating

Describe the type of gear to be utilized for each species to be cultured, include dimensions (Cages, Racks, Trays, Bags, Nets, Floating): *Depending on the gear type used, the project may require additional permitting by the Massachusetts Department of Environmental Protection (MassDEP). Consult with your Harbormaster, and if needed, with the MassDEP Waterways Program.*

The Rands Canal site is a land based upweller which will be used for the growing of Eastern Oyster, Northern Quahog, and Bay Scallop seed. As specimen grow, they will be transitioned into floating black UV resistant plastic mesh bags measuring 40"x18"x2". Bags will be tethered end to end and secured by marked corner posts preventing the bags from hindering the navigational channel or scouring the wetlands floor. This grow-out site will be modeled after the grow-out site used at Bournes Pond by the Town of Falmouth DNR. The plans for this have been approved by the Falmouth Conservation Commission and Falmouth DNR. As the seed continues to grow they will be tended, sized, and moved out to the Megansett Harbor site where they will grow to maturity in cages and soft mesh bags anchored to the bottom of the ocean less than 24" in height. Cages will be 3'x4'x1.2'. Cages will utilize three feet to raise cages slightly off bottom

**Include with your submission of this form a site map on a USGS 1:24,000 map with site boundaries clearly outlined and a cross-section schematic of the gear to be deployed on the site.* 3

The Rands Canal site is a land based upweller which will be used for the growing of Eastern Oyster, Northern Quahog, and Bay Scallop seed. As specimen grow, they will be transitioned into floating black UV resistant plastic mesh bags measuring 40"x18"x2". Bags will be tethered end to end and secured by marked corner posts preventing the bags from hindering the navigational channel or scouring the wetlands floor. This grow-out site will be modeled after the grow-out site used at Bourne Pond by the Town of Falmouth DNR. The plans for this have been approved by the Falmouth Conservation Commission and Falmouth DNR. As the seed continues to grow they will be tended, sized, and moved out to the Megansett Harbor site where they will grow to maturity in cages and soft mesh bags anchored to the bottom of the ocean less than 24" in height. Cages will be 3'x4'x1.2'. Cages will utilize three feet to raise cages slightly off bottom which dimensions will be 3' long by 0.3' wide to reduce direct sq ft. of bottom impact.

If you will utilize floating gear, what measures will you take to deter birds (bird deterrence plan required)?

- Spikes
- Zip ties
- Kites/streamers
- Faux predators
- Wire cage exclusion
- Sweeps/spinners
- Sonic deterrents
- Other

Please describe your bird deterrence plan:

We plan to use zip ties as bird deterrence.

What methods will you utilize to harvest shellfish? (Hand, Drag, Other) Please describe:

Cages and floating bags will be hauled onto boat or on private property, sorted and harvested by hand.

How will the proposed license site be marked? (Buoy color, Type, Lines, Anchor)

Four corner marker buoys will be used to mark the farm per regulations. These yellow aquaculture buoys will be anchored and have a 500 lb. weak link installed on the sinking buoy line.

How will you access the license site?

By boat which is docked on owners property at Rands Canal site.

What equipment do you plan on utilizing to maintain the license site and transport product?

Vehicle: Make: Toyota Model: Tundra

Boat: Make: Robalo Model: Cabin Motorboat

Will any accessory structures be used on the license site? (barge, float, upweller, etc.)

Upweller will be used at Rands Canal site. At this time we are not planning to use any other equipment.

Will this be a seasonal operation (gear and product removed from site in winter) or year-round?

seasonal operation

Please include any additional information here:

Will this be a seasonal operation (gear and product removed from site in winter) or year-round? Bags deployed at the Rands Canal site will be used seasonally from May 1st through October 31st when the waters are closed to shellfishing.

D. CUMULATIVE IMPACTS

After voting to grant the site license at a duly advertised public hearing (M.G.L. c.130 §60), the Select Board of the municipality must submit a request for site certification to the Division of Marine Fisheries (DMF). A site inspection that may include a site survey will be performed by DMF. If DMF determines that issuance of the site license and operational activities thereunder will have no substantial adverse impacts to natural resources and existing fisheries, DMF will issue a conditional certification letter to the municipality and include a summary table that identifies other existing and conditionally certified aquaculture sites, gear types, and acreage within the same embayment as the proposed site.

This table will be used to assess cumulative impacts if the project is subject to environmental review by the Massachusetts Environmental Policy Act (MEPA) Office and should be submitted as an attachment with your MEPA filing. If the project is subject to the MEPA Special Review Procedure (SRP), the applicant hereby acknowledges and agrees to following the procedures set forth in the SRP. The SRP can be viewed [here](#).

All information furnished on this application is true and accurate to the best of my knowledge. I will notify the Division Marine Fisheries Shellfish Sanitation and Management Program immediately of any changes.

Signature of Applicant Scott A Tynell Digitally signed by Scott A Tynell
Date: 2024.03.05 10:33:13 -05'00' Date 3/5/24

Division of Marine Fisheries
ATTN: Aquaculture Coordinator
706 South Rodney French Boulevard
New Bedford, MA 02744
Phone: (508) 742-9766

SUPPLEMENT TO DMF AQUACULTURE DESCRIPTION FORM

Only For Projects Located Within 1 Mile of Environmental Justice (EJ) Populations

<p>Describe any public hearings or other public outreach conducted in relation to the project. Were there any concerns raised during the municipality’s public hearing or other process? If so, how were they resolved?</p>	
<p>Indicate whether the project is located within a municipality that exhibits “vulnerable health EJ criteria,” as indicated on the <u>DPH EJ Tool</u>, and specify the relevant public health criteria.</p> <p><i>Navigate to the DPH EJ Tool, click the “EJ Data and Reports” tab at the top of the webpage, find your municipality in the table, review the “Vulnerable Health EJ Criteria Met” column of the table.</i></p>	<p><i>E.g., Town of XX meets vulnerable health EJ criteria for heart attack, low birth weight, childhood lead, childhood asthma.</i></p>
<p>Identify potential environmental or public health benefits of the project that may extend to the identified EJ populations.</p>	<p><input type="checkbox"/> Water quality benefits <input type="checkbox"/> Recreational opportunity <input type="checkbox"/> Commercial opportunity <input type="checkbox"/> Other (please specify)</p>
<p>Identify any environmental or public health impacts of the project that may extend to the identified EJ populations.</p>	<p><input type="checkbox"/> Bird attraction/water quality degradation <input type="checkbox"/> Hindrance of recreational opportunity <input type="checkbox"/> Hindrance of subsistence activities <input type="checkbox"/> Other (please specify)</p>

OPEN SESSION

BUSINESS

1. Approve request from PureSky Energy for a letter of support for Solar Array Projects at Cape Cod Country Club **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 1.

ITEM TITLE: Approve request from PureSky Energy for a letter of support for solar array projects at Cape Cod Country Club

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Project Summary (submitted by applicant), Site Plan Draft, Carbon Dioxide Calculator, letters of support, Memorandum of Understanding 9/31/2022

PURPOSE:

The owner of the Cape Cod Country Club is pursuing the sale of the property to a solar developer for large-scale solar development. The proposed solar development requires the approval of the Cape Cod Commission. The developer is seeking a letter of support from the Select Board to be submitted to the Cape Cod Commission.

BACKGROUND/SUMMARY:

- The Cape Cod Country Club is located off of Theater Drive and Boxberry Hill Road. The subject golf course property consists of 137 acres.
- The solar developer is a firm called PureSky Energy. PureSky acquired this project from AMP Solar. The name of the Project company is ASD Cape Cod Holdings.

- The applicant has proposed to donate all, or a portion, of the property to the Town upon acquiring the property subject to a ground lease for the construction and operation of the solar installation.
- A conservation restriction will be placed on at least a portion of the property per Cape Cod Commission requirements.
- On September 22, 2022, the Select Board voted to execute a non-binding memorandum of understanding with the applicant which broadly outlines the intent to take ownership of the land and lease it back to the applicant. After the lease expires, the property would be owned by the Town.
- The applicant will provide an update on the Cape Cod Commission review process and dialog with abutters. Letters of support are included in your meeting packet.
- In considering whether to authorize a letter for support for this project, the Board may wish to consider the following:
 - Conservation value of the property to be acquired;
 - Lease payment revenue to be received by the Town during the term of the solar lease (amount to be negotiated);
 - Potential revenue the Town might generate by continuing to operate a large-scale solar array owned by the Town after the PureSky lease expires;
 - Reduced CO2 emissions resulting from a 23-megawatt renewable energy source.
 - What alternative development might the property owner pursue if the solar development is not approved?

DEPARTMENT RECOMMENDATION:

The Town Manager recommends the Select Board vote to authorize the Town Manager to write a letter to the Cape Cod Commission in support of this application.

OPTIONS:

- Motion to authorize the Town Manager to submit a letter to the Cape Cod Commission in support of the application submitted by ASD Cape Cod Holdings to install a large-scale ground mount solar array.
- Motion to deny authorizing the Town Manager to submit a letter to the Cape Cod Commission in support of the application submitted by ASD Cape Cod Holdings to install a large-scale ground mount solar array.

➤ 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 the Select Board vote to authorize the Town Manager to write a letter to the Cape Cod Commission in support of this application.

Michael Renshaw

Town Manager

3/28/2024

Date

APPLICANT: ASD Cape Cod Holdings LLC (hereinafter known as “Applicant”)

PROJECT: Construction and operation of a Large-Scale Ground Mounted Solar Photovoltaic Installation involving approximately 96.5 acres of a 137-acre set of 5 parcels (hereinafter known as the “Project”)

LOCATION: 41, 59, and 48 Theatre Drive, and 0 Boxberry Hill Road, Falmouth (hereinafter known as the “Property”)

Introduction:

The Applicant, ASD Cape Cod Holdings LLC MA Solar LLC, currently holds an option to purchase the Property from New Cape Cod Country Club Inc (the “Owner”) pursuant to an Option to Purchase Agreement dated March 6, 2023, together with a copy of the Owner’s vesting deeds for the Property.

The Applicant proposes to develop the Property, which is an approximately 137-acre site, by installing a solar photovoltaic array, of 23.3 MWdc/13.5 MWac, over approximately 57 acres and conserving a portion of the remaining acreage (the “Project”). The Area of Developmental Impact totals 96.5 acres and includes tree clearing, revegetated areas, array system enclosures, and access drives. The Applicant asserts that the Project will promote local economic development through renewable energy generation in an ecologically appropriate and responsible setting, while preserving and adhering to the goals and objectives of the Regional Policy Plan and values and purposes set forth in Section One of the Act. Specifically, the Applicant believes that the Project will help to support the area’s electrical network, contribute to local climate mitigation efforts, and responsibly integrate into the surrounding suburban community. Additionally, the Project aims to protect the area’s water resources, augment reforestation efforts on the property, bolster local wildlife plant habitats through creation of pollinator meadows under and around the solar arrays, and further connect conservation and wildlife corridors between sections of the Francis A. Crane Wildlife Management Area and Coonamessett Pond area.

The Applicant, PureSky Energy (“PSE”) via the Project company ASD Cape Cod Holdings LLC, is recognized as an experienced and respected developer. PSE owns and operates a global portfolio of renewable generation, including projects like this one, with multiple arrays throughout eastern Massachusetts.

Site Description:

The Property is the 137-acre Cape Cod Country Club, composed of the following five subject parcels located south of Route 151 (Nathan Ellis Highway) and west of Sandwich Road in Hatchville (Falmouth):

West Array

- 41 and 59 Theatre Drive and portion of parking lot (Parcel IDs: 10-03-001-163, 01-028A-015, and 10-03-001-163) = 47.4± acres

East Array

- 0 Boxberry Hill Road (Parcel ID: 10-04-007-035) = 41.5± acres

South Array

- 48 and 42 Theatre Drive (Parcel IDs: 17-01-028-039 and 17-01-028B-014) = 48± acres

This Property is situated within the Agricultural A zoning district and falls under the Water Resources Protection District of Falmouth. Following a Town Meeting vote on June 28th, 2021, it was also incorporated into the Solar Overlay District. Although the Property has served as a golf course for many years, GIS overlay data reveals that 53.9 acres of it reside on prime farmland soils.

The site currently features an 18-hole golf course, along with related amenities such as a clubhouse and a paved parking area, all accessible via Theatre Drive. Three residential dwellings occur on-site, including two dwellings that maintain frontage along Coonamessett Pond. These buildings, located at 41, 42, and 48 Theatre Drive and 292 Boxberry Hill Road, are slated for demolition prior to the commencement of the Project's construction. The demolition of these structures will result in a net reduction of approximately 11,000 square feet of impervious surface.

The Property is typical of a well-managed, active golf course. It's predominantly clear, interspersed with occasional stands of trees and manicured woodland areas in between fairways. It hosts small, isolated wetlands and a single Vernal Pool, as well as 1.7 acres of BioMap2 Critical Natural Landscape and Core Habitat. None of the acreage included within these areas of environmental concern will be a part of the Project area. The Property is not within the NHESP Priority Habitats of Rare Species zone, and no atypical wildlife was inventoried. A Natural Resources Inventory has been completed along with an Open Space Plan to show the wildlife corridor throughout the site.

The general location of the property lies within a geologic formation known as a glacial outwash plain where the subsoils are commonly found to be sand texture material. These are typical soils encountered in Cape Cod and the Town of Falmouth. Since there are currently no stormwater management systems, the existing topography sheds surface runoff to the low areas within the golf course, some of these areas are wetlands and the two ponds. A Stormwater Management Report has been completed to show how produced runoff is managed.

Boxberry Hill Road bisects the westerly and easterly portions of the golf course. Portions of the site maintain frontage along Coonamessett Pond to the west and Round Pond, located south of Theatre Drive. Surrounding parcels are used either for single family suburban residential or conservation woodlands, except for the parcel directly north of the northwest parcel which contains a multifamily condominium owned by the current controlling shareholders of the Country Club. The Property also has long borders with large and established conservation properties.

Project Description:

Applicant is proposing to transition about 96.5 of the approximately 137 acres, spread across the interior of the 3 main parcels, from active golf course to solar array pollinator meadow. The Applicant will establish native pollinator species suitable for the ground conditions and location.

Where the array area does not already abut permanently conserved land, including along Boxberry Hill road, a perimeter setback of 100 feet will be provided and filled with berms and landscaping to maintain the existing rural/suburban aesthetic. Where it does border permanently conserved land, a setback of 35 feet will be maintained in accordance with Falmouth Zoning Bylaws.

There are 33 residential properties whose yards or houses are within 400 feet of the limit of the Property, which is considerably larger than the solar array footprint. With solar use having no well water or meaningful groundwater consumption, nor septic discharge, this development should have no impact on neighboring residential wells.

There are more than three miles of frontage along Boxberry Hill Road including all the lots that comprise the Property. Access to the two northern parcels of the Property is sited off Boxberry Hill Road approximately in the middle of the course via one gated gravel driveway on either side of the road. Access to the southern parcel of the Property will take place off Boxberry Hill Road. The proposed access driveway for Array D begins at the edge of Boxberry Hill and quickly slopes down at a 12% grade. After approximately 150 feet of level driveway the access drive slopes up at a rate of 10% for approximately 350 feet to reach the array field and the battery pad. This driveway with these grades of 10% and 12% will be maintained as a paved surface to eliminate potential damage from runoff, especially when this driveway will also serve as the emergency vehicle access into the site.

The Applicant and Eversource expect to extend the required three phase power lines to these sites from nearby Ashumet Road. Electrical equipment for each array will be placed on concrete pads or set on piles.

Construction Phases:

Phase 1: This consists of land clearing and site preparation, which is expected to last approximately three months. Driveways will be installed first, followed by the interior acreage being cleared to the extent required by current site conditions, with significant stumps removed by grinding. Temporary stormwater measures will be installed

immediately, with construction of permanent features beginning shortly thereafter. The acreage is promptly covered with fast-growing vegetation to mitigate any potential runoff issues. Simultaneously, the roadside berms will be constructed and stabilized. Depending on the time of year, landscaping, screening vegetation, and replanting and reforestation across much of the site may also commence.

A 6-foot-tall chain link fence will be installed behind the berms and landscaping around the perimeter of each solar array, with a gap of at least 6 inches at the bottom to allow for the passage of small wildlife.

There are slopes across the Property originating from the intentional golf course design and construction. The site requires grading across 41.4 acres to smooth the existing golf course terrain to a more suitable grade for a solar array. In doing so it will bring the topography back into a more natural state from the golf course's artificial topography. Existing soil and fill will be repurposed on site and no materials will be brought on site except in the situation where any remediation of soil is required.

Low impact stormwater management techniques are required to address the potential for runoff. The primary method for permanent management is vegetated drain basins with subsurface leaching trenches. These will be installed along the edges of the perimeter maintenance drive.

Phase 2: The second phase of construction consists of the array installation and takes approximately five months. The galvanized steel piles will be driven into the ground, frames bolted onto them, modules installed, trenches for electrical conduit dug and filled, electrical pads prepared, and inverter and battery systems installed. Most equipment deliveries take place during this period, all materials are stored on site, and all parking for vehicles take place within the site.

The installed array is comprised of solar modules affixed to steel racking and piles, connected electrically via underground wiring to a battery bank and central inverter. From the inverter, a transformer conditions the power for the connection to the utility electrical network. That connection is hosted on several concrete pads as opposed to the usual telephone poles and are adjacent to the batteries and inverters.

The solar modules themselves are silicon cells packaged in an aluminum frame with a glass front and a matte or glass backing. They are fully sealed and contain no hazardous materials. Applicant is not using thin film modules.

From assessment of the soils on site, pile racking is determined to be the preferred module mounting approach. The piles are made of galvanized steel and driven into the ground. The frames for the modules bolt onto these piles, which are also galvanized steel, and all together are referred to as a "rack" or "table". The spacing between modules across a table is approximately 1 inch when installed. This allows for water to drain underneath the table directly and to better tolerate wind and snow loads.

The solar array will be equipped with a battery energy storage system. The energy storage system is a requirement for large solar in Massachusetts and will serve to improve the generation profile of the array. It allows for the array to discharge power in a controlled manner and to do so flexibly when electrical demand is greatest. The batteries will use Lithium Iron Phosphate (LiFePo) chemistry. Of the many competing lithium chemistries, LiFePo has exceptional heat tolerance during charge and discharge, resulting in a superior safety profile for stationary storage applications.

Battery enclosures themselves are typically designed to at least a NEMA 3R standard. Each array is composed of several enclosures integrated and tested in the factory before shipping to site for installation. Each enclosure contains a battery stack rated at 750 kWh with all control electronics and accessories in place. The total number of stacks is calculated to yield the targeted aggregate capacity of the battery system and is modeled for optimal efficiency. All battery enclosures come equipped with 24/7 telemetry monitoring systems, fire detection, redundant digital and analog fire suppression systems which are typically extinguisher based, and the ability to automatically operate these systems without monitoring input in the event of lost cell reception or telephone outage.

Phase 3: This takes approximately three months but has a comparatively light operational footprint. It consists of continuing to establish ground cover, perimeter vegetation management, electrical inspections by the owner and utility, and general site closeout. At this point the array is mechanically complete and is typically only waiting for permission to operate from the electric utility and Town of Falmouth.

A pollinator meadow is envisioned to be established under the entirety of the array adhering to UMass Pollinator-Friendly Solar PV Certification Program guidelines. The pollinator meadow is typically seeded with a pollinator friendly wildflower and low height grass mix. A generally available starter fertilizer will be used to establish the meadow. Only local species will be used, and no invasive species will be included. No pesticides of any kind will be used to manage the pollinator meadow over the lifespan of the Project, although limited use may be required to establish the pollinator meadow initially. Long term, native vegetation only requires mowing once or twice a year to keep the grass height below the modules.

The Applicant has not submitted an Interconnection Service Agreement (ISA) along with this application due to delays on interconnection study results from Eversource. The interconnection applications for the Cape Cod Country Club projects were submitted to Eversource for its review on June 2, 2020. The preliminary screening report was delivered on November 24, 2020. Subsequently, the applications entered a required Level 3 Affected System Operator (ASO) Study with Eversource and ISO-NE on June 23, 2022, which is currently expected to conclude at the end of April 2023. Concurrently, Eversource is also finishing up the Cape Cod #1 (Docket Number 22-55) Group Study for the nearby Hatchville electrical substation as required by the Department of Public Utilities. Applicant is not involved with this group study, however, upon completion of this group study, Eversource will then evaluate whether to study the arrays associated with the Project through individual impact studies or to form a new group study along

with other unrelated projects. Eversource will produce Interconnection Service Agreements (ISAs) upon completion of either the individual studies or the new potential group study for these applications. While currently uncertain, Applicant believes that in any case it will be issued ISAs for the Projects by July 2026 at the latest.

Due to existing Department of Energy Resources' (DOER) Solar Massachusetts Renewable Target (SMART) Program requirements, all three arrays in the Project are not allowed to have their incentives reserved at the same time, which is a prerequisite for project funding and construction. Therefore, two of the Projects are expected to be built initially: the East Array (0 Boxberry Hill Road) and South Array (48 Theatre Road) arrays. The West Array's construction is expected to begin once the other two arrays have been operating for one full year, per program requirements. Over the course of 3 years, the Applicant is conservatively planning on constructing the separate arrays in phases per these DOER requirements. However, since waivers are available in justifiable circumstances, Applicant plans to petition the DOER to request permission to construct all three arrays simultaneously to minimize the length of community disturbance from project-related construction.

Ongoing operations at the site are minimal. Panels do not generally require active cleaning in Massachusetts, with rain being sufficient. Snow removal is unlikely to ever be necessary. Most equipment is inspected annually, with most of the equipment having a projected lifespan of 25+ years.

In accordance with the Applicant's proposed conservation and reforestation plan for the Property, approximately 10.4 acres of total woodland acreage are set to be cleared. The Applicant pledges to enhance 41.8 acres of open space—a figure that far exceeds the required 22.3 acre. This net gain in forested space not only exceeds Falmouth Zoning Bylaw replanting requirements, but also embodies the Applicant's dedication to the community by donating the entirety of the remaining property acreage, amounting to 95 acres, to the Board of Selectmen via Quitclaim Deed, ensuring the extensive conservation of the local ecosystem. Additionally, like its 180 Cotuit Road Solar Project in Sandwich, the Applicant intends to satisfy the guidelines set out by the Commission's Regional Policy Plan regarding natural, built, and community systems by donating the Open Space portion of the Property via Quitclaim Deed into permanent conservation with the Town of Falmouth's Conservation Commission. In this case, the Applicant has ensured the balance of natural vegetation clearing area, 10.4 acres, with proposed area that will be designated Open Space Protection Land, 41.8 acres, as identified in the Open Space Plan. The Quitclaim Deed to the Conservation Commission will (i) specifically identify the acreage to be conserved and (ii) impose a perpetual restriction in compliance with and as permitted by Massachusetts General Laws Chapter 184, Sections 31-33 and Massachusetts General Laws Chapter 40, Section 8C.

Additionally, the Applicant has agreed to fund a 10-year comprehensive water quality study, totaling up to \$414,000, in coordination with its community partner the Coonamessett Pond Association, which is located adjacent to the Property. In further consultation with the Association, the Applicant is committing to establishing a trail network on the property, maintain a 'no-touch' buffer 100 feet from the pond, set aside an area as a dedicated sledding hill for

winter recreation, and perhaps most importantly: donate the land associated with the Project to the Town of Falmouth.

GROUND-MOUNTED SOLAR PHOTOVOLTAIC SYSTEM

41 & 48 THEATRE DRIVE & 0 BOXBERRY HILL ROAD

FALMOUTH, MASSACHUSETTS



LEGEND

- | | |
|---|---|
| <ul style="list-style-type: none"> ■ CONCRETE BOUND ■ STONE BOUND ○ ROOF GAP ○ LEAF POLE ○ WATER SHUTOFF ○ WATER METER ○ WATER METER FIT ○ GAS GATE ○ CATCH BASIN SQUARE ○ TREE LINE ○ CABLE TV LINE ○ COMMUNICATIONS LINE ○ DRAIN LINE ○ ELECTRIC LINE ○ OVERHEAD WIRES ○ ELECTRIC TELEPHONE ○ UNDERGROUND ELECTRIC ○ ELECTRICITY ○ GAS LINE ○ SANITARY SEWER LINE ○ TELEPHONE LINE ○ GOLF COURSE HOLE | <ul style="list-style-type: none"> ○ UTILITY POLE ○ DUFF POLE ○ GUY WIRE ○ ELECTRIC HANDHOLE ○ TELEPHONE HANDHOLE ○ CABLE TV HANDHOLE ○ SEBI ○ CONIFEROUS TREE ○ BROADLEAF TREE ○ ELECTRIC METER ○ SEWER CLEANOUT ○ FENCE MANHOLE ○ OVERHEAD TELEPHONE LINE ○ TELEPHONE CABLE TV ○ WATER LINE ○ STONE WALL ○ POST & RAIL FENCE ○ STORAGE FENCE ○ PICKET FENCE ○ CHAINLINK FENCE ○ LINE OF WOODS ○ HATCHABLE ROW ○ 1/4" X 1/4" X 1/4" PANELS ○ TAPE REPRESENTS 2" PANELS ○ TAPE REPRESENTS 4" PANELS ○ TAPE REPRESENTS 6" PANELS ○ TAPE REPRESENTS 8" PANELS ○ TAPE REPRESENTS 10" PANELS ○ TAPE REPRESENTS 12" PANELS ○ TAPE REPRESENTS 14" PANELS ○ TAPE REPRESENTS 16" PANELS ○ TAPE REPRESENTS 18" PANELS ○ TAPE REPRESENTS 20" PANELS ○ TAPE REPRESENTS 22" PANELS ○ TAPE REPRESENTS 24" PANELS ○ TAPE REPRESENTS 26" PANELS ○ TAPE REPRESENTS 28" PANELS ○ TAPE REPRESENTS 30" PANELS ○ TAPE REPRESENTS 32" PANELS ○ TAPE REPRESENTS 34" PANELS ○ TAPE REPRESENTS 36" PANELS ○ TAPE REPRESENTS 38" PANELS ○ TAPE REPRESENTS 40" PANELS ○ TAPE REPRESENTS 42" PANELS ○ TAPE REPRESENTS 44" PANELS ○ TAPE REPRESENTS 46" PANELS ○ TAPE REPRESENTS 48" PANELS ○ TAPE REPRESENTS 50" PANELS ○ TAPE REPRESENTS 52" PANELS ○ TAPE REPRESENTS 54" PANELS ○ TAPE REPRESENTS 56" PANELS ○ TAPE REPRESENTS 58" PANELS ○ TAPE REPRESENTS 60" PANELS ○ TAPE REPRESENTS 62" PANELS ○ TAPE REPRESENTS 64" PANELS ○ TAPE REPRESENTS 66" PANELS ○ TAPE REPRESENTS 68" PANELS ○ TAPE REPRESENTS 70" PANELS ○ TAPE REPRESENTS 72" PANELS ○ TAPE REPRESENTS 74" PANELS ○ TAPE REPRESENTS 76" PANELS ○ TAPE REPRESENTS 78" PANELS ○ TAPE REPRESENTS 80" PANELS ○ TAPE REPRESENTS 82" PANELS ○ TAPE REPRESENTS 84" PANELS ○ TAPE REPRESENTS 86" PANELS ○ TAPE REPRESENTS 88" PANELS ○ TAPE REPRESENTS 90" PANELS ○ TAPE REPRESENTS 92" PANELS ○ TAPE REPRESENTS 94" PANELS ○ TAPE REPRESENTS 96" PANELS ○ TAPE REPRESENTS 98" PANELS ○ TAPE REPRESENTS 100" PANELS |
|---|---|

SITE PLAN - LIST OF SHEETS	
Sheet Number	Sheet Title
C-100	OVERALL SITE LAYOUT PLAN
C-101	EAST & WEST ARRAYS
C-102	SOUTH ARRAY
C-121	SITE LAYOUT & GRADING (1)
C-122	SITE LAYOUT & GRADING (2)
C-123	SITE LAYOUT & GRADING (3)
C-124	SITE LAYOUT & GRADING (4)
C-125	SITE LAYOUT & GRADING (5)
C-126	SITE LAYOUT & GRADING (6)
C-127	SITE LAYOUT & GRADING (7)
C-128	SITE LAYOUT & GRADING (8)
C-129	SITE LAYOUT & GRADING (9)
C-130	SITE LAYOUT & GRADING (10)
C-201	CONSTRUCTION DETAILS

GENERAL NOTES

COORDINATE SYSTEM USED IS THE NAD 83/2011 COORDINATE SYSTEM. DATUM: NAD 83. UNITS: U.S. SURVEY FEET.

THE LOCATION OF UTILITY STRUCTURES SHOWN HEREON IS FROM OBSERVED FIELD EVIDENCE ONLY. THIS PLAN MAY NOT REFLECT THE EXACT LOCATION OF UNDERGROUND UTILITIES & DOES NOT SHOW ALL OF THE UTILITIES WHICH EXIST WITHIN THE PREMISES SURVEYED. PLEASE CONTACT 90-446 AT 508-544-7333 BEFORE EXCAVATION.

SHAWMUT DISTRICT: AGRICULTURAL USE & BUSINESS 83
OVERLAY DISTRICT: GREAT POND COASTAL POND OVERLAY DISTRICT

PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF "A" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP NO. 250600201A WITH AN EFFECTIVE DATE OF 04/18/2014.

THESE LOTS ARE NOT WITHIN THE WINDSHOWN DEBRIS REGION (ONE MILE FROM SHORELINE) AS SHOWN ON THE FALMOUTH HIGH WIND DISTRICT MAP. THESE LOTS ARE NOT MAPPED WITHIN A DEEP APPROVED ZONE WELLSHEAD PROTECTION AREA. THESE LOTS ARE NOT MAPPED WITHIN A DEEP APPROVED ZONE WELLSHEAD PROTECTION AREA.

DEED REFERENCE: LAND COURT CERTIFICATE # 161233 PLAN REFERENCE: LAND COURT PLANS 12544-1, 12544-4 & 12544-8

OWNER: NEW CAPE COO COUNTRY CLUB, INC.
4 FRIEL ROAD, HUDSON, NH 03047

DEVELOPMENT DESCRIPTION

PER TOWN OF FALMOUTH ZONING BY-LAW 9-2007-4

THREE PARELS ARE TO BE REDEVELOPED FOR A LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION (ARRAY SYSTEM).

- WEST ARRAY (WEST OF BOXBERRY HILL RD. A.K.A. ARRAY "A")
- EAST ARRAY (EAST OF BOXBERRY HILL RD. A.K.A. ARRAY "C")
- SOUTH ARRAY (SOUTH OF BOXBERRY HILL RD. A.K.A. ARRAY "D")

PARCELS	ADDRESS	ASSESSOR'S ID	LOT AREA
WEST ARRAY	41 THEATRE DRIVE PORTION OF PARKING LOT 1	18 03 001 001 17 81 024 019	41.56 ACRES
EAST ARRAY	0 BOXBERRY HILL RD.	18 03 001 001	48.4 ACRES
SOUTH ARRAY	48 THEATRE DRIVE (INCLUDES LOT 14)	17 81 024 014	36.4 ACRES

LOT COVERAGE	BY EQUIPMENT	BY STRUCTURES	WITH SOLAR PANELS
WEST ARRAY	11,000 S.F. (25.2%)	46,200 S.F. (107.8%)	44,246 S.F. (103.2%)
EAST ARRAY	18,700 S.F. (38.2%)	23,983 S.F. (49.6%)	163,418 S.F. (331.2%)
SOUTH ARRAY	3,983 S.F. (8.2%)	2,312 S.F. (4.9%)	202,728 S.F. (416.2%)

AREA PROPOSED FOR ARRAY DEVELOPMENT

WEST ARRAY	16.37 ACRES (39.4% OF LOT)
EAST ARRAY	25.6 ACRES (52.8% OF LOT)
SOUTH ARRAY	11.23 ACRES (30.8% OF LOT)

AREA OF FORESTED LAND TO BE CLEARED

WEST ARRAY	2.8 ACRES (5.8% OF LOT)
EAST ARRAY	4.38 ACRES (9.0% OF LOT)
SOUTH ARRAY	3.8 ACRES (10.4% OF LOT)

TOTAL AREA OF FOREST CLEARING: 10.98 ACRES
THESE INCLUDE SOME AREAS USED FOR THE PROPOSED ARRAY DEVELOPMENT NOTED ABOVE.

CLEARED AREAS PROPOSED TO BE PLANTED (RESTORATION)

WEST ARRAY	7.38 ACRES (15% OF LOT)
EAST ARRAY	4.27 ACRES (8.8% OF LOT)
SOUTH ARRAY	7.25 ACRES (19.9% OF LOT)

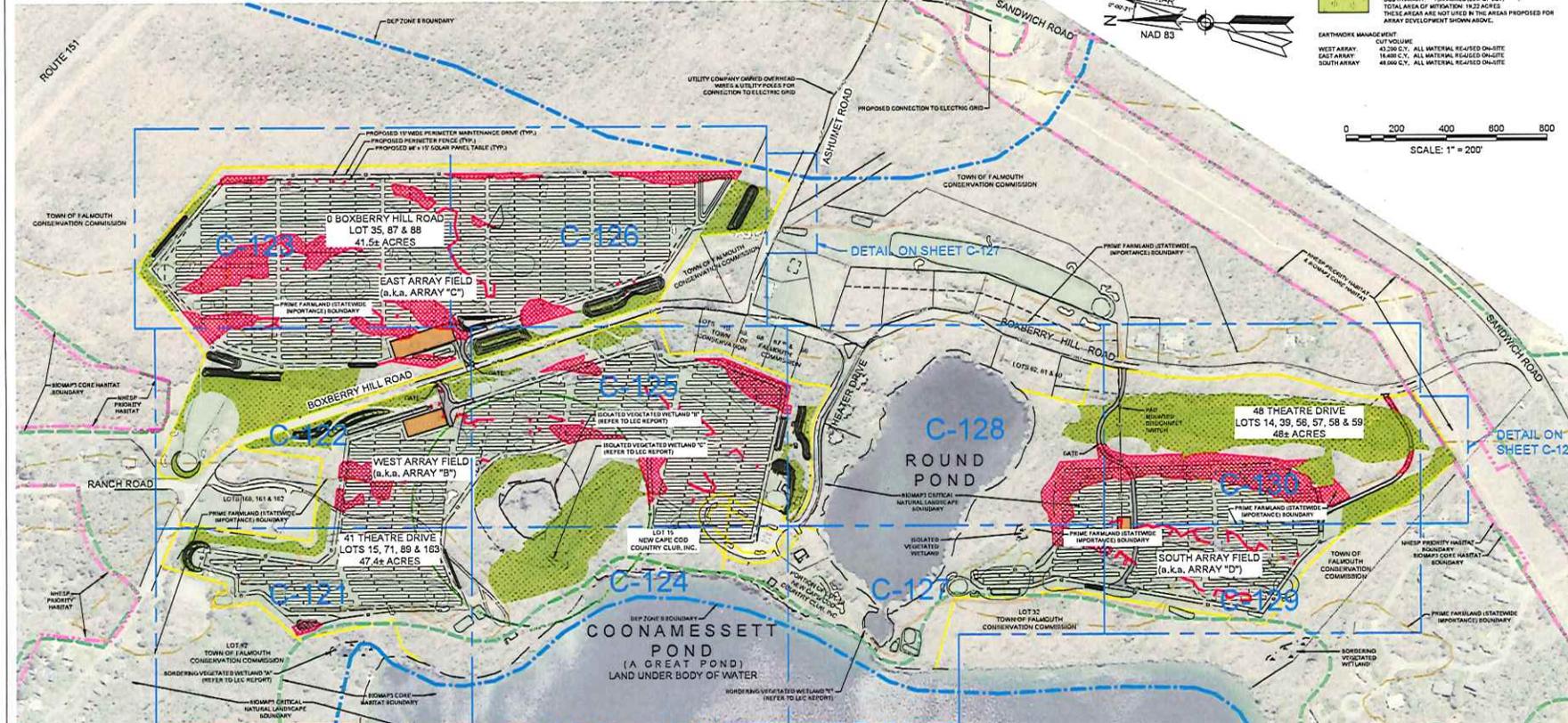
TOTAL AREA OF MITIGATION: 18.9 ACRES
THESE AREAS ARE NOT USED IN THE AREAS PROPOSED FOR ARRAY DEVELOPMENT SHOWN ABOVE.

EARTHWORK MANAGEMENT

CUT VOLUME	43,206 C.Y.	ALL MATERIAL REUSED ON-SITE
WEST ARRAY	18,800 C.Y.	ALL MATERIAL REUSED ON-SITE
SOUTH ARRAY	48,000 C.Y.	ALL MATERIAL REUSED ON-SITE

EXISTING UTILITIES NOTE:

NOT ALL UTILITIES ON THE PROPERTY HAVE BEEN LOCATED OR ARE ILLUSTRATED ON THIS SET OF SITE PLAN DRAWINGS. THE CONTRACTOR SHALL ARRANGE FOR DISRUPTION TO MAINTAIN A PRIVATE UTILITY MARKING COMPANY TO MARK UTILITIES ON THE SITE. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ANY CROSSINGS OF PROPOSED AND EXISTING UTILITIES AND CONTACT THE ENGINEER IF CONFLICT BETWEEN UTILITIES IS ENCOUNTERED.



CAPE & ISLANDS ENGINEERING
 1550 WEVATIA STREET
 DENVER, CO 80202
 PHONE: 303.733.8888
 FAX: 303.733.8888
 WWW.CAPEANDISLANDS.COM

Drawn By:	JVB, RLR	
Checked By:	MC	
By:		
Date:		
Scale:		
Project:		
Client:		
Location:		
Sheet:		
Revision:		
1	2023	UPPER 1/2" SCALE
2	2023	LOWER 1/2" SCALE
3	2023	ADDED PERMITS TO BE OBTAINED FROM THE TOWN OF FALMOUTH

Scale:	1" = 200'
North Arrow:	NAD 83
Scale:	0 200 400 600 800

ASD CAPE HOLDINGS LLC
 1550 WEVATIA STREET
 DENVER, CO 80202

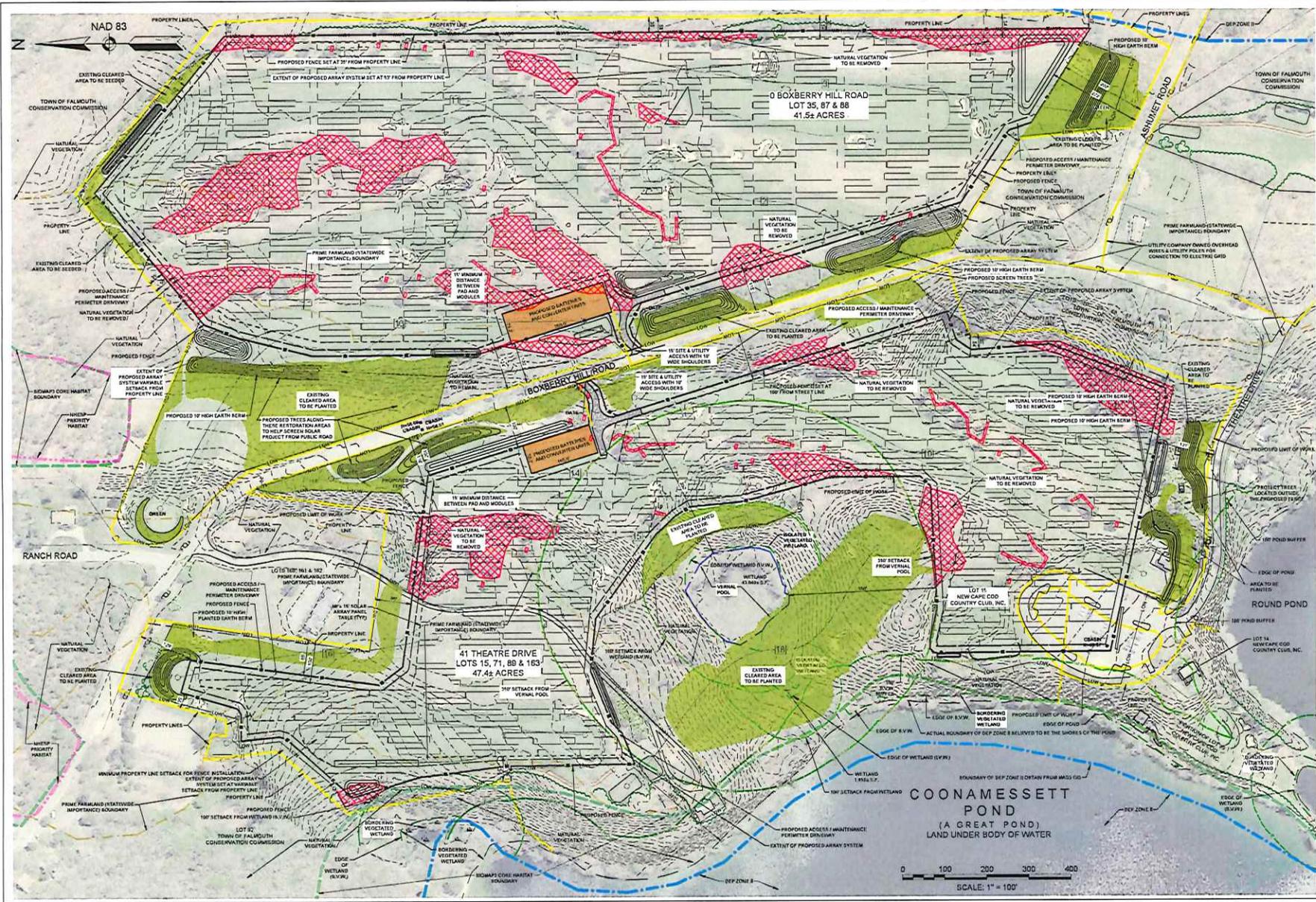
PROJECT: 41 & 48 THEATRE DRIVE & BOXBERRY HILL ROAD
 ASSESSOR'S ID: 18 03 001 014, 17 81 024 019

DATE: JUNE 23, 2022

SCALE: 1" = 200'

SHEET: SITE PLAN - OVERALL SITE LAYOUT PLAN

G-100



CAPE & ISLANDS ENGINEERING
 5541777737 FAX
 1000 W. 10TH ST. SUITE 310
 DENVER, CO 80202
 WWW.CAPEISLANDS.COM

NOTE: THIS PLAN IS THE PROPERTY OF CAPE & ISLANDS ENGINEERING, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CAPE & ISLANDS ENGINEERING, INC.

PROJECT NO. 1509 WYATT STREET
 41 THEATRE DRIVE & 0 BOXBERRY HILL RD
 DENVER, CO 80202
 ASSESSOR'S ID: 131030011814101007039

DATE: 06/22/2022
 DRAWN BY: JVLH
 CHECKED BY: MC

PROJECT: EAST & WEST ABRAYS
 SITE LAYOUT PLAN

PROPERTY OF: ASD CAPE CO HOLDINGS LLC
 1509 WYATT STREET
 DENVER, CO 80202

PROJECT: 41 THEATRE DRIVE & 0 BOXBERRY HILL RD
 DENVER, CO 80202
 ASSESSOR'S ID: 131030011814101007039

DATE: 06/22/2022

PROJECT: EAST & WEST ABRAYS
 SITE LAYOUT PLAN

DATE: 06/22/2022
 C-101

SOLAR PROJECT CARBON DIOXIDE EMISSIONS CALCULATOR

Description		Cape Cod Country Club	Reference
Project Information	Solar Photovoltaic Project Size (MWdc)	23.3	Project Design
	Solar Photovoltaic Project Size (MWac)	13.5	Project Design
	Yield (MWh/MW)	1,256	Project Design
	Battery Energy Storage System (BESS) Capacity (MWhdc)	37.413	Project Design
	BESS Cycles (number/yr)	82	Project Design
	Project Lifetime (years)	40	Project Design
	Decline per year (%)	0.64%	Project Design
	AVERT Region	New England	1
	Forest Clearing (acres)	10.4	Project Design
	Forest Planting (acres)	42	Project Design
Electricity Generation	Annual Electricity Production (MWh/yr) (1st yr)	29,195	16*
	PV Lifetime Production (MWh)	1,033,199	16*
	BESS Lifetime Storage (MWh)	123,155	---
	Average Annual Production (MWh/yr)	25,830	---
	Annual Home Electricity Consumption (MWh/yr)	11.9	2
	Average Annual Homes Powered (homes/yr)	2,174	---
Emission / (Sequestration or Avoidance) Factors	CO2 Emissions Avoided by Not Using Grid (lbs CO2/MWh)	(1,037)	3
	Photovoltaic Lifecycle Emissions (g CO2/kWh)	43	4
	Lithium-ion BESS Lifecycle Emissions (g CO2/kWh)	33	4
	CO2 Released from Forest to Meadow Conversion (T CO2/acre)	150.8	5
	Forest Annual Carbon Sequestration (T CO2/acre/year)	(0.84)	6
Greenhouse Gas Emissions / (Sequestration)	Lifetime Avoided CO2 Emissions (T CO2)	(485,986)	7
	Photovoltaic Lifecycle Emissions (T CO2)	44,428	8
	BESS Lifecycle Emissions (T CO2)	4,064	9
	CO2 Released From Forest to Meadow Conversion (T CO2)	1,568	10
	Lifetime Carbon not Sequestered by Cleared Forest (T CO2)	349	11
	Lifetime Carbon Sequestered by New Forest (T CO2)	(1,406)	11
	Net Solar Lifetime CO2 Reduction (T CO2)	(436,982)	12
Equivalency Emission Factors	Average Gasoline-Powered Vehicle Emissions (T CO2/mile driven)	(0.00039)	13
	Forest Annual Carbon Sequestration (T CO2/acre/year)	(0.84)	6
Carbon Equivalents	Equivalent vehicle miles driven by an average gasoline-powered passenger vehicle	1,120,466,953	14
	Equivalent acres of forest needed to sequester net solar lifetime CO2 reduction over project lifetime	13,005	15

Units Table	
(#)	Parentheses denote a negative value, e.g. sequestered or avoided emissions
ac	alternating current
CO2	carbon dioxide or carbon dioxide equivalent*
dc	direct current
g	gram
hr	hour
kW	kilowatt
kWh	kilowatt-hour
lb	pound
MW	megawatt
MWh	megawatt-hour
T	metric ton (Tonne)
yr	year
Conversion Factors	
T	2,204.6 lbs
T	1,000,000 g
MW	1,000 kW

*CO2 and CO2 equivalent (CO2e) are used interchangeably. Differences are *de minimus* in these calculations.

References

1. U.S. EPA Map of AVERT Regions from the AVERT v4.1 Avoided Emission Rates 2017-2022 (April 2023) (xlsx) file, downloaded from the EPA Avoided Emission Rates website at <https://www.epa.gov/avert/avoided-emission-rates-generated-avert>
2. U.S. EPA Greenhouse Gases Equivalencies Calculator - Calculations and References. Home energy use, electricity per home. (Citing EIA 2020 Annual Energy Outlook, Table A4). Accessed 6/5/2023. <https://www.epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references>
3. U.S. EPA regional avoided CO2 emission rates from the AVERT v4.1 Avoided Emission Rates 2017-2022 (April 2023) (xlsx) file, downloaded from the EPA Avoided Emission Rates website at <https://www.epa.gov/avert/avoided-emission-rates-generated-avert>
4. Life Cycle Greenhouse Gas Emissions from Electricity Generation: Update, Table 1. Median Published Life Cycle Emissions Factors for Electricity Generation Technologies, by Life Cycle Phase, NREL/FS-6A50-80580. September 2021, <https://www.nrel.gov/docs/fy21osti/80580.pdf>
5. U.S. EPA Greenhouse Gases Equivalencies Calculator - Calculations and References. Acres of U.S. forest preserved from conversion to cropland. Accessed 4/28/2023. <https://www.epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references>
6. U.S. EPA Greenhouse Gases Equivalencies Calculator - Calculations and References. Conversion Factor for Carbon Sequestered in One Year by 1 Acre of Average U.S. Forest. Accessed 4/28/2023. <https://www.epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references>

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Cape Cod Commission

February 5th, 2024

Subject: Cape Cod Country Club Solar Project

Dear Cape Cod Commission,

The Coonamessett Pond Association ("CPA") would like to express its strong support for PureSky Energy's ("PSE") DRI Application for the Cape Cod Country Club solar project located at 48 Theatre Drive in Falmouth Massachusetts.

CPA is a community organization dedicated to preserving and protecting Coonamessett Pond.

PSE has entered into an agreement to purchase the existing golf course. If the project is successful in getting through the required regulatory process, PSE will donate this land to the Town of Falmouth for permanent conservation. The CPA believes this project will improve pond water quality through the reduction of fertilizers and other chemicals, reduction of runoff from impervious surfaces and the avoidance of more harmful uses of the land such as high-density housing and its associated septic systems.

In 2021, the CPA entered into an agreement with PSE that required them to:

- Preserve all standing trees bordering the pond, an offset exceeding the 100' buffer required by the Conservation Commission;
- Offset lost trees by replanting in high habitat-value locations near the pond;
- Prohibit the use of fertilizers and other chemicals that degrade pond water quality and planting wildflower meadows in lieu of chemical weed control;
- Design and install an environmentally sensitive, publicly accessible trail network developed in cooperation with the CPA's trail advisory committee and other stakeholders;
- Commit to financially underwriting the most significant pond water quality monitoring system anywhere on Cape Cod, in cooperation with the CPA;
- Preserve significant community assets on the course, including the sledding hill at Ranch Road; and
- Donate the land to the Town of Falmouth for permanent conservation

The creation of this solar array provides benefits to the entire region through its clean energy production and water quality impacts. It serves as a model project by restoring a polluting site via removal of regularly applied chemicals, revegetation of native species paired with removing invasive plants, providing public access to the pond and nearby nature trails, establishing ongoing tax payments to the Town, and showing Falmouth's commitment to a clean energy future. Additionally, there is significant support for siting solar on this golf course. This is evidenced by the Article at the 2021 town

vote passing with close to 80% in favor of specifically allowing for inclusion of the golf course in Falmouth's "Solar District".

We understand this project hopes to begin construction in 2025, with Cape Cod Commission review being one of the final steps before work can begin. The project has already received review by the Conservation Commission which indicated any work under their authority would be an improvement, since this largely comprises of buildings being decommissioned within buffer zones and soil being remediated.

This project is overwhelmingly a good development for our community, our town, and Cape Cod as a whole. It is rare for win-win projects like this to come around and we kindly request that this project be approved as presented.

Sincerely,

Kevin Maloney
President

Cape Cod Commission
3225 Main Street
West Barnstable, MA 02630

March 8, 2024

Dear members of the review committee,

The members of the Falmouth Energy Committee would like to convey our support for the proposed Pure Sky Energy solar project at the Cape Cod Country Club property in Hatchville, MA.

The Falmouth Energy Committee presented its support before the Falmouth Planning Board on Tuesday, February 23rd, 2021 and followed up that public support with the Falmouth Select Board.

Our Committee met with representatives of AMP Energy, now Pure Sky Energy during the pandemic to discuss the project details along with the elements of the project that raised concerns and garnered support. We felt that during the engagement process, the development representative was responsive and understanding to the issues brought forth.

We feel that replanting, acre for acre or more, the trees that Pure Sky Energy hopes to cut, along with additional mitigation measures brought forth at the February 23rd, 2021 meeting are positive steps we want to see with this project. We had the chance to have a follow up meeting in the Fall of 2023 and stressed our insistence on the inclusion of pollinator plantings as a mitigation strategy. We were encouraged by the level of commitment from Pure Sky on these fronts. We are also very supportive of the land being owned by the Town of Falmouth.

We know that other local support for this project is strong, including from the Coonamessett Pond Association, Lochstead Association, Falmouth Water Stewards and many other residents.

We would like to reiterate that we support the development of large scale solar in Falmouth and believe that the PureSky project can be a great asset for the Town. As we have stated publicly, we feel strongly that additional community benefits, in particular, a portion of the output from the solar array be dedicated to low to moderate income community-shared solar for Falmouth residents. We would also like to see how the Eversource required battery system can be leveraged for community resilience. Elements like these help keep more of the tangible benefits of renewable energy in our community and helps to reduce the financial burden of transitioning to a low carbon economy.

Many thanks for your consideration.

Be well.

Sincerely,

Megan Amsler, Chair
Alessandro Bocconcelli
David Leslie
Eleanor Ling
Matt Patrick
Scott Mueller

Lochstead Association

115 Coonamessett Circle
East Falmouth, MA 02536
Ph. (508) 564-6474

To: The Cape Cod Commission

January 16, 2024

From: Lochstead Association

Re: Amp Solar Development at the site of the Cape Cod Country Club

Theatre Road

East Falmouth, MA

To whom it may concern:

Lochstead is a residential community, established over 40 years ago and includes 72 homes, with 20 homes as well as our community center and beaches with frontage on Coonamessett Pond. We enjoy views of the water as well as the golf course located on the eastern shore of the pond. We the trustees of the association (we cannot speak for each individual homeowner) support the proposed solar farm on this property, based on their proposal to maintain a significant vegetated visual buffer from the pond and avoid use of any chemicals on the property that could damage the environment or the pond. We use the pond extensively for swimming, kayaking, fishing, and other recreational purposes and want to have the peaceful nature of the area and safe water quality of the pond maintained.

Sincerely:

The Trustees of the Lochstead Association.

Gayle Perry - President



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Denver, CO 80202
United States

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September 23, 2022

Town of Falmouth

Attn: Board of Selectmen and Town Manager

NON-BINDING MEMORANDUM OF UNDERSTANDING
PROPOSED PROPERTY DONATION AND GROUND LEASE

- Property: 41 Theatre Drive, 48 Theatre Drive and 0 Boxberry Hill Road, Falmouth, MA (the "Property")
- Option Holder and Ground Tenant Entity: ASD Cape Cod Holdings LLC ("ASD")
- Ground Landlord Entity: Town of Falmouth (the "Town")
- Proposed Transaction: ASD is currently negotiating an option to purchase all or portions of the Property, each partial purchase being related to one or more land parcels (each, a "Parcel"). ASD is seeking permits and approvals to construct one or more ground mounted solar arrays on up to 57 acres of the 147-acre Property (the "Projects"). In support of and in response to the open space mitigation requirements of the Cape Cod Commission (the "Commission"), after the acquisition of each Parcel, ASD proposes to promptly donate all or a portion of such Parcel to the Town under the control of the Select Board and/or Conservation subject only to a ground lease covering such Parcel for the construction and maintenance of the applicable Project over its useful life (a "Ground Lease"). Such transactions and each Ground Lease would reflect the conditions set forth in this Non-Binding Memorandum of Understanding (this "MOU").
- Material Ground Lease Provisions:
 - o Rent: a reasonable rate measured in United States Dollars per megawatt of direct current capacity per year escalating at a reasonable percent (%) per annum. Said dollar values and percentage shall be agreed to by the parties pursuant to subsequent negotiations and final approval such that they are accurately reflected in the Ground Lease prior to its execution. The aggregate capacity of all Projects is presently contemplated to be 23.3 megawatts of direct current capacity. However, each Project



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will be approved in parts based on local and state permitting with the final capacity being governed by those approvals.

- o Term: An initial term of **20 years** with ASD holding the right to extend the term for five additional periods of 5 years each (*i.e.*, a possible total term of **45 years**). The Parties shall negotiate any and all terms addressing assignability, if any, of the Ground Lease. Said terms may include, without limitation, an assignment provision requiring ASD's written request and the Town's written approval, whereby the Town may not unreasonably withhold said approval. The Town expressly reserves the right to negotiate, draft, edit, delete, and adjust, the specific wording of any such provision when the Parties draft a formal, binding agreement.
- o Operating Costs: ASD would be responsible for all costs of its tenancy at each Parcel and its operation of the applicable Project, including, without limitation, those attributable to: (i) customary liability and property insurance; (ii) any utilities serving the Property; (iii) maintenance and repair of the applicable solar array, border fencing and all other improvements and (iv) maintenance of applicable security measures (e.g. cameras, alarms, etc.).
- o Surrender of Property: At the expiration or earlier termination of the Ground Lease, ASD would remove all improvements on the Property, including all elements of the applicable Project and fencing. As required by Town zoning, ASD would post a bond at the start of installation of the Project which would cover the cost to remove the installation and remediate the landscape in the unlikely event that ASD cannot commence or complete removal. The Town may require a formal comprehensive decommissioning agreement or program to ensure satisfactory removal and remediation.
- o ASD Termination Right: ASD would have the ability to terminate the Ground Lease and remove the applicable Project in the event that ASD determines that economic or regulatory changes make the Project financially infeasible.
- o Commission Provisions: The applicable Project would be completed (i) using the vegetation planting plan approved by the Commission, and (ii) per the engineering plans approved by the Commission. The Ground Lease would be the only exception to the perpetual conservation restriction granted to and held by the Town.



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- Conditions Precedent to Ground Leases: The Ground Leases would only become effective upon the satisfaction of the following conditions:
 - o ASD's receipt of all permits and approvals for the Projects, including, without limitation, all approvals needed from the Massachusetts Department of Energy Resources SMART Program administrator, the Commission and the Town, in each case subject to any conditions acceptable to ASD in its sole discretion.
 - o PILOT: Obtaining an agreement for payments in lieu of taxes (PILOT) for each Project based on a reasonable dollar value in addition to the rent payment contemplated above. ASD acknowledges that any and all negotiations will be subject to appropriate Town procedural mechanisms, including without limitation, a Town meeting vote when applicable.
 - o The Commission's approval including an identified portion of each Property as an offset against the entirety of ASD's open space mitigation requirements pursuant to the Commission's operative Regional Policy Plan.
 - o The Town or ASD obtaining any public and board and committee votes, including Town Meeting, to effectuate each Ground Lease or the land donation or acceptance.
 - o Finalization of a form of each Ground Lease, with terms and conditions mutually acceptable to ASD and the Town.
 - o Receipt of any internal approvals of each Ground Lease required by the Town, if applicable.
 - o ASD's acquisition of each Parcel.
 - o ASD's donation of the Parcel(s) to the Town by quitclaim deed, including the permanent conservation restriction that is subject to the Ground Lease associated with each Parcel. It is the intention of ASD and the Town that all or a portion of the Property qualify for perpetual conservation as contemplated by Article 97 of the Constitution of the Commonwealth of Massachusetts and M.G.L. Chapter 40, Section 8(c), *provided, however*, that each Parcel would not be entered into Article 97 classification until the requisite Parcel has completed its operational term.



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- o Each Project being owned by a special purpose entity that is an affiliate of ASD as designated by ASD.
- Brokers: None.
- Non-Binding: The terms and conditions proesed in this MOU are for discussion purposes only and shall not be legally binding on either party hereto or obligate either party to any future course of conduct. The parties acknowledge that this MOU does not address all the essential terms of the Ground Leases contemplated herein and that such essential terms are the subject of further negotiation if such negotiation occurs. Neither party shall have any liability to the other party whatsoever by reason of any action taken in reliance upon this MOU. The parties acknowledge and agree that either party shall have the right to terminate the negotiation of any Ground Lease or other agreement contemplated hereby for any reason or no reason and that neither party owes the other party any duty to negotiate any such lease or other agreement.

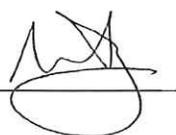


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ASD CAPE COD HOLDINGS LLC

By:  
Derek Moretz
VP, Development

TOWN OF FALMOUTH, by and
through its
ACTING TOWN MANAGER

Peter Johnson-Staub

Digitally signed by Peter Johnson-
Staub
Date: 2022.09.30 09:31:22 -04'00'

Peter Johnson-Staub

their meeting held on

As Authorized by the Select Board at

September 26, 2022.

OPEN SESSION

BUSINESS

2. Sign Bond Anticipation Note(s) (BAN's) **(5 minutes)**

April 1, 2024



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 2.

ITEM TITLE: Vote to approve and sign the Bond Anticipation Note (BAN) for Wastewater

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Patty O'Connell, Treasurer/Collector; Ed Senteio, Finance Director

ATTACHMENTS: BAN Sale Motions and Documents to Sign

PURPOSE:

To have the Select Board sign off on the BAN to fund two wastewater projects. This is a temporary borrowing. Ideally the temporary borrowing will allow for a reduction in interest rates or a combination of borrowing with other items to reduce the overall cost of the long-term bonding.

BACKGROUND/SUMMARY:

Purpose	This Issue	Original Bond Authorization	Date of Approval
Wastewater Management Plan (1)	172,250	2,772,250	4/6/2011
Wastewater Collection System Design & Engineering (2)	3,800,000	3,800,000	11/13/2023
Total	3,972,250		

- The Wastewater Management Plan borrowing authorized 4/6/2011, Article to fund wastewater management studies, planning, design, repairs and construction of related projects to implement the Comprehensive Wastewater Management Plan. As of this issuance the total funding authorized 4/6/2011 will have been borrowed. It is

anticipated that additional funding will be reviewed as part of the capital planning process.

- The Wastewater Collection System Design & Engineering borrowing authorized 11/13/2023, Article 6 is to fund the engineering, design and permitting of the wastewater collection system for the northeastern part of the Maravista peninsula and the Teaticket Path peninsula, the booster pump station and force main to convey the wastewater to the Town's Main Wastewater Treatment Facility, and the expansion of the Town's existing northernmost open sand beds for discharge of treated wastewater.

DEPARTMENT RECOMMENDATION:

The Finance Department recommends that the Select Board vote to approve and sign for the project loan terms.

OPTIONS:

- Motion to approve and sign the Bond Anticipation Note for wastewater as presented.
- Motion to deny the approval and signing of the Bond Anticipation Note as presented.

NOTE: This will result in the requirement to fund the project underway from existing funds reducing the availability of Free Cash for the Capital Plan and other one-time spending.

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board vote to approve and sign the Bond Anticipation Note for wastewater as presented.

Michael Renshaw

Town Manager

3/25/2024

Date

Town of Falmouth, Massachusetts

\$3,972,250

General Obligation Bond Anticipation Notes

Sale Date: 3/27/2024
 Dated Date: 4/5/2024
 Delivery Date: 4/5/2024
 Due Date: 4/4/2025
 Days Per Year: 360
 Day Count: 359
 Bank Qualified: No



Bidder	Underwriter	Principal	Coupon Rate	Premium	Interest	Net Interest	NIC	Prorata Premium	Prorata Interest	Award	Reoffering Yield
Fidelity Capital Markets	•	\$3,972,250	4.00%	\$26,574.35	\$158,448.64	\$131,874.29	3.3291%	\$26,574.35	\$158,448.64	\$3,972,250	
TD Securities	•	\$3,972,250	4.50%	\$35,750.25	\$178,254.72	\$142,504.47	3.5975%				
BNYMellon Capital Markets	•	\$3,972,250	4.25%	\$22,082.14	\$168,351.68	\$146,269.54	3.6925%				
Award Totals								\$26,574.35	\$158,448.64	\$3,972,250	

Weighted Average Net Interest Cost: 3.3291%

OPEN SESSION

BUSINESS

3. Discuss water conservation incentives and future water conservation recommendations **(15 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 3.

ITEM TITLE: Discuss water conservation incentives and future water conservation recommendations

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Matt Lanen, Water Superintendent

ATTACHMENTS: PowerPoint presentation

PURPOSE:

Water Superintendent Matt Lanen will discuss with the Select Board various water conservation incentives and future water conservation recommendations for The Town of Falmouth.

BACKGROUND/SUMMARY:

- Discuss incentives / tax credits to residents for plumbing upgrades.
- Discuss restrictions/mandate on new developments from installation of irrigation systems.
- Discuss educating residents on water conservation best practices.
- Alternative water conservation methods for residential water usage.

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

3/27/2024

Date



FALMOUTH WATER DEPARTMENT

WATER CONSERVATION METHODS & INCENTIVES

MATTHEW LANEN
WATER SUPERINTENDENT
APRIL 1, 2024

FALMOUTH WATER STATISTICS

- **TOTAL CUSTOMERS: 22,000 (APPROXIMATELY)**
- **TOTAL FINISHED WATER USED: 1102 (IN MILLION GALLONS)
= 1,102,000,000 GALLONS**
- **2023 ASR (ANNUAL STATISTICAL REPORT) RESIDENTIAL
GALLONS PER CAPITA DAY = 59 G / PERSON / DAY**

WATER SYSTEM

DEMAND STUDY

- **DEMAND STUDY: PRESENTLY IN PROGRESS TO DETERMINE FUTURE DEMANDS .**
- **WAITING FOR NEW FEDERAL CENSUS**

RATE STUDY

- **RATE STUDY WAS COMPLETED IN 2023.**
- **NEW 3 YEAR “TIER RATE” SYSTEM DETERS EXCESSIVE WATER USAGE**

EXISTING WATER RESTRICTIONS

- **PRESENT WATER RESTRICTIONS ARE EVALUATED UNDER THE ADVISORY OF THE MA DROUGHT MANAGEMENT TASK FORCE, AS WELL AS INTERNAL STAFF REVIEW OF WATER SYSTEM CONSUMPTION AND DEMAND ON A DAILY/WEEKLY BASIS THROUGHOUT THE SUMMER MONTHS.**
- **EACH MONTH, THE TASK FORCE EVALUATES MULTIPLE VARIABLES TO DETERMINE IF A RESTRICTION SHOULD BE RECOMMENDED OR REQUIRED BASED ON:**
 - A. EXISTING CONDITIONS**
 - B. LONG RANGE FORECASTS**
 - C. PREVIOUS REPORTING YEARS**

EXISTING WATER RESTRICTIONS POLICY HISTORY

- **2022, TOWN SELECT BOARD VOTED WATER BAN IMPLEMENTATION GUIDELINES.**
- **2023, TOWN SELECT BOARD VOTED TO ALLOW THE WATER SUPERINTENDENT THE AUTHORITY TO IMPLEMENT RESTRICTIONS AS NEEDED.**
- **WATER RESTRICTIONS ARE COMMUNICATED VIA THE FOLLOWING METHODS:**
 - **TOWN WEBSITE**
 - **POLICE/FIRE SOCIAL MEDIA**
 - **LOCAL NEWSPAPER**
 - **ELECTRONIC MESSAGE BOARDS BOARDS ON PUBLIC ROADWAYS.**

POTENTIAL WATER CONSERVATION INCENTIVES:

- **PROVIDE BILL CREDITS FOR INSTALLING LOW FLOW DEVICES:**
 - **TOILETS**
 - **WASHING MACHINES**
 - **DISHWASHERS**
 - **SHOWER HEADS**
- **PROVIDE FREE DYE TABLETS TO IDENTIFY LEAKING TOILETS.**
- **RAIN BARRELS AVAILABLE FOR PURCHASE.**
- **IRRIGATION SENSOR CREDIT.**



IRRIGATION

- **EVALUATE THE FUTURE INSTALLATION OF IRRIGATION SYSTEMS ON BOTH RESIDENTIAL AND COMMERCIAL PROPERTIES.**

- **LIMIT THE USE OF IRRIGATION SYSTEMS:**
 - **ODD/EVEN DAY RESTRICTIONS**
 - **MADEP DROUGHT RESTRICTIONS**
 - **WATER SUPERINTENDENT MANDATED RESTRICTIONS**

WATER CONSERVATION EDUCATION

- PROVIDE EDUCATIONAL INFORMATION ON OUR TOWN WEBPAGE
- CREATE ALTERNATIVE PATHS TO GAIN ACCESS TO THIS INFORMATION THROUGH:
 - QR CODES
 - OUR LOCAL NEWSPAPER
 - MAILED SEMI-ANNUAL AND QUARTERLY BILLING
 - SOCIAL MEDIA
 - HYPERLINKS

The Enterprise



#FalmouthH2O



ALTERNATIVE WATER CONSERVATION INVOLVEMENT

- **GET OUR COMMUNITY INVOLVED!**
 - **EXAMPLE: HAVING OUR STUDENT'S DESIGN A PLACARD FOR WATER CONSERVATION THAT COULD BE USED THROUGHOUT TOWN TO REMIND EACH OF US TO CONSERVE OUR WATER USAGE.**
- **ATTENDING, EXHIBITING AND DISCUSSING WATER CONSERVATION AT COMMUNITY EVENTS.**
 - **- EXAMPLE: DURING "TOUCH A TRUCK" EVENTS, AND LOCAL FARMERS MARKETS.**

QUESTIONS



OPEN SESSION

BUSINESS

4. Approve Community Preservation Committee request for approval of Highfield Hall Phase II CP Fund application **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 4.

ITEM TITLE: Approve Community Preservation Committee request for approval of Highfield Hall Phase II Community Preservation Fund application

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Maureen Thomas, CPC Coordinator

ATTACHMENTS: Draft Highfield Hall CP Fund Application

PURPOSE:

The Community Preservation Coordinator is requesting Select Board approval for the Highfield Hall Phase II CP Fund application for November Town Meeting. As you know, Select Board approval is required for all municipal CP Fund applications.

BACKGROUND/SUMMARY:

- Highfield Hall received \$1,108,000 in CP Funds at April 2023 Town Meeting for an Exterior Rehabilitation & Water Abatement rehabilitation project. The total construction cost in 2022 was \$1,393,033.00 with Highfield Hall providing \$400,063 in match to cover remaining construction & contractual costs.
- Since 2022, increasing costs brought the total construction cost above the \$1,500,000 threshold requiring an Owner's Project Manager (OPM). Additional funds are needed to

fully fund the OPM and an Architect to develop design plans, bid documents as well as provide construction oversight.

- The additional funding needed to cover these costs totals \$415,500 including \$162,000 for construction, \$220,000 for OPM & Architect contracts and \$33,500 for contractual contingency.
- The project has been delayed due to the above circumstances and will be delayed further, or not move forward, if more funding isn't secured.

DEPARTMENT RECOMMENDATION:

The CP Coordinator recommends approval of the request to submit the Highfield Hall Phase II CP Fund application for November 2024 Town Meeting.

OPTIONS:

- Motion to approve the Highfield Hall Phase II Community Preservation Fund application as presented.
- Motion to deny approval of the Highfield Hall Phase II Community Preservation Fund application.
- Some other Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
CP Fund	CPC/Fin.	TBD	Historic Reserve	\$571,273	\$415,500	Historic Reserve \$155,773

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board approve the Highfield Hall Phase II Community Preservation Fund application as presented.

Michael Renshaw

Town Manager

3/27/2024

Date

COVER PAGE

APPLICATION FOR COMMUNITY PRESERVATION FUNDING

Submit one (1) unbound original and one (1) unbound copy to the Community Preservation Office, 59 Town Hall Square, Falmouth, MA 02540. Transmit an electronic version of the application to cpfund@falmouthma.gov. **Time-Urgent Applications are due April 10, 2024 at 3:00 p.m.**

Date:	3/25/2024
Name of Applicant/Sponsoring Organization:	Town of Falmouth/Highfield Hall & Gardens
Mailing Address:	59 Town Hall Square, Falmouth, MA 02540
Name of Proposal/Project:	Highfield Hall Exterior Rehabilitation Phase II
Project Location/Street Address (if applicable):	56 Highfield Drive, Falmouth, MA 02540

Project Representative/Contact Name and Title:	Maureen Thomas, Community Preservation Coordinator
Mailing Address:	59 Town Hall Square, Falmouth, MA 02540
Daytime Phone:	508-495-7436
Evening Phone:	
Email:	maureen.thomas@falmouthma.gov

Cost of Proj - this app. only	CPA Funds	Cost Share - Private	Cost Share - Other Public
\$ 415,500	\$	\$	\$

CPA Category (You must check at least one category, but may identify additional categories if applicable)

- | | |
|---|--|
| <input type="checkbox"/> Open Space | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Historic Preservation | <input type="checkbox"/> Community Housing |

TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE INDIVIDUAL OR GOVERNING BODY OF THE APPLICANT.

Authorized Project Representative:

Typed (Printed) Name and Title: Maureen Thomas, Community Preservation Coordinator

Signature: _____ Date: _____

APPLICATION NARRATIVE

Please answer the following questions, keeping answers complete but brief (use separate paper as necessary). Refer to the Application Guidelines on Page 3 while completing this application. Applications will be returned if all requested information is not provided. Include supporting materials, as necessary. Applications that (1) present a thorough description of the project with as many details as possible; (2) have significant support from other Town Boards and Committees; and (3) present a comprehensive, well described and reasonable budget and realistic implementation schedule will have the greatest likelihood of success.

1. **A. Project Description:** Describe the proposed project and how it will be completed. What steps are involved in completing this project? Include supporting materials and exhibits as necessary.

The Highfield Hall Exterior Rehabilitation & Water Abatement project was funded at the April 2023 Town Meeting in the amount of \$1,108,000 for construction and \$400,063 in match from Highfield Hall & Gardens for consultant services, materials, equipment, construction and CPA signage (total funds available is \$1,508,063). More funding is needed due to the increased cost of construction (estimated at \$1,554,625 million over the original estimate of \$1,393,033 million) which has also resulted in the need to hire an Owner's Project Manager (OPM)(estimated at \$150,000)(required on municipal projects estimated to be greater than \$1,500,000 million) in addition to the Architect (estimated at \$185,000)(Attachment A).

The additional funds needed to complete the project totals \$440,250 including:

- \$35,000 for OPM (\$115,000 already provided through Highfield match monies)
- \$185,000 for Architect
- \$162,000 for Construction
- \$33,500 for 10% Design, Bidding and Construction Oversight Contingency

TOTAL FUNDS NEEDED = \$415,500

Cost and time savings, as well as construction reliability, will be realized through implementing the project in a single phase.

- B. Applicant's Previous CPA Project Funding:** Has a previous phase of this project, or any previous project, received CPA funding? If yes, explain.

2006 – HVAC System & Design of Theater, \$275,000

2008 - Ice House Restoration, \$20,000

2014 – Humidification System Upgrade, Hearths & Stone Wall, \$17,450

2018 – Foyer & Ballroom Hardwood Floor Restoration, \$23,205.50

2019 – ADA Accessible Historic Beech Tree Path, \$93,954

2023 – Highfield Hall Exterior Rehabilitation & Water Abatement Project, \$1,108,000

2. **Community Need and Public Benefit:** Why is this project needed? (See definition of *public benefit* in *Application Guidelines*, p. 3). When responding to this question, consider the following: matching funds from other sources that will be obtained if CPA funds are awarded; people who will directly benefit from the project once it is completed; and resources that will be protected as a result of this project).

Highfield Hall is included in the Falmouth List of Significant Buildings and it, along with the outbuildings and grounds of the estate, were found by the Massachusetts Historical Commission (Attachment B), to be potentially eligible for listing on the National Register of Historic Places as an historic district. MHC made this determination despite the major alteration of the Highfield Hall façade in 1952, noting that the remodeling merits "significance consideration as part of the historic evolution of the property" which, as a whole, retains "sufficient integrity to convey the property's significance as a National Register historic district" (MHC Letter, 2000). While the Town has not pursued the National Register designation, the historic significance of Highfield Hall has been established and, as a municipal building, Highfield's rehabilitation serves both public purposes and benefits.

Highfield Hall is a valuable town-owned, historic and cultural resource for Falmouth residents and visitors, alike. The mission

of Highfield Hall & Gardens, the lessee of the property, is to honor the beauty and historic significance of the estate and grounds by providing high-quality artistic, cultural and educational programs for the enrichment of our community and visitors of all ages. All programs and offerings are designed to honor the natural, historic and cultural assets of the estate and community. Highfield offers museum-quality contemporary exhibitions, music concerts, holiday programming, themed events, lectures and speaker series and children's programming. Highfield is also available to the community for private use for educational events, symposiums, meetings, weddings and celebrations.

In 2022, Highfield Hall & Gardens funded an Exterior Envelope Study by DHK Architects, Inc. (Attachment C) who found that there are a number of critical exterior issues in need of repair/rehabilitation in order to prevent water infiltration to the basement and to preserve the overall longevity of the building. The areas of need include: 1) window glazing & weatherstripping; 2) roofing; 3) chimney flashing; 4) cladding; 5) gutters; 6) downspouts; 7) fascia; 8) trim; 9) clapboard & sheathing; 10) doors; 11) decking; and 12) painting.

The Highfield Hall rehabilitation project was to begin in the Fall of 2023, however, the increased costs and project needs have prevented the commencement of the project. In October 2023, an amendment to the Letter of Agreement (LOA) was executed to allow the Town and Highfield Hall & Gardens to successfully collaborate and share costs on the project (Attachment D). The Request for Proposals for an owner's project manager (OPM) (Attachment E) is being finalized and will be ready for posting soon, but additional funds are needed to complete the design and rehabilitation work. A delay in funding will result in further deterioration of the exterior of the building and increase the rehabilitation needs. As such, time is of the essence to move the project forward in order to preserve the integrity and longevity of Highfield Hall as a significant historic and cultural resource.

Furthermore, Highfield Hall and Gardens has committed to seeking additional grants for matching funds toward the project. Highfield Hall & Gardens also successfully leveraged the CP Fund grant and its match monies by securing a Massachusetts Cultural Council (MCC)/Massachusetts Development grant in the amount of \$169,000 to be used for construction (Attachment?). Highfield Hall also applied for a MHC Massachusetts Preservation Project Fund (MPPF) grant, but the structure was not eligible for funding due to the fact that it is not listed in the State Register of Historic Places. To be listed, it must be individually listed or must be a contributing structure of a National Register local historic district. As mentioned above, Highfield Hall, its outbuildings and grounds are potentially eligible for listing in the National Register, but this has not been pursued by the Town.

3. **Project Goals:**

- What are the goals of the proposed project? How are they consistent with the *CPA Goals* outlined on p.4?
- Second, how is the project consistent with the Local Comprehensive Plan (LCP) and other relevant Town plans [See Pages 4 & 5 – *CPA and Town of Falmouth Goals*].

For Recreation Projects only: Explain how the project is consistent with the Town of Falmouth VueWorks Program Report and Priority List (see the [Community Preservation page](#) of the Town's website for the posted *Condition Rating Report 6-3-2015*).

The goals of the historic Highfield Hall rehabilitation project are to rehabilitate exterior features in need of repair while retaining the original character of the house in accordance with the Secretary of the Interior's Rehabilitation Standards for the Treatment of Historic Properties. In September 2022, Eric Dray, CPC Historic Preservation Consultant, reviewed the project application including the DHK Exterior Envelope Study recommendations and found that the project conforms to the Rehabilitation Standards (Attachment F). Working with the project Architect and the CPC's Historic Preservation Consultant will ensure the project is implemented in compliance with the Standards, as required by the CPA.

The Highfield Hall rehabilitation project also aligns with the Town of Falmouth Local Comprehensive Plan (LCP) to preserve historic structures and take action based on the theme of Adaptive Re-Use "to preserve Falmouth's community character and simultaneously plan for the future." The Highfield Hall project epitomizes "an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values."

The rehabilitation of Highfield Hall will also provide better energy efficiency to the entire 17,000+ square foot building. These improvements align with the energy conservation and efficiency goals of the LCP.

4. **Success Factors: How will the success of this project be measured? Be as specific as possible.**

Success will be measured by completing the project within the stated timeline. A successful project will address the critical exterior issues in need of repair in order to extend the longevity of historic Highfield Hall for public benefit.

5. **Maintenance: If ongoing maintenance is required to protect the CPA investment in your project, how will it be funded in the future? (if not applicable to your project, write NA)**

A. Who will be responsible for Project Maintenance?

The lease between Highfield Hall & Gardens and the Town of Falmouth (Attachment G) specifies that the “Tenant shall keep the Premises, interior and exterior, in good order and repair, including making necessary structural repairs and replacements as necessary.” Further, the lease states that the “Tenant’s obligation shall not preclude Tenant’s seeking financial assistance from the Town of Falmouth, or other government sources, for such purposes and for support of Tenant’s operations.” The collaboration between Highfield Hall & Gardens and the Town of Falmouth on this project ensures the work will benefit both the nonprofit organization and the Town while ensuring compliance with applicable procurement laws and the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

Highfield Hall Facilities and Landscape & Grounds staff will continue to be responsible for conducting ongoing maintenance. The Co-Executive Directors and the Board will provide the necessary oversight of the maintenance staff.

B. How will Project Maintenance be funded & what are the Estimated Costs for Ongoing Operation & Maintenance for the Next 5 Years?

Stewardship of the historic estate and grounds is one of the guiding principles of Highfield Hall & Gardens, as is fiscal responsibility to ensure the long-term sustainability of the estate by operating with financial transparency, collaboration, and sound business practices. As such, in 2023 Highfield Hall & Gardens began a \$5.8 million campaign of which \$2.8 million will address the rehabilitation needs of the structure and another \$500,000 will replenish the building fund to ensure the financial resources are available to address important maintenance needs as they arise.

6. **Proof of site control - Required for non-municipal projects only: Attach documentation that you have control over the site, such as a Purchase and Sale Agreement or deed.**

N/A

7. **Additional Information (not required, but recommended if applicable)**

A. Project Documentation: Attach any applicable engineering plans, architectural drawings, site plans, any other renderings, relevant studies or material.

Attachment A – Estimates for Additional Funding (OPM, Architect, Construction, Construction Oversight, Contingencies)

Attachment B – Massachusetts Historical Commission Letter, dated March 14, 2000

Attachment C – DHK Architects, Inc. Highfield Hall & Gardens Exterior Envelope Study, dated January 10, 2022

Attachment D – First Amendment to the Letter of Agreement (LOA) Between Historic Highfield, Inc. and Falmouth CPC, dated October 31, 2023

Attachment E – Request for Qualifications (RFQ) for Owner’s Project Manager (OPM)

Attachment F – Eric Dray Memo on 2022 Highfield Hall CP Fund Proposal meeting the Rehabilitation Standards, dated September 2, 2022

Attachment G – Lease Agreement Between Highfield Hall & Gardens and the Town of Falmouth

Attachment H – Falmouth List of Significant Buildings

B. Other Information: Attach any additional information that might benefit the CPC in consideration of this project.

8. If your project requires coordination with another town department or entity, such as DPW, complete all four parts of the following section for each department you identify:

- A. Identify by name each department, committee, board, or commission that will play a role in the implementation of your project (for example, Department of Public Works, or Planning Department).
N/A
- B. Define in detail the role to be played by each specific governmental body.
N/A
- C. Identify each participating staff person/board/committee/commission member(s) identified in Letter A above by name and their role(s) in your project.
N/A
- D. Obtain the signature of the director or department head of the identified department/board/committee/commission to assure acknowledgment of the details of the application and the department's role.

Signature: _____

Date: _____

9. If your project requires parcel identification numbers for parcels of land identified in the application, please provide certification of accuracy of Parcel ID numbers.

Obtain the signature of the Director of Assessing (office located in Town Hall) confirming that all parcel identification numbers and accompanying information included in your *Application Narrative* are consistent with the Falmouth Assessors Maps. If not applicable to your project, please indicate with "NA."

Parcel ID #s: 38 01 015 000G

Signature: _____

Title: _____

Date: _____

NOTE TO ALL MUNICIPAL PROJECT APPLICANTS

Prior to submission of a CP Fund Application for a municipal project, applicants must go before the Select Board at an open meeting to seek approval for submitting an application for CPA funding.

The positive vote of the Select Board must be documented and included in this application.

APPLICATION SUBMISSION CHECKLIST

- Have you signed the *Application Cover Page* and included it as Page 1 of this application?
- Have you addressed each of the 9 items listed in the *Narrative* section of this application?
- Have you provided one unbound original and one unbound copy of the completed application?
- Have you submitted one electronic version of the completed application to Community Preservation Office (cpfund@falmouthma.gov)?
- Have you included at least one quote/estimate for the proposed project?
- Have you completed and included *Attachment A: Project Schedule*?
- Have you completed and included *Attachment B: Project Budget*?
- Have you completed and included *Attachment C: Supplemental Information for Historic Preservation Projects*?
- Have you read and do you understand the payment policy - *Attachment D: Process for Requesting Reimbursement for CP Fund Projects*?

ATTACHMENT A PROJECT SCHEDULE

Provide a schedule for project implementation using the Milestones below. If Milestone B or C is not applicable to your project, mark the Milestone "NA."

Note: Implementation Schedules must be realistic and well-conceived. Carefully consider projected Milestone dates. Unrealistic Implementation Schedules may have a negative impact on the project's application review. Milestone F, 100% Project Completion Date, may be incorporated into the Letter of Agreement as a Special Condition. If project implementation is delayed, the CPC may reconsider its recommendation for grant award.

Milestones (Month/Year):

- A. Project Start (Month/Year): *November 2024*
- B. Procurement Documents Submitted to CPC (Month/Year): *April 2025*
- C. Project Construction/Professional Contract Submitted to CPC (Month/Year): *May 2025*
- D. Project/Construction Start (Month/Year): *May 2025*
- E. 50% Project Completion (Month/Year): *TBD – weather-dependent timeline*
- F. 100% Project Completion (Month/Year): *July 2026*
- G. Close-Out Complete (Month/Year): *August 2026*

Comments:

The timing of construction is dependent on the Town's procurement process for the OPM, the Architect and the Contractor, as well as the time it takes for the Architect to complete the design & bid documents. The OPM must be hired to assist with hiring the Architect. The Architect's plans need to be completed prior to hiring the Contractor.

ATTACHMENT B PROJECT BUDGET

Budget: What is the total project budget and how will CPA funds be spent? All proposed project costs must be clearly identified including hard and soft costs, Falmouth Community Preservation Fund permanent sign/plaque cost, and contingencies. Applicants must provide accurate and detailed estimates from potential consultant(s), construction companies, and suppliers. At least one estimate on contractor letterhead is required. However, the CPC encourages applicants to seek more than one estimate and reserves the right to require additional estimates. Projects that require deed restrictions or other legal oversight should include these estimated expenses in their proposed budget (Note: CPA funds may not be used for maintenance).

A. Budget Summary

Total Project Cost	CPA Funds Requested	Cost Share – Private Funds	Cost Share - Other Public Funds	Cost Share - Other Investment or Funds
\$415,500	\$415,500	\$	\$	\$

B. Budget Cost Sharing: Identify the amount and source of cost sharing for this project including all private, federal, state or local government, and “other” sources.

Funding Source	Item: Project Component How Funding will be used	Amount	Type (grant, loan, in-kind, etc.)

Attach commitment letters from any organization providing a cost share contribution listed in the table above.

C. In-Kind: Are there any in-kind contributions included in the “Cost Share” information presented in A and/or B, above? If yes, describe how the value of the in-kind contribution was derived (in-kind contributions can be defined as a contribution of services or property, donated equipment, buildings or land, or donated supplies).

D. Budget Categories: (Leave any category blank that does not apply to your project.)

Category	CPA Funds	Other Funds (Cost Share)	Total
Personnel			
Materials/Equipment			
Construction	\$162,000		\$162,000
Professional Contractual: Consultant, Legal, Engineering, Appraiser, etc.	\$220,000		\$220,000
CPA Funding Sign/Plaque (permanent)			
Historic Preservation Restriction, if applicable *			
Other (Describe)	\$33,500		\$33,500
TOTAL	\$415,500		\$415,500

*** Insert a cost allowance to develop and record Preservation Restriction. Consult with CP Office on cost estimate.**
Note: Construction means all types of work done on a property or building including erecting, altering or remodeling. Attach at least one recent estimate/quote on company letterhead that was obtained and is dated within the past four months.

E. Describe any other attempts to secure funding for this project (include successful and unsuccessful funding attempts).

Staff requested matching funds from Highfield Hall & Gardens to support this CP Fund application for additional funding. Highfield Hall & Gardens will seek additional historical rehabilitation grants to support Phase II of this project.

F. Please provide any additional relevant budget information that you feel will be beneficial to the CPC in understanding your Project Budget.

The original application included the cost of an Architect for design and construction documents, but did not include the cost of bidding the project or construction oversight. The construction costs have also increased since January 2022 when the original estimate was provided by DHK Architects. The increase in construction costs brings the total project cost above \$1.5 million triggering the requirement for an Owner's Project Manager (OPM).

ATTACHMENT C APPLIES TO HISTORIC PRESERVATION PROJECTS ONLY

**ATTACHMENT C
SUPPLEMENTAL INFORMATION FOR
HISTORIC PRESERVATION PROJECTS**

IF YOU ARE APPLYING FOR HISTORIC PRESERVATION FUNDING, PLEASE REVIEW ATTACHMENT C CAREFULLY.

SECTION A: Historic Preservation Project Overview

SECTION B: CP Fund Preservation Restriction
Preservation Restriction Background
Preservation Restriction Policy

SECTION C: Project Eligibility Additional Required Information
Project Eligibility - Please Check Appropriate Information and Sign:

Compliance with the "Secretary of the Interior's Standards for the Treatment of Historic Properties" - Signature Required

SECTION D: Supplemental Information Required for Historic Preservation Funding Proposals

SECTION E: Preservation Restriction Template

ATTACHMENT C

SUPPLEMENTAL INFORMATION FOR HISTORIC PRESERVATION PROJECTS

(Required for proposals submitted under the CPA Historic Resources category)

SECTION A: OVERVIEW

Community Preservation Act (CPA) funding can be used to acquire, preserve, and rehabilitate and/or restore historic resources.

Historic resources are defined as a building, structure, vessel, real property, document or artifact that is either:

1. Listed on the State Register of Historic Places; OR
2. Determined by the local Historic Commission to be significant in the history, archeology, architecture, or culture of the city or town

In the Community Preservation Act, preservation is defined as protection of personal or real property from injury, harm or destruction and rehabilitation is defined as capital improvements or extraordinary repairs to make the historic resource functional for its intended use including improvements to comply with the Americans with Disabilities Act. The CPA specifically prohibits the use of CPA funds for maintenance. Maintenance is defined as incidental repairs which neither materially add to the value of the property nor appreciably prolong the property's life, but keep the property in a condition of fitness, efficiency or readiness

All work on historic resources financed with CPA funds must comply with the Standards for Rehabilitation as outlined in the "Secretary of the Interior's Standards for the Treatment of Historic Properties." The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings define four areas of treatment and standards for each area of treatment – Preservation, Rehabilitation, Restoration, and Reconstruction.

1. Preservation requires retention of the greatest amount of historic fabric, along with the building's historic form, features, and detailing as they have evolved over time.
2. Rehabilitation standards acknowledge the need to alter or add to a historic building to meet continuing or new uses while retaining the building's historic character.
3. Restoration standards allow for the depiction of a building at a particular time in its history by preserving materials from the period of significance and removing materials from other periods.
4. Reconstruction standards establish a limited framework for re-creating a vanished or non-surviving building with new materials, primarily for interpretive purposes.

Rehabilitation is the most common approach to Historic Preservation projects funded with CPA funds.

As aforementioned, all Historic Preservation projects funded with CPA funds must comply with the "Secretary of The Interior's Standards for the Treatment of Historic Properties" to be eligible for funding. There are ten specific rehabilitation standards with which a project must comply. These rehabilitation standards as well as the standards for preservation, restoration, and reconstruction are detailed in the "The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating Restoring & Reconstructing Historic Buildings" (<https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>).

Applicants for Historic Preservation Funding should schedule a meeting with the Community Preservation staff at 508-495-7436 at least four weeks prior to the application deadline to review project eligibility and CPA funding requirements for Historic Preservation Projects.

SECTION B: CP FUND PRESERVATION RESTRICTION POLICY

The CPC reserves the right to require a Historic Preservation Deed Restriction as a condition of funding for Historic Preservation projects. The CPC determines the need for deed restrictions in accordance with its Preservation Restriction Policy (attached). **If a Preservation Restriction is required, the Applicant will be notified during the CP Fund Application review process and its terms will be noted under Special Conditions in the Letter of Agreement that is to be signed by the Applicant and CPC. A draft Preservation Restriction will be included in the Letter of Agreement.**

If a Preservation Restriction is required on the property, a retainage of project CP funds will be withheld from the final payment by the Town until the executed PR is filed with Barnstable County Registry of Deeds.

For informational purposes, a Preservation Restriction template is attached at the end of this Attachment C.

SECTION C: PROJECT ELIGIBILITY

PROJECT TYPE: Acquisition Preservation Rehabilitation Restoration

HISTORIC PRESERVATION DETERMINATION

STEP 1- Check all that apply to your project.

- Property is individually listed on the State Register of Historic Places (applicant must provide documentation from the State or National Register)
- Property has been determined eligible by the Massachusetts Historical Commission (MHC) for listing on the State or National Register of Historic Places (applicant must provide documentation from MHC)
- Property is located within a National Register Historic District and is considered a “contributing structure” (applicant must provide documentation supporting the 'contributing structure' status).
- Property is located within a Local Historic District* – please indicate district below:
 - Davisville Historic District
 - Falmouth Village Historic District
 - Quissett Historic District
 - North Falmouth Historic District
 - Waquoit Historic District
 - West Falmouth Historic District
 - Woods Hole Historic District

**Additional information may be required in order to determine eligibility of properties within Local Historic Districts.*

- Property is listed in the State’s Cultural Resources Inventory (CRI - see the Massachusetts Historical Commission CRI website at <https://mhc-macris.net/>). Applicant must provide copy of the CRI listing and relevant documentation (i.e. Form A for Area, Form B for Building, Form H for Landscape, etc.). Detailed documentation on CRI properties is kept in the Historical Commission’s files at the Falmouth Town Hall.

✓ Property is on the List of Significant Buildings designated by the Falmouth Historical Commission, which is available in the Town Clerk's office at Falmouth Town Hall.

Is there currently a preservation restriction on this property? If yes, please provide a copy with this application.

STEP 2 - Compliance with the "Secretary of the Interior's Standards for The Treatment Of Historic Properties"

Secretary of the Interior's Standards for the Treatment of Historic Properties

Historic Preservation projects are required to be in compliance with the "Secretary of the Interior's Standards for the Treatment of Historic Properties." The CPC will review project plans for compliance with the Secretary's Standards.

Applicants must provide complete construction drawings and specifications to the CPC for review before construction funds will be disbursed. The CPC may engage the services of an Historic Preservation Consultant to review and comment on the appropriateness of the proposed drawings/specifications and their compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

CPA funds may also be used for design costs. Design plans produced with CPA funds must also be consistent with the Secretary's Standards.

Applicant has reviewed and familiarized themselves with the Falmouth CP Fund Preservation Restriction Policy.

If a Preservation Restriction currently exists on the property/structure, attach a copy to this Community Preservation Application.

The Secretary of the Interior's Standards are published by the National Park Service and may be accessed online at: <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>.

I, the undersigned, understand that CPA funded Historic Preservation Projects are required to comply with the "Secretary of the Interior's Standards for the Treatment of Historic Properties" and have read and understand the Falmouth CP Fund Preservation Restriction Policy.

X _____
Applicant's Signature

Date

A. SUPPLEMENTAL INFORMATION REQUIRED FOR HISTORIC RESOURCES FUNDING PROPOSALS

(Note: Unless specifically waived by the CPC, the supplemental information detailed below is required with the application submission. If you would like to request a waiver from these requirements, submit a written request to the Community Preservation Office, 59 Town Hall Square, Falmouth, MA 02540).

Please provide detailed project information, as applicable:

➤ **Building Preservation, Restoration, or Rehabilitation Projects:**

- Provide a copy of the Certificate of Appropriateness and accompanying letter of conditions (applicable only if project is located within a local historic district and has been reviewed by the Historic District Commission).
- Provide a copy of preliminary construction plans including both existing conditions and proposed alterations, and specifications including description of existing and proposed materials. In certain circumstances, photographic documentation may satisfy the requirement for existing conditions documentation.
- Provide a statement explaining how the project will comply with the “Standards for Rehabilitation” published in the “Secretary of the Interior’s Standards for the Treatment of Historic Properties.”

➤ **Landscape Preservation, Restoration, or Rehabilitation Projects:**

- Provide a copy of preliminary project plans, including existing conditions and proposed alterations, and project specifications, including a description of existing and proposed materials, plus any additional supporting information demonstrating need for preservation, restoration, or rehabilitation. In certain circumstances, photographic documentation may satisfy the requirement for existing conditions documentation.
- Define how the project will comply with the “Standards for Rehabilitation” published in the “Secretary of the Interior’s Standards for the Treatment of Historic Properties” and the “Guidelines for the Treatment of Cultural Landscapes.”

➤ **Design Services for The Preservation, Restoration, or Rehabilitation of a Landscape or Building:**

- Provide a statement explaining the need for design services related to preservation, restoration, or rehabilitation.
- Provide credentials for architect/designer (specifically addressing historic preservation experience).

➤ **Acquisitions and Other Projects:**

Please consult with Community Preservation Staff to determine additional information that may be required.

Maureen Thomas

From: Wayne Gething <wgetting@dhkinc.com>
Sent: Monday, February 26, 2024 2:12 PM
To: Maureen Thomas
Cc: Peter Johnson-Staub; Jed Cornock
Subject: Re: Highfield Hall Updated Estimated Construction Costs

Maureen,
Changing the Bid and Construction phases from three to one would save about 20% on the fee for design, Bid and Construction designer services

With Regards
Wayne

[Get Outlook for iOS](#)

From: Maureen Thomas <maureen.thomas@falmouthma.gov>
Sent: Monday, February 26, 2024 2:07:36 PM
To: Wayne Gething <wgetting@dhkinc.com>
Cc: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Jed Cornock <jed.cornock@falmouthma.gov>
Subject: RE: Highfield Hall Updated Estimated Construction Costs

Hi Wayne,

I'm following up on your Highfield Hall estimates for an Architect. As mentioned in my email from last November, we are looking to do the Highfield Hall rehabilitation project in a single phase instead of 3 phases. Will the estimates for the Architect during the bid and construction phase be less than that shown below if we are reducing the project to one phase? Please let me know what you think when you have a moment. We are hoping to move forward with the RFQ for an OPM, but we need to seek additional consultant and construction funds at November Town Meeting.

Base Services Fee

<i>Design for All Three Phases</i>	<i>Amount</i>
Schematic	\$30,000
Design Development	\$30,000
Construction Documents	\$55,000
Total Design Phase	<u>\$115,000</u>

<i>Bid & Construction Phase 1</i>	<i>Amount</i>
Bid Phase	\$6,000
Construction Oversight	\$32,500
Total	<u>\$38,500</u>

<i>Bid & Construction Phase 2</i>	<i>Amount</i>
Bid Phase	\$6,000
Construction Oversight	\$32,500
Total	<u>\$38,500</u>

<i>Bid & Construction Phase 3</i>	<i>Amount</i>
Bid Phase	\$6,000
Construction Oversight	\$32,500
Total	<u>\$38,500</u>

Thanks so much for your thoughts on this,
Maureen

Maureen Thomas
Community Preservation Coordinator
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
508-495-7436

From: Wayne Gething <wgething@dhkinc.com>
Sent: Tuesday, November 14, 2023 11:00 AM
To: Maureen Thomas <maureen.thomas@falmouthma.gov>
Cc: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Jed Cornock <jed.cornock@falmouthma.gov>
Subject: RE: Highfield Hall Updated Estimated Construction Costs

Hello Maureen,
Yes, there would be a savings due to only having one project phase.
A reduction in a) start-up and close-out, b) reduced time in submittals along with project management, duration, and c) time for the owner's team too.

Furthermore, the effort to construct the roofing to the elevation would be reduced and the reliability will be improved.

I figure that 7% (\$117,014.73) would be saved, needing \$1,554,624.61. for the project.

With Regards
Wayne Gething
978-491-1998

From: Maureen Thomas <maureen.thomas@falmouthma.gov>
Sent: Monday, November 13, 2023 8:18 AM
To: Wayne Gething <wgething@dhkinc.com>
Cc: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Jed Cornock <jed.cornock@falmouthma.gov>
Subject: RE: Highfield Hall Updated Estimated Construction Costs

Thanks so much, Wayne!

We are looking to do the project all in one phase. Will the pricing be different if we are able to accomplish a single construction phase?

Really appreciate all of your help with this,
 Maureen

Maureen Thomas
 Community Preservation Coordinator
 Town of Falmouth
 59 Town Hall Square
 Falmouth, MA 02540
 508-495-7436

From: Wayne Gething <wgething@dhkinc.com>
Sent: Friday, November 10, 2023 12:49 PM
To: Maureen Thomas <maureen.thomas@falmouthma.gov>
Cc: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Jed Cornock <jed.cornock@falmouthma.gov>
Subject: RE: Highfield Hall Updated Estimated Construction Costs

Hello Maureen,
 I have reviewed the work scope of our study along with the construction cost estimate which comprises of three construction phases.
 Note that this effort of study and estimating had taken place during the last quarter of 2022, the final date on the study is January 10, 2022. –
 Furthermore, this was only at a report level and for the condition of the building at that time. I have attached those original construction cost estimates to this email.

2022 Estimate	2024 Estimate	
Phase 1 - \$450,346.69	Phase 1 - \$540,415.69	+ \$90,069
Phase 2 - \$551,146.05	Phase 2 - \$661,375.05	+ \$110,229
Phase 3 - \$391,540.60	Phase 3 - \$469,848.60	+ \$78,308
		<u>\$278,606</u>
Total - \$1,393,033.32	Total \$1,671,639.34	,32
+ 161,591.29		83.3% = 17% ↑, but all in one phase = 10% ↑ in costs
<u>\$1,554,624.61</u>		

With Regards
 Wayne Gething
 978-491-1998

From: Maureen Thomas <maureen.thomas@falmouthma.gov>
Sent: Monday, November 6, 2023 4:13 PM

To: Wayne Gething <wgething@dhkinc.com>
Subject: FW: Highfield Hall Updated Estimated Construction Costs

Hi Wayne,

Checking in again on the Highfield Hall Updated Estimate of Construction Costs.

Any chance you can get to this soon?

Thanks again,
Maureen

Maureen Thomas
Community Preservation Coordinator
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
508-495-7436

From: Maureen Thomas
Sent: Wednesday, October 18, 2023 11:32 AM
To: Wayne Gething <wgething@dhkinc.com>
Subject: Highfield Hall Updated Estimated Construction Costs

Hi Wayne,

Thanks so much for taking the time to update the Highfield Hall Estimated Construction Costs for us!

Take care,
Maureen

Maureen Thomas
Community Preservation Coordinator
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
508-495-7436

Attachment B



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

March 14, 2000

Ms. Ann Sears
CLG Coordinator
Falmouth Historical Commission
96 Locust Street
Falmouth, MA 02541

Dear Ann,

As per your request, the staff of the Massachusetts Historical Commission has recently reviewed the CLG National Register eligibility opinion for Highfield Hall submitted to the MHC by the Falmouth Historical Commission. As you know, in 1992 the MHC found that this property did not appear to be eligible for listing on the National Register of Historic Places. In revisiting this previous opinion, MHC staff consulted additional information compiled in the 1997 Highfield Hall Feasibility and Planning Study Report. On the basis of this report, MHC now concurs that, despite the major 1952 alteration of the Highfield Hall façade, the house, outbuildings and landscaped grounds of this property retain sufficient integrity to convey the property's significance as a National Register historic district under criteria A and C at the local level.

Additional information compiled in the 1997 Study Report makes a strong case for the overall integrity of surviving house interior fabric, plan and most exterior elements, of outbuildings and landscape elements, and for the estate grounds plan. This information was not available to MHC at the time of its negative evaluation in 1992. The boundaries of the potential district relative to current property boundaries of the historic estate would need to be determined. I would note in addition that the completion and submission of a MHC Area Form that catalogs and describes the extant resources and summarizes the history of the property as presented in the Study Report would be a useful first step in anticipation of any future National Register nomination. MHC staff noted in addition that in 2002 the 1952 remodeling will itself merit significance consideration as part of the historic evolution of the property.

If you have any questions relative to this National Register eligibility opinion, please do not hesitate to contact Betsy Friedberg or me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael Steinitz".

Michael Steinitz
Survey Director
Massachusetts Historical Commission

220 Morrissey Boulevard, Boston, Massachusetts 02125 · (617) 727-8470
Fax: (617) 727-5128 · TDD: 1-800-392-6090
www.state.ma.us/sec/mbc

Attachment C

January 10th, 2022

Highfield Hall & Gardens

Exterior Envelope Study

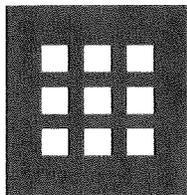
Falmouth, MA

Prepared For:

Highfield Hall & Gardens

56 Highfield Drive

Falmouth, MA 02540



DHK

ARCHITECTS

DHK Architects, Inc.
54 Canal Street, Suite 200,
Boston, MA 02114

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APPENDIX

- A. ADDITIONAL EXISTING CONDITIONS IMAGES
- B. EXISTING DOCUMENTATION
- C. CONSTRUCTION MATERIALS
- D. MAGNITUDE OF CONSTRUCTION COST

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1 STUDY PREPARED FOR:

DHK Architects presents the following existing exterior envelope conditions assessment with accompanying recommendations for Highfield Hall & Gardens located in Falmouth, Massachusetts. This study highlights the present-day conditions of the exterior building envelope and discusses the hierarchy of recommendations regarding repair, restoration, and / or replacement of specific features of the envelope in order to aid the building's longevity. The study's focus is exclusively on the exterior building envelope and while components of the interior may be mentioned they are to address points of what is occurring on the building exterior.

2 HISTORY OF THE HIGHFIELD HALL & GARDENS:

Upon changes to construction management and executive director, the restoration continued with Highfield Hall & Gardens was constructed in 1878 as a summer residence for the Beebe family of Boston. In 1972, what remained of Beebe's land was purchased by philanthropist Josiah K. Lilly III and significant portions of the land, Beebe Woods, was donated to the town of Falmouth as a recreation area. The Beebe buildings were then given to a local nonprofit who decided they were too large and too badly deteriorated to save. In 1977, Tanglewood, Highfield Hall's adjoining mansion, was demolished. For nearly two decades, a volunteer group of citizens foiled efforts for the private company to demolish Highfield Hall. In 1994, the nonprofit owner applied for a demolition permit for the Stick-style Queen Anne architectural mansion. Through new bylaws passed in Falmouth, a demolition delay occurred allowing the group of citizens to organize an effort to save the mansion. In 1997, the group, Historic Highfield, Inc (now Highfield Hall & Gardens), funded a feasibility study that was completed by Technical Development Corporation. The architectural and condition survey study included proposed plans for use of the building, restoration estimates and pro forma operating budgets. With a strong passion for preserving the building as unique community resource, Historic Highfield, Inc. convinced Falmouth the importance of the mansion to the community and warranted saving the property. In 2000, Falmouth took eminent domain of the mansion and six acres and in 2001, signed a lease with Highfield Hall & Gardens to renovate and operate Highfield Hall estate.

Upon leasing the estate, Historic Highfield, Inc. planned and executed a major restoration effort that was possible through generous donations of mostly private individuals. The restoration began in the Summer 2001 with a key focus on making the building watertight. For the first four years, the project installed a new red cedar roof and restoration of original windows and doors. Other restoration improvements included an installation of a new septic system, new restrooms and interior rooms were returned to their original configurations. In 2005, the restoration had stalled as the cost had rapidly escalated and new developments in town called into question

some of the original assumptions of the study. Upon changes to construction management and executive director, the restoration continued in the Fall 2005 with a final construction phase of new concrete foundation. Additionally, new building systems were installed including a fire suppression system, mechanical (HVAC) systems, electrical wiring, and plumbing. Finally, to address accessibility challenges, an elevator and handicap ramps at the front and rear of the building was completed. In 2006, the first floor of Highfield Hall was completed and had its grand opening. In 2007, the second and third floors had been completed marking the completion of the building restoration. Throughout 2007 to 2012, exterior landscaping work including, parking, and walking paths, Sunken Garden, and West Garden had been completed. In 2013, Historic Highfield, Inc. became Highfield Hall & Gardens and currently runs and operates the estate.

3 EXISTING CONDITIONS ASSESSMENT

Highfield Hall & Gardens commissioned DHK Architects, Inc. to provide an existing exterior building condition assessment for the Highfield Hall building. This assessment took place over the course of Fall 2021 with site visits completed by Wayne Gething Jr. and Derek Mueller of DHK Architects, Inc. Additionally, in person conversations with staff of Highfield Hall & Gardens and DHK Architects took place to gauge problematic issues with the exterior building envelope. During those visits, observations were made of the entire building envelope and will be outlined below. Please refer to the following sections for general observations as well as specific building component assessments:

3.1 GENERAL OBSERVATIONS

Throughout the course of the on-site review, DHK Architects generally observed good conditions of the overall building envelope. There are a few areas of concern as it relates to water damage and ongoing water intrusion. Additionally, there are areas of concern regarding the air tightness at the windows and one door. Observations were made inside an attic space which aided in identifying the construction methodology of the roof which has clear signs of shingle damage that will be highlighted below. Elements of the building envelope that are impacted by the water intrusion will have more priority for repair and restoration when compared to other observations. Below will categorize the existing building material for each envelope component listed and its overall condition.

3.2 EXTERIOR CLADDING

- There are several different types of cladding and exterior wall finishes present on the building.
 - Larger width, yellow (painted) wood shiplap plank board to delineate the first floor of the building on all facades.

- Smaller width, yellow (painted) wood clapboard above the first floor of the building on all facades.
- Scalloped, red (painted) wood clapboard at various locations on the north facade above windows on a built-out bay as well as above horizontal trim board on the second floor.
- Scalloped, unfinished wood clapboard at various locations on all facades including dormers at the roof level, above second floor horizontal trim, and ends to the rear deck roof overhang.
- Wood clapboard (painted red and yellow) at third floor level.
- Painted yellow plaster arched soffit below third floor window.

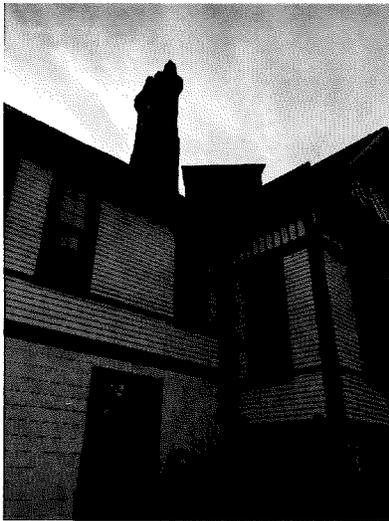


Figure 1: Exterior Building Cladding Types



Figure 2: Diagonal Accent Cladding

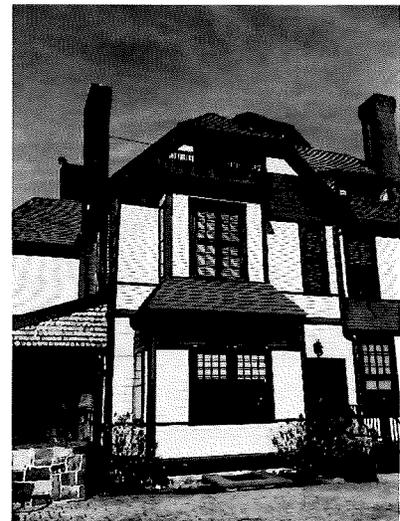


Figure 3: Scallop Cladding (Red & Unfinished)

- Overall Assessment of Condition:
 - In general, the exterior cladding was generally in good condition. Outlined below are observed areas where concerns were found.
 - There were a few locations that showed paint deterioration at unfinished shiplap plank board joints between boards. (Figure 4)
 - At the north façade of the building, the built-out bay at the side entrance, the unfinished ends of the shiplap plank boards, between the corner trim boards and windows / doors, was showing paint deterioration. (Figure 5)
 - There was also a location on the south façade next to the women's bathroom where water damage due to ineffective downspouts were causing severe deterioration of the siding causing damage and discoloration. (Figures 6 & 7)
 - At the rear of the building, next to the dumpsters, the corner of the building next to the driveway retaining wall had discoloration of the lower corner plank boards. (Figure 8)



Figure 4: Unfinished Shiplap Plank Board Joints Paint Deterioration

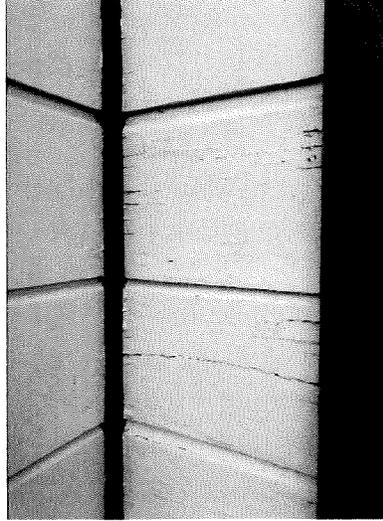


Figure 5: Unfinished Shiplap Plank Board End at Trim



Figure 6: Failed Downspout and Shiplap Board End Damage



Figure 7: Icicle from Failed Gutter & Downspout



Figure 8: Shiplap Board Discoloration at Driveway Retaining Wall

3.3 WINDOWS

- Throughout the building there are several different window sizes and types.
 - It was recorded that there were 157 windows for the building including 37 different styles. (Figure 9)
 - Windows were prominently traditional weighted, double-hung wood windows with single pane glazing within muntins.
 - Less prominent fixed windows were also observed with single pane glazing within muntins. (Figure 10)
 - Several locations had transom windows above some of the large windows on the first floor as well as some first-floor exterior doors. (Figure 11)

- There are nine stained glass windows on the building.
 - It was noted that previously there was a tenth, located at the main building stairway, but was replaced with a single pane glazed fixed window. (Figure 11)
- When observed, the building had the winter storm windows installed.
 - Due to the variety of window sizes and styles, the storm windows also varied in size and style. (Figure 9)
 - Attachment method differed for the storm windows as some were screwed into the window trim, some were hung off mechanical attachments, and others were screwed into brackets mounted inside the window opening.



Figure 9: Various windows of shapes and sizes, typical each elevation



Figure 10: Unique Bay Window

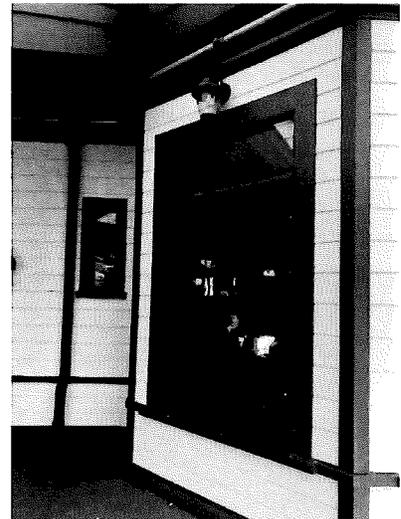


Figure 11: Typical double-hung window with fixed transom above. Stained-glass window & storm window also pictured

- Overall Assessment of Condition:
 - In general, the exterior windows were in relatively fair condition. Outlined below are observed areas where concerns were found.
 - Generally, windows had weather seal issues. Because of this, windows were observed to be loose within the window frame. Shims were observed wedged between window frame and window to address this issue. (Figures 12 & 13)
 - Select window frames also displayed loose components (ex. window stops, parting bead, etc.) (Figure 14)
 - Select windows displayed deterioration of the muntins, window stiles, and window rails. (Figure 15)
 - Select windows at built-out bay display water damage at the frames. (Figure 16)

- Select few windows do not fit squarely into the window frames and openings are present between the window and the frame. (Figure 17)
- Two windows on the east façade at basement level are directly next to the graded landscape and require routine exterior maintenance to limit deterioration and water intrusion. (Figures 18 & 19).



Figure 12: Hanging weather-stripping



Figure 13: Typical window shim solution to missing weather-stripping



Figure 14: Loose Window Stop



Figure 15: Deterioration to window stiles and rails



Figure 16: Water damage within window frame

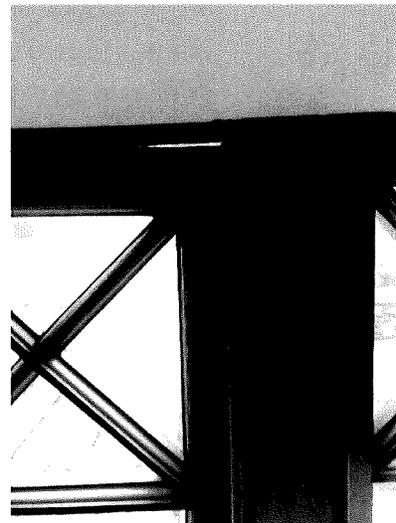


Figure 17: Gap between window and frame



Figure 18: East Facade with 2 basement windows at grade with no window wells



Figure 19: Basement window indicated to have water intrusion issues

3.4 DOORS

- The building has a total of 13 exterior wood doors.
 - Out of the 13 exterior doors, there are two accessible entrances being on the east and west façades. (Figures 20 & 21)
 - Doors range from solid wood with various number of panels to half glazed with recessed panels to full wood doors with diagonal wood accent. Door thresholds are all wood varying in finishes.
 - There are two double doors; one being on the north façade as well as a service door at basement level accessed from the driveway. The remaining doors are all single doors.
 - Four doors service basement program needs from the driveway in the rear of the building.
 - There is one exterior balcony door at the third floor. (Seen in Figure 21)
 - There are no storm doors on any of the doors.
 - Weather-stripping was noticed at most doors.



Figure 20: Main Building Accessible Entrance

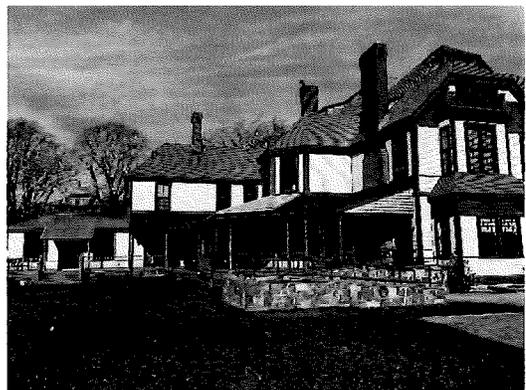


Figure 21: Rear Building Accessible Entrance

- Overall Assessment of Condition:
 - In general, the exterior doors are in great condition. Outlined below are observed areas where concerns were found.
 - Door paneling at the Craft room was not tightly sealed, reducing the integrity of the door construction, and allowing some openings at seams. (Figure 22)
 - Door thresholds, at select doors, were observed to be elevated on the interior side of the door. Additionally, one door off the west façade is elevated off the decking due to the interior floor height. (Figures 23 & 25)
 - Weather-Stripping at select doors and opening at frames in the basement access doors. (Figure 24 & 26)
 - One basement access door was missing a middle hinge.



Figure 22: Craft room exterior door with paneling and joint issues



Figure 23: West facade door elevated threshold

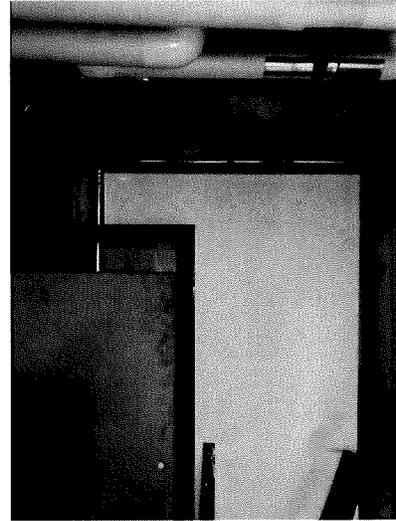


Figure 24: Basement access door showing lack of weather seals



Figure 25: Interior threshold height



Figure 26: Air space / lack of weather seals at top of double door

3.5 TRIM

- The building has extensive use of red wooden trim to accentuate the architectural language and style of the house.
 - Horizontal trim boards, of different profile and size, were present indicating floor levels and other building features are the prominent trim of the building as it breaks up the vertical trim boards along the corners of the building.
 - One profile of horizontal trim boards wrapped around the façade at the prominent windowsill height
 - Another profile of horizontal trim boards wrapped around the façade at the floor level height
 - Windows and doors had similar trim in context to the profile at the corners and horizontal floor levels
 - Horizontal trim boards were observed at the top of the clapboard as well as on the roof edge fascia



Figure 27: Overall Trim Application



Figure 28: Exterior Trim Treatment at Main Stair

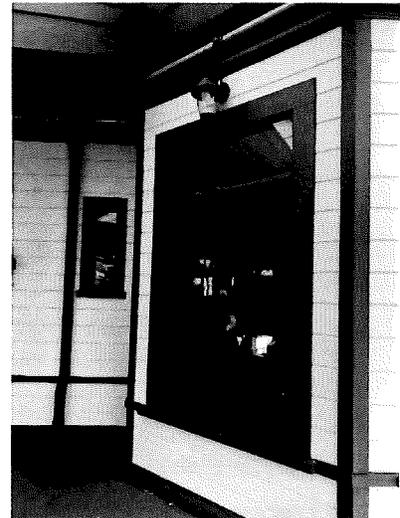


Figure 29: Trim to Windowsill Transition

- Overall Assessment of Condition:
 - In general, the exterior trim was in fair condition. Outlined below are observed areas where concerns were found.
 - It was noticed at several horizontal and vertical intersections of trim (corner locations prominently as well as other miscellaneous locations) trim boards were splitting, cracking, and showing significant signs of deterioration. Temporary fixes were applied to some locations including painted metal patched, to address the issue. (Figures 30 & 31)
 - Locations of the trim had paint peeling off due to moisture and drying, typical with aging and heavy wind driven rain locations. (Figures 32 & 33)

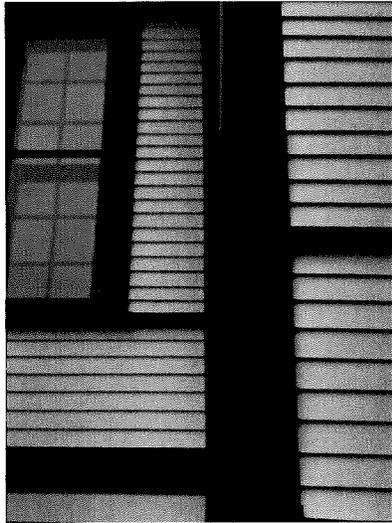


Figure 30: Corner Trim Cracking



Figure 31: Corner Trim Joint Metal Temporary Fix

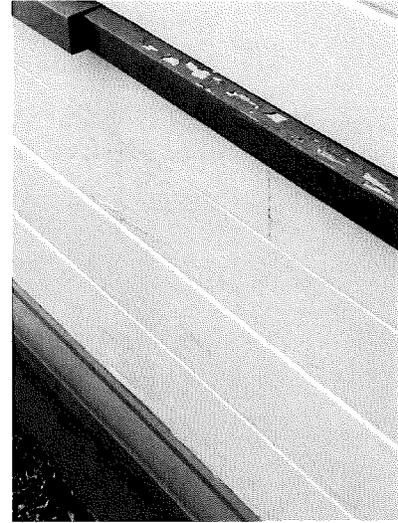


Figure 32: Paint Deterioration, Typical



Figure 33: Paint Deterioration, Typical

3.6 DECKING / PORCH

- The building has three porches and one deck with which uses wooden painted floorboards.
 - Three of the four decks are covered by a roof defining them as porches. (Figures 34, 35, & 36)
 - The main building entry contains a deck that is accessible through a graded raised walkway and serves as the main point of public entry. (Figure 34)
 - The rear accessible entry deck is accessible via a concrete ramp and the deck wraps around the entirety of the rear of the building. (Figure 35)

- An emergency egress deck is located off the south façade and ramps down to grade. This deck overlooks the building's driveway. (Figure 36)
- The smaller deck off the north façade services a set of double doors which is not publicly used and obstructed by interior program. (Figure 37)



Figure 34: Main Building Entrance Porch



Figure 35: Rear Wrap Around Porch



Figure 36: Porch Overlooking Driveway

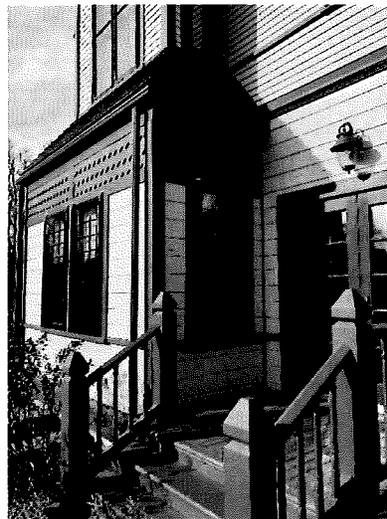


Figure 37: South Elevation Deck

- Overall Assessment of Condition:
 - In general, the exterior decks were in great condition. Outlined below are observed areas where concerns were found.
 - Overall wear of the decks was the main point of concern. Locations of significant use could be seen through the wearing down of the paint. (Figure 38)
 - The emergency egress deck off the south façade showed signs of vegetation growing off the floorboards and railings. (Figure 39)
 - Location of damaged decking at rear wrap around deck. (Figure 40)



Figure 38: Paint Wear at Main Entry Decking



Figure 39: Vegetation Growth at Driveway Decking



Figure 40: Damaged Deck Board

3.7 STAIRS, RAMPS, & RAILINGS

- The building has four small exterior stairs
 - Three sets of stairs to access the decks / porches off the building with which uses wooden painted stair treads finished to match the trim. (Figures 41, 42, & 43)
 - The building also contains a stair from the driveway interrupting the retaining wall with stone steps. (Figure 44)
- The building has one ramp and two raised walkways
 - The main building entrance contains a paved graded walkway that becomes level with the first floor (Figure 46)
 - Main accessible ramp is located at the rear of the building and is constructed out of concrete with stone faced retaining walls. (Figure 47)
 - The south façade deck has a paved graded walkway that transitions into a graded decking which meets the deck but is not level with the first floor and provides no accessible means of egress.
- Handrails are located along all deck and stair locations
 - All railings at deck locations are painted wood. (Figure 45)
 - Stair railings are mostly painted wood except at the stone stairs where the railing is iron.

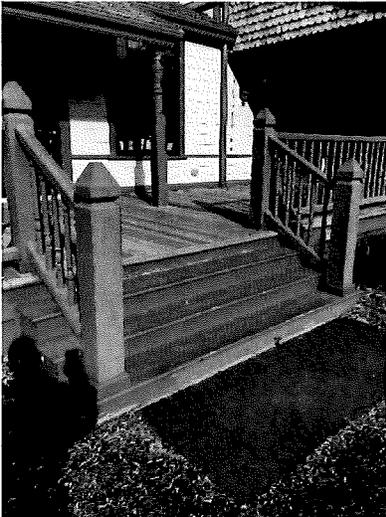


Figure 41: Rear Porch Stair to Craft Room



Figure 42: Rear Porch Stair next to Handicap Ramp



Figure 43: Side Deck Stair



Figure 44: Stone Stair at Driveway Retaining Wall



Figure 45: Typical Painted Wooden Railing



Figure 46: Main Entry Raised Walkway Accessible Entrance



Figure 47: Rear Concrete Ramp

- Overall Assessment of Condition:
 - In general, the exterior stairs were in great condition. Outlined below are observed areas where concerns were found.
 - Riser board at the bottom of the west stair at the rear deck is damaged. (Figure 48)
 - In general, the exterior ramps were in great condition.
 - In general, the exterior handrails were in good condition. Outlined below are observed areas where concerns were found.
 - Locations of paint deterioration and vegetation growth are present in a few locations. (Figure 49)



Figure 48: Bottom Stair Riser Damage



Figure 49: Vegetation Growth at Deck and Railings

3.8 ROOF

- The building has a variety of different roof types in different locations.
 - Main building roof is a red cedar shingle roof on top of an ice and water shield directly adhered to the roof deck. Roof deck is constructed out of wooden boards with noticeable spacing between boards. No insulation within roof joist cavities but is blown in at the attic space floor. (Figures 50 & 52)
 - Craft room roof has a combination of red cedar shingle roof and partially fully soldered metal roof at the peak between the building and the craft room's built-up clearstory windows and metal roof. (Figures 51 & 54)
 - Rear wrap-around deck roof has metal roof as well as a built-up frosted glazed panel skylight roofing system. (Figure 53)
 - Main building entrance contains a similar metal roof as the rear wrap-around deck



Figure 50: View showing Various Roof Types

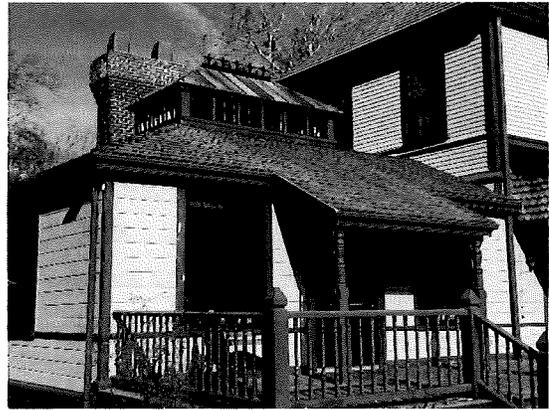


Figure 51: Craft Room Window Clearstory and Metal Roof



Figure 52: Interior Side of Main Cedar Roof



Figure 53: Porch Metal Roof and Glazed Skylight

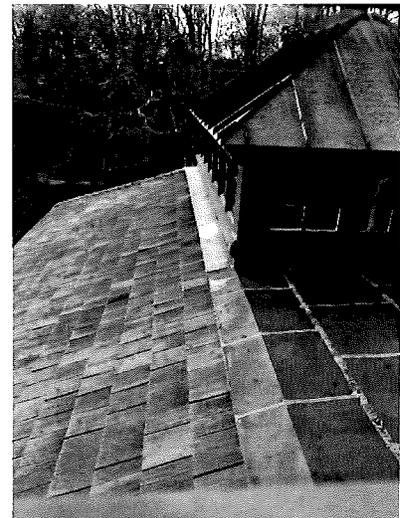


Figure 54: Craft Room Metal Roof and Clearstory Metal Roof

- Overall Assessment of Condition:
 - In general, the exterior roofs were in fair conditions. Outlined below are observed areas where concerns were found.
 - Overall, there are locations of cedar shingles that have discoloration and are starting to curve upward at the edges. (Figures 55, 56, & 57)
 - Flashing conditions appeared to be failing around chimneys as observed from the attic spaces. (Figure 58)
 - The Craft room roofing was informed by staff to be failing around the window clearstory and metal roof. (Figure 59)
 - The rear wrap around deck and main building entrance roofing appears to be in good condition but do show signs of wear between the seams.



Figure 55: Cedar Shingle Curling



Figure 56: Cedar Shingle Typical Discoloration

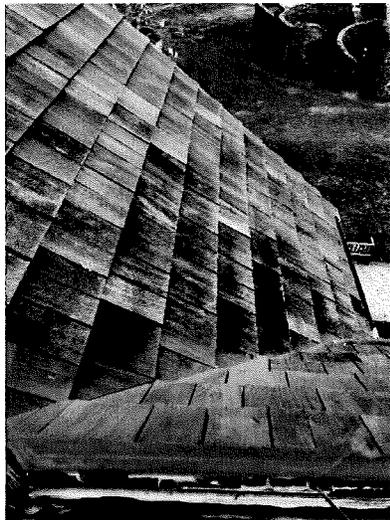


Figure 57: Cedar Shingle Severe Discoloration



Figure 58: Water Intrusion at Chimney Flashing



Figure 59: Failed Flashing at Clearstory Windows above Craft Room

3.9 GUTTERS & DOWNSPOUTS

- The building has gutters in most sloped roof edge conditions.
 - The metal gutters are profiled to match the original size and have been finished to match the trim to blend into the building. (Figure 60)
 - Some gutters were noted to have leaves present and appeared to cause potential downspout dams. (Figure 61)
 - Downspouts were noted to be metal and finished to match the trim color. (Figure 62)
 - The metal gutters off the metal roofs are a different profile and color. (Figures 63 & 64)

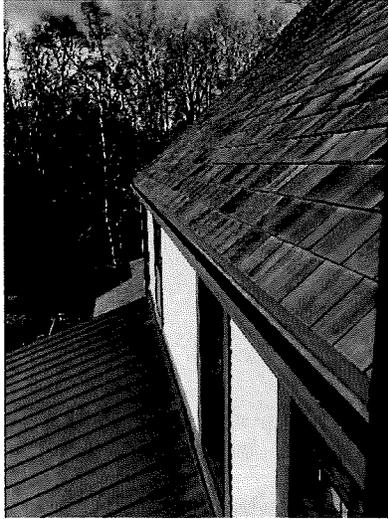


Figure 60: Typical Roof Slope of Shingled Roof

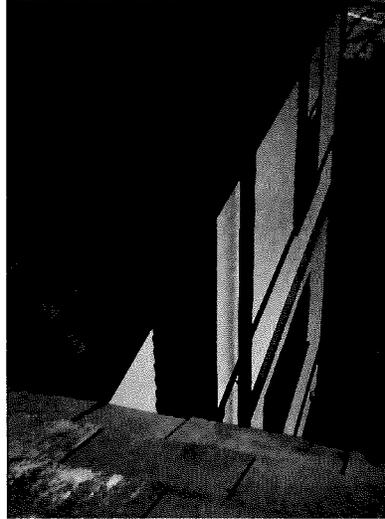


Figure 61: Observed Gutter Foliage



Figure 62: Typical Downspout at Vertical Trim Locations Matching Trim Color



Figure 63: Typical Porch Roof Gutter



Figure 64: Porch Gutter & Downspout Color Difference

- Overall Assessment of Condition:
 - In general, the gutters and downspouts were in poor conditions. Outlined below are observed areas where concerns were found.
 - Overall, the gutters did not appear correctly sized to capture the water from the roof. The roof slope present in combination with the gutter sizes displays a fundamental failure with water collection. Gutters were also noticed to have leaves in it showing a general need for maintenance to not cause further damage and failure of water collection. (Figure 65)
 - Drainage failure at gutter adjacent to driveway porch has icicles forming on clapboard. (Figure 66)
 - Gutters located off the building lower metal roofs show sloping concerns as they do not appear to slope towards the downspouts. (Figure 67)
 - Downspouts in select locations looked to be bent and not level vertically which aesthetically combats the vertical trim it is in front of.

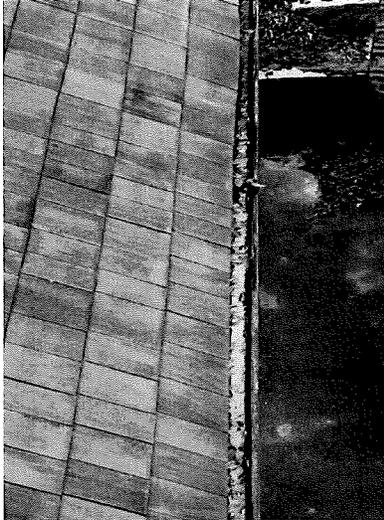


Figure 65: Failed Gutter Drainage



Figure 66: Icicle on Exterior Clapboard
from Failed Gutter Drainage

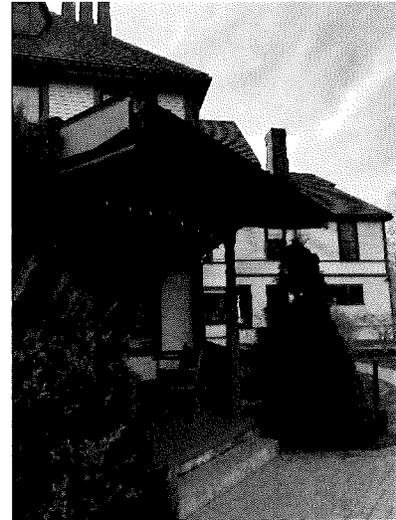


Figure 67: Porch Gutter Drainage Angle Issue

3.10 CHIMNEYS

- The building has seven brick chimneys present.
 - Six of the brick chimney stacks are single brick and the seventh chimney stack is a triple indicating a triple fluted chimney. It is noted that some single stack chimneys do contain multiple flutes within them. (Figures 68 & 69)
 - Chimneys showed flashing conditions present at the roof line. (Figures 70 & 71)
 - Chimneys showed a secondary flashing catch on the interior to protect the attic space. (Figure 72)



Figure 68: View from Main Entrance of Chimneys

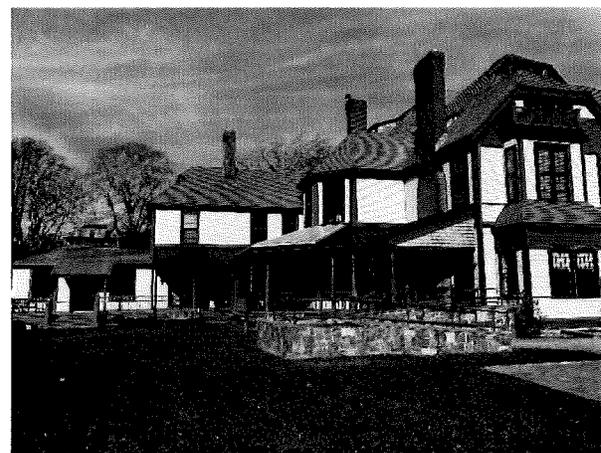


Figure 69: View from Side of Building Chimneys

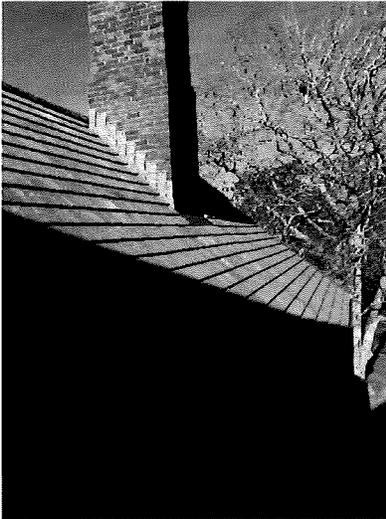


Figure 70: Typical Chimney Flashing



Figure 71: Typical Chimney Flashing



Figure 72: Interior Chimney Catch

- Overall Assessment of Condition:

- In general, the chimneys were in good condition. Outlined below are observed areas where concerns were found.
 - Chimneys looked structurally strong on the exterior but showed some sign of brick deterioration in the interior at the attic space. (Figure 73)
 - The chimney off the craft room that extends to the driveway and the triple stack chimney display signs of efflorescence at some brick locations. (Figure 74)
 - Chimney base flashing appears to be failing as inspected in the attic space. (Figure 75)



Figure 73: Brick and Mortar Deterioration



Figure 74: Brick Efflorescence

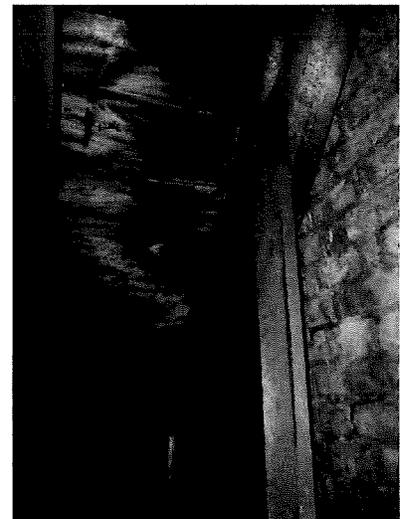


Figure 75: Interior Water Damage at Chimney Roof Flashing

3.11 RAIN / STORMWATER DIVERSION & COLLECTION

- The building has 3 main rain / stormwater diversion and collection points.
 - In conversation with the building maintenance employee, it was noted that there are three main collection locations at the property.
 - At the northeast portion of the property off the side entrance and next to the fenced off mechanical area. (Figure 76)
 - At the northwest portion of the property at the driveway. (Figure 77)
 - At the southeast portion of the property that drains in a local water collection point. (Figure 78)

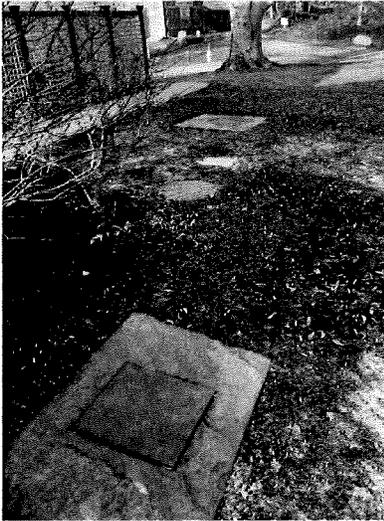


Figure 76: Stormwater Collection Locations



Figure 77: Driveway Stormwater Collection Locations



Figure 78: Stormwater Collection Piping Locations

- Overall Assessment of Condition:
 - In general, the water collection and diversion systems seem to mitigate the majority of the needs. However, improvements should be evaluated by a civil engineer which is beyond the scope of this study. Outlined below are observed areas where concerns were found.
 - Water levels at some collections points differed significantly and showed signs of a possible systems failure.
 - Location next to the mechanical area showed varying levels of water collection between the two collection points and not as filled as other collection points on the site. This collection point is the highest area of concern due to the impact the water infiltration is causing to the foundations at this location. (Figures 79 & 80)
 - Driveway location of storm drain appeared to have a high-water level and could cause flooding if raised even further. (Figure 81)



Figure 79: Location of Settling Concerns due to Stormwater Collection Failures

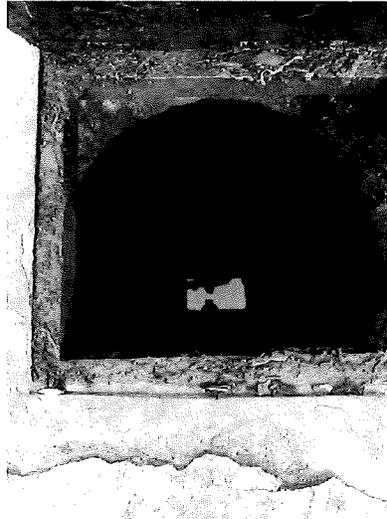


Figure 80: Drainage Tank Water Level



Figure 81: Driveway Storm Grate Water Level

3.12 WATER INTRUSION / INFILTRATION

Briefly mentioned before due to the overall systems working to prevent water intrusion and water infiltration, failure of the gutters to failure of the water collection and diversion systems present at the site was not properly capturing the rain / stormwater and therefore causing the water to improperly drain towards the building. This was causing water infiltration at the basement level due to the building addition's new foundation construction as it did not go far enough down to block the water infiltration to the existing foundation. Because of this water infiltration, dehumidifiers are being used in the basement to reduce humidity as this it is a place of storage for a lot of off-season interior furnishings. Additionally, it was noted through conversation with staff that if there are severe storms, which happens frequently being close to the coastline, basement can flood with a couple inches of water. There are small interior drains present in the basement, but these are emergency drains and water infiltration is failing specifically due to the current conditions mentioned in Section 3.9 and 3.11.

The severity of this issue is extremely urgent and of highest priority as there are interior signs of the building settling. To not cause further damage and settling issues of the building it is important that this be addressed.

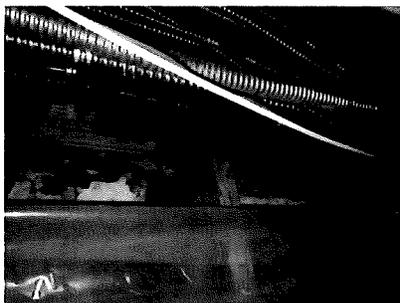


Figure 82: Foundation Water Infiltration Concern



Figure 83: Dehumidifier at Basement



Figure 84: New and Old Foundation Joint



Figure 85: Moisture at New Foundation



Figure 86: Basement Drain

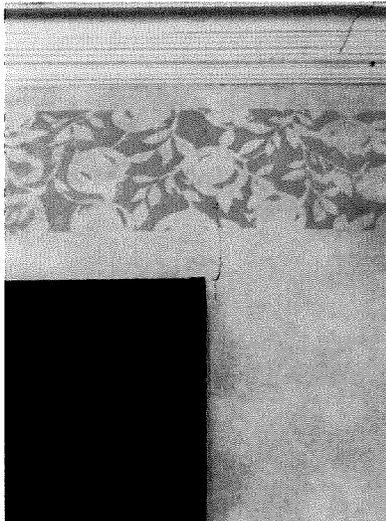


Figure 87: Interior Finish Cracking due to Building Settlement

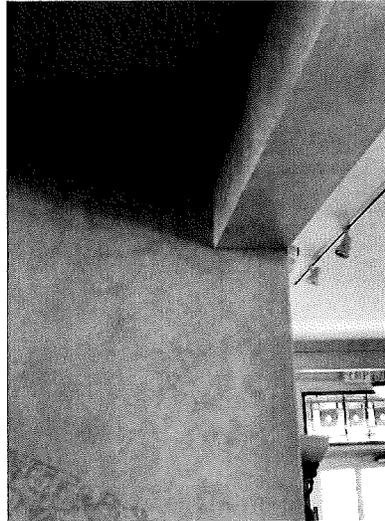


Figure 88: Interior Finish Cracks

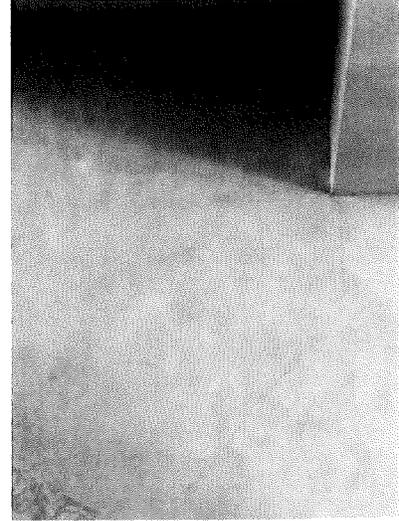


Figure 89: Interior Finish Cracks (Enlarged)

3.13 ATTIC SPACE / INSULATION

As an extension of the building's envelope the attic space displayed signs of the roof's failures while at the same time showing interior insulation construction methodology. One insulation method of concern related to the loose blown insulation at the attic floors. While this is not uncommon, locations where interior recessed lights cause a high-level concern. Electrical failure at one of these locations with the blown insulation could result in a fire as the recessed lights were not fully protected / enclosed creating a level of separation to protect from this concern.



Figure 90: Blown Insulation at Attic Space

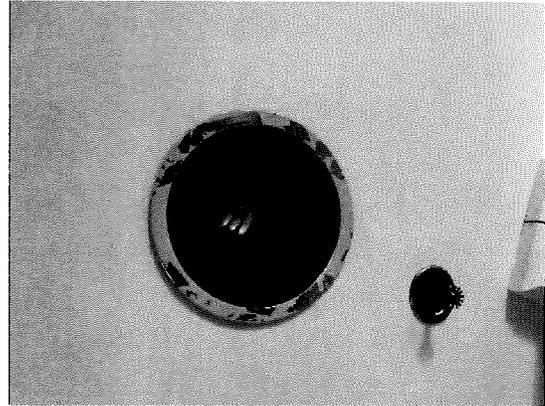


Figure 91: Recessed Light Fixture without Protection from Attic Space

4 OPTIONS & RECOMMENDATIONS FOR REPAIRS / RESTORATION

4.1 GENERAL RECOMMENDATIONS

Upon inspection of the existing conditions and interviews with Highfield Hall & Garden staff, DHK found that the following exterior building components could use repairs, restoration, renovation, or even replacement of the existing deteriorated building materials. The sections below call out the recommended work for the longevity of the building envelope.

4.2 EXTERIOR CLADDING

- Paint deterioration at unfinished clapboard and shiplap plank board joints between boards:
 - Low Priority
 - Replace exterior clapboard and shiplap plank board
- Paint deterioration at built-out bay side entrance:
 - Low Priority
 - Replace exterior clapboard and shiplap plank board
- Water damage of shiplap plank boards next to women's bathroom:
 - High Priority
 - Replace exterior shiplap plank boards, examine sublayers of sheathing for water damage and replace if required.
- Corner shiplap plank boards next to dumpsters at driveway:
 - Low Priority – Maintenance Project
 - Clean exterior shiplap plank boards – if unsuccessful, replace existing shiplap plank boards

Any replacement of the exterior cladding will be of the same material and finish in order to keep the historic value of the building. Replacement shall be wooden clapboard of the same profile and look of the area of replacement.

4.3 WINDOWS

- Window weather seal issues:
 - High Priority
 - Remove existing storm windows, remove double hung windows leaving the original window casing, apply new weather seals to the existing windows, reinstall windows.
 - If window is experiencing severe deterioration of the muntins, stiles, rails, etc. Restore the original windows, apply new weather seals, and reinstall.
- Window casing / frames loose components
 - High Priority
 - Ensure all window elements are properly installed
- Water damage window casing / frames:
 - High Priority
 - Windows shall be removed from the rough opening and inspected to the degree of water damage.
- Select few windows do not fit squarely into the window frames and openings are present between the window and the frame.
 - High Priority
 - Windows should be removed from the frame and the frame should be squared up to ensure the windows do not present any openings when reinstalled.
- Basement Shop Windows:
 - Low Priority
 - It is understood that planning is in place to do work at these two window locations. However, it is the recommendation that these windows have window wells to help reduce the chance of water infiltration due to runoff and leaves and debris buildup next to them as they are in line with the grading.
- Potential Renovation:
 - Remove existing weight within window frame cavity. Fill cavity with insulation and modify window with modern spring system.

4.4 DOORS

- Door paneling at the Craft room
 - Medium Priority
 - Replace door with one of similar aesthetic
- Door threshold and height off driveway deck

- Low Priority
- Significant renovation would be required to increase the height of the existing driveway porch and DHK would recommend this exit and threshold remain as it currently is. Addressing the settlement issue will assist in the threshold issue at the side door. Due to other accessible entrances, we would not recommend modifying the profile or elevation of the top of door threshold
- Weather-Stripping at select doors and opening at frames in the basement access doors
 - Medium Priority
 - Install new weather-stripping at doors where they are missing
- One basement access door was missing a middle hinge.
 - Low Priority
 - Install new door hinge

4.5 TRIM

- High Priority – Trim behind the gutters
- Medium Priority – Trim not associated next to the gutters.
- Due to the conditions caused by the stormwater, replacement of the existing trim would benefit the recommended solution of the gutters. DHK would recommend a PVC trim board finished to match the current aesthetic of the building. This product has a high durability and long-lasting stability. Additional options include a fiber cement trim board finished to match the existing aesthetic.

4.6 DECKING

- Overall wear of the decks (Finish):
 - Low Priority
 - Refinish the existing decks focusing on the main building entry and driveway deck due to the vegetative growth present.
- Location of damaged decking at rear wrap around deck:
 - Low Priority
 - Remove damaged decking and replace with new board finish to match the existing aesthetic.

4.7 STAIRS, RAMPS, & RAILINGS

- Riser board at the bottom of the west stair at the rear deck:
 - Low Priority
 - Remove damaged riser board and replace with similar wood board finished to match the existing aesthetic.

- Locations of paint deterioration and vegetation growth:
 - Low Priority
 - Strip the existing finish at locations where it is deteriorated and refinish to match the existing.

4.8 ROOF

- Main Building Roof / Red Cedar Shingles
 - High Priority
 - Remove all existing cedar shingles and replace with new cedar shingles to match the existing aesthetic. Reflash all dormers, roof penetrations, and chimney. Install new roof edge flashing. Replace existing ice and water shield with new high temperature and include a vented mesh barrier that is located directly underneath the new roof shingles.
- The Craft room roofing:
 - Critical Priority
 - Remove existing flashing at clearstory windows and install new flashing. Remove existing metal roofing to repair water damaged underlayment and sheathing. Install new metal roof to match the existing aesthetic.
 - Remove all exterior cladding and flashing between the Craft room and Main building to install new flashing.
 - It was likely when it was installed that the soldered metal roof was installed directly onto of an air water barrier that the technology would not have included products that could handle high temperature conditions. Which we find is likely a failure and recommend replacing with modern materials. High temp ice and water shield and a more failsafe system would be a PVC membrane roof system; however, due to the historic nature we understand why this metal roof would be more appropriate.

4.9 GUTTERS & DOWNSPOUTS

- Gutter & Downspouts General Work
 - Critical Priority
 - Replace all existing gutters and downspouts with properly sized and positioned metal gutters and downspouts. New gutters and downspouts to match an approximate and approved profile to the existing and shall be finished to match the trim color at the main building roofs and porch roofs.

4.10 CHIMNEYS

- Chimney brick deterioration at attic space:
 - Low Priority
 - The overall bricks looked in good condition but due to the failed flashing and water infiltration the mortar appeared to begin to breakdown. While it is not failing and the chimney appears structurally safe, observation of any further deterioration should occur until roof work and chimney flashing is completed.
- Brick efflorescence:
 - Low Priority
 - While this is a sign of minor deterioration, proper flashing should assist in reducing the concern it presents.
- Chimney base flashing
 - High Priority
 - All base flashings for the chimneys at the roofs should be removed and new flashing should be installed to ensure a watertight joint

4.11 RAIN / STORMWATER DIVERSION & COLLECTION

Currently there is a stormwater retention tank which was installed for irrigation use. However, due to the fact that the users do not use this for irrigation the tank becomes filled and overflows. This water has been migrating into the basement causing water to puddle on the floors and if not corrected this water migration will undermine the foundation systems. It is recommended that an automatic pumping system be installed along with a properly engineered water piping that would lead to the existing stormwater collection area site.

4.12 WATER INTRUSION / INFILTRATION

The water intrusion and infiltration issues should be rectified based on the recommendations to the previously mentioned areas of concern specifically the gutters and downspouts as well as the rain / stormwater diversion and collection.

4.13 ATTIC SPACE / INSULATION

Blown in cellulose material should be removed and replaced with a fire /mold resistant insulation of an R-factor of 24.

All light and electrical components that are exposed to either insulation or other friable materials should be reviewed for a UL rated protection separation. For example, the recessed lights UL rated boxes to protected or replace light fixture with new UL rated LED recessed light with built in protection.

5 PROJECT PRIORITIES

Project priorities are based on the impact the current exterior building components have to the longevity of the building's envelope and the urgency they require repair. Based on the report findings outlined in Section 3 and the recommendations outlined in Section 4, DHK Architects presents the following project priorities for Highfield Hall & Gardens. It should be noted that if a specific repair, restoration, etc. should be requested, they can be included in a higher priority category. For this study, these classifications and the recommendations included within them are strictly due to impact of the building envelope.

5.1 PRIORITY DEFINITION

Four categories will be used as it relates to the level of urgency the repairs need to take place.

- *Critical priority*: contains elements with extensive and widespread impact to the building. This category also contains elements that are directly impacted and connected to the work required for this category even though they may not be as urgent.
- *High priority*: needs attention sooner rather than later; however, these components of the envelope do not present a present danger to the building's deterioration.
- *Medium priority*: contains elements of repair and restoration that would benefit the building's exterior envelope and can be performed once the critical and high priorities have been completed.
- *Low priority*: focuses on recommendations mainly concerned on aesthetics and not so much performance on the exterior envelope.

5.2 CRITICAL PRIORITIES

Items marked as critical priority is as follows:

- Trim – Behind Gutters
- Gutters & Downspouts

5.3 HIGH PRIORITIES

Items marked as high priority is as follows:

- Windows – Weatherstripping
- Exterior Cladding – Localized Repair
- Trim – Full Replacement
- Metal Roof over Billiard Room

5.4 MEDIUM PRIORITIES

Items marked as medium priority is as follows:

- Doors – Craft Room Door
- Roof – Systems other than the metal roof over the Billiard Room
- Chimneys – Flashing at Chimney

5.5 LOW PRIORITIES

Items marked as Low priority is as follows:

- Exterior Cladding – Full replacement and install moisture vapor barrier & appropriate flashings
- Decking
- Stairs, Ramps, & Railings

6 PHASING OF CONSTRUCTION PROJECTS

The recommended approach for the project construction is a phased project approach. DHK Architects recommends focusing on the highest project priorities followed by the lesser priorities.

6.1 DESIGN DURATION

The project design duration will be based upon the project priorities. With the breakdown of work recommended, the design will be executed in a series of design packages per project priorities.

- Project priority design phase duration is estimated to be between twelve (12) and eighteen (18) weeks and will consist of:
 - Schematic Design package
 - Design Development
 - Construction Documents
- Design duration of the critical priority package may be longer than the other packages should digital drawings need to be produced from scratch. If existing digital resources are available, time to produce design packages should be expected per the estimated durations above.
- Following approved construction documents, a bid phase will last approximately six (6) to eight (8) weeks.

6.2 CONSTRUCTION DURATION

The estimated construction phase shall be based on the priority package of work. Typical construction phases as follows;

All phases together thirty-two (32) weeks.

Phase One twenty-four (24) weeks.

Phase Two eighteen (18) weeks.

Phase Three eighteen (18) weeks.

7 APPLICABLE CODES AND PERMITS

Current applicable building codes for Massachusetts is as follows:

- International Building Codes 2015 (IBC 2015)
 - MA State Building code, 9th edition (amendments to IBC 2015)
- International Existing Building Code 2015 (IEBC 2015)
 - Existing Building Code of Massachusetts (amendments to IEBC 2015)
- International Mechanical Code (IMC 2015)
 - Mechanical Code 2015 of Massachusetts
- International Energy Conservation Code 2018 (IECC 2018)
 - Energy Conservation Code 2018 of Massachusetts (amendments to IECC 2018)
- National Fire Protection Association 1, 2015 (NFPA 1, 2015)
 - 527 CMR 1.00: MA Comprehensive Fire Safety Code (amendments to NFPA 1, 2015)
- Architectural Access Board – 521 CMR 2006 Edition
- Uniform State Plumbing Code – 248 CMR

Current applicable permits for Massachusetts are as follows:

- Building Permit Application from Town of Falmouth Massachusetts.
 - Building
 - MA Historic Commission Review Process

8 MAGNITUDE OF CONSTRUCTION COST

Refer to Appendix D at the end of this study for a breakdown of proposed magnitude of construction for the recommended work to be completed to the building.

9 MA CHAPTER 149

The project will follow the Massachusetts Chapter 149 Labor and Industries laws, regulations, and requirements. This includes and is not limited to required documentation, designer selection, and bid laws.

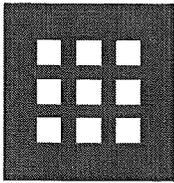
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APPENDIX C:
CONSTRUCTION MATERIALS

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APPENDIX D:
MAGNITUDE OF CONSTRUCTION COSTS



DHK

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January 11, 2022

Lisa Walker
Co-Executive Director
Highfield Hall & Gardens
56 Highfield Drive
Falmouth, MA 02540

Re: Highfield Hall & Gardens – Design, Bid and Construction Oversight for the Renovation of the Exterior Envelope

Dear Mrs. Lisa Walker,

DHK Architects (DHK) will provide Management and Architectural Services to provide a complete Design, Bid and Construction Document package that would be formatted per Massachusetts Bid Laws, The Town of Falmouth and Historic requirements, within Drawings, Specifications and Cost Estimating format. Note that we will provide all but contract and other Town of Falmouth requirements for the front end of the specifications.

These documents will include all scope of work items outlined within the DHK Architects provided January 11, 2022 Study.

Furthermore, include the project phasing for three separate phased projects - Design, Bid and Construction Document Packages will be provided in three separate document packages, but design and coordinate for them at the same time. – The proposed designer phase for this proposed work will cover all needed efforts in order to produce these documents including three on site project reviews with 5 coordination meetings.

We will provide the following design phases within 18 weeks; Schematic, Design & Development, Construction Documents. After this design phase then a six week Bid phase will follow and then the three separate Construction Phases. – The construction durations are; if all phases were to be constructed together thirty-two (32) weeks. Otherwise, Phase One twenty-four (24) weeks. Phase Two eighteen (18) weeks. Phase Three eighteen (18) weeks.

Bid and Construction Administration Services per Construction Phase will include:

- a. Review construction activities with field reports.

Fernando J. Domenech, Jr., FAIA, LEED AP
Arnold M. Krockmalnic, AIA
Alberto Cárdenas, AIA

John Gonzalez
Wayne C. Gething, Jr., LEED AP BD+C

- b. Conduct up to (10) weekly construction progress meetings.
- c. Respond to Bid RFIs and provide sketches and verbiage as needed for incorporation into addendums.
- d. Provide stamped drawings and affidavits for permitting.
- e. Assist in the preparation of narrative reports for permitting.
- f. Review of shop drawings.
- g. Responding to Requests for Information (RFI's)
- h. Conduct up to 10 site visits during construction and one substantial completion site visit including a report of each visit stating the work completed and conformance to the construction documents. Note that MEP would be (2) site visits.
- i. Closeout documents which includes record drawings

Base Services Fee

<i>Design for All Three Phases</i>	<i>Amount</i>
Schematic	\$30,000
Design Development	\$30,000
Construction Documents	\$55,000
Total Design Phase	<u>\$115,000</u>

<i>Bid & Construction Phase 1</i>	<i>Amount</i>
Bid Phase	\$6,000
Construction Oversight	\$32,500
Total	<u>\$38,500</u>

<i>Bid & Construction Phase 2</i>	<i>Amount</i>
Bid Phase	\$6,000
Construction Oversight	\$32,500
Total	<u>\$38,500</u>

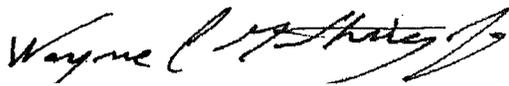
<i>Bid & Construction Phase 3</i>	<i>Amount</i>
Bid Phase	\$6,000
Construction Oversight	\$32,500
Total	<u>\$38,500</u>

Project Assumptions

This proposal is based on the following assumptions:

1. Any hazards material review and or testing would be during the construction phase, not during this design, if any.
2. The study will only be for the building not the site.
3. There will not be any structural review. As at this time we do not believe it would be required.
4. There will not be any demolition to review materials.
5. The Bid Documents will be provided to the contractors, assumed paperless web service by the Town of Falmouth. Otherwise this would additional cost.
6. It is the intent that during the design phase's documents will be paperless.
7. The contract for the construction will be between the Town of Falmouth and the contractor. – DHK's contract would be with You or the Town of Falmouth.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne C. Gething, Jr.", with a stylized flourish at the end.

Wayne C. Gething, Jr. LEED AP BD+C
Senior Associate
DHK Architects, Inc.

Estimated Magnitude of Construction Cost
Highfield Hall and Gardens Estate

1/10/2022

TOTALS	Area/Length	Material Cost/Unit	Total Material Cost (\$)	Labor (\$)	GC Markup (\$)	Material Cost / Labor / GC Markup
Total Area of Window Glazing: 1,770 sq. ft. For Information Only	1770			0.00	0.00	0.00
Window Weather Stripping: 115 windows	115	80	9,200.00	9,200.00	2,024.00	20,424.00
Exterior Door Billiard Room	1	3,000	5,500.00	3,800.00	836.00	10,136.00
Total Square Footage of Cladding: 11,439 sq. ft.	11439	5.5	62,914.00	48,000.00	10,560.00	121,474.00
Total Linear Footage of Downspouts: No 20 - 303 ft.	303	25	7,575.00	3,636.00	799.92	12,010.92
Total Linear Footage of Gutters: 620 ft.	620	35	21,700.00	7,440.00	1,636.80	30,776.80
Total Square Footage of Decking: 2,007 sq. ft. Framing in cost	2007	22	32,112.00	76,000.00	16,720.00	124,832.00
Total Linear Footage of Trim: 4,467 ft.	4,467	7.8	32,079.00	62,538.00	13,758.36	108,375.36
Total Square Footage of Red Cedar Shingle Roof: 12,081 sq. ft.	12081	4.94	56,680.14	253,701.00	55,814.22	366,195.36
Total Count of Dormers: 7 (Red Cedar Shingle Roof)	1400	4.94	6,916.00	29,400.00	6,468.00	42,784.00
Total Square Footage of Transparent Roofing: 549 sq. ft.	549	35	19,215.00	7,000.00	1,540.00	27,755.00
Total Square Footage of Metal Roof: 2,615 sq. ft.	2615	45	117,675.00	64,000.00	14,080.00	195,755.00
Total Linear Footage of Roof Valleys: 276 ft.	276	65	17,940.00	2,400.00	528.00	20,868.00
Total Linear Footage of Roof Edge: 831 ft. Edge & Other Flashing	831	4.5	3,739.50	6,400.00	1,408.00	11,547.50
Total Flashing of Chimneys: 7	7	1,200	8,400.00	18,200.00	4,004.00	30,604.00
Paint All New Work	230	95	1,330.00	97,368.84	21,421.14	120,119.98
Total Fascia Board Linear Feet: 831 ft	831	7.8	6,482.00	7,200.00	1,584.00	15,266.00
Repair of Wood Clapboard and Sheathing at North Elevation allowance:	one	2,800	3,200.00	3,500.00	770.00	7,470.00
TOTALS			412,657.64	699,783.84	153,952.44	
SUBTOTAL						1,266,393.92
10% CONTINGENCY						126639.39
GRAND TOTAL						1393033.32
<i>Information for magnitude of construction costs is derived only from study format</i>						

**Estimated Magnitude of Construction Cost
Highfield Hall and Gardens Estate**

1/10/2022

TOTALS	Area/Length	Material Cost/Unit	Total Material Cost (\$)	Labor (\$)	GC Markup (\$)	Material Cost / Labor / GC Markup
Total Area of Window Glazing: 1,770 sq. ft. For Information Only	1770			0.00	0.00	0.00
Window Weather Stripping: 115 windows	115	80	9,200.00	9,200.00	2,024.00	20,424.00
Exterior Door Billiard Room	1	3,000	5,500.00	3,800.00	836.00	10,136.00
Total Square Footage of Cladding: 11,439 sq. ft.	11439	5.5	62,914.00	48,000.00	10,560.00	121,474.00
Total Linear Footage of Downspouts: No 20 - 303 ft.	303	25	7,575.00	3,636.00	799.92	12,010.92
Total Linear Footage of Gutters: 620 ft.	620	35	21,700.00	7,440.00	1,636.80	30,776.80
Total Square Footage of Decking: 2,007 sq. ft. Framing in cost	2007	22	32,112.00	76,000.00	16,720.00	124,832.00
Total Linear Footage of Trim: 4,467 ft.	4,467	7.8	32,079.00	62,538.00	13,758.36	108,375.36
Total Square Footage of Red Cedar Shingle Roof: 12,081 sq. ft.	12081	4.94	56,680.14	253,701.00	55,814.22	366,195.36
Total Count of Dormers: 7 (Red Cedar Shingle Roof)	1400	4.94	6,916.00	29,400.00	6,468.00	42,784.00
Total Square Footage of Transparent Roofing: 549 sq. ft.	549	35	19,215.00	7,000.00	1,540.00	27,755.00
Total Square Footage of Metal Roof: 2,615 sq. ft.	2615	45	117,675.00	64,000.00	14,080.00	195,755.00
Total Linear Footage of Roof Valleys: 276 ft.	276	65	17,940.00	2,400.00	528.00	20,868.00
Total Linear Footage of Roof Edge: 831 ft. Edge & Other Flashing	831	4.5	3,739.50	6,400.00	1,408.00	11,547.50
Total Flashing of Chimneys: 7	7	1,200	8,400.00	18,200.00	4,004.00	30,604.00
Paint All New Work	230	95	1,330.00	97,368.84	21,421.14	120,119.98
Total Fascia Board Linear Feet: 831 ft	831	7.8	6,482.00	7,200.00	1,584.00	15,266.00
Repair of Wood Clapboard and Sheathing at North Elevation allowance:	one	2,800	3,200.00	3,500.00	770.00	7,470.00
TOTALS			412,657.64	699,783.84	153,952.44	
SUBTOTAL						1,266,393.92
10% CONTINGENCY						126639.39
GRAND TOTAL						1393033.32
<i>Information for magnitude of construction costs is derived only from study format</i>						

**FIRST AMENDMENT
TO LETTER OF AGREEMENT
BETWEEN HISTORIC HIGHFIELD, INC.
AND
FALMOUTH COMMUNITY PRESERVATION COMMITTEE**

This document is the FIRST AMENDMENT dated the 31ST day of OCTOBER, 2023 to the LETTER OF AGREEMENT (the "LOA" attached hereto as **Exhibit A**) made on the 23rd day of May, 2023, by and between the Town of Falmouth, Massachusetts, a municipal corporation in Barnstable County, having a principal place of business at 59 Town Hall Square, Falmouth, MA 02540, acting by and through its Community Preservation Committee (the "CPC") (collectively, the "Town") and Highfield Hall & Gardens, having a principal place of business at 56 Highfield Drive, Falmouth, MA, 02540 ("Highfield Hall").

WHEREAS, Highfield Hall wishes to perform certain work on the building known as Highfield Hall located at 56 Highfield Drive, Falmouth including exterior rehabilitation and water abatement (the "Project"), all as described in the LOA and its application to the CPC;

WHEREAS, upon the recommendation of the CPC, Town Meeting voted to approve a grant to Highfield Hall in the amount of \$1,108,000 at the April 10, 2023 Town Meeting for the Project, which grant is the subject of the LOA;

WHEREAS, in addition to the grant from the Town, Highfield Hall will also receive a grant from MassDevelopment in the amount of \$169,000 to pay for costs associated with the Project; and

WHEREAS, in addition to the grant from MassDevelopment and the grant from the Town, Highfield Hall will provide matching funds in the amount of \$231,063 towards the total, overall costs associated with the project.

NOW, THEREFORE, the Town and Highfield Hall agree to amend the LOA as follows:

1. Highfield Hall shall pay \$400,063 (Four Hundred Thousand and Sixty Three Dollars and 00/100) to the Town to defray costs associated with the Project.
2. In the event that construction of the Project does not commence, and the Parties agree that the project will not go forward, any funds paid by Highfield Hall to the Town from the MassDevelopment grant or as project cost share will be returned to Highfield Hall.
3. All other terms and conditions of the LOA shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto executed this Amendment as of the date first written above.

Town of Falmouth MA

Highfield Hall & Gardens



Michael Renshaw
Town Manager



By: Lisa M. Walker
Co-Executive Director



Russell E. Palmer
Chair, Community Preservation Committee

Approved as to form:



Maura E. O'Keefe
Town Counsel

LETTER OF AGREEMENT
BETWEEN HISTORIC HIGHFIELD, INC.
AND
FALMOUTH COMMUNITY PRESERVATION COMMITTEE

Contingent upon Town Meeting action on Warrant Article 41 at the April 10, 2023 Town Meeting, the grant of \$1,108,000 (One Million One Hundred and Eight Thousand Dollars and No Cents) as recommended by the Community Preservation Committee (“CPC”) will become available to pay approved expenses for the Highfield Hall Exterior Restoration and Water Abatement Project (“Project”), located at 56 Highfield Drive, and to comply with the Secretary of the Interior Standards for the Treatment of Historic Properties as submitted by Historic Highfield, Inc. (“Applicant”) and as stipulated under the general and special conditions stated below and in the Attachments to this Agreement.

GENERAL CONDITIONS

Scope of Work

The CPC voted on November 17, 2022, to recommend funding of this Project based on the final application (“Application”) submitted to the CPC, including all additional Project information submitted by the Applicant and Project modifications made by mutual agreement between the CPC and the Applicant (ATTACHMENT A).

The Project, as defined in ATTACHMENT A, may only be modified by mutual agreement between the CPC and the Applicant. Project modifications and changes to the Scope of Work require prior written CPC authorization in the form of an amendment to this Letter of Agreement (LOA). The termination of this LOA coincides with the Project schedule included in the Application. If the Project exceeds the aforementioned Project schedule, this LOA can be extended by mutual agreement between the CPC and the Applicant.

Applicant’s Responsibilities

A designated representative of the Applicant as identified in this LOA (“Project Representative”) must sign all documents executed for this Project. This representative must have the authority to enter into contracts on behalf of the Applicant (ATTACHMENT B).

The Applicant shall complete the Project and meet the Project conditions and standards stipulated in this LOA.

The Applicant hereby attests to the validity of all appraisals, estimates and other information submitted to the CPC for this Project.

The Applicant must prepare and submit written semi-annual reports on CPC-provided forms, which outline Project progress and any problems encountered. The Applicant must submit these reports to the CPC and may be requested to attend CPC meeting(s) to discuss Project progress.

The Applicant must comply with the Project Implementation Procedures in order to receive payment (ATTACHMENT C).

Recognition

The Applicant must acknowledge Community Preservation funds as a funding source for the Project to promote community awareness of the use of Community Preservation funds. This acknowledgement must appear in relevant print materials (press releases, brochures, advertisements, etc.) and be referenced in presentations, interviews, and other commentary regarding the project. As a courtesy, the Community Preservation Office staff must receive prior notification of ceremonies acknowledging the commencement, progress, or completion of a Community Preservation Act funded project.

Project Signage

During Project construction, the Applicant must erect a temporary sign on the construction site acknowledging that Community Preservation funds are being used on the project.

If required by the CPC, permanent signage must be erected on the Project site that acknowledges the use of Community Preservation funds on the Project. The Applicant will consult with CPC staff to gain approval of proposed signage wording prior to installing the permanent Project sign. If the Project is located in an historic district, additional requirements may apply.

Validation

The Applicant hereby certifies, under penalties of perjury, to the best of his or her knowledge that:

The Applicant has filed all Commonwealth of Massachusetts tax returns and paid all applicable State and Town taxes under law. The applicant's representative hereby attests to this by signing the Certificate of Compliance with State Tax Laws and Unemployment Compensation Contribution Requirements (ATTACHMENT D).

Under the provisions of Chapter 701 of the Acts of 1983, the Applicant's application is in all respects a good faith document, fair and made without collusion or fraud with any other person. The Applicant's representative hereby attests to this by signing the Non-Collusion Statement (ATTACHMENT E).

The Applicant has not engaged in any unlawful discrimination based upon race, color, religious creed, national origin, sex, sexual orientation or veteran status and has complied with Town of Falmouth affirmative action policies and practices with respect to the application. The Project as it progresses and at completion will be compliant with these requirements of law and Town policies and practices.

The Project will comply with all federal and Massachusetts conditions of accessibility laws, rules, regulations or Special Conditions included herein and will include a detailed description of such compliance in its final report.

Proof of legal existence and good standing, if applicant is a corporation, and proof of nonprofit status, if applicable, must be attached to this LOA as ATTACHMENT F unless otherwise included in the Application.

CPC Rights

The CPC reserves the right to inspect relevant records of the Applicant to ensure that approved Project activities are completed and that Community Preservation funds have been spent on the Project as approved.

The CPC further reserves the right to withhold payments for Project activities until the Applicant has met all conditions herein stipulated.

Time Frame

The Applicant must prepare a schedule for drawdown of funds, which must include project milestones, estimated payment amounts and request dates. This schedule must be submitted to the CPC for approval before the first payment is requested. Any amendments to the approved schedule must be submitted in writing to the CPC for approval.

SPECIAL CONDITIONS

1. Use of Funds:
 - a. Project Construction including: 1) windows; 2) roof; 3) chimney flashing; 4) cladding; 5) gutters; 6) downspouts; 7) fascia; 8) trim; 9) clapboard and sheathing repair; 10) doors; 11) decking; and 12) painting.
 - b. Deviations from the aforementioned scope must be approved by the CPC prior to the change.
2. All Project activities will be completed in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties as required by the Community Preservation Act.
 - a. Prior to bidding, project plans and specifications must be submitted to the CPC for review and approval for compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Submit samples for review and approval as requested. The aforementioned review will include, but is not limited to, the following components:
 - i. Windows;
 - ii. Roofing;
 - iii. Chimney flashing;
 - iv. Cladding;
 - v. Gutters
 - vi. Downspouts;
 - vii. Fascia;
 - viii. Trim;
 - ix. Clapboard & Sheathing repair;
 - x. Doors;
 - xi. Decking; and
 - xii. Painting.
 - b. Prior to final release of CPA funds, the CPC Historic Preservation Consultant or CPC designee will conduct a review and/or site inspection to document compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
3. A Preservation Restriction (PR) may be required on this project if Massachusetts Historical Commission (MHC) Massachusetts Preservation Project Funds (MPPF) are awarded. In accordance with the Falmouth Community Preservation Fund Application, Attachment C, p. 16, *"If a Preservation Restriction is required on the property, a retainage of project CP Funds will be withheld from the final payment by the Town until the executed PR is filed with the Barnstable County Registry of Deeds."*

If the PR is required as a result of MHC MPPF grant funds being awarded, a retainage equal to 10%

of the CPA project appropriation will be withheld from the final payment by the Town until the executed PR is filed with the Barnstable County Registry of Deeds.

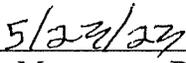
4. Project is to be constructed in accordance with the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (MAAB) Rules and Regulations. Prior to final release of CPA funds, the CPC or CPC designee will conduct a review and/or site inspection to document compliance with the ADA & MAAB Rules and Regulations.
5. The Project is to be completed by **March 31, 2026**, as stated in the Community Preservation Project Application incorporated in Attachment A. Extensions to the completion date may be negotiated.
6. Permanent signage must be erected on the Project site that acknowledges the use of Community Preservation funds on the Project. The Applicant will consult with the CPC Staff to gain approval of the proposed signage wording and location prior to installing the permanent Project Sign.
7. The CPC Project Liaison is John Druley.

This agreement is executed in duplicate, and each is considered an original.




 Applicant Signature Date Chair, CPC Date

LISA M. WALKER
 Applicant Printed Name

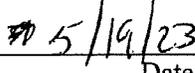
 Peter Johnson-Staub, Interim Town Manager Date

Approved as to Form:




 Maura E. O'Keefe, Town Counsel Date

Approved as to Funding Availability:

 Victoria Rose, Town Accountant Date
 Funding available 7/1/23

LIST OF ATTACHMENTS

Attachment A - Project Application including Project Budget

Attachment B - Certificate(s) Of Authority & Affidavit of Compliance

Attachment C - Project Implementation Procedures

Attachment D - Compliance with State Laws & Unemployment Compensation

Attachment E - Non-Collusion Statement

Attachment F - Proof of Legal Existence & Good Standing

ATTACHMENT A

PROJECT DEFINITION INCLUDING PROJECT BUDGET

The Applicant shall complete the Project as delineated in the following documents. These documents are not attached but are herein incorporated by reference into this LOA.

1. **Application for Community Preservation Funding Submitted by Historic Highfield, Inc., Titled “Highfield Hall Exterior Restoration & Water Abatement”; Dated August 10, 2022.**
2. **Additional Project Information Submitted:**
 - a. Responses to Eligibility Review/Supplemental Information – Received 8/23/2022 & 9/1/2022
 - b. Eric Dray Analysis – Received 9/2/2022 (Initial) & 11/7/2022 (CPC Additional Questions)
 - c. Response to CPC Additional Questions – Received 10/3/2022, 10/5/2022 & 11/17/2022 (Follow up interview)
 - d. Town Counsel Analysis – Received 11/8/2022 & 11/9/2022
 - e. Select Board Approval of Project – 9/12/2022
3. **Approved Project Budget in accordance with the Project Budget, Attachment B, submitted on the Application for Community Preservation Funding:**
\$1,108,000 (One Million One Hundred Eight Thousand Dollar and No Cents)

B. Certificate of Authorization for MHC Contract

The Directors of the Highfield Hall & Gardens/Historic Highfield, on
Name of Organization/Municipality

March 15, 2023 at which a quorum was present, the following resolution was adopted:
Date of vote or election

VOTED: That

Lisa Walker

Name of Contract Signer

Co-Executive Director

His/Her Title

of this corporation is hereby authorized to execute a contract with MHC.

A true copy. ATTEST:

Sandra Albans (in blue pen)
Signature of Clerk/Secretary of Corporation

5 Pacific Avenue, Mashpee, MA 02649

Address

March 16, 2023

Signing Date

I hereby certify that I am the Clerk/Secretary of the Highfield Hall & Gardens/Historic Highfield, that
Name of Organization

Lisa Walker

is the duly elected

Name of Contract Signer

Co-Executive Director

of said corporation, and that the above vote has not

His/Her Title

been amended or rescinded and remains in full force and effect as of the date of this application.

Sandra Albans (in blue pen)
Signature of Clerk/Secretary of Corporation

ATTACHMENT B

**CERTIFICATE(S) OF AUTHORITY
CORPORATE RESOLUTION/CERTIFICATION OF AUTHORITY**

If a corporation, complete below or attach to each signed copy of contract a notarized copy of vote of corporation authorizing signatory to sign this contract. If attesting clerk is same as individual executing contract, have signature notarized below.

At a duly authorized meeting of the Board of Directors the Board of Directors of the
Highfield Hall & Gardens held on March 15, 2023
[Name of Corporation] [Date of Meeting]

at which all Directors were present or waived notice, it was voted, Lisa M. Walker
[Name of Officer]
Co-Executive Director of this company be and hereby is authorized to
[Title of Officer]

execute contracts and bonds in the name and behalf of said company, and affix its Corporate Seal thereto, and such execution of any contract or obligation in this company's name on its behalf by such Co-Executive Director under seal of the company, shall be valid and binding upon this company.
[Title of Officer]

A TRUE COPY,

ATTEST

Sandra Abrams
Clerk

Place of Business: Highfield Hall & Gardens

Date of this Agreement: April 14, 2023

I hereby certify that I am the Clerk of the Highfield Hall and that Lisa M. Walker is the duly elected Co-Executive Director of said company, and that the above vote has not been amended or rescinded and remains in full force and effect as of the date of this contract.

Sandra Abrams
Clerk (Corporate Seal)

ATTACHMENT B - DOES NOT APPLY TO MUNICIPAL DEPARTMENTS

AFFIDAVIT OF COMPLIANCE

MASSACHUSETTS BUSINESS CORPORATION

NON-PROFIT CORPORATION

FOREIGN (Non-Massachusetts) CORPORATION

LIMITED LIABILITY COMPANY

I, Camille M. Romano, President ^{Finance} / ~~Manager~~ / ~~Clerk~~ [circle one] of Highfield Hall + Gardens whose principal office is located at 50 Highfield Drive Falmouth, MA do hereby certify that the above named Corporation has filed with the State Secretary all certificates and annual reports required by M.G.L. c. 156B, § 109 (Business Corporation), M.G.L. c. 181, § 4 (Foreign Corporation), by M.G.L. c. 180, § 26A (Non-Profit Corporation), or M.G.L. c. 156C (limited Liability Company).

SIGNED UNDER THE PENALTIES OF PERJURY this 20 day of April, 2023

Signature of Responsible Officer CM Romano.

ATTACHMENT B - DOES NOT APPLY TO MUNICIPAL DEPARTMENTS

ATTACHMENT C PROJECT IMPLEMENTATION PROCEDURES

Falmouth Community Preservation Act: Project Implementation Procedures

All Projects must be implemented in accordance with the terms and conditions specified in the Project Letter of Agreement (LOA) issued by the Community Preservation Committee (CPC) and executed by the Applicant.

Role of the CPC

The CPC is responsible for contract oversight on behalf of the CPC for all funded projects. Additionally, each project is assigned a CPC Liaison who coordinates with the CPC staff on matters related to Project implementation. The range of duties performed by CPC Liaisons may include: invoice review/approval, written Project update requests, attendance at site visits (except as limited by law on construction projects), and general communication with Project Representative and CPC staff/consultant. All Project monitoring procedures shall be conducted in coordination with CPC staff/consultant.

Procurement Documents

All procurement documents (i.e., Request for Quotes, Request for Proposals, and Invitation for Bids) must be submitted to the Community Preservation staff for review before obtaining Project quotes and/or bids. For Projects in which handicap accessibility is either required by law or regulation or included as a Special Condition herein, the Project design professional shall provide a written certification that procurement documents comply with the aforementioned accessibility law, regulation, and/or Special Condition(s). This provision may be modified to include certification from an alternate source acceptable to the CPC in the absence of a Project design professional.

Project Contract Documents

All signed contract documents (including original contract plus subsequent amendments or change orders associated with CPA funded work) shall be submitted to the CPC staff for inclusion in the Project file. For Projects involving the acquisition of real property, all relevant deeds and reference information must be submitted to the CPC Staff for inclusion in the Project file.

Processing Project Invoices

Project invoices shall be reviewed and authorized for payment by the Project Representative before submission to the CPC staff for payment. For construction projects, signed certifications documenting the work completed and stored to date shall be submitted along with all invoices. The Community Preservation staff will review and verify all information submitted before invoices are processed for payment. The CPC staff will coordinate the payment of invoices with the CPC Liaison, Town Accounting Department, and the Town Manager.

For Non-profit projects, invoices must be accompanied with proof of payment, which includes:

- Copy of paid invoices;
- Copy of cancelled checks or in lieu thereof with a signed letter from the vendor on official letterhead certifying that the invoice has been paid. The invoice number, name of payor, check number, and dollar amount shall be included in the text of the letter;
- Payment Request Coversheet;
- Tasks/Deliverables completed;
- Updated project drawdown with percent project completed; and
- Signed certification statements and applications for payment, as applicable.

The CPC's policy is to release CPA funds to the Applicant as a reimbursement for Project expenses once the above referenced documentation is received and approved.

The CPC will consider exemptions from this policy at the request of the Applicant; if such an exemption is granted, payment will be made directly to vendors. Payment will be made within thirty (30) to sixty (60) days upon receipt of Request for Payment.

Project Reporting

Applicants will be required to submit Semi-Annual Reports on Project status as stipulated in this Letter of Agreement. The Applicant must submit these reports in writing in accordance with a schedule determined by the CPC and may be requested to attend CPC meetings to discuss Project progress. Site visits will be conducted by the CPC and/or CPC staff.

Project Close-Out and Completion

Upon Project completion, the CPC will request a written statement and supporting Close-Out documentation from the Project Representative as described below in "Close-Out Process" certifying that the Project and the purpose of the appropriation were completed.

Applicant's Project Closeout Responsibilities

1. Four (4) to Six (6) Weeks Prior to Anticipated Project Completion:
 - a. Seek approval from Community Preservation Staff for specific language for the permanent Project sign before ordering permanent sign.
 - b. Develop documentation to certify compliance with Special Conditions outlined in this Letter of Agreement.
2. Two (2) Weeks Prior to Anticipated Project Completion:
 - a. Oversee/monitor permanent sign installation.
 - b. Assemble Project Completion Documentation:
 - Photo(s) of completed Project
 - Photo(s) of permanent sign installed on Project site which acknowledges use of Community Preservation Funds
 - Prepare written project completion report/statement certifying that the funding/appropriation purpose is completed
 - Assemble documentation that all Special Conditions have been met (i.e. Preservation Restriction, Affordable Housing Restriction, Deeds Restriction, accessibility compliance, etc.)
3. Contact the Community Preservation staff to schedule a final site visit inspection and submit Project Completion Documentation.
4. One (1) Week Prior To Anticipated Project Completion
Submit Request for Final Payment. Final Payment Request will be processed upon satisfactory completion of site visit and receipt of all required Project Completion documentation.
5. If any funds remain upon Project Completion, the CPC shall notify the Town Finance Director that the appropriation purpose has been completed and that funds remain. As stated in the Department of Revenue's Informational Guideline Release No. 00-209, "the unspent and unencumbered balance of an appropriation for a particular acquisition or initiative should be closed to the Community Preservation Fund financing source from which the appropriation was funded".

ATTACHMENT D

**CERTIFICATE OF COMPLIANCE WITH STATE TAX LAWS AND
UNEMPLOYMENT COMPENSATION CONTRIBUTION REQUIREMENTS**

Pursuant to M.G.L. c. 62C, § 49A and M.G.L. c. 151A, §19A, I,
Lisa M. Walker, authorized signatory for whose principal place of business is
at Highfield Hall + Gardens do hereby certify under pains of perjury that
Highfield Hall + Gardens has filed all state tax returns and paid all taxes as required
by law and has complied with all state laws pertaining to contributions to the unemployment
compensation fund and to payments in lieu of contributions.

The Business Organization Social Security Number or Federal Identification Number is
04-3237612.

Signed under the pains and penalties of perjury the 14 day of April 2023

Signature: Lisa M. Walker

Name and Title: Lisa M. Walker
Co-Executive Director

ATTACHMENT D - DOES NOT APPLY TO MUNICIPAL DEPARTMENTS

ATTACHMENT E

NON-COLLUSION STATEMENT

The undersigned hereby certifies, under the pains and penalties of perjury, that the agreement has been made and submitted in good faith without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity, or group of individuals.

Signature: *Jess M. Wahn*

Title: *Co-Executive Director*

Date: *April 14, 2023*

ATTACHMENT E - DOES NOT APPLY TO MUNICIPAL DEPARTMENTS

ATTACHMENT F

Proof of Legal Existence and Good Standing if Applicant is a Corporation, and Proof of Non-Profit Status

ATTACHMENT F - DOES NOT APPLY TO MUNICIPAL DEPARTMENTS



Commonwealth of Massachusetts
Department of Revenue
Geoffrey E. Snyder, Commissioner

mass.gov/dor

Letter ID: L1779839264
Notice Date: April 12, 2023
Case ID: 0-001-937-573



CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



HISTORIC HIGHFIELD INC
56 HIGHFIELD DR
FALMOUTH MA 02540-2304



Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, HISTORIC HIGHFIELD INC is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.

What if I have questions?

If you have questions, call us at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 9:00 a.m. to 4:00 p.m..

Visit us online!

Visit mass.gov/dor to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief
Collections Bureau

Eric E. Dray
Eric Dray Consulting
71 Prentiss Street
Cambridge, MA 02140
508.566.3797 EricEDray@gmail.com

MEMORANDUM

TO: Falmouth Community Preservation Committee
FROM: Eric Dray, Preservation Consultant
DATE: September 2, 2022
RE: Highfield Hall – Exterior Rehabilitation and Water Abatement

Highfield Hall & Gardens is planning a comprehensive exterior rehabilitation of Highfield Hall, including measures to abate water infiltration. The proposed work includes repair and rehabilitation of exterior cladding, gutters, fascia boards, roof, chimney, windows, doors, trim, and decking.

The intended work for each element is described in the *Highfield Hall & Gardens Exterior Envelope Study* prepared by DHK Architects.

The governing Secretary on Interior Standard for Rehabilitation for all of this work in Standard 6:

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Oftentimes, in reviewing a CPA application, it is necessary to break out individual items to assess the proposed treatments against the Rehabilitation Standards.

In this case, however, it is not necessary. DHK clearly has a thorough understanding of how to follow the Rehabilitation Standards.

RECOMMENDATION: The great majority of the proposed work is either a repair of existing materials, or replacement where necessary that matches the existing in all details including materials. These items clearly follow Rehabilitation Standard 6 and are appropriate for CPC funding.

There are two instances where different treatments are proposed:

1. Gutters. The DHK Study notes that there are metal gutters profiled to match the original size, but they are undersized. The study calls for new larger gutters that would have the same profile. The metal gutters would all be finished in colors to match the underlying trim color.

The purpose of gutters is to protect exterior (and interior) features of a building. Except for unusual cases, gutters themselves are usually not part of the “historic character” of a building within the meaning of the Rehabilitation Standards. That is the case here – they are utilitarian in design.

RECOMMENDATION: The proposed resizing of the gutters is a necessary alteration to improve the preservation of the building and is appropriate for CPA funding.

2. Trim Boards behind Gutters. The DHK Study calls for the replacement of deteriorated wood trim behind the gutters with PVC or fiber cement board. As noted in Rehabilitation Standard 6, new features must match the old, including materials... “where possible.” It has generally been an acceptable interpretation of that Standard to allow alternate materials that have the same appearance and finish in cases where there is marginal visibility and/or extreme weather exposure. That is clearly the case here.

RECOMMENDATION: The use of PVC or fiber cement board behind gutters conforms to the Rehabilitation Standards and is an acceptable treatment for CPA funding.

Attachment G

AMENT & AMENT
ATTORNEYS AT LAW
39 TOWN HALL SQUARE
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November 29, 2010

Barbara Milligan, Executive Director
Highfield Hall
PO Box 494
Falmouth, MA 02541-0494

RE: Lease Agreement

Dear Barbara:

Please find enclosed one original fully executed Lease between Historic Highfield, Inc. and the Town of Falmouth along with a date-stamped copy of the Notice of Lease which was recorded with the Barnstable County Registry of Deeds on November 24, 2010 in Book 25029, Page 154. The Notice of Lease serves to put anyone reviewing the public records on notice that Highfield Hall is leased for a term of thirty (30) years ending on December 31, 2040. In Massachusetts a lease longer than seven years may not be enforceable against third parties unless the lease or a statutory notice of the lease is recorded in the Registry of Deeds.

It was a pleasure working with you and the other members of your Board to negotiate this long-term lease arrangement with the Town. I trust that it will enable you to pursue building a permanent endowment for the continued upgrade and upkeep of Highfield Hall.

An updated invoice for services rendered also accompanies this letter.

I want to also take this opportunity to thank you for listing our office as a Business Partner on your website. Ament & Ament is proud to be associated with Highfield Hall.

Should you have any questions regarding the enclosed documents, please do not hesitate to call.

Very truly yours,



Robert H. Ament

RHA/gmb
Enclosure

LEASE

This is a Lease Agreement by and between the Town of Falmouth, a municipal corporation in Barnstable County, Massachusetts with an address of 59 Town Hall Square, Falmouth, Massachusetts 02540 (the Landlord) and Historic Highfield, Inc., a Massachusetts not-for-profit corporation (hereinafter referred to as Tenant), with a mailing address of P. O. Box 494, Falmouth, Massachusetts 02541. Reference is made to the Preamble to 2010 Lease of Highfield Hall, attached hereto. Hereinafter follow the terms and conditions of the Lease.

1. **Granted Premises.**

Landlord hereby leases to Tenant the building in Falmouth, Barnstable County, Massachusetts, known as Highfield Hall together with 5.8 acres of surrounding land, more or less ("the Premises") as further described in Exhibit A attached hereto. The Landlord represents that it has good title to the premises (see Order of Taking for Highfield Hall and Grounds, Barnstable County Registry of Deeds Book 13465 Page 203). Provided Tenant is not in default, Tenant shall have peaceable and quiet enjoyment and possession of the Premises herein demised during the term hereof without any hindrance or molestation from Landlord, its agents, servants or employees.

2. **Term.**

The Lease term shall commence on January 1, 2011 (which date is hereinafter referred to as the "Commencement Date"). The term of this Lease shall be for thirty (30) years. Tenant may terminate this Lease at any time upon not less than one (1) year's notice.

3. **Rent.**

Tenant agrees to pay Landlord rent for the Premises of \$1.00 per year. The Landlord acknowledges additional good and valuable consideration for this Lease has been paid as set forth in Pre-rental Agreement, and that Tenant's continued satisfaction of the terms of the Pre-rental Agreement and the terms hereof shall also constitute good and valuable consideration.

4. **Condition of the Premises.**

Landlord shall deliver to Tenant the Premises in "as is" condition. Tenant acknowledges that Landlord has made no representations as to the condition of the Premises. Tenant acknowledges that the premises have been previously occupied by the Tenant and that the Tenant is fully aware of the condition of the structure and that the Tenant has brought Highfield Hall into compliance with applicable state and municipal codes. Landlord shall have no obligation to maintain or repair the Premises. Tenant shall keep the Premises, interior and exterior, in good order and repair, including making necessary structural repairs and replacements as necessary, so as always to be in compliance with state and municipal codes applicable to continued occupancy of Highfield Hall for the uses allowed hereunder. Upon termination of this Lease, Tenant shall deliver the Premises to Landlord in such condition, except in the event of termination pursuant to Paragraph 19 hereinbelow. Tenant's obligation shall not preclude Tenant's seeking financial

assistance from the Town of Falmouth, or other government sources, for such purposes and for support of Tenant's operations. In addition, Tenant shall be responsible for any damages caused by the Tenant, its guests, invitees or trespassers to the Premises during the term of this Lease.

5. Tenant's Improvements.

Tenant may make, at its expense, interior and exterior structural and non-structural alterations, additions or improvements to the Premises, provided that no material change shall be made without the written consent of Landlord, which consent shall not be unreasonably withheld. Tenant shall be solely responsible for acquiring any and all necessary permits required for such improvements. All alterations, additions and improvements shall remain in place as the property of Landlord, except as allowed in writing by Landlord. Tenant shall repair any damage to the Premises occasioned by such improvements to the satisfaction of Landlord. Tenant shall promptly pay all contractors and materialmen hired by Tenant to furnish any labor materials. Should any lien be made or filed, Tenant shall bond against or discharge same within ten (10) days after written request by Landlord. Aside from the trade fixtures installed by Tenant for the purpose of carrying out its operations, all improvements, additions and modifications shall become the property of Landlord unless agreed to in writing prior to the undertaking of such improvements, additions and modifications.

6. Use of Premises.

In accordance with the Pre-Rental Agreement, Tenant shall manage and operate said building and Premises for the people of Falmouth and visitors to enjoy for cultural purposes and as an historical reminder of the Town's beginnings as a resort community and to further education, charitable pursuits, and appreciation of the arts and sciences of the Town.

To further and sustain operation of Highfield Hall as a community culture center, and particularly to generate consistent revenue with which to maintain and operate the Premises as provided herein, Tenant may rent the Premises, or portions thereof, as office space (this use being limited to the second and third floors of Highfield Hall); conference center, art gallery, concert venue, classroom, workshop and public meeting space; private function space (including use for weddings and parties); gift shop featuring local artisans, and other appropriate uses consistent with the purposes of this Lease. In all such undertakings, Tenant shall comply with zoning by-laws, health and building codes, and other applicable regulations.

Tenant shall not allow any use of the Premises to produce sound that is audible inside Highfield Theater during (1) scheduled performances, and one dress rehearsal and one music rehearsal per week, of College Light Opera Company ("CLOC"), between June 15 and August 30, excluding Sundays, and (2) scheduled performances on four (4) weekends per year, and one dress rehearsal and one music rehearsal during the preceding weekdays, of Falmouth Theater Guild ("FTG"), provided CLOC and FTG shall provide to Tenant at least one year's notice of such scheduled performances and rehearsals. The foregoing references to CLOC and FTG shall be deemed to include successor tenants of the Cape Cod Symphony and Conservatory of Music and Art, Inc. ("CCSCMA").

Public space in Highfield Hall shall be open to the public at reasonable times on a regular basis. Subject to Tenant's reasonable use of parking areas and grounds surrounding Highfield Hall for uses allowed by this Lease, the parking areas and grounds which are part of the Premises, including existing walking paths in Beebe Woods, shall be open to the public at reasonable times and subject to reasonable rules and regulations. In particular, parking areas shown on the Parking Plan dated Dec. 7, 2006, prepared by BSS Design, attached hereto as Exhibit B, shall be available to patrons of public performances at Highfield Theater and at the classroom/studio building of CCSCMA, except during periods when activity at Highfield Hall may require use of such parking areas, as determined in Tenant's reasonable discretion. The service parking area on the northwest side of Highfield Hall shall at all times be reserved exclusively for use by Tenant and its designees, and will not be open to the general public or available for Highfield Theater or other CCSCMA use. Tenant shall use reasonable efforts to avoid the use of any property of CCSCMA for parking for events at Highfield Hall, except when permission for use of CCSCMA parking area(s) has been obtained in advance. Existing driveway access to Highfield Theater and the CCSCMA classroom/studio building shall not be obstructed, including the existing driveway along the CCSCMA property line north of Highfield Hall that provides access to the south and west sides of Highfield Theater.

All provisions in this Lease are solely for the benefit of Landlord and Tenant, and no other entity may commence any action for breach of this Lease or otherwise seek to enforce any provision hereof.

7. Maintenance of Natural Wooded and Garden Areas.

Landlord approves redevelopment of the Premises as heretofore completed by Tenant, including landscaping and other site development. Tenant may continue to restore historic garden areas and make further landscaping improvements in accordance with a master plan prepared by Lucinda A. Brockway, but otherwise naturally vegetated forest area shall be maintained substantially in its present natural state except as necessary for safety, or otherwise as approved by Landlord.

8. Landlord's Warranty/Quiet Possession.

- a. Landlord represents and warrants to Tenant that Landlord has the lawful right and authority to enter into this Lease for the entire term thereof.
- b. Landlord covenants and agrees that Tenant, upon performance of its obligations under this Lease, shall peaceably and quietly have, hold and enjoy the Premises throughout the term of this Lease.

9. Tenant's Fixtures/Alterations.

- a. Tenant may install in the Premises such fixtures (trade or otherwise) and equipment as Tenant deems desirable and all of said items shall remain Tenant's property and Tenant may remove, and/or replace, said fixtures and equipment, in the Premises, at any time and from time to time during the term. Landlord shall not mortgage, pledge or encumber said fixtures or equipment. Tenant shall make

all repairs or replacements at Tenant's expense in connection with the removal of any fixtures or equipment installed as provided in this Section.

- b. All signs, counters, shelving, trade and light fixtures, contents, and other equipment, which may at any time be installed or placed in or upon the Premises, by or at the expense of Tenant, are and shall remain the property of Tenant, and Tenant shall remove the same and repair all damage to the Premises caused by such installation and removal prior to or at the expiration date of the terms of this Lease.

10. Utility Charges.

Tenant shall be solely responsible for and promptly pay all charges for heat, water, gas, electricity, cable television, telephone or any other utility used or consumed in the Premises. Tenant shall have maintenance responsibility for the heating, ventilation and air conditioning systems if any serving the Premises.

11. Assigning.

Tenant shall not assign this Lease nor subject the Premises or any interest therein without the prior written consent of Landlord. Rental of any portion of the Premises for purposes allowed in Paragraph 6 shall not be considered an assignment subject to this Paragraph 11.

12. Default of Tenant.

Tenant shall be in default of this Lease if:

- a. It violates any material term or condition contained herein, or
- b. It ceases to operate or qualify as a not for profit corporation in accordance with the Massachusetts General Laws and the Internal Revenue Code.

The Tenant shall have a ninety (90) day period in which to cure any default, which period shall commence upon written notice from the Landlord to the Tenant identifying the default, provided that any default relating to the Tenant's obligations to provide insurance or discharge liens on the property shall be cured immediately upon Tenant becoming aware of such default. If Tenant is in good faith attempting to cure the default during said ninety (90) day period, then this Lease shall continue in force so long as Tenant is reasonably and in good faith seeking to cure such default.

In the event of such default, except as provided above, Landlord may declare the term of Lease terminated and obtain possession of said Premises subject to and with the benefit of all legal rights under Massachusetts law and Landlord may be awarded reasonable attorney's fees by a court of competent jurisdiction.

13. Signs.

Tenant shall have the right to erect signs on any portion of the leased Premises provided that such signs fully comply with all laws, orders, rules and regulations of all governmental authorities having jurisdiction thereof.

14. Notices.

All notices required to be sent under the provisions of this Lease to Landlord and Tenant by one another shall be in writing and sent by U.S. mail, certified, return receipt requested, to the addresses set forth below on the first page of this lease or such other address as either party may designate by notice from time to time.

15. Emergency.

Landlord may, if an emergency shall exist, perform any obligation of Tenant hereunder for the account of Tenant after first notifying the Tenant of the same by telephone or written notice of such emergency. In such event, Landlord shall request Tenant to reimburse Landlord for any expenditure made by Landlord. If Tenant fails to reimburse Landlord within ninety (90) days after Landlord's request therefor, Landlord may treat such failure to reimburse as a default hereunder.

16. Successors and Assigns.

This Lease shall be binding upon and shall inure to the benefit of the parties hereto and their respective legal representatives, successors and assigns.

17. Waiver.

One or more waivers of any covenant or condition by Landlord or Tenant shall not be construed as a waiver of a subsequent breach of the same or any other covenant or condition, and the consent or approval by Landlord requiring the other party's consent or approval to or of any similar subsequent act. The failure of either party to seek redress for violation of, or to insist upon strict performance of, any term, covenant, or condition in this Lease shall not prevent a similar or subsequent act from constituting a default under this Lease.

18. Invalidity of Certain Provisions.

If any provision of this Lease shall be invalid or unenforceable, the remainder of the provisions of this Lease shall not be affected thereby and each and every provision of this Lease shall be enforceable to the fullest extent permitted by law.

19. Insurance.

Tenant shall maintain with insurers authorized to do business in the Commonwealth of Massachusetts, and which are well rated by a recognized national insurance rating organization,

a general comprehensive public liability insurance policy against claims for bodily injury, death or property damage arising out of the use and occupancy of the Premises with limits no less than \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate with a deductible of \$5,000.00 per loss (except \$100,000.00 for wind damage). All insurance shall name the Tenant and the Landlord as the insured parties as their interests may appear. Any change in limits or deductibles must be approved in writing by Landlord, which approval shall not be unreasonably withheld.

Tenant shall keep the Premises insured against loss by fire with extended coverage in the amount determined from time to time by Tenant's insurer to be adequate replacement coverage (presently determined to be \$5,000,000.00). In the event the Premises or any portion thereof is destroyed by fire or other casualty during the term of this lease, insurance proceeds shall be payable to Landlord and shall be used in consultation with Tenant for repair or reconstruction of the Premises, unless, due to the Premises being made unsuitable for occupancy by Tenant for the use of the Premises as defined in Paragraph 6 hereof, Tenant elects to terminate this lease by notice thereof given to Landlord within 180 days after the fire or other destructive event, whereupon termination shall be effective thirty (30) days following the date of such notice. Tenant shall be responsible for insurance on its personal property, trade fixtures and contents.

Tenant shall deliver to Landlord, promptly at the commencement of the term of this lease, insurer's certificates evidencing all insurance that Tenant must maintain under this lease, and within thirty (30) days before any insurance expires, certificates evidencing its renewal. If commercially available, any policy of insurance shall contain a clause that the insurer will not cancel or change the insurance without first giving Landlord ten (10) business days prior written notice.

20. Indemnification.

Tenant and Landlord agree to indemnify and defend each other against, and to save each other harmless from, and any and all claims of whatever nature for injury or damage to persons or property in or about the Premises caused by negligence or intentional conduct of their employees, agents or contractors.

21. Net Lease/ Tenant's Responsibilities.

It is understood and agreed that Tenant, during the term hereof, is to do all things and make all payments connected with the Premises or arising out of any occupation of the Premises or any part thereof or its appurtenances, except as otherwise expressly provided in this Lease, and under no condition or contingency is Landlord to be required to do or perform any act or action or be subject to any liability or responsibility or to make any payments with respect to the Premises or any part thereof during the term of this Lease.

22. Authority to Sign and Commit.

Tenant hereby agrees and warrants that it has complied with its Articles of Organization and By-laws in entering into this Lease Agreement, and further, that those signing the Lease Agreement have the power and authority to sign this Lease. A copy of the vote authorizing

Tenant to enter into this Lease Agreement and accompanying clerk's certificate is attached hereto. For authority of the Board of Selectmen of the Town of Falmouth to enter into this Lease for a term of thirty (30) years, reference is made to General Laws Chapter 40 §3, as amended by Section 22 of Chapter 188 of the Acts of 2010 ("An Act Relative To Municipal Relief"), and to the Certificate of Vote attached hereto.

23. Compliance Reporting.

During the term of this Lease, Tenant shall annually provide to Landlord a written report (which may be Tenant's Annual Report to its Donors) describing Tenant's compliance with the terms and conditions of this Lease, together with a copy of Tenant's most current annual filings with the Internal Revenue Service and the Massachusetts Secretary of State, including financial statements (audited, if required for such filings) showing what funds of Tenant are reserved for use to maintain and/or improve Highfield Hall, and together with a copy of the most current inspection reports (and permits) received by Tenant from the Falmouth Building Department, the Falmouth Fire Department and the Falmouth Health Department with respect to Highfield Hall. Tenant's annual report to Landlord shall include a description of major maintenance and capital improvement projects undertaken during the reporting period or scheduled.

24. Real Estate Taxation.

It is agreed by Landlord and Tenant that the Premises are municipal property, that during the term of this Lease Tenant will operate the Premises as provided in the Lease for charitable purposes for the benefit of the general public, and that the Premises are exempt from real estate taxation. In the event the Premises shall be subject to any municipal taxation based on valuation of the Premises, such tax shall be paid by Landlord.

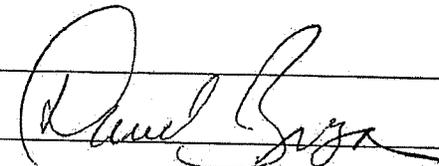
In Witness Whereof Landlord and Tenant have signed and sealed this Lease this 19th day of October, 2010.

LANDLORD:
BY THE BOARD OF SELECTMEN OF THE
TOWN OF FALMOUTH

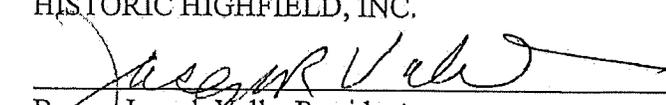

_____, Chairman

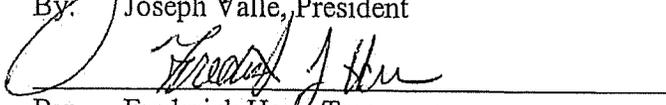

_____, Vice Chairman





TENANT:
HISTORIC HIGHFIELD, INC.


By: Joseph Valle, President


By: Frederick Hare, Treasurer

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EXHIBIT A

Property description:

Parcel G, containing 5.532 acres, together with the buildings thereon, and parcel H, containing 11,086 square feet, together with the access thereto and the right to use Highfield Drive as shown on the hereinafter mentioned plan, for all purposes for which roads are commonly used in the Town of Falmouth, all as shown on a plan entitled "Plan of Land at Highfield Hall prepared for Historic Highfield, Inc., Falmouth, Massachusetts, BSS Design, Land Surveying, Civil Engineering, Land Planning, Scale: 1" = 80', Date: September 22, 2000, which plan is recorded in the Barnstable County Registry of Deeds in Plan Book 562, Page 8.

Falmouth List of Significant Buildings

NOVEMBER 2021			
St_Num	St_Name	MAP_PAR_ID	Date
17	GRAND AVE	46B 12 003 099	07/21/04
30	GRAND AVE	46B 11 004 104	07/21/04
36	GRAND AVE	46B 11 003 106	07/21/04
44	GRAND AVE	46B 11 001 111	07/21/04
49	GRAND AVE	46B 12 009 002	07/21/04
269	GRAND AVE	46B 12 020 000A	07/21/04
293	GRAND AVE	46B 09 012 068	12/13/93
319	GRAND AVE	46B 07 028 061	12/13/93
321	GRAND AVE	46B 07 021 060	07/21/04
333	GRAND AVE	46B 07 014 056	07/21/04
335	GRAND AVE	46B 07 013 055	07/21/04
345	GRAND AVE	46B 07 010 052	07/21/04
357	GRAND AVE	46B 04 004 049	07/21/04
361	GRAND AVE	46B 03A 007 048	07/21/04
367	GRAND AVE	46B 03A 005 046	07/21/04
375	GRAND AVE	46B 03 004 001	07/21/04
412	GRAND AVE	46B 02 012 020	12/13/93
445	GRAND AVE	46B 04A 009 001	07/21/04
450	GRAND AVE	46B 02 004 017	07/21/04
452	GRAND AVE	46B 02 003 016	07/21/04
465	GRAND AVE	46B 06 012 001	07/21/04
6	GREYCOURT LN	14 18 003 006	12/13/93
46	GUNNING POINT RD	37 07 009 000A	12/13/93
62	GUNNING POINT RD	37 07 005 044	05/18/95
37	HATCHVILLE RD	21 06 012 000	12/13/93
46	HATCHVILLE RD	21 06 011A 000A	12/13/93
68	HATCHVILLE RD	17 01 024A 000B	12/13/93
154	HATCHVILLE RD	17 01 027 000	12/13/93
237	HATCHVILLE RD	17 01 005 001	12/13/93
308	HATCHVILLE RD	16 03 018 001	12/13/93
440	HATCHVILLE RD	10 01 002A 004	12/13/93
470	HATCHVILLE RD	10 01 003 002	12/13/93
496	HATCHVILLE RD	10 01 005 001	12/13/93
3	HIGH ST	49A 05 010 000	03/20/13
5	HIGH ST	49A 05 011 002	12/13/93
11	HIGH ST	49A 05 012 003	03/20/13
15	HIGH ST	49A 05 013 004	12/13/93
19	HIGH ST	49A 05 014 005	03/20/13
23	HIGH ST	49A 05 016 007	12/13/93
24	HIGH ST	49A 05 036A 024A	03/20/13
33	HIGH ST	49A 05 018 009	12/13/93
56	HIGHFIELD DR	38 01 015 000G	07/21/04
64	HINCKLEY RD	51A 01 039 000	07/21/04
9	HOLMES ST	02A 02 004 000B	01/21/15
5	HOMER AVE	02A 05 007 056	01/21/15
22	HOMER AVE	02A 06 012 070	01/21/15

OPEN SESSION

BUSINESS

5. Approve Waquoit Bay Intermunicipal Agreement **(5 minutes)**

April 1, 2024



ITEM NUMBER: Business 5.

ITEM TITLE: Discuss and vote to approve and sign the Waquoit Bay Watershed Intermunicipal Agreement between the towns of Falmouth, Mashpee, and Sandwich

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Amy Lowell

ATTACHMENTS: Waquoit Bay Watershed Intermunicipal Agreement (IMA)

PURPOSE:

The Select Board is requested to review and execute the attached "Waquoit Bay Nitrogen Load Allocation Intermunicipal Agreement Between the Towns of Falmouth, Mashpee, and Sandwich."

BACKGROUND/SUMMARY:

- The Towns of Falmouth, Mashpee and Sandwich all share the watershed to Waquoit Bay and contribute nitrogen load to the Waquoit Bay watershed.
- Waquoit Bay is experiencing water quality and other impacts due to excess nitrogen load from human sources (primarily from septic systems) in the three towns.
- Under contract to Falmouth and Mashpee, GHD drafted a watershed load allocation approach in 2020 (attached to the IMA). Based on land area, land use, and natural attenuation factors, the report concluded that the average contributions from each town to the attenuated nitrogen load to Waquoit Bay are: Falmouth 50%, Mashpee 44% and Sandwich 6%.
- All three Towns have declared their intent to apply for watershed permits for their nitrogen sensitive areas, including Waquoit Bay, under the state's Watershed Permit Regulation, 314 CMR 21.00, which became effective in 2023.

- In December 2023, Falmouth submitted Notices of Intent (NOI) to file Watershed Permit Applications for all of its coastal ponds; the Town’s NOI schedule stated that Falmouth would file a watershed permit application for Waquoit Bay by January of 2028.
- For any shared watershed, the Watershed Permit Regulations require that an Intermunicipal Agreement be executed prior to application for a watershed permit.
- This IMA accepts the referenced GHD nitrogen load allocation (stating that it is to be reviewed every 5 years) and provides a framework for cooperation and coordination regarding future watershed planning for Waquoit Bay.
- At this point, the IMA does not commit the Towns to any specific watershed plan or financial outlay; the agreement is flexible and may be modified in the future as more specific plans are made by each Town to address their portion of the nitrogen load to Waquoit Bay.

DEPARTMENT RECOMMENDATION:

- It is recommended that the Select Board vote to execute this Agreement.
- Representatives of the three towns have met on at least three occasions to discuss this Intermunicipal Agreement (IMA).
- This version of the IMA has been reviewed and approved as to form by the Town Councils of all three Towns.
- Mashpee and Sandwich Select Boards voted to execute this agreement in February.
- This IMA meets the Watershed Permit Regulation’s IMA requirement for the shared Waquoit Bay watershed and provides the framework for coordinating with the other Towns.

OPTIONS:

- Motion to approve and execute the IMA for Waquoit Bay as presented.
- Motion to modify the IMA before execution; modification of the IMA would require the review of the modified version by Town Counsel from all three Towns, and a second round of review and approval by Mashpee and Sandwich Select Boards.
- Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

This IMA does not commit the Town to a specific plan or capital outlay. The Town has previously committed to filing a watershed permit application for Waquoit Bay. Following up on that commitment will require preparation and implementation of a watershed management plan for Waquoit Bay.

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board vote to approve and execute the Waquoit Bay Nitrogen Load Allocation Intermunicipal Agreement Between the Towns of Falmouth, Mashpee, and Sandwich as presented.

Michael Renshaw

Town Manager

3/26/2024

Date

Waquoit Bay Nitrogen Load Allocation Intermunicipal Agreement Between The Towns of Falmouth, Mashpee, and Sandwich

This Intermunicipal Agreement ("Agreement") is entered into as of _____, 2024 (the "Effective Date") by and among the Towns of Falmouth, Mashpee, and Sandwich, each one a municipal corporation acting through their respective chief executive officers (collectively, with their successors and assigns, the "Parties").

RECITALS

WHEREAS, municipalities are authorized in accordance with G.L. c. 40, § 4A to enter into intermunicipal agreements for the purpose of performing jointly, or on behalf of each other, activities or undertakings which any of the municipalities are authorized by law to perform; and

WHEREAS, Falmouth, Mashpee and Sandwich have been authorized to enter into this Agreement as evidenced by the execution of this Agreement by their respective Select Boards; and

WHEREAS, the Commonwealth of Massachusetts has, pursuant to the Federal Clean Water Act § 208(b)(3) and 40 C.F.R. 130.6(e), prepared and certified the Cape Cod Water Quality Management Plan Update ("208 Plan Update") developed by the Cape Cod Commission, which was certified by the Governor of the Commonwealth on June 10, 2015, and submitted to the United States Environmental Protection Agency, Region 1 ("USEPA"); and

WHEREAS, USEPA approved the 208 Plan Update on September 15, 2015; and

WHEREAS, the MassDEP developed a watershed permitting approach to address and optimize nitrogen management measures intended to restore water quality to meet applicable water quality standards in watersheds included in an approved area wide nitrogen management plan, recently codified as 314 CMR 21.00; and

WHEREAS, the estuaries and embayments of the Waquoit Bay system have experienced greatly increased anthropogenic loads of nitrogen delivered to the water through surface and groundwater sources from the increasingly developed watershed, and that this increase in nitrogen has increased the rate of eutrophication of the waters causing adverse aesthetic, water quality and habitat impacts that result in violation of state water quality standards, all as documented in the Massachusetts Estuary Project ("MEP") report entitled, "Linked Watershed-Embayment Approach to Determine Critical Nitrogen Loading Thresholds for the Waquoit Bay and Eel Pond Embayment System Towns of Falmouth and Mashpee, Massachusetts, March, 2013"; and

WHEREAS, Mashpee, Falmouth, and Sandwich recognize that increased nitrogen loads to the embayment come from surface and groundwater sources in the watershed shared by the Parties; and

WHEREAS, the MassDEP has developed and the USEPA has approved the Total Maximum Daily Load (“TMDL”) limitations for nitrogen discharges to Waquoit Bay; and

WHEREAS, the Parties agree that wastewater, fertilizer, and stormwater are the prime source of controllable nitrogen causing impairment of the embayment and that, as a result, a joint effort is required to restore and protect beneficial uses and aquatic resources of the Bay and its tributaries; and

WHEREAS, the Parties each wish to share a percentage of the aggregate pollutant reduction responsibility and jointly administer a Watershed Management Plan for Waquoit Bay, including a plan for the receipt and expenditure of funds for such administration.

NOW, THEREFORE, in consideration of the promises and mutual benefits to be derived by the Parties hereto, the Parties agree as follows:

1. The Parties agree that the most cost-effective means in terms of total cost, of meeting the TMDL requirements and attaining water quality and beneficial use goals may be a regional, watershed-based approach to mitigate the nitrogen at locations within the watershed where the contributing loads are the greatest and the methods useful for nitrogen reduction are the most effective.

2. Each Party will continue to develop and/or implement its own MassDEP approved CWMP or Targeted Watershed Management Plan, but shall include in their respective plan, if appropriate, any joint efforts undertaken by the Parties pursuant to this Agreement.

3. The Parties shall collectively determine and appoint one Town to serve as the fiscal agent under this Agreement. The fiscal agent shall receive, hold, and expend any funds appropriated by the Parties for joint actions required in the implementation of this Agreement. Unless otherwise provided, capital projects undertaken individually by any one of the Parties pursuant to an approved CWMP or Targeted Watershed Management Plan shall be the sole responsibility of that Party. The fiscal agent shall provide an accounting of the expenditure of funds at regular intervals as may be determined by the Parties. Any Party to this Agreement may request the fiscal agent to conduct an audit of the funds held under this Agreement as part of the fiscal agent's regular annual audit.

4. The Parties hereby establish a Waquoit Bay Watershed Working Group (“Working Group”), comprised of three members from each Town. The three members from each Town shall consist of a member of the Board of Selectmen from each town, the Town Manager from each Town or designee, and a technical representative appointed by the Town Manager in each Town. Appointments shall be made in accordance with any

applicable local Charter and bylaw provisions. The purposes of the Working Group will be to:

- a. Administer the day-to-day joint activities of the Parties under this Agreement.
- b. Share or develop engineering and economic studies and evaluations to define means of meeting the Parties' respective nitrogen reduction targets and to develop cost-performance relationships that define most cost-effective technologies and practices for the removal of nitrogen.
- c. The Working Group has no authority to bind one or more of the Parties. Its role shall be solely advisory and administrative in nature and to make recommendations to the Parties for actions required to implement such recommendations. The incurrence of any obligation under this Agreement by any Party shall be subject to the approval of the chief executive officer of each Party and the legislative body, if required, to implement such recommendations.
- d. The Working Group shall be considered a public body subject to the Open Meeting Law and the public records laws. The Working Group shall assign responsibility to one Town to post meeting agendas and to prepare and post meeting minutes.

5. The Parties have determined that it is in their mutual best interests to establish a nitrogen allocation formula for the purpose of allocating certain costs in a fair and reasonable manner. The parties believe that the watershed permitting responsibilities should be allocated on the basis of unattenuated and attenuated nitrogen loadings. Unattenuated loads consist of the nitrogen load from the watershed contributed by septic systems, wastewater effluent, fertilizer application, storm water runoff, golf course operations, landfill activities, and natural sources. Attenuated loads are the nitrogen loadings that reach Waquoit Bay after natural attenuation in wetlands, ponds or streams, as measured at the Sentinel Testing Station. The Technical Memorandum, attached hereto as Attachment A, sets forth the technical basis agreed to by the parties for establishing the nitrogen loading allocation formulas for both unattenuated and attenuated loads as follows:

	Unattenuated	Attenuated
Falmouth	43%	50%
Mashpee	45%	44%
Sandwich	12%	6%
Total	100%	100%

The unattenuated load percentages will be used to calculate each Party's responsibility for TMDL compliance and for the tracking and accounting of implementation measures. The attenuated load percentages will be used to calculate watershed-based shared expenses including administrative costs, sentinel station monitoring costs, MEP

confirmatory model runs, and such other watershed-based costs that the Parties may agree to in the future.

The allocation formula shall be reviewed every at least every five years, or more frequently as needed, to reflect any changes made by the state to the TMDL or to reflect any changes in development within any of the three Towns which significantly affect the nitrogen load to Waquoit Bay, or in accordance with a revised formula that the Towns mutually determine to be appropriate.

6. The Parties agree to adopt a fair and practical methodology for implementing the most cost-effective watershed-wide approach in order to comply with any permits issued by MassDEP. If the Parties determine that a regional, watershed-based wastewater and/or nutrient management system is required to meet the TMDL, the Parties also agree to share the capital, operating, administrative, legal, operational, and other ancillary costs associated therewith on a fair and equitable basis. The Towns further agree to individually fund those measures expected to achieve control of their respective share of the load identified in Paragraph 5, as may be amended, above unless they mutually agree to joint efforts to mitigate nitrogen.

7. The Parties agree to develop, if deemed mutually beneficial based on comparison of other wastewater management options of each Town, a fair and practical methodology for a reasonable nitrogen trading mechanism, including metrics for determining a nitrogen credit trading "currency" in terms of dollars per pound or other trading metric, as a means to implement a watershed-based plan.

8. The Parties agree to adopt, as a fair and practical methodology for monitoring the water quality of the watershed following the implementation of regional, watershed-based wastewater and/or nutrient management approaches, and the allocation of costs as agreed to in Paragraph 5 above, as may be amended.

9. Each Party shall cooperate with the other Parties and other entities as appropriate to identify, apply for, secure, manage and fairly allocate federal, state and other funding sources, as such may become available, to finance the planning and implementation of any multi-town or regional nutrient management plans resulting from the cooperative efforts of the Parties under this Agreement.

10. Effective Date of Agreement — The effective date of this Agreement shall be the date upon which this Agreement is entered into as first written above.

11. Term of Agreement — Pursuant to G.L. c. 40, § 4A, the maximum term of this Agreement shall be 25 years.

Notwithstanding the foregoing, this Agreement will be reassessed at intervals of five years, and may be modified by mutual agreement of the Parties at any time through an amendment of this Agreement, if necessary, to achieve permit renewal and compliance.

12. Termination — This Agreement may be terminated by any one Party upon sixty (60) days notice to the other Parties.

13. Dispute Resolution — In the event of a dispute arising out of or in relation to the terms of this Agreement, representatives of the Parties shall meet and endeavor to settle the dispute in an amicable manner through mutual consultation. If such persons are unable to resolve the dispute in a satisfactory manner within thirty (30) calendar days, either party may seek assistance of an independent third party, mutually-agreeable to both or all Parties.

14. Assignment - Any Party may assign to another governmental entity established for the purpose of addressing wastewater issues in the Town the responsibility in whole or in part for implementing the watershed permitting activities contemplated in the Agreement.

15. Amendment of this Agreement — This Agreement may be changed or modified through a mutually agreed upon written Amendment executed by each and all of the Parties to this Agreement. Any Amendment shall be attached to and shall become part of this Agreement.

16. Mutual Indemnification — Each party to this Agreement shall hold harmless each and all other Parties to this Agreement, their officers, agents, consultants, employees and assigns for all liability arising out of the activities under this Agreement.

17. Subject to Appropriation — The obligations of each of the Parties shall be subject to appropriation and the availability of funds.

18. No Remuneration — Parties to this Agreement shall be solely responsible for any and all costs incurred by themselves, their agents, their employees, committee members, consultants or other persons or entities resulting from activities undertaken pursuant to this Agreement.

19. Governance — This Agreement shall be governed by, construed under and enforced in accordance with the laws of the Commonwealth of Massachusetts.

20. Severability — If any provision of this Agreement is determined to be illegal, unenforceable, or void, then all Parties shall be relieved of their obligations under that provision, provided, however, that the remainder of the Agreement shall remain in full effect.

21. Entire Agreement - This Agreement constitutes the entire agreement between the Parties and may be executed in counterparts.

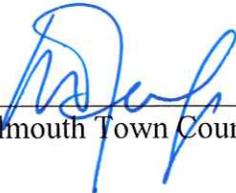
IN WITNESS THEREOF, the Parties hereto have executed this Agreement as of the first date written above.

Town of Mashpee
By its Select Board

Town of Falmouth
By its Select Board

Town of Sandwich,
By its Select Board

Approved as to form:


Falmouth Town Counsel

ATTACHMENT A



Memorandum

February 5, 2020

To: Town of Falmouth, MA; Town of Mashpee, MA Ref. No.: 11202987;11110988

From: J. Jefferson Gregg, P.E., BCEE Tel: 774-470-1640

cc: Marc Drainville, P.E., BCEE GHD Inc

Subject: DRAFT - Waquoit Bay Nitrogen Load Allocation Approach

1. Background

The Towns of Mashpee and Falmouth contracted with GHD, as part of a joint effort, to identify a nitrogen loading allocation for Waquoit Bay. Similar to efforts for Popponesset Bay, the intent of this project is to identify an allocation based on existing data sets and/or methods used, namely by:

- The Massachusetts Estuaries Project (MEP)
- The Cape Cod Commission (CCC)
- GHD (as part of Mashpee's Planning Efforts)

The purpose is to identify an allocation that could be used by Mashpee, Falmouth, and Sandwich as a basis of an Inter-Municipal Agreement (IMA) or Memorandum of Understanding (MOU) for the management of nitrogen loading to Waquoit Bay.

With the agreement of both Falmouth and Mashpee, GHD developed a scope to evaluate Waquoit Bay similar to the approach taken for Popponesset Bay, with the exception that in this case there is no "DEP Pilot Project" that established a nitrogen loading allocation by town using the MEP data.

As part of the contract(s), GHD was asked to review the existing data and/or approaches of the following three documents as they relate to nitrogen loading allocation and percent contribution (by town) of nitrogen to the Waquoit Bay watershed. Those documents are:

- **Massachusetts Estuaries Project (MEP):** Linked Watershed – Embayment Approach to Determine Critical Nitrogen Loading Thresholds for the Waquoit Bay and Eel Pond Embayment System Towns of Falmouth and Mashpee, Massachusetts, Final Report March 2013.
- **Watershed Nitrogen Management Plan (WNMP):** Final Recommended Plan/Final Environmental Impact Report, Town of Mashpee, MA, May 2015. (Eastern Embayments only)
- **CCC 208 Plan:** Cape Cod Area Wide Water Quality Management Plan Update, Cape Cod Commission, June 2015.

Because no town-by-town allocation is listed as part of the 2013 MEP report, GHD analyzed the MEP data sets and created an estimate based on segregating, to the extent practicable, each town's individual data.

This approach uses the MEP data analysis spreadsheets to estimate this allocation. Whereas, a town-by-town estimated load contribution or allocation is stated in the other two documents. However, the 2015 WNMP Report only focused on the eastern embayments of Waquoit. Therefore, a direct comparison of all three documents, as was done for Popponesset Bay, could not be done for the Waquoit System.

The purpose of this document is to provide a brief summary of the analysis approach and identify variations of each, and provide recommendations. This information, following review with Falmouth and Mashpee, will be transmitted to Sandwich and their consultant for a Peer Review. The intent is that this allocation could be used as the foundation for possible future Inter-Municipal Agreements (IMA) or Memorandums of Understanding (MOU) among the three communities.

2. Evaluations

Each of the reports identified above includes estimated nitrogen loading contributions for each of the Waquoit Bay watershed communities. Although each approach on allocating load is developed based on a different data set, this review considers the conditions under which each data set is used or developed and looks for similarities in the overall contribution attributed to each community. In the case of the 2013 MEP Report, since no town-by-town allocation is made, their original data is used to generate a town-by-town allocation by breaking out contributions from each individual community and comparing them to the composite results for the entire system as a check.

As stated previously, due to the complexities of the Waquoit Bay system, only portions of the various analyses could be directly compared.

3. Comparison of Approaches

3.1 General

Three approaches are identified as methods for load allocation. Those approaches are as follows:

1. Approach 1: "2013 MEP Data Approach"; uses 2013 Massachusetts Estuaries Project Data and original "Rainbow Spreadsheets".
2. Approach 2: "2015 WNMP Approach", uses the Mashpee Watershed Nitrogen Management Report approach developed by GHD in 2013-2014.
3. Approach 3: "CCC 208 Plan Approach", uses Cape Cod Commission 208 Plan Update as developed in 2015 and documented in their Appendix 8C.

Since the MEP Technical Report for Waquoit Bay did not partition the loads by community, Approach 1 is used to generate that allocation.

In addition, each "Approach's" data set has slight variations and these are briefly identified in the following section.

3.2 Data Sets

Existing Wastewater Data: (years)

- Approach 1: 2013 MEP Report: (1997-1999 Mashpee, 2008-2010 Falmouth, 2007-2009 Sandwich)
- Approach 2: 2015 WNMP: (1997-1999) – Eastern embayments only.
- Approach 3: CCC 208 Plan: (2008-2011)

Existing Landuse Data:

Each of the various data sets used relied on a range of base assessor and parcel data for each of the various communities.

- Approach 1: 2013 MEP Report: (2000 Sandwich, 2001 Mashpee, 2009 Falmouth)
- Approach 2: 2015 WNMP: (2001 updated 2007) – Eastern embayments only.
- Approach 3: CCC 208 Plan: (2010-2012)

In addition, Appendix 5A of the CCC 208 Plan documented differences and limitations in the data used in the WatershedMVP tool compared to the data used as part of the Massachusetts Estuaries Project. The WatershedMVP data set helped form the basis for the 208 Planning document. A summary of these differences are provided below:

- WatershedMVP uses updated water data.
- WatershedMVP used a different methodology to estimate water use (wastewater generation) for parcels without water use data. WNMP used the approach used by MEP/Pilot Project.
- WatershedMVP uses the centroid approach to assigning water use (as did WNMP project) whereas the MEP used a more detailed distribution.
- WatershedMVP did not address all cases of duplication of private sewer users. This was addressed in the WNMP.
- WatershedMVP did not adjust WWTF performance to match reported performance. This was addressed in the WNMP.
- WatershedMVP data set was not calibrated. WNMP was not calibrated, but the data set was run through the MEP model multiple times.
- WatershedMVP indicated the potential for database errors. This is a case for all data sets; however extensive work was done as part of the WNMP and MEP to address errors in the data set when identified.

Watershed Delineations

The 2015 WNMP uses the original watershed delineations developed for the original MEP reports in 2005 for the Eastern Embayments of Quashnet River, Hamblin Pond, and Jehu Pond in the Waquoit System. The 2013 MEP Report for the entire Waquoit Bay System and the CCC 208 Plan use updated watershed delineations.

3.3 Approach and Findings

3.3.1 Approach 1: 2013 MEP Data Method

This approach starts with using the MEP Waquoit Bay Final Technical Report (2013) data set for the entire system. Using this data, town-by-town breakdowns are generated by extracting Town-specific data and recreating each of MEP's spreadsheets to only include data from one Town. This is done for the landuse analysis spreadsheets which are the basis for developing the Waquoit Bay N Loads presented in Table 1V-3 of the 2013 MEP Report.

- Step 1 – identify each subwatershed that is "shared." Each subwatershed that is "shared" is identified, and then the associated landuse data was distributed into Town-specific data sets.
- Step 2 – recreate each subwatershed spreadsheet so it only includes data from one community (Falmouth, Mashpee, or Sandwich).
- Step 3 – recreate Table 1V-3 (Rainbow Spreadsheet) for each individual community. It should be noted that the original MEP Data Disk had minor variations from data presented in Table 1V-3, but it is not considered significant enough to significantly impact the load allocations.
- Step 4 – aggregate the individual "Rainbow Spreadsheets" and compare to the original data set. Each Town's individual "Rainbow Spreadsheet" was retotaled to compare against the original Load Inputs (in kg/y), with the goal of being less than 1% different for the entire system, and no greater than 5% different in any individual watershed for the attenuated loads under "Present" conditions. The largest variations are found in watersheds with nitrogen loads less than 70 kg/y, therefore small variations of one or two kgs have larger impacts. The variation on the entire system was less than 0.1%; and individual subwatersheds varied less than 4%, and those were in watersheds with a total load less than 150 kg/y.
- Step 5 – establish estimated percent contribution for each town by each subwatershed.
- Step 6 – using Draft TMDL Table 5 and 2013 MEP Report Table IV-3, create load allocations for the subembayments presented in the Draft TMDL Table 6.

Nine of the 48 watersheds were identified as being shared by two or more of the communities; (# represents the MEP "Shed ID" number):

- Childs River N GT10 (#3) – Falmouth and Mashpee
- Childs River N LT10 (#6) – Falmouth and Mashpee
- Waquoit Bay Main (#12) – Falmouth and Mashpee
- Red Brook LT10 (#22) – Falmouth and Mashpee
- Lower Red Brook LT10 (#24) – Falmouth and Mashpee
- Hamblin Pond LT10 (#26) – Falmouth and Mashpee
- Upper Quashnet River LT10 (#33) – Falmouth and Mashpee
- Upper Quashnet River QT10N (#35) – Mashpee and Sandwich
- Ashumet Pond LT10 (#40) – Falmouth, Mashpee, and Sandwich

The remaining were either all within one community, or the associated loads were all from one community. Fourteen watersheds were in Falmouth, 17 in Mashpee, and eight in Sandwich. The following table identifies each watershed and the communities contributing load to those watersheds for this analysis.

Table 3.1 Subwatersheds by Town

MEP Shed ID	Watershed	Falmouth	Mashpee	Sandwich
1	Eel Pond W	X		
2	Grassy Pond	X		
<u>3</u>	<u>Childs River N GT10</u>	<u>X</u>	<u>X</u>	
4	Fresh Pond Well	X		
5	Fresh Pond	X		
<u>6</u>	<u>Childs River N LT10</u>	<u>X</u>	<u>X</u>	
7	Childs River South	X		
8	Bournes Pond	X		
9	Seapuit River	X		
10	Eel Pond E	X		
11	Eel Pond S	X		
<u>12</u>	<u>Waquoit Bay Main</u>	<u>X</u>	<u>X</u>	
13	Sage Lot Pond		X	
14	Flat/Sage Lot Ponds Transition		X	
15	Flat Pond LT10		X	
16	Flat Pond GT10		X	
17	Jehu Pond LT10		X	
18	Jehu Pond GT10		X	
19	Great River LT10		X	
20	Great River GT10		X	
21	Lower Great River		X	
<u>22</u>	<u>Red Brook LT10</u>	<u>X</u>	<u>X</u>	
23	Red Brook GT10		X	
<u>24</u>	<u>Lower Red Brook LT10</u>	<u>X</u>	<u>X</u>	
25	Lower Red Brook GT10		X	
<u>26</u>	<u>Hamblin Pond LT10</u>	<u>X</u>	<u>X</u>	

27	Hamblin Pond GT10E		X
28	Hamblin Pond GT10W	X	
29	Little River		X
30	Lower Quashnet River	X	
31	Middle Quashnet River LT10	X	
32	Middle Quashnet River GT10	X	
<u>33</u>	<u>Upper Quashnet River LT10</u>	<u>X</u>	<u>X</u>
34	Upper Quashnet River GT10W		X

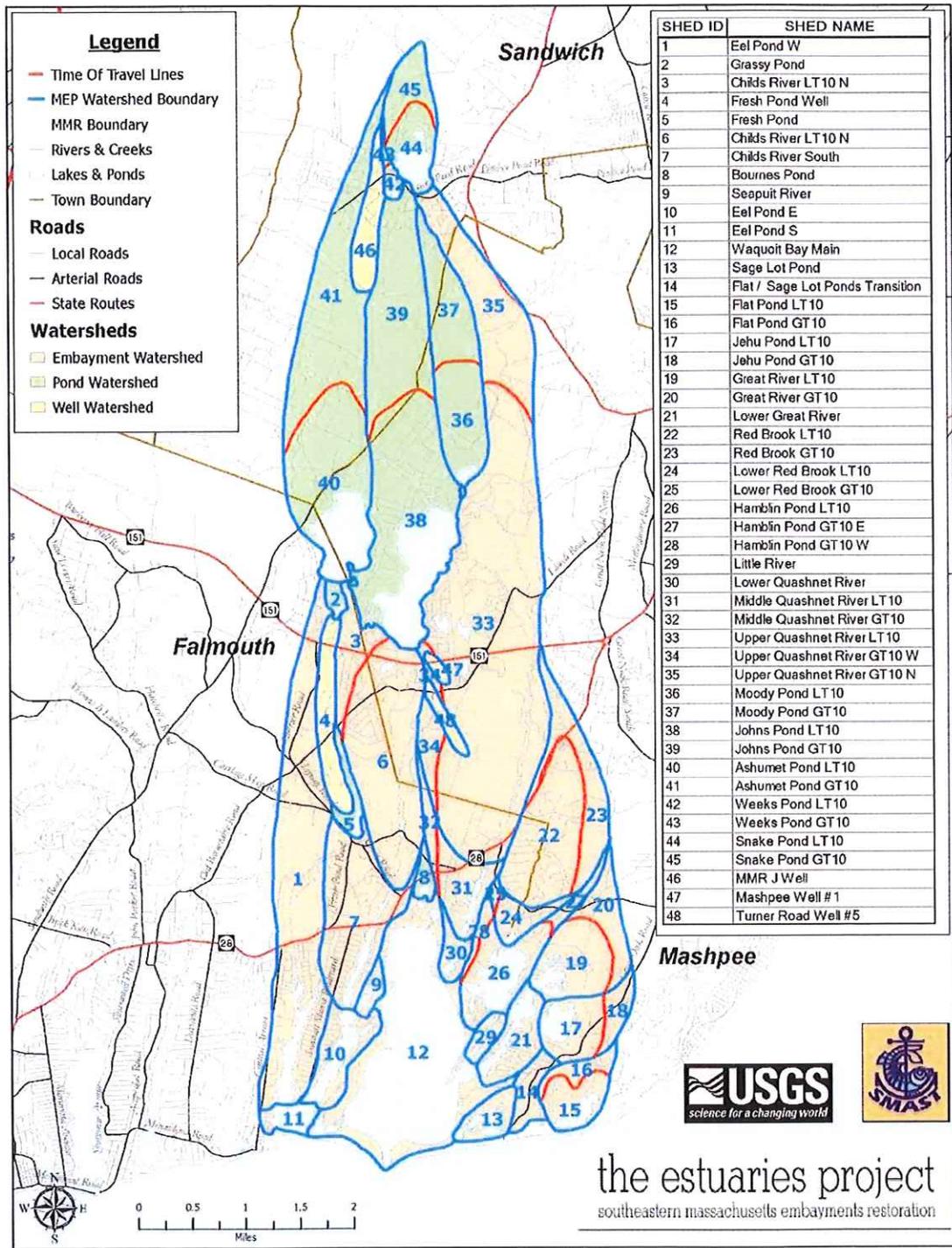
Table 3.1 Subwatersheds by Town

MEP Shed ID	Watershed	Falmouth	Mashpee	Sandwich
<u>35</u>	<u>Upper Quashnet River GT10N</u>		<u>X</u>	<u>X</u>
36	Moody Pond LT10		X	
37	Moody Pond GT10			X
38	Johns Pond LT10		X	
39	Johns Pond GT10			X
<u>40</u>	<u>Ashumet Pond LT10</u>	<u>X</u>	<u>X</u>	<u>X</u>
41	Ashumet Pond GT10			X
42	Weeks Pond LT10			X
43	Weeks Pond GT10			X
44	Snake Pond LT10			X
45	Snake Pond GT10			X
46	MMR J Well			X
47	Mashpee Well No. 1		X	
48	Turner Road Well No. 5		X	

The analysis was initially run with "Water Body Surface Area" loadings included; however, because the Draft TMDL document deliberately separates out this loading, it was not used in the subsequent analysis. Town's percent contribution is calculated based on "controllable" nitrogen loads as defined by MEP and MassDEP.

(continued)

The following figure from the 2013 MEP Technical Report for Waquoit Bay shows the subwatersheds as listed above.



3.3.2 Approach 1: 2013 MEP Data Findings

As shown on the following two tables, the extraction of each Town's data and recalculation of each Town's loading contributions using the MEP "Rainbow Spreadsheet" allows for an estimation of both unattenuated

and attenuated loads and percent contribution. From this, data can be compared directly with the nitrogen TMDLs being established by MassDEP.

Data presented is based on each major subwatershed, however it should be noted that both the Cape Cod Commission and MassDEP's TMDLs use different groupings of subwatersheds. Therefore these tables are simply presented to demonstrate approximate load allocations for each major system and present data as extracted from the Original MEP Datadisks as provided by MEP. In Section 4 the loads and percent contributions are presented for each Subembayment as identified in the Draft TMDL.

These tables also present the data with the major Water Body Surface Area nitrogen loads removed, to represent the "Present Controllable Watershed Load" as defined by MEP and MassDEP.

Table 3.2 Estimated Unattenuated Load Allocation – Waquoit Bay System

Data Set	MEP N Load (kg/y)	Falmouth (kg/y)	Mashpee (kg/y)	Sandwich (kg/y)
Waquoit Bay System	41,352	17,530 (42%)	18,739 (45%)	5,126 (12%)
Childs River Total	10,438	7,381 (70%)	2,461 (24%)	665 (6%)
Eel Pond Total	6,864	6,711 (98%)	67 (1%)	92 (1%)
Quashnet River Total	14,571	1,766 (11%)	8,582 (59%)	4,370 (30%)
Hamblin Pond / Little River Total	4,923	1,214 (25%)	3,701 (75%)	0 (0%)
Jehu Pond / Great River Total	2,769	0 (0%)	2,769 (100%)	0 (0%)
Fiat Pond / Sage Lot Pond Total	1,005	0 (0%)	1,005 (100%)	0 (0%)

Notes:

1. Totals of Falmouth, Mashpee, and Sandwich will not equal the MEP Total Load because not all data sets used by MEP clearly defined the distribution by Town. However, values were between 0.0% and 0.5% of the total.
2. Total percentages do not always equal 100% based on rounding.

Table 3.3 Estimated Attenuated Load Allocation – Waquoit Bay System

Data Set	MEP N Load (kg/y)	Falmouth (kg/y)	Mashpee (kg/y)	Sandwich (kg/y)
Waquoit Bay System	33,236	16,639 (50%)	14,537 (44%)	2,031 (6%)
Childs River Total	8,493	6,580 (77%)	1,705 (20%)	198 (2%)

Eel Pond Total	6,769	6,704 (99%)	29 (0%)	39 (1%)
Quashnet River Total	8,497	1,515 (18%)	5,175 (61%)	1,794 (21%)
Hamblin Pond / Little River Total	4,923	1,214 (25%)	3,701 (75%)	0 (0%)
Jehu Pond / Great River Total	2,769	0 (0%)	2,769 (100%)	0 (0%)
Flat Pond / Sage Lot Pond Total	1,005	0 (0%)	1,005 (100%)	0 (0%)

Notes:

1. Totals of Falmouth, Mashpee, and Sandwich will not equal the MEP Total Load because not all data sets used by MEP clearly defined the distribution by Town. However, values were between 0.0% and 0.5% of the total.

3.3.3 Approach 2: 2015 WNMP Method

The WNMP only focused on the eastern embayments related to Waquoit Bay—Hamblin Pond, Jehu Pond, Quashnet River, Little River, and Great River—it is not complete enough for use as an approach to load allocation for the entire system. In addition, the allocation was only applied to the unattenuated nitrogen load.

This approach also did not remove the “Surface Water Body Area” nitrogen load from the total.

For the purposes of the WNMP Report, an overall estimated percent contribution by Town was generated. The allocation was developed based on wastewater load contributions from each Town using the GIS data set developed for that project. The estimated allocation percentage was then applied to the non-wastewater loads, carried from the work of MEP. Therefore, the percent contribution of Town’s non-wastewater loads were based on their percent contribution of wastewater which differs from the other two approaches.

3.3.4 Approach 2: 2015 WNMP Findings

The load allocation developed for the WNMP, for the combined eastern embayment systems, equated to 65% Mashpee, 20% Sandwich, and 14% Falmouth for the “unattenuated” nitrogen loading.

The following table compares the percentages generated as part of the WNMP to calculations using the 2013 MEP data for Hamblin Pond/Red Brook, Little River, Great River, Sage Lot Pond, Jehu Pond, and Quashnet River for total unattenuated loads for those systems.

Table 3.4 Unattenuated Load Estimated Allocation – Waquoit Bay East

Data Set	Total Load (kg/y)	Falmouth	Mashpee	Sandwich
Waquoit Bay East (MEP 2013 Data - kg/y)	24,812	3,065	17,122	4,660
% Distribution of controllable load		12%	69%	19%
2015 WNMP (kg/y)	24,000	3,400	15,700	4,900
% Distribution of controllable load		14%	65%	20%

Notes:

1. Data from the Hamblin Pond/Red Brook, Little River, Great River, Sage Lot Pond, Jehu Pond, and Quashnet River used for both data sets.
2. MEP 2013 data distribution for total unattenuated nitrogen (i.e. Includes Surface Water Body Area loads).
3. 2015 WNMP used total nitrogen load based on estimated existing wastewater flows for each Town.

Percentages were then applied to the total load for the watershed.

This approach for nitrogen loading allocation is not recommended as it only covers the eastern embayments, only looked at unattenuated nitrogen loading, and included nitrogen load from atmospheric deposition falling directly on the main embayment systems ("Water Body Surface Area").

3.3.5 Approach 3: 2015 CCC 208 Plan Method

As part of the 208 Plan update process, the Cape Cod Commission outlined their subembayment watershed contributions for each Town in Appendix 8C of their document. CCC 208 loads were based on data provided from the CCC MVP tool and their estimates for wastewater and other controllable sources.

The CCC 208 approach established a "Percent Contribution" of each Town of the attenuated load to the watershed. Since, in most cases, the data used for the CCC is newer than that used by the MEP, their estimated attenuated loads were higher than those presented in the MEP technical report.

Because of the differences in load calculations between the MEP approach and the CCC 208 approach, there are some significant differences in the estimated contribution percentages of "Attenuated" load by Town.

3.3.6 Approach 3: CCC 208 Plan Findings

The following tables present the comparison of each load distribution developed using 2013 MEP data versus CCC 208 findings. It should be noted that the WNMP data was not used in these comparisons, as it only covered the eastern embayments; however for reference those percentages are discussed in Section 3.3.4.

Table 3.5 – Comparison of Estimated Attenuated Nitrogen Contribution Percentages

Embayment	Percent of Attenuated Nitrogen Contribution by Town					
	Falmouth		Mashpee		Sandwich	
	CCC	MEP Data	CCC	MEP Data	CCC	MEP Data
Childs River	71%	78%	24%	20%	5%	2%
Eel Pond East	100%	100%	0%	0%	0%	0%
Eel Pond South	100%	100%	0%	0%	0%	0%
Eel Pond West	95%	99%	1%	0%	4%	1%
Hamblin Pond and Red Brook Fresh	31%	27%	69%	73%	0%	0%
Quashnet River	22%	18%	61%	61%	17%	21%
Waquoit Bay	82%	80%	18%	20%	0%	0%
Jehu Pond/Great River	0%	0%	100%	100%	0%	0%

Little River	0%	0%	100%	100%	0%	0%
Sage Lot Pond	0%	0%	100%	100%	0%	0%

Notes:

1. Percentages rounded to nearest one's place.
2. Percent of Attenuated Nitrogen Contribution by Town (CCC Columns) based on 2015 CCC 208 Plan Appendix 8C values (by community).
3. Percent of Attenuated Nitrogen Contribution by Town (MEP Data Columns) based on 2013 MEP Dataset Approach to allocate load between towns using MEP 2013 Dataset for Technical Reports, with Water Body Surface Area removed (calculated on "controllable" loads).

The CCC 208 plan approach is not recommended as it only provided percent allocation for the attenuated load, and it is important for each community to understand both its unattenuated and attenuated contributions to the watershed loads so that it can manage those values appropriately. In addition, breakout of the subembayments is different than those used as part of the Draft nitrogen TMDL developed for Waquoit Bay, making it difficult to make an equal comparison of load allocation.

4. Summary and Recommendations

Towns will have to consider multiple issues as they address nitrogen; how they do that will be influenced by the physical makeup of the multiple subwatersheds, each with different natural attenuations and landuse and wastewater flow characteristics. The selection of areas to target for nitrogen removal will affect how each Town's nitrogen reaches and impacts the downgradient receiving waters, and will depend on Town-specific needs and also feasibility of applying various nitrogen mitigation approaches. Therefore, communities will need to consider the nitrogen load before it reaches the watershed (unattenuated) and the nitrogen load after it reaches the embayment (attenuated).

It is recommended that the 2013 MEP Data Approach (Approach 1) be used as the basis for nitrogen load allocation. This approach used data derived from the original data set in order to establish nitrogen loading by subwatershed for the Waquoit System. This dataset is also the most consistent with the existing and proposed nitrogen TMDLs.

Loading percentages are calculated using the MEP model data sets, with the "Water Body Surface Area" loads (on embayments only) removed to remain consistent with the MassDEP TMDL development approach. Therefore, "Present Controllable Watershed Loads" (as defined by MEP and MassDEP) and their associated threshold loads will be used as the basis for allocation.

The following table summarizes the "total system" contributions by Town for both unattenuated and attenuated loads.

Table 4.1 – Average Contributions by Town for Entire Waquoit Bay System

Existing	Falmouth	Mashpee	Sandwich
Unattenuated	43%	45%	12%
Attenuated	50%	44%	6%

Notes:

1. Percentages rounded to one's place.
2. Total Waquoit Bay System % Contributions calculated using MEP 2013 Dataset and removal of all main estuary surface area contributions, similar to TMDL approach.

However, due to the complexity of this embayment system, GHD proposes to establish loading allocation by subwatershed consistent with those identified in Table 7 of the Draft Waquoit Bay System; including Eel

Pond, Quashnet River, Hamblin Pond, and Jehu {Pond} Total Maximum Daily Loads for Total Nitrogen, MassDEP, dated August 2019. These are presented in the following table.

Table 4.2 – Recommended Load Allocations by Town and Subwatershed

Embayments / Towns ⁽⁷⁾	Unattenuated				Attenuated			
	(Baseline MEP 2013 Tech Report)				(Baseline MEP 2013 Tech Report)			
	Controllable Load ⁽¹⁾	TMDL Load to Sustain ⁽²⁾ Calculated	Load to Remove ⁽³⁾	% Load ⁽⁴⁾	Controllable Load ⁽⁵⁾	TMDL Load to Sustain ⁽⁶⁾	Load to Remove ⁽³⁾	% Load ⁽⁴⁾

Wagquoit Bay (Bournes Pond/Seapuit River/Wagquoit Bay Main)

Falmouth	611	611	-	80%	611	611	-	80%
Mashpee	150	150	-	20%	150	150	-	20%
Sandwich	-	-	-	0%	-	-	-	0%

Childs River - Upper

Falmouth	4,715	1,599	3,116	98%	4,377	1,484	2,893	100%
Mashpee	35	12	23	1%	4	1	3	0%
Sandwich	48	16	32	1%	6	2	4	0%

Eel Pond - East

Falmouth	792	299	493	100%	792	299	493	100%
Mashpee	-	-	-	0%	-	-	-	0%
Sandwich	-	-	-	0%	-	-	-	0%

Eel Pond - South

Falmouth	191	191	-	100%	191	191	-	100%
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Embayments / Towns ⁽⁷⁾	Unattenuated				Attenuated			
	(Baseline MEP 2013 Tech Report)				(Baseline MEP 2013 Tech Report)			
	Controllable Load ⁽¹⁾	TMDL Load to Sustain ⁽²⁾ Calculated	Load to Remove ⁽³⁾	% Load ⁽⁴⁾	Controllable Load ⁽⁵⁾	TMDL Load to Sustain ⁽⁶⁾	Load to Remove ⁽³⁾	% Load ⁽⁴⁾

Mashpee	-	-	-	0%	-	-	-	0%
Sandwich	-	-	-	0%	-	-	-	0%

Eel Pond - West

Falmouth	5,900	3,181	2,719	97%	5,896	3,179	2,717	99%
Mashpee	70	38	32	1%	30	16	14	0%
Sandwich	95	51	44	2%	40	22	19	1%

Quasnet River

Falmouth	1,012	546	466	100%	1,012	546	466	100%
Mashpee	-	-	-	0%	-	-	-	0%
Sandwich	-	-	-	0%	-	-	-	0%

Hamblin Pond (without Red Brook)

Falmouth	608	132	476	38%	608	132	476	38%
Mashpee	988	215	773	62%	988	215	773	62%
Sandwich	-	-	-	0%	-	-	-	0%

Little River

Falmouth	-	-	-	0%	-	-	-	0%
Mashpee	400	77	323	100%	400	77	323	100%
Sandwich	-	-	-	0%	-	-	-	0%

Jehu Pond

Falmouth	-	-	-	0%	-	-	-	0%
Mashpee	1,428	374	1,054	100%	1,428	374	1,054	100%
Sandwich	-	-	-	0%	-	-	-	0%

Great River (and Lower Great River)

Falmouth	-	-	-	0%	-	-	-	0%
Mashpee	1,340	364	976	100%	1,340	364	976	100%
Sandwich	-	-	-	0%	-	-	-	0%

Sage Lot Pond

Falmouth	-	-	-	0%	-	-	-	0%
Mashpee	1,005	592	413	100%	1,005	592	413	100%
Sandwich	-	-	-	0%	-	-	-	0%

Embayments / Towns ⁽⁷⁾	Unattenuated				Attenuated			
	(Baseline MEP 2013 Tech Report)				(Baseline MEP 2013 Tech Report)			
	Controllable Load ⁽¹⁾	TMDL Load to Sustain ⁽²⁾ Calculated	Load to Remove ⁽³⁾	% Load ⁽⁴⁾	Controllable Load ⁽⁵⁾	TMDL Load to Sustain ⁽⁶⁾	Load to Remove ⁽³⁾	% Load ⁽⁴⁾

Childs River - Freshwater

Falmouth	2,413	935	1,478	45%	2,023	784	1,239	52%
Mashpee	2,373	919	1,454	44%	1,657	642	1,015	43%
Sandwich	602	233	369	11%	187	72	114	5%

Quasnet River - Freshwater

Falmouth	649	426	223	5%	503	330	173	7%
Mashpee	8,582	5,637	2,945	63%	5,175	3,399	1,776	69%

Sandwich	4,370	2,870	1,500	32%	1,794	1,178	616	24%
<u>Red Brook - Freshwater</u>								
Falmouth	606	158	448	21%	606	158	447	21%
Mashpee	2,314	605	1,709	79%	2,314	605	1,709	79%
Sandwich	-	-	-	0%	-	-	-	0%
<u>Waquoit Bay System Total</u>								
Falmouth	17,486	8,140	9,346	42%	16,604	7,729	8,874	50%
Mashpee	18,693	8,702	9,991	45%	14,506	6,753	7,753	44%
Sandwich	5,114	2,381	2,733	12%	2,027	943	1,083	6%

Notes:

1. Controllable Loads as presented in Table 1V-3 "Waquoit Bay Embayment Watershed Nitrogen Loads" from MEP Technical Report 2013 times "% Load".
2. Back-calculated based on "attenuation" difference between unattenuated and attenuated loads presented in this table.
3. Load to remove is difference between Controllable Loads and TMDL Load to Sustain Values.
4. Percent Load based on 2013 MEP Dataset Approach to allocate load between Towns using MEP 2013 Dataset for Technical Reports, with Water Body Surface Area removed (calculated on "controllable" loads).
5. Controllable Loads as presented in Tables 5 and 6 of MassDEP Draft N - TMDLs for Waquoit Bay (August 2019) multiplied by the "% Load".
6. TMDL Load to sustain as presented in Tables 5 and 6 of MassDEP Draft N - TMDLs for Waquoit Bay (August 2019) multiplied by the "% Load".
7. Subwatersheds aggregated based on "MEP Component Watersheds" column of Table 5 of the MassDEP Draft N - TMDLs for Waquoit Bay (August 2019).

OPEN SESSION

BUSINESS

6. Consider and vote Fiscal Policy update **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 6.

ITEM TITLE: Fiscal Policy Update

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Town Management / Finance

ATTACHMENTS: Fiscal Policy with proposed amendment

PURPOSE:

The Select Board is asked to consider voting a change to the Fiscal Policy. The purpose of the change is to expand an existing mechanism for mitigating future tax increases related to funding future capital improvements.

BACKGROUND/SUMMARY:

- With a more complete 10 Year Fiscal 2023 Capital Plan, the plan total has risen from the Fiscal 2022 Capital Plan estimate of \$248,509,431 to the Fiscal Year 2023 plan total of \$524,243,784. The new total includes all projects submitted by all departments whether anticipated to be funded from borrowing, free cash, grants or other sources. The updated number does not include amounts for a number of capital needs which have yet to be quantified:
 - New Police Station;
 - A full review of Coastal Infrastructure needs
 - Comprehensive Building Assessment improvements

- With the revealing of a more complete Capital Plan with the exceptions above, funding many high priority projects will not fit into the Town's debt drop off approach. In other words, funding the Capital Plan based on current estimates will require tax increases.
- The proposed change to the Fiscal Policy will increase the upper limit of the balance held in the Capital Stabilization fund by amending section VII., e. of the Fiscal Policy (page 5) as follows:
 - Existing:
The Town will maintain a balance of 2-5% of the operating budget in the fund.
 - Proposed:
The Town will maintain a balance of \$3 million to 10% of the total estimated cost of projects listed in the 10-year capital plan in the fund.
- Using Fiscal Year 2024 numbers, this will increase the upper limit of the Capital Stabilization Fund from approximately \$7.7 million -- using 5% of the operating budget -- to approximately \$52 million -- based on 10% of the Capital Improvement plan 10-year total.
- Funds held in Capital Stabilization can be used to pay for capital improvements and thereby avoid, or reduce the amounts to be borrowed for a larger project.
- In the past, funds held in Capital Stabilization have been used to pay the entire cost of capital items such as a new fire engine or resurfacing the High School tennis courts, which were under \$2 million each. In the future, we would like to have the ability to use Capital Stabilization funds to reduce the amount borrowed for larger projects such as a new Police Station, coastal resilience projects, etc.
- For example, if the cost of a hypothetical capital project is \$15 million and we can borrow up to \$8 million without a tax increase, we could draw \$7 million from Capital Stabilization to avoid a tax increase.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends approval of the proposed change to the Fiscal Policy to facilitate more aggressive saving to pay for future capital projects, thereby reducing future tax increases required to pay for capital needs.

Proposed Motion: I move to amend section VII., e. of the Fiscal Policy as presented.

OPTIONS:

1. Approve amendment to Fiscal Policy section VII., e. as presented;
2. Approve amendment to Fiscal Policy section VII., e. with revisions defined by the Board;

3. Take no action to amend Fiscal Policy.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

TOWN MANAGER COMMENTS:

Michael Renshaw

Town Manager

3/27/2024

Date

**Town of Falmouth
Select Board
Fiscal Policy**

Update Approved April 1, 2023

DRAFT UPDATE 4/1/2024

I. Introduction

The Town of Falmouth recognizes the challenges involved with managing and operating a first-class, full service municipality within the confines of the legally restricted revenue raising authority provided to cities and towns in the Commonwealth of Massachusetts. With growing expenditure pressure for labor costs, fringe benefits, insurance and infrastructure maintenance a systematic and concerted effort is required for all financial decisions in order to be successful in providing sustainable service levels under the restrictions created by proposition 2 ½. The Town of Falmouth has recognized these challenges and over the long term understands that consistent short and long term financial planning, conservative budgeting techniques, and professional management can result in high quality service levels that contribute strongly to the quality of life in our community while maintaining affordable property taxes.

These financial policies serve to memorialize the critical financial considerations that govern financial decision making at the local level; and contribute to stabilizing our tax levy, controlling expenditures and protecting sufficient levels of fund balances to guarantee internal financial stability regardless of economic uncertainty.

II. Goals

- a. Support Business and Community Development to sustain a vibrant local economy
- b. Promote Long Term Financial Stability of Town Operations through sound financial planning and practices
- c. Sustain the Town's AAA bond rating
- d. Minimize financial risk
- e. Submit and maintain a Comprehensive Annual Financial Report

III. Revenue Policy

- a. On or before the first day of October each year, the Town Manager shall request and receive from all financial officers the estimated revenues for the next fiscal year (Charter sec. 8-3a).
- b. Finance officials will consult with state officials to get a timely report on state receipts in order to estimate local aid for the next fiscal year.
- c. Revenue forecasts for local receipts and state aid shall be conservative and revenue deficits will be avoided at all costs.
- d. Annually, fees will be re-examined and possible new revenue sources will be recommended for adoption by the Select Board in order to maximize revenue potential.
- e. Town officials will explore new grant opportunities and scrutinize such opportunities in order to maximize their potential. Future costs will be examined and a recommendation made if the grant will be financially feasible and in the best interest of

Town services.

- f. Town officials will review a comparison of estimated revenues against actuals in order to determine if adjustments need to be made.
- g. Actual revenues will be monitored monthly to determine if they are on pace with forecasts or if Management needs to act on any shortfall.
- h. User charges and fees will be set to recover not more than 100% of the total direct and indirect costs associated with their respective programs.
- i. Town Manager's proposed budget shall allocate to affordable housing the greater of:
 - i. 1/6th of estimated rooms excise tax revenue consistent with the explanation provided to Town Meeting for article 15 of the November Town Meeting of 2021; or
 - ii. \$850,000

IV. Operating budget policy

- a. On or before the first day of November of each year, the Select Board, after consulting with the Town Manager, shall issue a policy statement relating to the budget for the next fiscal year. The statement shall establish the outer limits of possible budget growth for the Town (Charter sec. 8-3c).
 - i. The operating budget shall be submitted using conservative revenue projections to sufficiently cover projected appropriations.
 - ii. The Town will avoid relying on one-time revenues to fund on-going operations.
- b. All department heads and multimember bodies shall submit budget requests to the Finance Director on or prior to the first day of December each year taking into consideration the Select Board's budget policy and Town Manager's directives. The budget request submitted by the School Committee shall be submitted in sufficient time, and in sufficient detail, to enable the Town Manager to assess the probable impact of the School Department's budget upon the local town budget (Charter sec. 8-3D).
- c. On or prior to the first day of January of each year, the Town Manager shall submit to the Select Board a comprehensive budget for all town functions for the ensuing fiscal year and an accompanying budget message (Charter sec. 8-3e).
- d. The budget message shall explain the budget both in fiscal terms and in terms of what specific projects are contemplated in the year ahead.
 - i. Outline the proposed financial policies of the Town for the ensuing fiscal year.
 - ii. Describe the important features of the budget.
 - iii. Indicate any major changes from the current year in financial policies, revenues and expenditures, together with reasons for such changes.
 - iv. Summarize the Town's debt position
 - v. Include such other material as the Town Manager may deem appropriate. (Charter sec. 8-3f)
- e. The budget shall indicate proposed expenditures for current operations during the ensuing fiscal year, detailed by departments, offices, multimember bodies and specific purposes.
- f. The Select Board shall within 15 days of January 1st adopt the budget with or without recommendations, and submit it to the Finance committee on or before the 16th day of January of each year. The Select Board shall also transmit the budget request of the School Committee to the Finance committee (Charter sec. 8-4a).

V. Appropriation/Expenditure policy

- a. Appropriations are approved through Town Meeting in April and November.

- b. Budgeted appropriations will be monitored against expenses weekly by the accounting office and monthly by department heads to ensure such expenditures do not exceed the authorized budget.
- c. Expenses will be monitored to ensure proper procurement procedures have been met and an approved contract is on file.
- d. Invoices will be submitted in a timely fashion and authorized by the appropriate signatory authority
- e. Capital Project appropriations will be closed at the end of the fiscal year if there has been no activity in the past three years and if the project has been completed.

VI. Reserve Fund Balance Policy

Maintaining adequate reserves presents a strong picture of financial performance which increases the confidence of investors, credit rating agencies and the banking industry which potentially contributes to a higher bond rating and access to capital.

- a. The Town shall provide a reserve fund appropriation within each annual budget to be managed by the Finance Committee and the amount will not be less than \$325,000
- b. At a minimum, the Town shall maintain a range of 5-15% of operating budget expenditures in the undesignated fund balance and general stabilization fund.
- c. The Town will maintain a range of 15-25% of operating budget expenditures categorized as unassigned fund balance to include but not limited to:
 - i. Undesignated fund balance
 - ii. General Stabilization Account
 - iii. Capital stabilization account
 - iv. Water Stabilization Account
 - v. Special Education Stabilization Account
- d. The Town will not rely on reserves to sustain operating deficits or operations. The use of such reserves will be limited to assisting the Town with short term or unanticipated, emerging financial stress.

VII. Capital Improvement and Stabilization Fund Policy

Capital planning and budgeting is central to economic development, transportation, communication, delivery of essential services, environmental management and maintaining the quality of life of our citizens. Much of what is accomplished by local government depends on a sound long-term investment in infrastructure and equipment. In that regard, the Town recognizes conditions that necessitate capital intervention and include:

- o *Imminent threat to the health and safety of citizens/property*
- o *Preservation of operations*
- o *Legal requirement of Federal or State agencies*
- o *Improvement of infrastructure*
- o *Improvement in the efficiency and effectiveness of service delivery*

The Town endeavors to conduct the following to satisfy these objectives:

- a. The Town Manager shall prepare a five-year capital improvement plan which shall include a clear summary of its contents; a list of capital improvements proposed to be undertaken during the next five (5) fiscal years, together with supporting data; cost estimates, methods of financing and recommended time schedules; and the estimated annual cost of operating and maintaining the facilities or equipment to be constructed

or acquired. (Charter sec. 8-6a) Recognizing the strong need to plan and prioritize capital spending in order to maintain the fiscal stability of the Town, it shall be the policy of the Town that all proposed capital improvements recommended for funding shall have been included in the Capital Improvement Program. Except for emergency situations, any such requests or Town Meeting articles submitted for capital expenditures that have not been submitted through the Capital Improvement Programming process should be referred at the appropriate time of year to the Town Manager for consideration; all projects must be submitted in a timely manner in the capital request form, including justifying backup information, as may be required by the Town Manager as instructions for submitting projects.

- b. Funding for the capital plan will be in accordance with the recommendations from the Town Manager, as follows:
 - i. \$25,000-\$1,000,000 - available funds
 - ii. Greater than \$1,000,000 - borrowing, capital exclusion or available funds
- c. The Finance Committee (the Committee) shall publish, in one (1) or more newspapers of general circulation in the Town, the general summary of the capital improvements plan and a notice stating:
 - i. The time and places where copies of the capital improvements plan are available for inspection
The date, time and place, not less than (7) days following such publication, when the Committee shall conduct a public hearing on said plan. The public hearing should be conducted at least thirty (30) days prior to Town Meeting at which the capital budget is acted upon (Charter sec. 8-7a,b).
- d. Capital Stabilization Fund-The Capital Stabilization Fund was created to address the Town's aging infrastructure needs and to dedicate a revenue source to address those needs.
- e. At a minimum, the Town will continue to dedicate 75% of the meals tax revenue to the Capital Stabilization Fund. **The Town will maintain a balance of ~~2-5% of the operating budget~~ \$3 million to 10% of the total estimated cost of projects listed in the 10-year capital plan in the fund.**
- f. The Capital Stabilization Fund will also be used as a funding source for the Town's capital improvement plan.
- g. The capital stabilization fund may be used in lieu of borrowing to minimize the Town's borrowing and interest costs.

VIII. Debt Policy

Debt is an effective way to finance capital improvements. Properly managed debt helps to preserve the Town's credit rating and is an effective approach to managing the Town's long term capital assets that maintain or improve its quality of life.

- a. Long term debt and debt exclusions will be issued for purposes authorized by M.G.L. Chapter 44 sections 7 and 8.
- b. Excluded debt and debt exclusions will be issued in a manner that stabilizes the tax levy over a number of years. The Finance Director will maintain a financing plan that calculates the current and future debt capacity.
- c. The Town will attempt to vote all significant debt ballot questions (over \$1,000,000) exempt from the limits of proposition of 2 ½.
- d. General fund debt service, exclusive of debt funded from dedicated revenue sources, shall not exceed 5% of expenditures.
- e. The Town will continually pursue opportunities to acquire capital by means other than

conventional borrowing; such as grants, and low-or-zero interest loans from State or Federal agencies.

- f. The Town will maintain good communications with bond rating agencies, the Town's financial advisor and bond counsel and work closely with them to ensure that all legal requirements are met and that the lowest possible interest rate can be obtained. This includes preparation of the Official Statement.

OPEN SESSION

BUSINESS

7. Vote to place proposition 2 ½ debt exemption ballot question for North Falmouth Elementary School Roof Replacement on the May 2024 election ballot **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 7.

ITEM TITLE: Vote to place proposition 2 ½ debt exemption ballot question for North Falmouth Elementary School Roof Replacement on the May 21, 2024 Town election ballot

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Article 21 with explanation and recommendation

PURPOSE:

The Select Board is asked to approve placement of a proposition 2 ½ debt exemption on the May 21, 2024 election ballot for the North Falmouth Elementary School Roof project.

BACKGROUND/SUMMARY:

- The Finance Committee has recommended approval of a roof replacement project for the North Falmouth Elementary School under article 21 of the April Annual Town Meeting. The funding for this project, per the Finance Committee recommendation, is contingent on approval of a proposition 2 ½ debt exemption ballot question at the Town election.
- The Town Clerk has advised that the election ballot must be finalized no later than April 16th.

- The Select Board routinely votes to place debt exemptions ballot questions on the election ballot prior to the Town Meeting votes. This allows for the votes to take place at a regular, televised Select Board meeting.
- In the event Town Meeting does not vote to approve article 21 by the requisite 2/3rds majority, the Board can vote to rescind the ballot question from the ballot at a meeting on April 9th or April 10th.
- We are planning to post Select Board meetings for April 9th and 10th as a contingency for this purpose.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends the Select Board vote to place the following debt exemption question on the election ballot. The wording for this ballot question has been approved by bond counsel for compliance with applicable state law and bond financing requirements.

“Shall the Town of Falmouth be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to pay the costs of engineering, design and replacement of the North Falmouth Elementary School Roof and to include 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 including, without limitation, all costs incidental and related thereto?

Yes _____ No _____”

Recommended Motion: “I move that the Select Board vote to place the proposition 2 ½ debt exemption question for the North Falmouth Elementary School Roof, as presented, on the election ballot of May 21, 2024:

OPTIONS:

- vote to approve recommended motion;
- defer vote on proposed debt exemption to a later date in April;
- Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board vote to place the proposition 2 ½ debt exemption question for the North Falmouth Elementary School Roof, as presented, on the election ballot of May 21, 2024.

Michael Renshaw

Town Manager

3/26/2024

Date

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.

RECOMMENDATION (Finance Committee): That the sum of \$4,915,000 is appropriated to pay the engineering, design and replacement of the North Falmouth Elementary School Roof and to include 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; that to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow \$4,915,000 and issue bonds or notes therefor under G.L. c. 44, or pursuant to any other enabling authority; provided, however, that no sums shall be borrowed or expended hereunder unless and until Town shall have voted to exclude the amounts required to repay any borrowing authorized by this vote from the limitations of G.L. c. 59, §21C (also known as Proposition 2½), that any bonds or notes issued pursuant to this vote shall be general obligation bonds of the Town.

EXPLANATION: The repairs are required to replace the roof and to fix damage resulting from the leaking roof. It has been determined that the roof does not have sufficient structural support to accommodate the installation of a solar photovoltaic array. The cost estimates are based on engineering of the required work.

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

OPEN SESSION

BUSINESS

8. License renewals – 2024 seasonal and Spring annual (5 minutes)

SEASONAL ALL-ALCOHOL COMMON VICTUALLER

Falmouth Raw Bar, 56 Scranton Ave.
Landfall Restaurant, 2 Luscombe Ave.
Pier 37 Boathouse, 88 Scranton Ave.
Quicks Hole Taqueria, 28 Water St., Unit C
Shuckers, 91A Water St.
The Woods Hole Wharf, 71 Water St.

SEASONAL COMMON VICTUALLER

Eulinda's, 634 West Falmouth Hwy.
Jim's Clam Shack, 227 Clinton Ave.

SECOND-HAND DEALER

Divine Consignments, 419 Palmer Ave.
Falmouth Stamp & Coin, 11 Town Hall Sq.
Hand in Hand Thrift Shop, 141 Sandwich Rd.
Home Again, 93 E. Falmouth Hwy.
St. Vincent DePaul Thrift Shop, 18A Davisville Rd.

ENTERTAINMENT

Falmouth Raw Bar, 56 Scranton Ave.
Landfall Restaurant, 2 Luscombe Ave.
Pier 37 Boathouse, 88 Scranton Ave.
Quicks Hole Taqueria, 28 Water St., Unit C
Shuckers, 91A Water St.
The Woods Hole Wharf, 71 Water St.

SUNDAY ENTERTAINMENT

Falmouth Raw Bar, 56 Scranton Ave.
Landfall Restaurant, 2 Luscombe Ave.
Pier 37 Boathouse, 88 Scranton Ave.
Quicks Hole Taqueria, 28 Water St., Unit C
Shuckers, 91A Water St.
The Woods Hole Wharf, 71 Water St.

April 1, 2024



ITEM NUMBER: Business 8.

ITEM TITLE: License Renewals – 2024 Seasonal and Spring Annual Renewals

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: List of Seasonal and Spring Annual Renewals

PURPOSE:

The Select Board will consider the approval of 2024 Seasonal and Spring License renewals

BACKGROUND/SUMMARY:

N/A

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the 2024 Seasonal and Spring Annual License Renewals as posted on the April 1, 2024 Board agenda.

OPTIONS:

- Motion to approve the 2024 Seasonal and Spring Annual License Renewals as posted on the April 1, 2024 Board agenda.

- Motion to deny approval of the 2024 Seasonal and Spring Annual License Renewals as posted on the April 1, 2024 Board agenda.

- 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 2024 Seasonal and Spring Annual License Renewals as posted on the April 1, 2024 Board agenda.

Michael Renshaw

Town Manager

3/27/2024

Date

April 1, 2024 Seasonal and Spring Licenses Renewing

SEASONAL RESTAURANT LICENSE

Falmouth Raw Bar, 56 Scranton Avenue
Landfall Restaurant, 2 Luscombe Avenue
Pier 37 Boathouse, 88 Scranton Avenue
Quicks Hole Taqueria, 28 Water Street, Unit C
Shuckers, 91A Water Street
The Woods Hole Wharf, 71 Water Street

SEASONAL COMMON VICTUALLER LICENSE

Eulinda's, 634 West Falmouth Highway
Jim's Clam Shack, 227 Clinton Avenue

SECOND-HAND DEALER LICENSE

Divine Consignments, 419 Palmer Avenue
Falmouth Stamp & Coin, 11 Town Hall Square
Hand in Hand Thrift Shop, 141 Sandwich Road
Home Again, 93 East Falmouth Highway
St. Vincent DePaul Thrift Shop, 18A Davisville Road

ENTERTAINMENT

Falmouth Raw Bar, 56 Scranton Avenue
Landfall Restaurant, 2 Luscombe Avenue
Pier 37 Boathouse, 88 Scranton Avenue
Quicks Hole Taqueria, 28 Water Street, Unit C
Shuckers, 91A Water Street
The Woods Hole Wharf, 71 Water Street

SUNDAY ENTERTAINMENT LICENSE

Falmouth Raw Bar, 56 Scranton Avenue
Landfall Restaurant, 2 Luscombe Avenue
Pier 37 Boathouse, 88 Scranton Avenue
Quicks Hole Taqueria, 28 Water Street, Unit C
Shuckers, 91A Water Street
The Woods Hole Wharf, 71 Water Street

OPEN SESSION

CONSENT AGENDA

1. Licenses

- a. Application filed by Seafood Sam's Falmouth, Inc. d/b/a Seafood Sam's located at 356 Palmer Avenue, Falmouth, to amend its Common Victualler License to include outdoor picnic tables



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Licenses 1.a.

ITEM TITLE: Application filed by Seafood Sam's Falmouth, Inc. d/b/a Seafood Sam's at 356 Palmer Avenue, Falmouth, to amend its Common Victualler License to include outdoor picnic tables

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form; Common Victualler and Innholder License Application; Letter from Michael Lewis dated March 19, 2024; Floor and Site Plans

PURPOSE:

The Select Board will consider the approval of an application filed by Seafood Sam's Falmouth, Inc. d/b/a Seafood Sam's at 356 Palmer Avenue, Falmouth, to amend its Common Victualler License to include outdoor picnic tables.

BACKGROUND/SUMMARY:

- Applicant Michael Lewis submitted a Common Victualler & Innholder License Application on March 18, 2024 (attached).
- On March 19, 2024 Mr. Lewis submitted a letter with the subject heading of "Common Victualler License Application with an Alteration of Premises Statement by Owner-Monitoring of New Food Service Area (attached).

- The applicant is requesting an amendment to the establishment's current Common Victualler License that would allow for outdoor dining at identified (see site plan) picnic tables off of the parking lot area.
- The Police Department and Fire rescue Department reviewed the application and had no objections or concerns with the approval of the application.
- The Building Department stated that no alcohol shall be consumed in the outside picnic table dining area.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the application filed by Seafood Sam's Falmouth, Inc. d/b/a Seafood Sam's at 356 Palmer Avenue, Falmouth, to amend its Common Victualler License to include outdoor picnic tables, with the condition that no alcohol be consumed in the outside area.

OPTIONS:

- Motion to approve the application filed by Seafood Sam's Falmouth, Inc. d/b/a Seafood Sam's at 356 Palmer Avenue, Falmouth, to amend its Common Victualler License to include outdoor picnic tables, with the condition that no alcohol be consumed in the outside area.
- Motion to deny approval of the application filed by Seafood Sam's Falmouth, Inc. d/b/a Seafood Sam's at 356 Palmer Avenue, Falmouth, to amend its Common Victualler License to include outdoor picnic tables, with the condition that no alcohol be consumed in the outside area.
- 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 application filed by Seafood Sam's Falmouth, Inc. d/b/a Seafood Sam's at 356 Palmer Avenue, Falmouth, to amend its Common Victualler License to include outdoor picnic tables, with the condition that no alcohol be consumed in the outside area.

Michael Renshaw

Town Manager

3/27/2024

Date

LICENSE APPLICATION REVIEW

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

Address: 356 Palmer Avenue, Falmouth

License Type: _____

New or Transfer of License _____

or

Change of License Amend a Common Victualler License

Police No Concerns

Fire No Issues

Building No Alcohol in the outside area

Health _____

Zoning _____

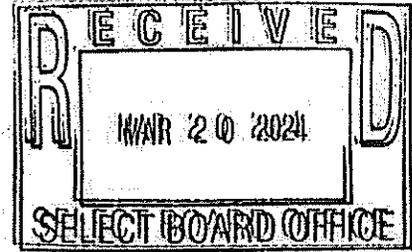
Planning _____

DPW _____

Assessor _____

NOTES:

A narrative has been provided by the applicant.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320 • licensing@falmouthma.gov

COMMON VICTUALLER & INNHOLDER LICENSE APPLICATION

CHECK THE APPROPRIATE LICENSE

- Common Victualler Annual License
 Innholder Seasonal License

Required fields are outlined in red:

NAME OF APPLICANT: **Michael P. Lewis** TITLE: **Owner/President**

HOME ADDRESS: **913 West Falmouth Highway**

Town: **Falmouth** State: **MA** Zip code: **02540**

BUSINESS NAME: **Seafood Sam's Falmouth, Inc**

D/B/A *if any*: **Db a Seafood Sam's**

BUSINESS ADDRESS: **356 Palmer Avenue**

Town: **Falmouth** State: **MA** Zip code: **02540**

MAILING ADDRESS *(if different)*: **[Redacted]**

Town: **[Redacted]** State: **[Redacted]** Zip code: **[Redacted]**

FEDERAL ID #: **[Redacted]** MANAGER OF RECORD: **Michael P. Lewis**

EMAIL -- *required*: **falmouthseafoodsams@gmail.com**

TELEPHONE -- BUSINESS: **508-274-2349** ALTERNATE: **[Redacted]**

DAYS OF OPERATION: **7 Days a Week**

HOURS OF OPERATION: **11:00AM to 9:00PM**

SEATING CAPACITY :

APPLICATION MUST BE SIGNED BY OWNER, MANAGER of RECORD, OR AUTHORIZED REPRESENTATIVE

**DATE:

Signature: OWNER or MANAGER of RECORD

APPLICATION REQUIREMENTS :

- Food Service Establishment Permit – Health Department
- Filing Fee \$10.00 due with application
- License Fee \$60.00 due upon issue
- Business Structure Documents:
 - a. Copy of Articles of Organization (*if corporation*)
 - b. Copy of LLC Agreement (*if limited liability company*)
 - c. Copy of Partnership Agreement (*if partnership*)
 - d. Copy of Certificate of Doing Business (*if sole proprietorship*)
- Copy of lease or deed
- Copy of special zoning permits, *if any*
- Copy of Floor Plan
- Copy of Menu
- Attend a hearing before the Board of Selectmen at a time and date designated

March 19, 2024

Falmouth Select Board
C/o Phyllis Downey
Hand Delivered
Falmouth Town Hall
Office of the Select Board
59 Town Hall Square
Falmouth, MA 02540

RE: Common Victualler License Application with Alteration of Premises
Statement by Owner – Monitoring of New Food Service Area.

To Whom It May Concern,

My name is Michael Lewis; I am the owner and operator of Seafood Sam's Falmouth, Inc. I am writing to address concerns recently raised regarding alcohol consumption at the outdoor picnic table area located at 356 Palmer Avenue.

Firstly, I wish to underscore that we have not previously encountered any issues relating to alcohol service beyond the designated boundaries of our establishment. However, in light of recent discussions with the Falmouth Police Department regarding visibility concerns associated with alcoholic beverages in this area, we have made the decision to seek an Alteration of Premises License that solely permits the consumption of food and non-alcoholic beverages in the picnic table area.

Furthermore, each year we continue to take pre-emptive measures to communicate this policy to our all of our patrons. There are three large and prominently displayed signs in the outside picnic table dining area explicitly stating that alcohol is prohibited. Additionally, our diligent staff takes time to inform every customer who may be ordering beer or wine that alcoholic beverages may only be consumed in the front patio area and within the restaurant with no exceptions permitted for the picnic table area.

Specifically, in anticipation of allowing food consumption in the picnic table area for the 2024 season, we have created a new position within our staff. We now have an adult, TIPS Certified staff member dedicated to monitoring all seating areas to ensure customer satisfaction and strict adherence to rules and regulations. This individual will serve as a vigilant presence across all dining areas, with particular focus on the outdoor picnic table area. Additionally, either myself or my son, who serves as the manager, are present in the building during every operating hour to support our staff in ensuring patrons refrain from leaving designated areas with alcoholic beverages.

Throughout my 33 years of operation, offering both indoor and outdoor dining on a seasonal basis, there have been no complaints or citations regarding unauthorized alcohol consumption in non-designated outdoor dining areas. It is worth noting that upon purchasing the property in 1991, the placement of picnic tables in the same location was inherited from the previous restaurant owner who held a beer and wine license. Importantly, we have consistently upheld the policy of not permitting alcohol service in this specific area. The first instance of this concern being brought to my attention was during the license renewal process in 2022.

In conclusion, I assure you that our staff, myself, and our managers will uphold a vigilant stance regarding the prohibition of patrons consuming alcoholic beverages in undesignated areas. Should any individual be observed attempting to consume alcohol in such areas, we will promptly inform them of our policy and relocate the patron to a designated drinking area without delay.

Sincerely,

A handwritten signature in black ink, appearing to read 'ML', with a long horizontal flourish extending to the right.

Michael Lewis
Owner and Operator
Seafood Sam's Falmouth, Inc.



Complete prior to applying for:

Common Victualler License
Lodging House License
Innholder License

APPLICANT: SEAFOOD SAM'S FALMOUTH, INC.

ADDRESS: 350 PALMER AVENUE, FALMOUTH, MA 02540

LICENSE APPLIED FOR: COMMON VICTUALLER LICENSE WITH ALTERATION OF PREMISES FOR FOOD SERVICE

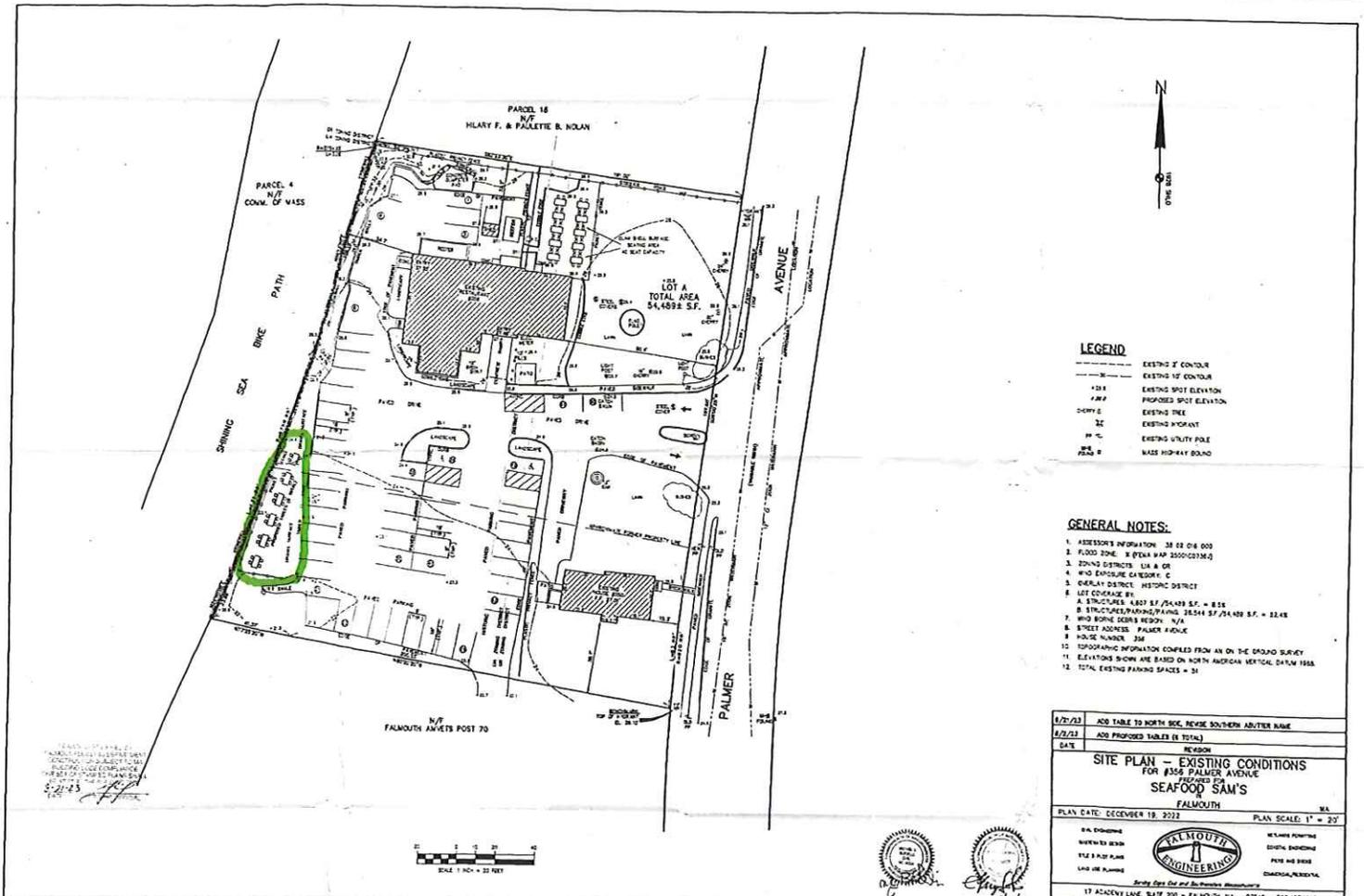
The attached plan or plans described below have been approved by the Building Commissioner's Office as appropriate for this application:

- a. For Common Victualler Licenses submit a Floor Plan completed by a Design Professional showing exits/entrances, distances, and all seats.
- b. For Lodging House Licenses submit a Floor Plan completed by a Design Professional showing exits/entrances, distances, and the occupancy load of each room.
- c. For Innholder Licenses submit a Floor Plan completed by a Design Professional showing exits/entrances, distances, each seat in the dining areas, and the occupancy load of each room.

NOTES: No alcohol outside

Building Commissioner: X 

DATE: 3-18-24



LEGEND

---	EXISTING 1" CONTOUR
---	EXISTING 1/2" CONTOUR
+2.1	EXISTING SPOT ELEVATION
+2.0	PROPOSED SPOT ELEVATION
---	EXISTING DRAIN
---	EXISTING WORK
---	EXISTING UTILITY POLE
---	MASS HIGHWAY BOUNDARY

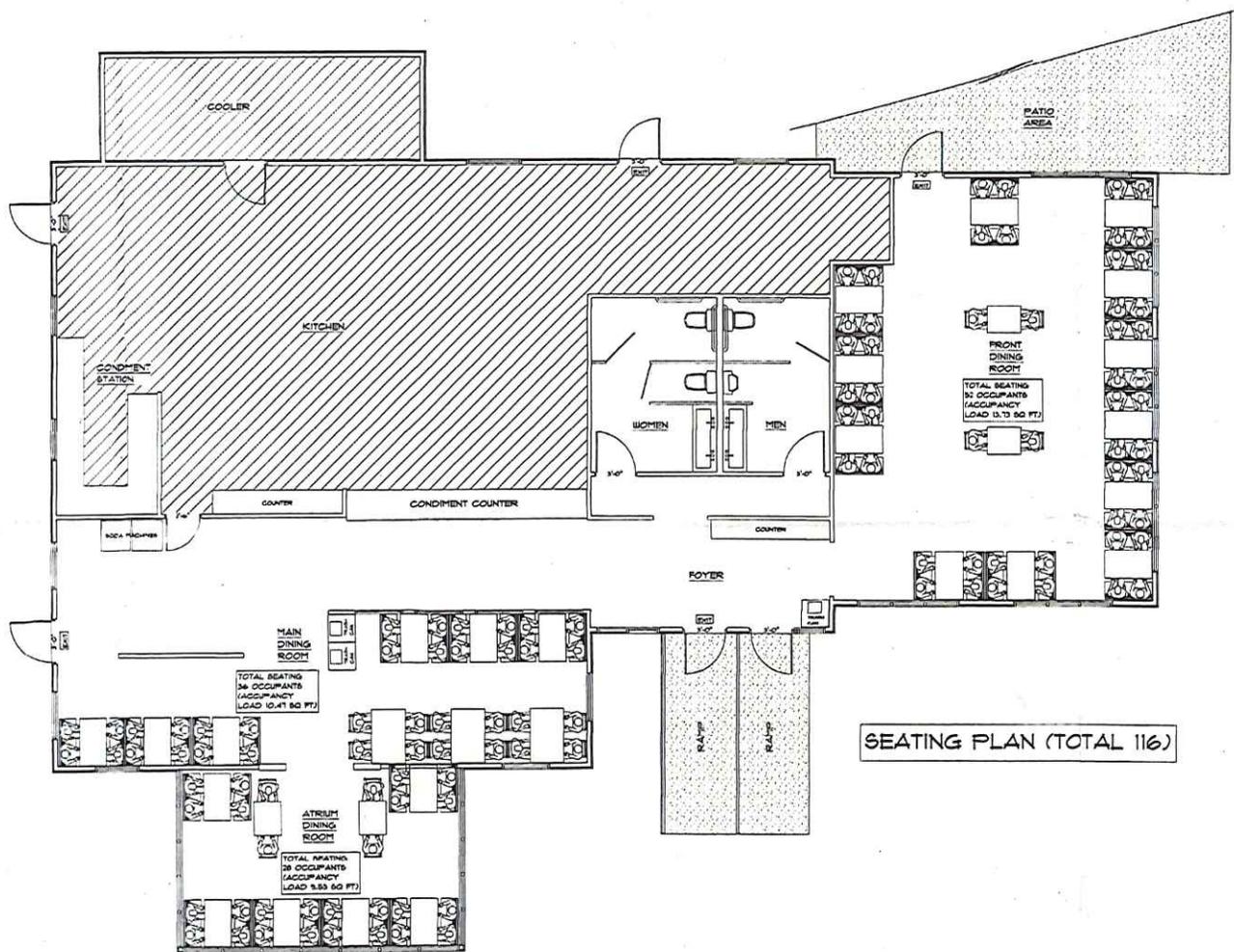
- GENERAL NOTES:**
1. ASSESSOR'S INFORMATION: 38 01 014 000
 2. FLOOD ZONE: B (FEAR #49 0000000100)
 3. ZONING DISTRICTS: UA & OR
 4. WHO EXPOSURE: CA REGION: C
 5. OVERLAY DISTRICT: HISTORIC DISTRICT
 6. LOT COVERAGE BY:
 - A. STRUCTURES: 60% (7) PALMER S.F. = 8.5%
 - B. STRUCTURES/PARKING/PAVING: 82.64% (57,24.48 S.F. = 22.4%
 7. WHO BORN: 0000'S REGION: N/A
 8. STREET ADDRESS: PALMER AVENUE
 9. HOUSE NUMBER: 356
 10. TOPOGRAPHIC INFORMATION COPIED FROM AN ON THE GROUND SURVEY
 11. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988
 12. TOTAL EXISTING PARKING SPACES = 21

12/21/20	ADD TABLE TO NORTH SIDE, REVISE SOUTHERN ADJUTER NAME
12/21/20	ADD PROPOSED TABLES (IN TOTAL)
DATE	REVISION
SITE PLAN - EXISTING CONDITIONS	
FOR 356 PALMER AVENUE	
PROPOSED FOR	
SEAFOOD SAM'S	
FALMOUTH, ME	
PLAN DATE: DECEMBER 19, 2022	PLAN SCALE: 1" = 20'
BY: ENGINEER	BY: LAND SURVEYOR
DATE: 12/21/20	DATE: 12/21/20
FILE # 12/21/20	FILE # 12/21/20
LAND USE PLANNING	LAND SURVEYING
17 ACADENY LANE, SUITE 200 - FALMOUTH, ME - 02541 - 508-693-1225 PROJECT NUMBER: 22010100 FILE NAME: 22010100.DWG DRAWN BY: L.W./J.S. SHEET 1 OF 1	

SEAL OF PROFESSIONAL ENGINEER
 STATE OF MAINE
 FALMOUTH ENGINEERING, INC.
 12/21/20



12/21/20



SEATING PLAN (TOTAL 116)

CONTRACTS RECEIVED BY:
 FALMOUTH BUILDING DEPARTMENT
 CONSTRUCTION SUBJECT TO EEP
 BUILDING CODE COMPLIANCE
 ONE SET OF STAMPED PLANS SHALL
 BE KEPT AT THE BUILDING OFFICE
 8-21-23
 DATE

3-18-24
 [Signature]

BUILDER SEAFOOD SAM'S 356 PALMER AVE. FALMOUTH, MA. 02540	JOB ADDRESS SEAFOOD SAM'S 356 PALMER AVE. FALMOUTH, MA. 02540	DESIGN EXISTING SEATING PLAN	WWW.JBHOMEDESIGNS.COM	DATE 8-3-23	REVISION #	DRAWN BY JB	PAGE 1 OF 1	SCALE 1/4"=1'-0"	JB Designs 100 BROADWAY, SUITE 100 FALMOUTH, MA 02540 (508) 494-8534
---	---	--	--	-----------------------	----------------------	-----------------------	-----------------------	----------------------------	--

BY PURCHASE OF DRAWINGS LEASER PURCHASER RESPONSIBLE FOR COMPLIANCE WITH ALL LOCAL BUILDING CODES AND ORDINANCES. JB DESIGNS MAY NOT BE HELD RESPONSIBLE FOR SITE CONDITIONS OR FOR THE USE OF THESE DRAWINGS DURING CONSTRUCTION.
 EXACT SIZE AND REINFORCEMENT OF ALL CONCRETE FOOTINGS MUST BE DETERMINED BY LOCAL AEC, CONDITIONS AND ACCEPTABLE PRACTICES OF CONSTRUCTION. VERIFY DESIGN WITH LOCAL ENGINEER.
 ALL FOOTINGS SHALL EXTEND BELOW PROPOSED FINISH GRADE. VERIFY DEPTH WITH LOCAL ENGINEER AND BUILDING OFFICIAL.

OPEN SESSION

CONSENT AGENDA

1. Licenses

- b. Application for a Special One-Day All Alcoholic Liquor License – West Falmouth Library, 575 West Falmouth Hwy. – June Garden Party – Saturday, June 15, 2024; 5:00 p.m. to 7:00 p.m.



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Licenses 1.b.

ITEM TITLE: Application for a Special One-Day All Alcoholic Liquor License- West Falmouth Library, 575 West Falmouth Highway- June Garden Party, Saturday, June 15, 2024 from 5:00 PM to 7:00 PM.

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form, Special One-Day Liquor License for the Sale of Alcoholic Beverages dated February 20, 2024, TIPS Certification Cards

PURPOSE:

The Select Board will consider the approval of an application for a Special One-Day All Alcoholic Beverages License- West Falmouth Library 575 West Falmouth Highway- June Garden Party, Saturday, June 15, 2024 from 5:00 to 7:00 PM.

BACKGROUND/SUMMARY:

- Applicant Suzy Bergmann submitted the Special One-Day All Alcoholic Beverages License on February 20, 2024.
- The West Falmouth Library is hosting the event titled “June Garden Party” on June 15, 2024 from 5:00 to 7:00 PM.

- Approximately 150 people are expected to attend.
- As reflected on the application form, office staff have verified that all required documents (TIPS certificates, floor plans, etc.) have been submitted by the applicant and are on file.
- The Police Department and Fire Rescue Department have reviewed the application and have no objections or concerns with the event.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the application for a Special One-Day All Alcoholic Liquor License- West Falmouth Library 575 West Falmouth Highway- June Garden Party, Saturday, June 15, 2024 from 5:00 PM to 7:00 PM.

OPTIONS:

- Motion to approve the application for a Special One-Day All Alcoholic Liquor License- West Falmouth Library 575 West Falmouth Highway- June Garden Party, Saturday, June 15, 2024 from 5:00 PM to 7:00 PM.
- Motion to deny approval of the application for a Special One-Day All Alcoholic Liquor License- West Falmouth Library 575 West Falmouth Highway- June Garden Party, Saturday, June 15, 2024 from 5:00 PM to 7:00 PM..
- Select Board Defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board approve the application for a Special One-Day All Alcoholic Liquor License- West Falmouth Library 575 West Falmouth Highway- June Garden Party, Saturday, June 15, 2024 from 5:00 PM to 7:00 PM.

Michael Renshaw

3/27/2024

Town Manager

Date

Date: 4/1/24

ONE-DAY LIQUOR LICENSE APPLICATION REVIEW FORM

Applicant: West Falmouth Library

Event: June Garden Party

Location: West Falmouth Library, 575 W. Falmouth Hwy.

Date: Saturday, June 15, 2024 **Time:** 5:00 p.m. to 7:00 p.m.

License Type: Wine & Malt Beverages or All Alcoholic Beverages

Application sent to the departments, indicated below, for comment:

Police No issue with this request.

Fire No objections.

Health _____

Building _____

Communications _____

NOTES: Application, narrative, site plan, tips and insurance
are all attached.



PAID \$35.00 cash

APPLICATION

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

NAME OF APPLICANT: Suzy Bergmann

ADDRESS OF APPLICANT: 41 Cachalot Lane

Falmouth MA 02540
TOWN STATE ZIP CODE

NAME OF ORGANIZATION: West Falmouth Library

MAILING ADDRESS: PO Box 1209, West Falmouth, MA 02574

TELEPHONE #: 508 548-4709 EMAIL: suzybergmannwfl@gmail.com

LOCATION TO BE LICENSED-ADDRESS: 575 West Falmouth Highway

Falmouth MA 02540
TOWN STATE ZIP CODE

EVENT TITLE: June Garden Party APPROXIMATE # OF PEOPLE: 150

DATE(S) OF EVENT: 6/15/2024 HOURS OF EVENT: 5 pm - 7 pm

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Suzy Bergmann

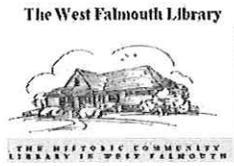
TYPE OF LICENSE:
1. WINE & MALT FOR PROFIT
2. ALL ALCOHOLIC NON-PROFIT ORGANIZATIONS ONLY NON-PROFIT

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

2/20/2024
DATE

Suzy Bergmann
APPLICANT SIGNATURE

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



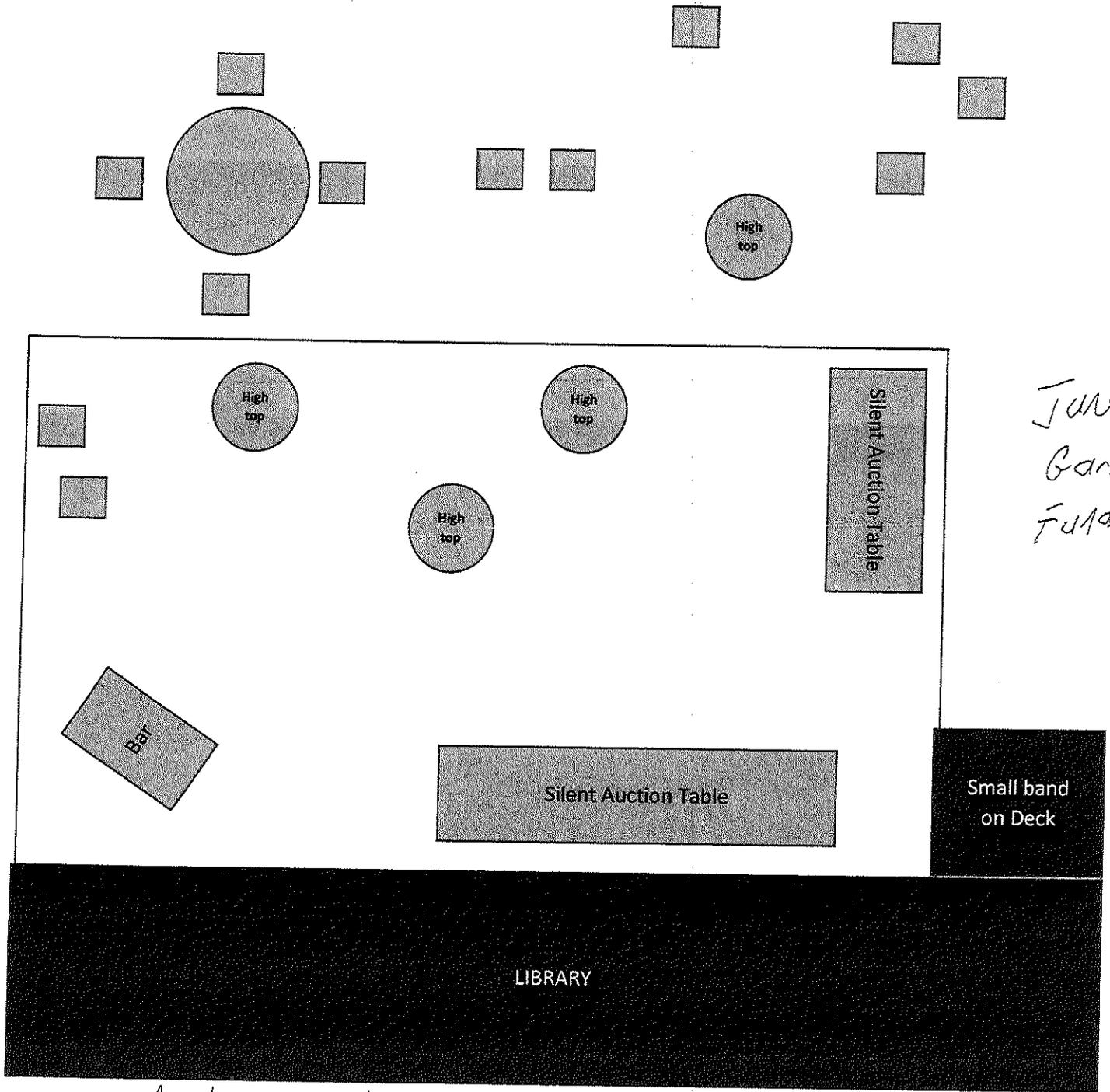
March 4, 2024

The West Falmouth Library is applying for a Special One-Day Liquor License for the sale of alcoholic beverages on June 15, 2024. The purpose of the license is for a concert for approximately 150 guests. The event will take place from 5:00 pm until 8:00 pm. This will take place in the garden or indoors if inclement. The food will be catered and TIPS certified bartenders will serve the beverages.

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

N

garden area extends further north ↑



5
 June 14, 2024
 Garden Party
 Fundraiser

W

E

LIBRARY

Parking Lot ↓

S

OPEN SESSION

CONSENT AGENDA

1. Licenses

- c. Application for three Special One-Day All Alcohol Liquor Licenses – Falmouth Theatre Guild – Highfield Theater, 58 Highfield Drive – Friday, Saturday & Sunday: April 26, 27 & 28; May 3, 4 & 5; and May 10, 11 & 12, 2024. Friday & Saturday: 6:30 p.m. – 10:00 p.m.; Sunday: 1:00 p.m. – 4:30 p.m.



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Licenses 1.c.

ITEM TITLE: Application for Three Special One-Day All Alcoholic Liquor Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- Friday, Saturday, and Sunda: April 26, 27, and 28; May 3, 4, and 5; and May 10, 11, and 12, 2024. Friday and Saturday: 6:30 PM to 10:00 PM; Sunday 1:00 to 4:30 PM.

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form, Emails from Reviewers, Special One-Day Liquor License for the Sale of Alcoholic Beverages dated March 20, 2024, TIPS Certification Cards, and Floor Plan

PURPOSE:

The Select Board will consider the approval of an application for Three Special One-Day All Alcoholic Liquor Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- Friday, Saturday, and Sunday: April 26, 27, and 28; May 3, 4, and 5; and May 10, 11, and 12, 2024. Friday and Saturday: 6:30 PM to 10:00 PM; Sunday 1:00 to 4:30 PM.

BACKGROUND/SUMMARY:

- Applicant Tomas McCahill, Director-at-Large of the Falmouth Theatre Guild, submitted the Special One-Day License for the Sale of Alcoholic Beverages on March 20, 2024.

- The application is associated with nine (9) theatrical performances of “Roald Dahl’s Willy Wonka” running Fridays-Sundays April 26-28, May 3-5, and May 10-12; the Friday and Saturday events will be from 6:30-10:00 PM and the Sunday events will be from, 1:00-4:30 PM.
- As reflected on the application form, office staff have verified that all required documents (TIPS certificates, insurance certificate, floor plans, etc.) have been submitted by the applicant and are on file.
- The Police Department and Fire Rescue Department have reviewed the application and have no objections or concerns with the events.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the application for Three Special One-Day All Alcoholic Liquor Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- Friday, Saturday, and Sunday: April 26, 27, and 28; May 3, 4, and 5; and May 10, 11, and 12, 2024. Friday and Saturday: 6:30 PM to 10:00 PM; Sunday 1:00 to 4:30 PM.

OPTIONS:

- Motion to approve the application for Three Special One-Day All Alcoholic Liquor Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- Friday, Saturday, and Sunday: April 26, 27, and 28; May 3, 4, and 5; and May 10, 11, and 12, 2024. Friday and Saturday: 6:30 PM to 10:00 PM; Sunday 1:00 to 4:30 PM.
- Motion to deny approval of Three Special One-Day All Alcoholic Liquor Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- Friday, Saturday, and Sunday: April 26, 27, and 28; May 3, 4, and 5; and May 10, 11, and 12, 2024. Friday and Saturday: 6:30 PM to 10:00 PM; Sunday 1:00 to 4:30 PM.
- Select Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board approve the application for Three Special One-Day All Alcoholic Liquor Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- Friday, Saturday, and Sunday: April 26, 27, and 28; May 3, 4, and 5; and May 10, 11, and 12, 2024. Friday and Saturday: 6:30 PM to 10:00 PM; Sunday 1:00 to 4:30 PM.

Michael Renshaw

Town Manager

3/28/2024

Date

Date: 4/1/24

ONE-DAY LIQUOR LICENSE APPLICATION REVIEW FORM

Applicant: Falmouth Theatre Guild

Event: Roald Dahl's Willy Wonka

Location: Highfield Theater, 58 Highfield Drive, Falmouth

Date: Sat-Sun 4/26-28, 5/3-5 & 5/10-12 **Time:** Fri/Sat 6:30pm-10pm, Sun 1:00pm-4:30pm

License Type: Wine & Malt Beverages or All Alcoholic Beverages

Application sent to the departments, indicated below, for comment:

Police No objections.

Fire No issues.

Health _____

Building _____

Communications _____

NOTES: Application, narrative, site plan, tips and insurance
are all attached.



APPLICATION

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



PAID
#235.00 CK# 180146



NAME OF APPLICANT:

ADDRESS OF APPLICANT:

TOWN STATE ZIP CODE

NAME OF ORGANIZATION:

MAILING ADDRESS:

TELEPHONE #: EMAIL:

LOCATION TO BE LICENSED-ADDRESS:

TOWN STATE ZIP CODE

EVENT TITLE: APPROXIMATE # OF PEOPLE:

DATE(S) OF EVENT: HOURS OF EVENT:

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT:

TYPE OF LICENSE:

- 1. WINE & MALT FOR PROFIT
- 2. ALL ALCOHOLIC NON-PROFIT ORGANIZATIONS ONLY NON-PROFIT

REQUIREMENTS check list:

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

DATE

APPLICANT SIGNATURE

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



Falmouth Theatre Guild

Bringing you the best in Community Theater since 1958

Falmouth Theatre Guild

P.O. Box 383

Falmouth MA, 02541

www.falmouththeatreguild.org

(508) 548-0400

March 20, 2024

Board of Directors

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

Application for Special One Day Liquor License:
Falmouth Theatre Guild
for the theatrical performance *Roald Dahl's Willy Wonka*
April 26-28, May 3-5, May 10-12 (9 days)

Dear Town of Falmouth,

Please find attached a completed application requesting special one-day liquor licenses covering the nine performances we have scheduled for the theatrical performance *"Roald Dahl's Willy Wonka,"* running Fridays – Sundays April 26-28, May 3-5, and May 10-12, 2024 (7:30 PM on Fridays/Saturdays and 2:00PM on Sundays).

We would like to sell alcoholic beverages to our patrons for 60 minutes before each performance and for approximately 30 minutes during intermission. As we have done in years past, alcoholic beverages would be served from our concessions stand where we also offer cans of soda and seltzer, boxed/canned water, and prepackaged snacks and candy. There is no food preparation at our concessions stand.

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

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

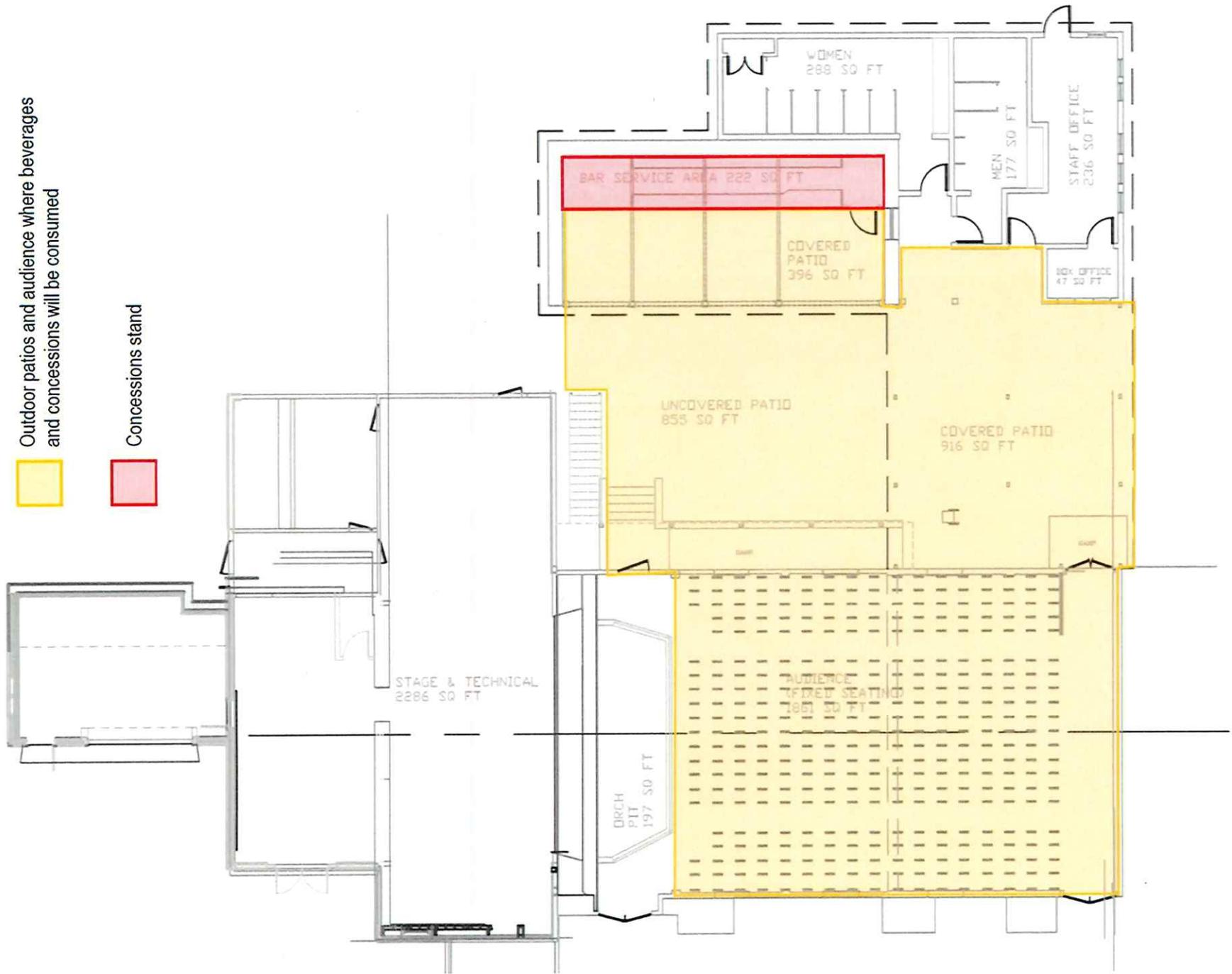
Thank you,

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

Outdoor patios and audience where beverages
and concessions will be consumed



Concessions stand



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

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- a. Request for variance to Sign Code - §184-30 Promotional/
Special Event and §184-32 Off-Premises Signs: Cape Cod
Master Gardener Association – May 11 – May 18, 2024



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Request for variance to sign code, Section 184-30 Promotional/Special Event and Section 184-32 Off-Premise Signs: Cape Cod Master Gardener Association- May 11 to May 18, 2024

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: List of locations for requested off-premises signage provided by Cape Cod Gardeners Association; Application to Sign Permit dated March 1, 2024; Illustration of sign and dimensions; maps of five locations

PURPOSE:

The Select Board is requested to review and consider a sign code variance requested by the Cape Cod Master Gardeners Association for its Master gardener Plant Sale at Cape Cod Fairgrounds on Saturday, May 18, 2024.

BACKGROUND/SUMMARY:

- The Cape Cod Master Gardener Association submitted its request for a variance to the Sign Code (Promotional/Special Event and Off-Premise) to include the posting of five (5) 24" by 18" or 3 sq. ft. signs (within sign code, illustrations attached) at 5 separate locations within Town (maps attached).
- The signs are to be placed on May 11, 2024 through Saturday, May 18, 2024; a small 12" by 6" add-on sign with the word "Today" will be added to each of the five signs on May 18.

- All signs will be removed on May 18 after the event is completed.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the request for a variance to the Promotional/Special Event and Off-Premises sign code as requested by the Cape Cod Master Gardeners Association.

OPTIONS:

- Motion to approve the request for a variance to the Promotional/Special Event and Off-Premises sign code as requested by the Cape Cod Master Gardeners Association.
- Motion to deny approval of the request for a variance to the Promotional/Special Event and Off-Premises sign code as requested by the Cape Cod Master Gardeners Association.
- 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 for a variance to the Promotional/Special Event and Off-Premises sign code as requested by the Cape Cod Master Gardeners Association.

Michael Renshaw

Town Manager

3/28/2024

Date

Cape Cod Master Gardener Association Signs:

Request for off-premises promotional signs for Master Gardener Plant Sale at Cape Cod Fairgrounds on Saturday, May 18, 2024.

Locations:

1. Intersection of Palmer Ave. & Jones Rd. (on Palmer Ave. side)
2. Intersection of Sandwich Rd. & Route 28
3. Intersection of Jones Rd. & Route 28 (on the Stop & Shop side)
4. Intersection of Route 28 & Davisville Rd. (CVS side)
5. Intersection of Sandwich Rd. & Route 151

Length of time: Tuesday, May 11 – May 18, 2024. The “Today” sign will be added on May 18.
Signs removed by the end of the day on May 18.

Quantity: 5

Size: 24” x 18” = 3 sq. ft. “Today” add-on: 12” x 6” = .5 sq. ft.
Sign size is within the 8 sq. ft. maximum size.

APPLICATION TO SIGN PERMIT

Please fill out completely all applicable areas - Please use link

APPLICATION DETAILS					
Application #:	<i>S-24-240888</i>	Date Issued:		Permit #:	
Fee Payable: (\$)	<i>0.00</i>	Fee Paid: (\$)	<i>0.00</i>	Receipt #:	
				Date Paid:	

SECTION 1 - SITE INFORMATION			
Street Name	<i>NATHAN S ELLIS HWY</i>	Map Block Lot	<i>18 02 005 001</i>
Street Number	<i>1220</i>	Zone	<i>AGA</i>
Unit Number			

SECTION 2 - PROPERTY OWNER INFORMATION					
Property Owner Name	<i>BARNSTABLE COUNTY</i>				
Street Number	<i>1220</i>	Street Name	<i>NATHAN ELLIS HWY</i>		
City	<i>EAST FALMOUTH</i>	State	<i>MA</i>	Zip Code	<i>02536-4244</i>
Telephone		Email	[REDACTED]		
Property Owner Name 2	<i>AGRICULTURAL SOCIETY INC</i>				
Street Number		Street Name			
City		State		Zip Code	
Telephone		Email			

SECTION 3 - APPLICANT INFORMATION

Applicant Name Master Gardener Association of Cape Cod / Mary Ryan

Street Number PO Box 367 Street Name PO Box 367

City Barnstable State MA Zip 02630

Telephone [REDACTED] Email [REDACTED]

SECTION 4 - MAILING ADDRESS

Street Number PO Box 367 Street Name PO Box 367

City Barnstable State MA Zip 02630

SECTION 5 - WORK DETAILS

Name of Store of Development Master Gardener Association of Cape Cod

Number of Signs 5 Percentage of aggregate coverage of front wall

Approve by Design Site Review meeting on

Type of Sign Wall Free Standing Projecting Awning Banner
 Portable Sign Window Blade Off Premise/Variance

Is this a replacement of the same size Sign Yes No Historic District Yes No

Is the Sign(s) Illuminated? Yes No

Is the Sign a promotional sign? Yes No Date 05/18/24

Dimensions of Sign(s)
 Length Width 24" Height 18" Area 3 sq. ft
 Length Width Height Area
 Length Width Height Area

Wall Linear Feet Set back from Freestanding

Brief Description of Proposed Work

Temporary free-standing signage for Master Gardener Association of Cape Cod Annual Plant Sale to be held Saturday, May 18, 2024 on the Cape Cod Fairgrounds at Nathan Ellis Hwy. This is a repeat of past years' events, with sign variance approval through the town of Falmouth. Temporary signage for installation during week of May 11-18 at following locations: Intersection of Sandwich Rd and Route 28, Intersection of Jones Rd and Route 28 (side of Stop and Shop), intersection of Palmer and Jones Rd (Palmer side), Route 28 and Davisville Rd (CVS side), and Intersection of Sandwich Rd and Rt 151. Signage will be removed from all locations by end of day on May 18.

SECTION 6 - CONTRACTOR INFORMATION

Name n/a Type
LIC No. VERIFY NA Expiration Date
Business Name Type
LIC No. Expiration Date
Street Number Street Name
City State Zip
Telephone No. Alternate Tel. No.
Email

The owner/Licensee assumes responsibility for compliance with the state building code and all other applicable codes.

Owner/Licensee

SECTION 7 - ESTIMATED COST

Estimated Value of Work \$ 1.00

SECTION 8 - PROPERTY OWNER AUTHORIZATION

I am the Owner Contractor / Agent

I, BARNSTABLE COUNTY as owner of the subject property hereby authorize Master Gardener Association of Cape to act on my behalf, in all matters relative to work authorized by this building permit application.

Property Owner's Email OR Copy of Signed Contract to be attached after submitting application

Telephone No.

I do hereby certify under the pains & penalties of perjury that the information provided above is true and correct.

Date 03/01/24

SECTION 9 - DECLARATION

I, **Master Gardener Association of Cape** as Owner/Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge and belief. Signed under the pains and penalties of perjury.

I do hereby certify under the pains & penalties of perjury that the information provided above is true and correct.

Date **02/29/24**

INSTRUCTIONS

Please review **Chapter 184** of the Town Of Falmouth Zoning By Laws for a **complete wording** regarding the requirements and restrictions for Signs within the Town Of Falmouth

What is needed to be submitted:

All Signs:

- All applications require plans with new sign(s) pictures and dimensions and pictures of all existing signs.

If you have obtained a Variance for the Sign(s), that recorded Variance must be submitted with this application.



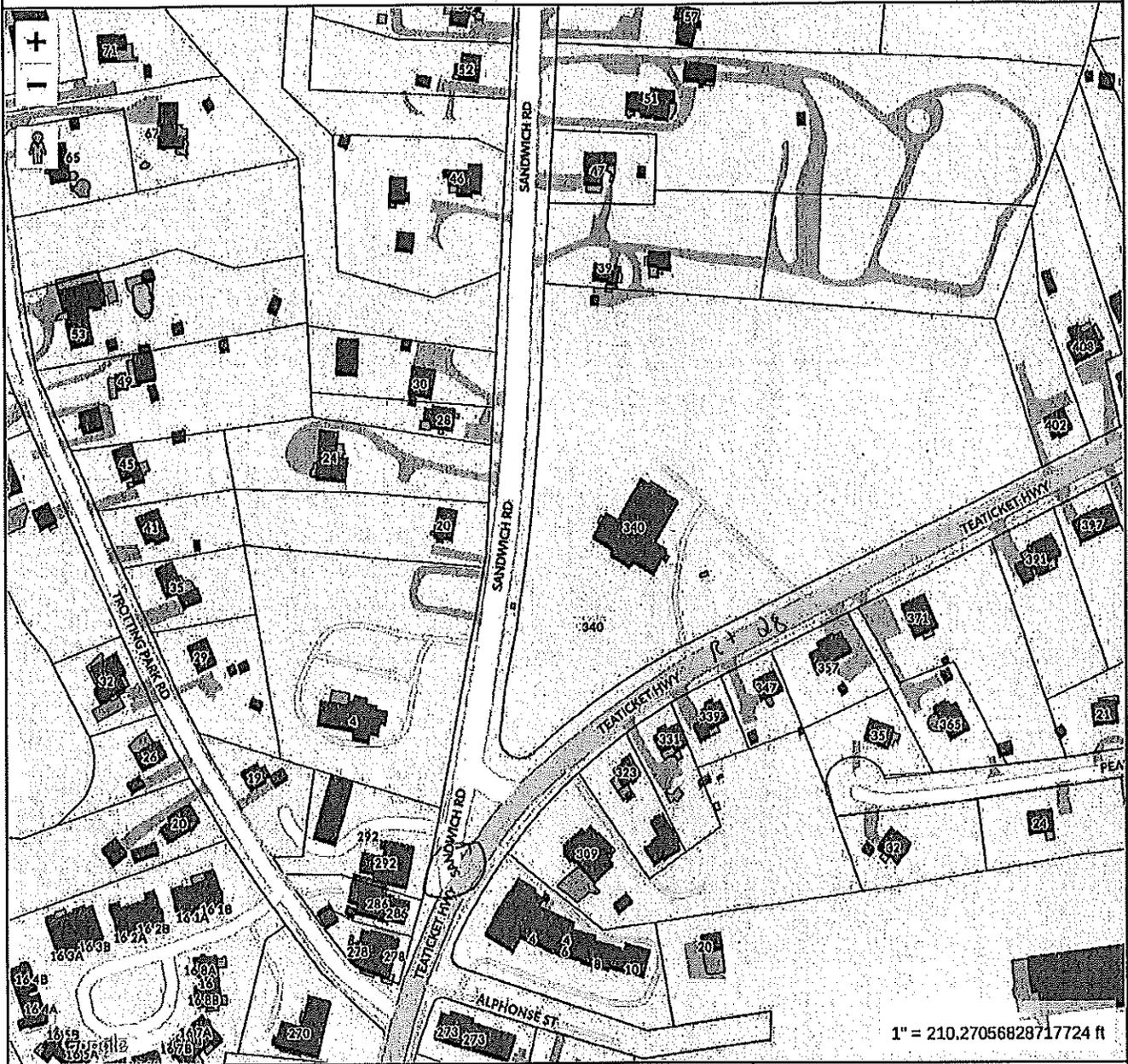
FYI attached is a photo of the sign and here are the sign dimensions:
24" W & 18" T and the "Today" measures 12" W x 6" T

Intersection of Sandwich Rd & Route 28 ?

①

Town of Falmouth, MA

February 29, 2024



MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

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Geometry updated 10/10/2023
Data updated 02/26/2024

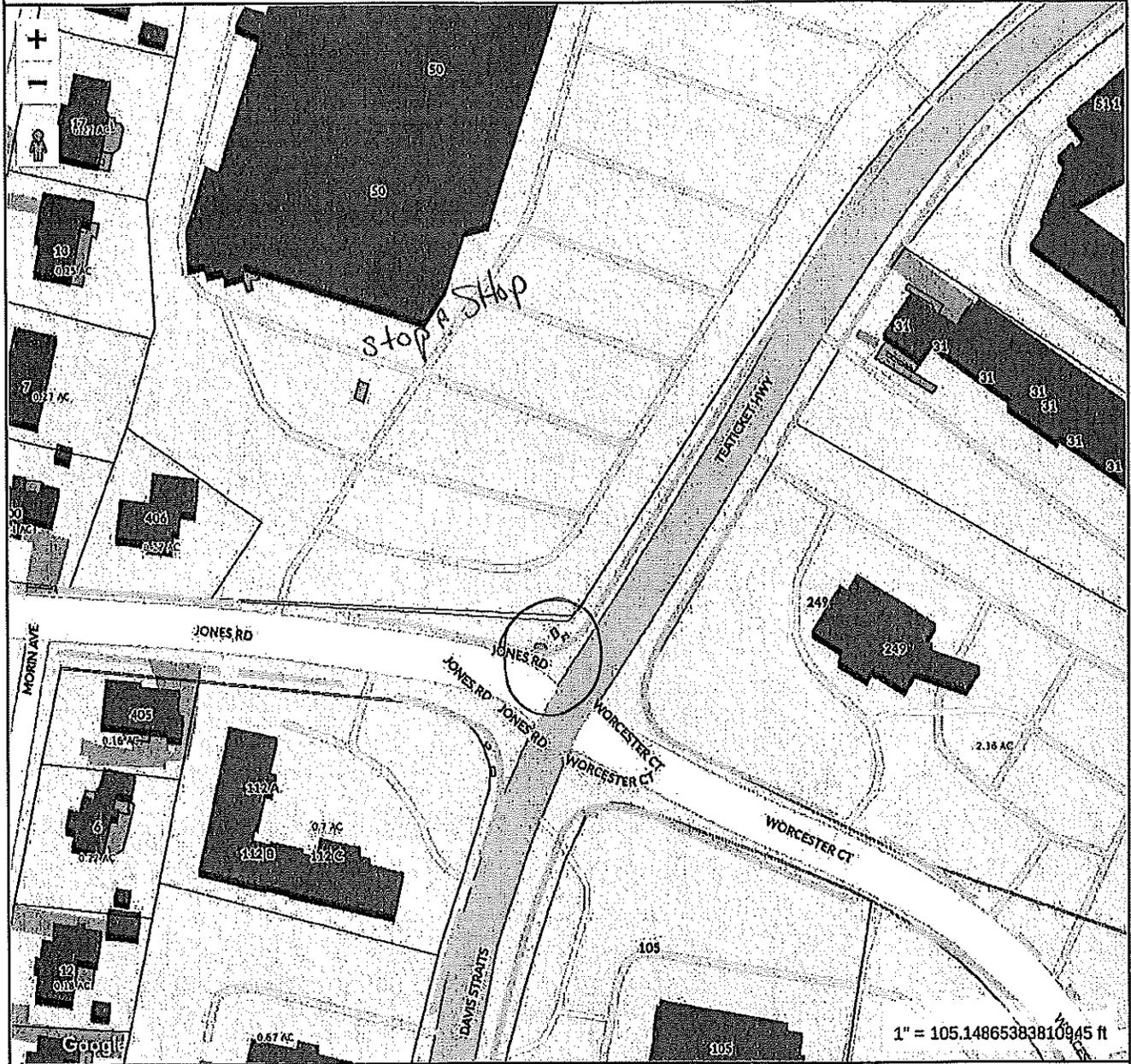
Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

Intersection of Jones Rd & Rt. 28 (side of Stop & Shop)

2

Town of Falmouth, MA

February 29, 2024



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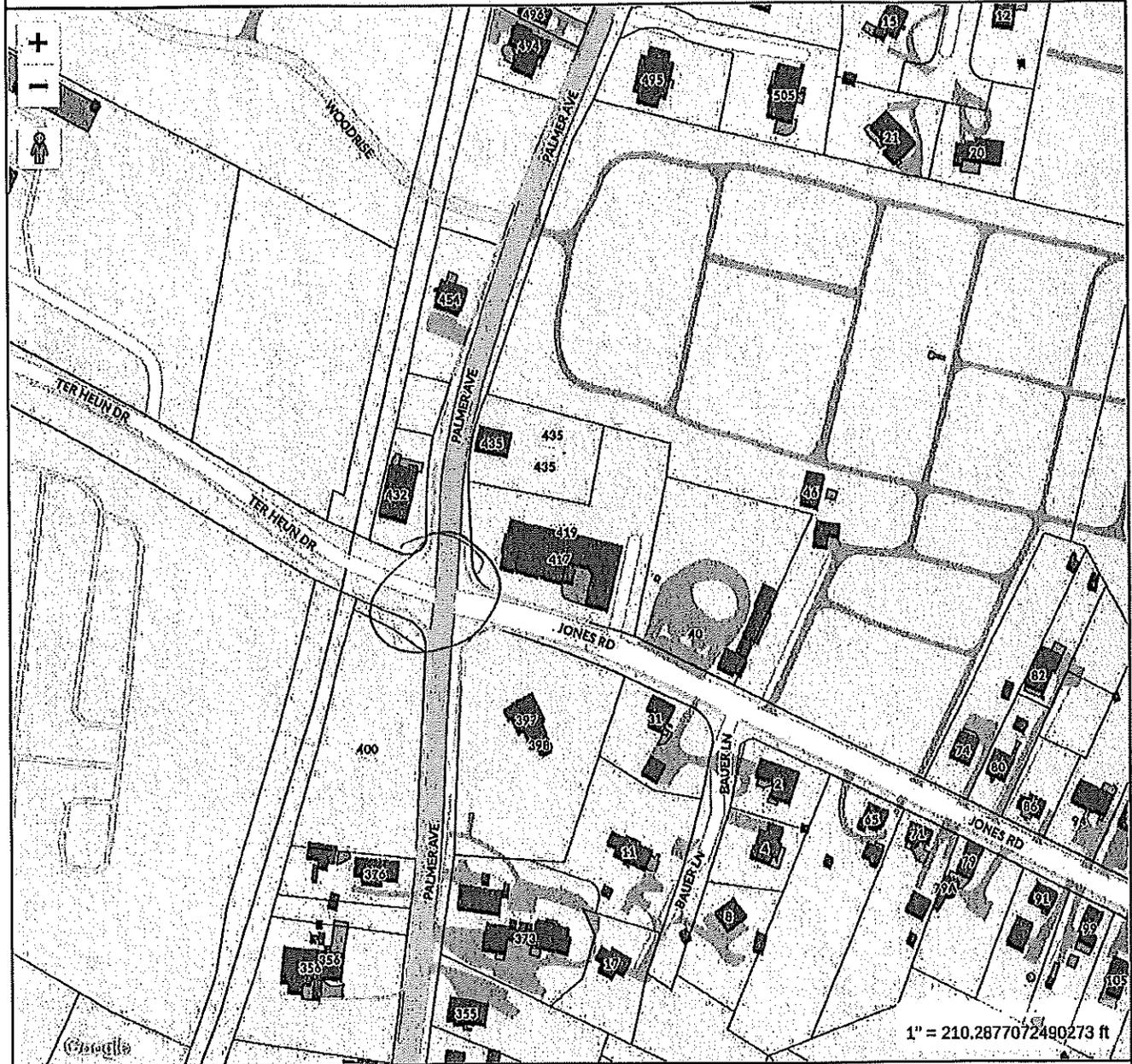
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Intersection of Palmer & Jones (Palmer side)

3

Town of Falmouth, MA

February 29, 2024



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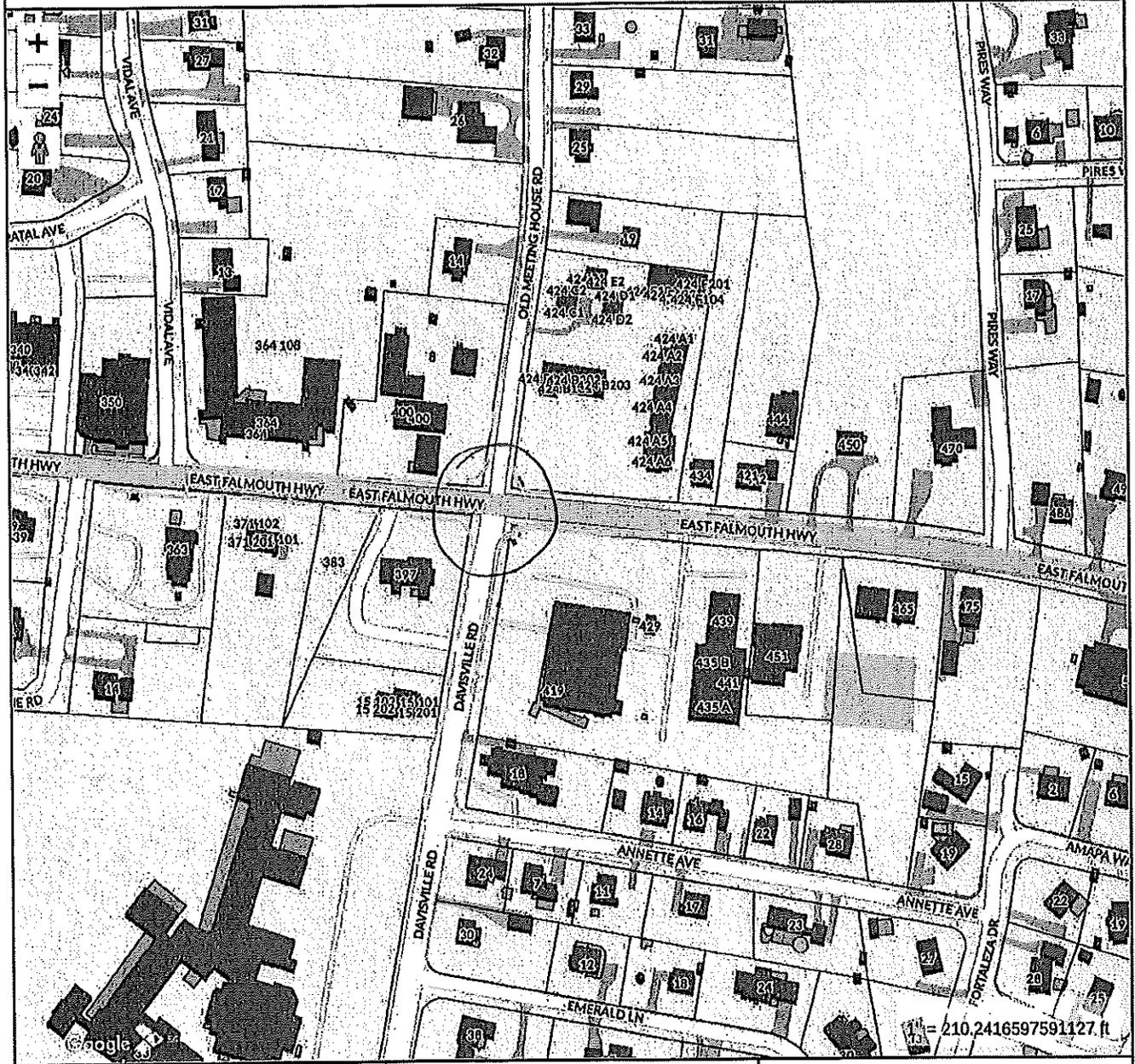
Print map scale is approximate.
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this resource.

Rt 28 : DAVISVILLE RD. (CUS side)

4

Town of Falmouth, MA

February 29, 2024



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Geometry updated 10/10/2023
Data updated 02/26/2024

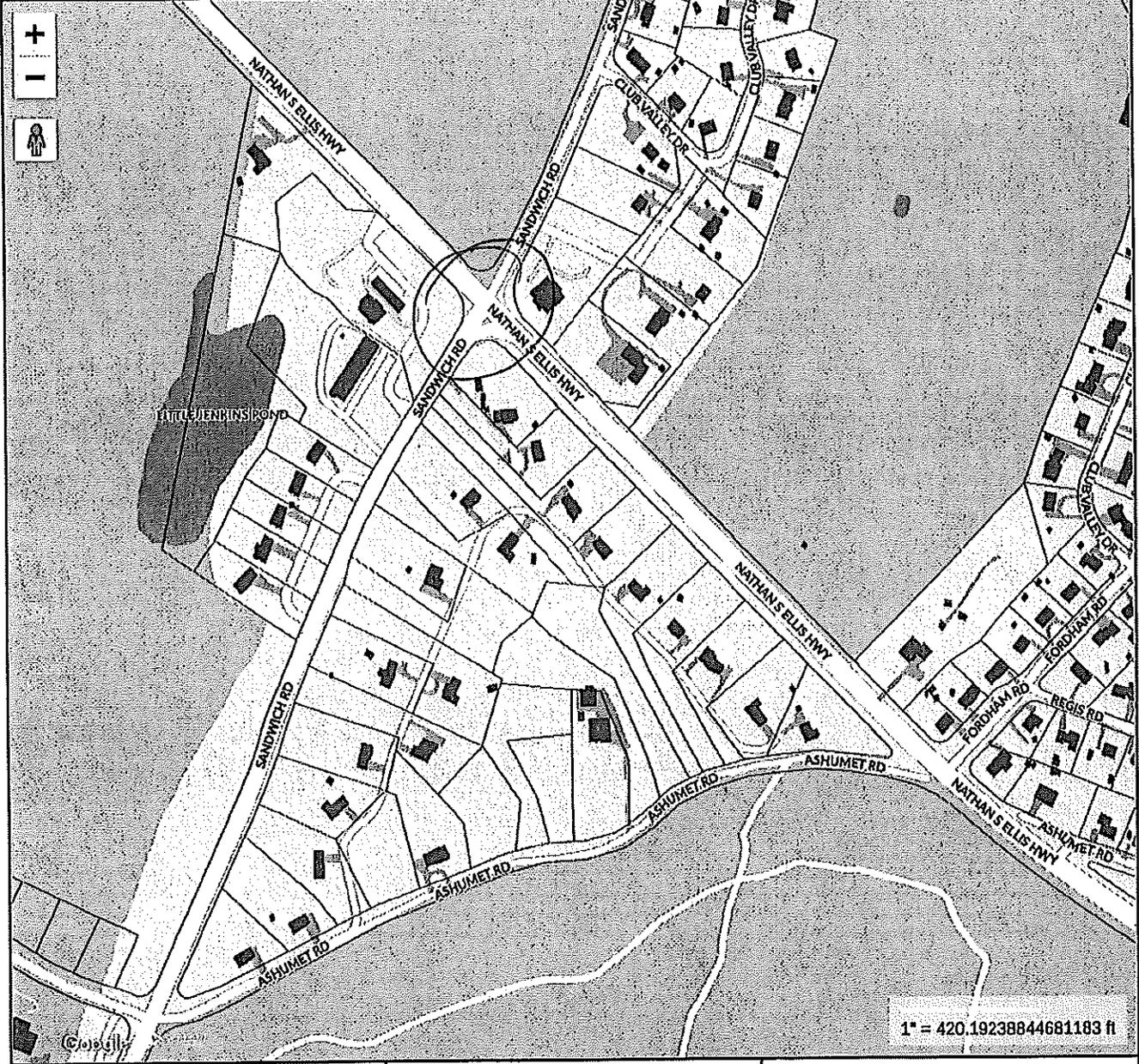
Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

Intersection of Sandwich Rd. and Rt. 151

5

Town of Falmouth, MA

February 29, 2024



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Geometry updated 10/10/2023
Data updated 02/26/2024

Print map scale is approximate.
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this resource.

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- b. Approve a Grant of License to The Osprey Project to install educational signage on town property at Guv Fuller Field, 744 Main Street



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

ITEM TITLE: Approve a Grant of License to The Osprey Project to install educational signage on Town property at Guv Fuller Field, 744 Main Street

MEETING DATE: 4/1/2024

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

SUBMITTED BY: Building Department

ATTACHMENTS: Illustration of Display Board, Illustration of mounting post; aerial photograph, license

PURPOSE:

The applicant would like to install an educational free-standing sign on Town property titled "Season of the Osprey" at the Guv Fuller Field.

BACKGROUND/SUMMARY:

- The Osprey Project has applied for this free-standing sign, the size is 11.25 sf and meets the Public Use District area requirement of 16 sf. (section 184-25(A))
- Since the land is Town property, this is as an off-premises sign and is allowed as a matter of right, subject to the grant of a license by the Select Board. (section 184-32(A))
- This sign is really a display board, with the face tilted so the viewer can easily read the content. The stand is constructed of an aluminum panel and frame with two posts set into the grass with concrete supporting the base of each post.

DEPARTMENT RECOMMENDATION:

The Building Department recommends approval of this application.

OPTIONS:

- Motion to approve the Grant of License to The Osprey Project to install educational signage on Town property at Guv Fuller Field, 744 Main Street as presented, and to waive the associated permit fee.
- Motion to approve the Grant of License to The Osprey Project to install educational signage on Town property at Guv Fuller Field, 744 Main Street as presented.
- Motion to deny the approval of the Grant of License to The Osprey Project to install educational signage on Town property at Guv Fuller Field, 744 Main Street 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 Grant of License to The Osprey Project to install educational signage on Town property at Guv Fuller Field, 744 Main Street as presented, and to waive the associated permit fee.

Michael Renshaw

Town Manager

3/27/2024

Date

SEASON OF THE OSPREY

Late March/Early April

Birds arrive back on Cape Cod 154-178 days after they left. Nest work commences.

April

Nest work takes 10-20 days. Mating begins.

May

1-4 eggs are laid over a week's time. Both parents take turns incubating the eggs approximately 30-42 days; however, females do the incubating most of the time while the male provides her with food and breaks.

June

Chicks hatched over the period of a week. Parents both feed the chicks fresh fish and this continues for the 50-55 days until they take their first flight, or fledge the nest.

Late July

Flying lessons begin in earnest; lots of chirping of directions and demonstrations.

August

Learning thermals and all sorts of flying tips as well as fishing lessons. Mom might actually depart during this month.

September

Dad doing most of the teaching and often not returning to the nest. Chicks trying to be on their own but using nest as home base. Dad departs and chicks start to do the same later in the month.

October

Last of the chicks leave, now at 70-75% of their size and weighing 2.5-4 pounds with up to 6" wingspans. They will most likely not return until sexual maturity at year 3.

THE ADULT OSPREY

- Yellow eyes
- Smaller than an eagle but larger than a red-tail hawk
- Mostly dark feathers on top and white on underside of body and wings
- No feathers on the feet
- Four talons on each foot
- 80% do not live to year 2
- Those that do have a life expectancy of up to 25 years, with the average life span of 10 years



MALES

- Smaller than females
- Wingspan 5 feet
- Mostly white chest
- Are responsible for most of the fishing and flying lessons and remain in nest area longer

FEMALES

- 20% larger than males
- Wingspan up to 6 feet
- Same coloring but frequently having a brown necklace across upper chest
- Migrate shortly after chicks have fledged



JUVENILE OSPREY

- Hatch with open red eyes
- Feathers have soft white edging which aids in flight
- Reach 70% of full size before first migration
- Average 94 days from egg laid to first flight
- Won't return to Cape until reaching sexual maturity at approximately age 3

FACT

- The osprey is now part of the NFL and the mascot for the Seattle Seahawks



FACT

- Flies 160,000 miles in its lifetime.

FACT

- Have up to 70% success rate fishing
- Usual time from leaving nest until returning with fish is 11 minutes

FALMOUTH'S OSPREY PROJECT

In 2021, Kevin Friel started a photography project with the goal of documenting every Osprey nest in Falmouth. At that time, he noticed that no less than two dozen nests were built on utility poles. Throughout that year, this resulted in at least nine Osprey nest fires on those poles and multiple power outages and a damaged electrical grid. As Kevin agonized about this situation on social media, Barbara Schneider reacted to his grief and frustration and reached out to see what could be done. And so, The Osprey Project was born.

Thanks to donations and grants made to the project through Falmouth Together We Can, the pair so far has been able to place 24 new platforms as alternatives to the utility poles and have repaired numerous previously standing platforms. They have a strong group of volunteers who help with construction of new structures and serve as reporters for many of the current project platforms as well as for the other nesting sites around the town. For more information about the Osprey Project, you can visit our website at <https://www.falmouthtogetherwecan.org/theospreyproject> or at The Osprey Project Falmouth facebook page.



TALONS

Osprey have the a-typical ability to rotate one of their four talons which is referred to as zygodactyl, a trait they share only with owls, woodpeckers and parrots. This allows them to firmly grasp fish and place them in an aerodynamic position for flight. They are also one of the few birds known to eat while they fly.



FISH

The osprey is also known as The Fish Hawk. Osprey eat almost exclusively live fish that weigh approximately 1.3 pounds to 1.6 pounds. On the Cape, osprey eat mainly herring in the Spring and then other species like black sea bass later in the season. Juvenile osprey have been documented as successfully fishing within 12 hours of their first flight.

NEST

Ospreys do tend to return to the same nesting site year after year. These nests, built from branches, moss, sea grass, and assorted decorations, range from 3 feet in diameter to 5 feet. Nests can be as shallow as one foot but also can grow to as tall as 5 feet. In Falmouth, nests have been decorated with such items as baseball caps, small plants and trees, construction tape, and even a fishing pole.

Double Pedestal

In-Ground Mount and Surface Mount

All Aluminum Construction

> **Standard Posts**

3" x 3" post

In-Ground Mount: 60" long

Surface Mount: 44.5" long

* Custom post lengths available

* Standard and custom color options available

> **Standard Mount Plates**

✓ 6" x 6"

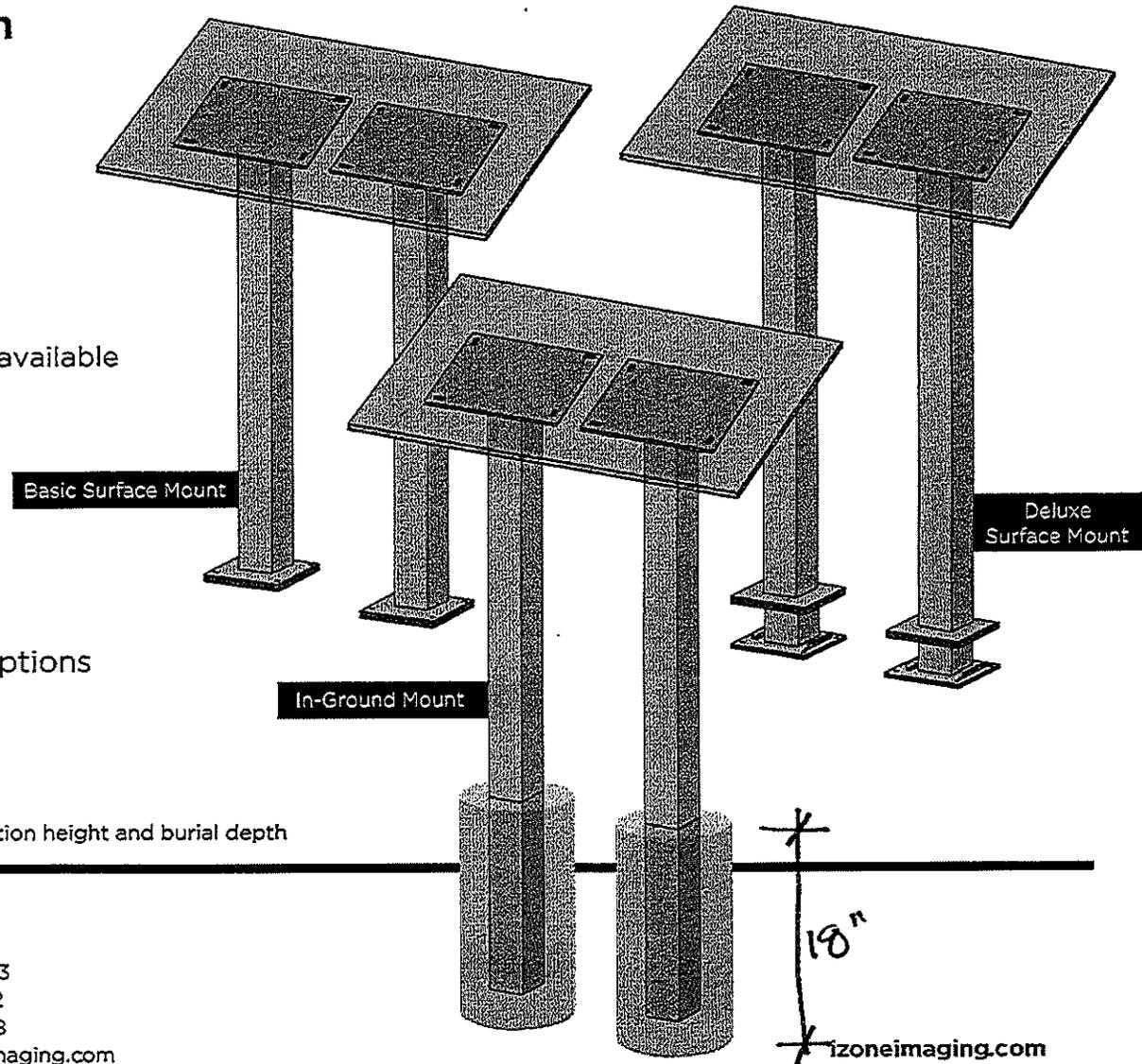
✓ 12" x 18"

✓ 12" x 12"

✓ 16" x 20"

> **45° or 30° Mount Options**

> **Basic and Deluxe Surface Mount Options**



* Post length is determined by panel height, installation height and burial depth

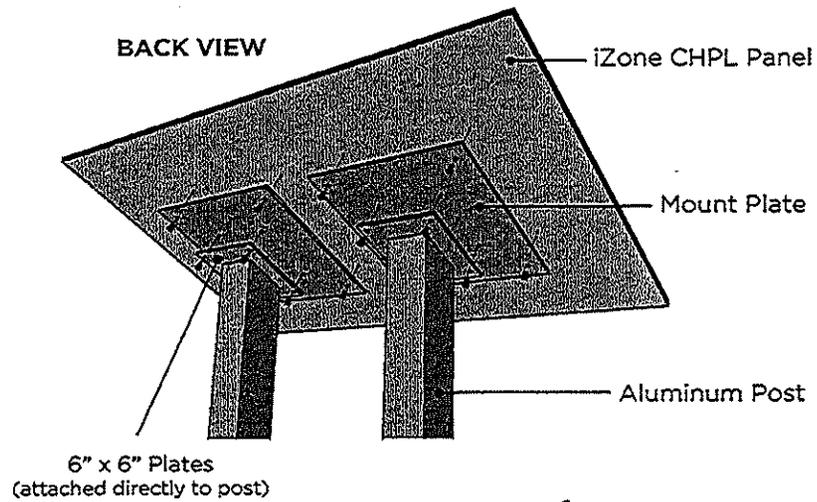


Toll Free 888.464.9663
 Local 254.778.0722
 Fax 254.778.0938
 Email info@izoneimaging.com

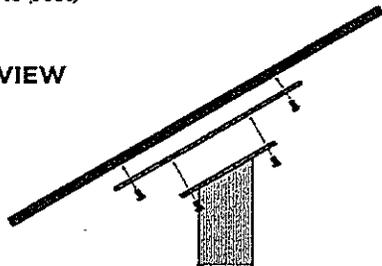
18"
 *
 *
 izoneimaging.com

Double Pedestal

In-Ground Mount and Surface Mount
All Aluminum Construction

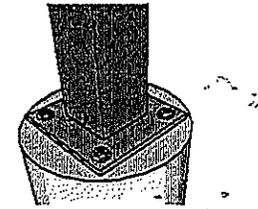


SIDE VIEW

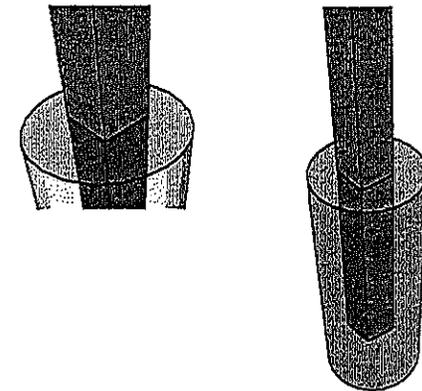


> Post Mounting Options

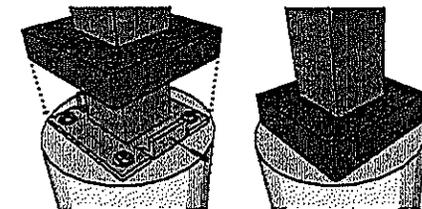
Surface Mount



In-Ground Mount



Deluxe Surface Mount

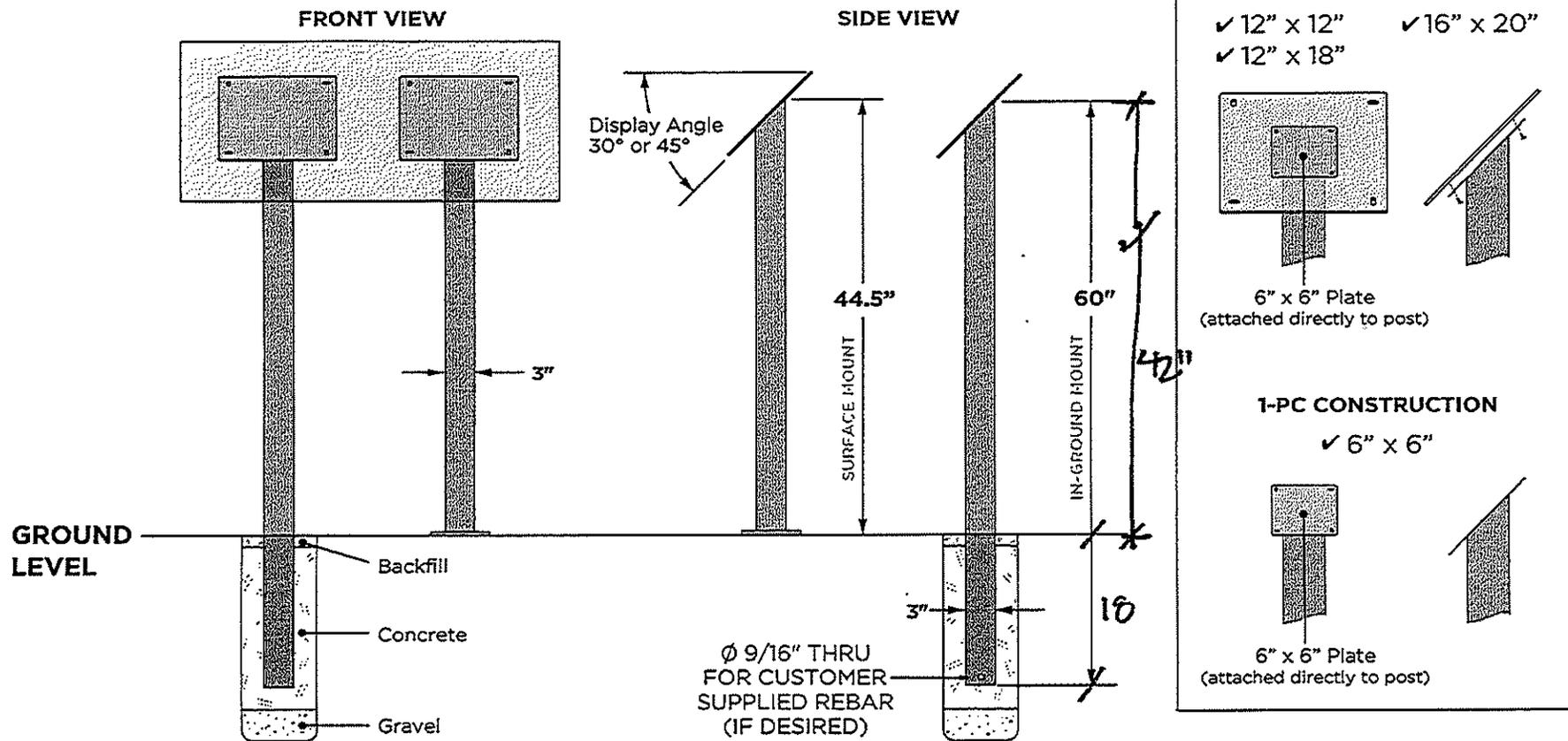


Toll Free 888.464.9663
Local 254.778.0722
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Email info@izoneimaging.com

izoneimaging.com

Double Pedestal

In-Ground Mount and Surface Mount
All Aluminum Construction



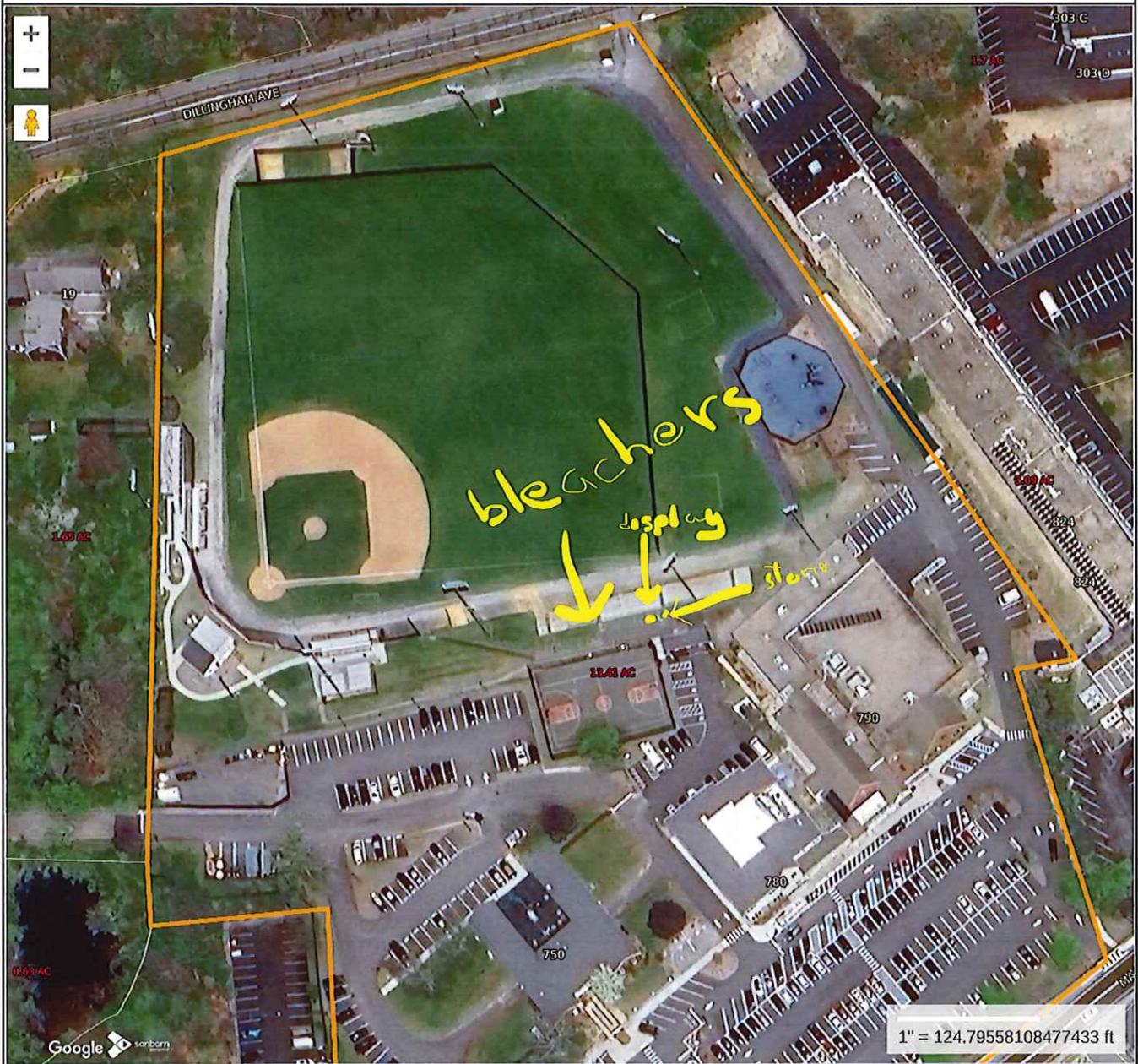
Project details pertaining to below grade installation depths, ADA requirements, wind loads, or other specifications, should be discussed with your Sales Representative at estimating.



Toll Free 888.464.9663
Local 254.778.0722
Fax 254.778.0938
Email info@izoneimaging.com

izoneimaging.com

744 Main Street - Guv Fuller Field



**MAP FOR REFERENCE ONLY
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Geometry updated 10/10/2023
Data updated 03/08/2024

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

GRANT OF LICENSE

The TOWN OF FALMOUTH, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts acting by and through its duly elected Board of Selectmen, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, hereby grants to Falmouth Together We Can, Inc. ("FTWC"), with a business address of 87 Lucerne Avenue, Falmouth MA 02540, the following license to use certain portions of Town property located at 744 Main Street, Falmouth MA 02540 and more commonly known as Guv Fuller Field (the "Property"), and as more fully illustrated by the map at Exhibit A, attached hereto. For reference see deed dated January 26, 1923 and filed with the Barnstable County Registry District of the Land Court with Certificate of Title No. 653.

The License is given to construct and maintain a sign that will be affixed upon those portions of the Property as shown in Exhibit A. The sign will be erected by the Town in consultation with the FTWC.

This License is granted upon the following express conditions:

- a. Said license is revocable by the Select Board at any time when they deem it appropriate to revoke the same in the best interest of the Town of Falmouth and/or public convenience, safety and needs; the Town may revoke this license by sending a notice to the grantee, its successors and assigns at the above-referenced property address and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry Division of the Land Court;
- b. Upon such revocation, the grantee, its successors and assigns shall, if and when directed by the Select Board, remove all encroaching improvements from the Town's road and restore any disturbed area to its original condition;
- c. If the grantee, and their successors and assigns, fails to remove said encroachment, all the expenses of the Town to do same or have the same done or any expenses arising from the failure to comply with this license, including attorney's fees, costs and expenses and contractor fees shall be paid by the grantee, and their successors and assigns, to the Town upon demand, and if not so paid, shall, upon the recording of a Notice thereof in the Registered Land Division, constitute a lien on said property, without limiting any other rights of the grantor;
- d. Until such revocation, this License shall continue permissively;
- e. The grantee and their successors and assigns shall be forever obligated to indemnify, defend and hold harmless the Town of Falmouth, its agents,

officers, officials and employees for any and all claims, actions, suits, or demands for personal injury or property damage arising out of the licensed encroachments and the grant of this License;

- f. Nothing contained in the License shall authorize the grantee, its successors and assigns to do any work or undertake any activity or to continue any activity not otherwise in full compliance with all applicable laws, rules and regulations;
- g. The Town has no obligation to maintain, repair or replace the sign and shall remove the sign with no notice to the FTWC if, in the Town's sole discretion, the sign becomes a hazard to public safety;
- h. The terms, conditions, agreements and covenants contained herein shall be binding on the grantee, its successors and assigns; and
- i. This document shall be filed at grantee's expense with the Barnstable County Registry District of the Land Court.

IN WITNESS WHEREOF, the seal of the Town of Falmouth is affixed hereto and these presents executed and delivered in its name and behalf by its Select Board, hereto duly authorized this _____ day of _____, 2024.

SELECT BOARD OF
THE TOWN OF FALMOUTH

Nancy Robbins Taylor, Chair

Edwin P. Zylinski II, Vice Chair

Douglas C. Brown

Onjalé Scott Price

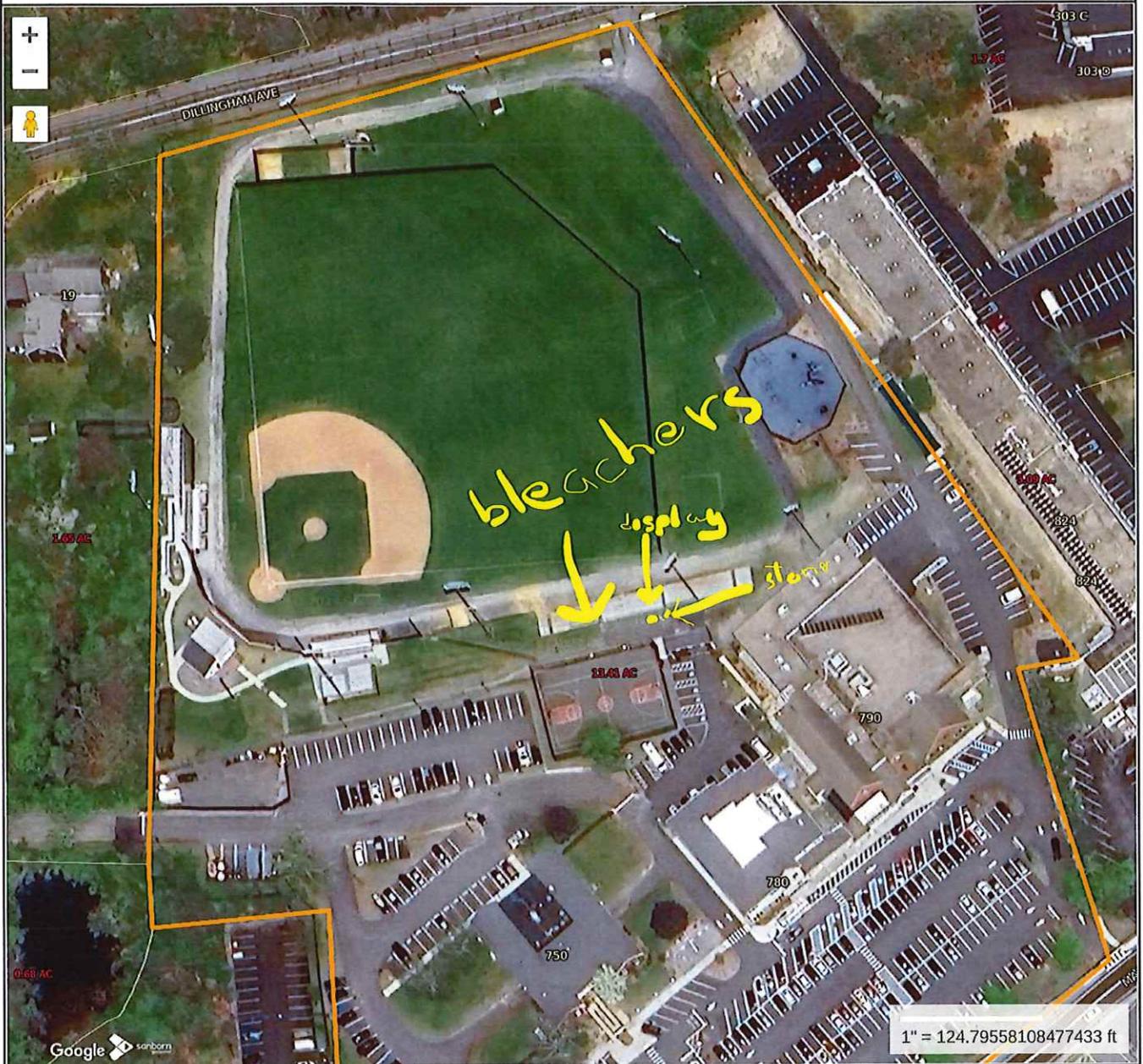
Robert P. Mascali

EXHIBIT A

Town of Falmouth, MA

March 18, 2024

744 Main Street - Guv Fuller Field



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NOT A LEGAL DOCUMENT**

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Geometry updated 10/10/2023
Data updated 03/08/2024

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OPEN SESSION

MINUTES

1. Review and vote to approve minutes of meetings
 - a. Public Session – June 5, 2023 and March 11, 2024

TOWN OF FALMOUTH
SELECT BOARD
Open Session
MONDAY, JUNE 5, 2023 – 6:00 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

Select Board Present: Nancy Taylor, Chair; Scott Zylinski, Vice Chair; Doug Brown; Onjalé Scott Price; Robert Mascali.

Staff Present: Peter Johnson-Staub, Interim Town Manager.

1. Chair Taylor called the Open Session to order at 6pm.
2. Pledge of Allegiance

COMMITTEE INTERVIEWS AND APPOINTMENTS

Interview, Vote and Appoint Committee Members

1. Plastic Reduction Advisory Committee (7 members):
 - a. Amy Roth (Board of Health member)
Ms. Roth state she has tenure on the Solid Waste Advisory Committee. Scott McGann will also be involved as a silent member.
 - b. Kristine Copley (Solid Waste Advisory Committee member)
Alan Robinson, Solid Waste Advisory Committee (SWAC) Chair, reported that the SWAC voted to support Ms. Copley’s appointment.
 - c. Joshua Flanders (food establishment)
Mr. Flanders reported that he operates Bad Martha Brewery in East Falmouth and oversees the Edgartown location. They do not do a lot of take out or prepared foods in plastics, the result of this would not have a major impact on them, but he can explore information for the committee. They are mostly pizza and on premise rather than take out. They use plastic ramekins and plastic containers for salads.
 - d. Michael Lewis (food establishment)
Unavailable for this meeting.
 - e. Stephen Vannerson (food establishment)
Mr. Vannerson owns Bean and Cod, applying his experience in the food industry from a restaurant point of view, they do substantial takeout, use plastic utensils and service ware. Buy Better and Toss Smarter program participant and provided the booklet to Chair Taylor. He adopted several of the recommendations. He has access to catalogs because they order from Sysco and other vendors. He could be an advocate for the restaurant side and take out.
 - f. GERALYN SCHAD
Lynn Schad, 50 Chestnut St., member of the Beach Committee and Precinct 3 Town Meeting Member. Ms. Schad is environmentally active, daughter of small business owner, she recognizes the expense moving away from plastics, however we need to move away from them because of health concerns. This is a positive step to take, we are all in this together, we are all the consumers and use these products. Ms. Schad supports solutions that are beneficial for us and the environment.
 - g. Stephanie Murphy
Ms. Murphy is a Falmouth resident, works at WHOI for the WH Sea Grant program. She has worked on this issue for 4-5 years and picked up on a shrink wrap recycling grant. In four years, they grew it to be a county wide program, now six towns across the cape. It is a free program for boat owners and boatyards, they recycle 5-10 tons of shrink wrap per year. Care for the Cape and Islands pre-pandemic to look at alternatives to plastics service ware. The impact of the guide is unknown because it was completed shortly before the pandemic. Applied for national sea grant program grant funded for three year study to look at alternatives to plastic service ware. They are looking to put together a coalition to look at the issue and pilot a reusable service ware program.

- h. Philip Gessen
Grew up in Falmouth, attended FHS, now in college. Involved in plastics issue here since high school. Falmouth has the opportunity to make a stand and move forward on the environmental issue and he would love to be a part of moving it forward. He would love to see where the committee goes and the elimination of all plastics, it is important to work together and understand every perspective.
- i. Daniel Gessen
Unavailable until after June 12, 2023.

Mr. Brown made a motion to appoint Michael Lewis. Mr. Mascali seconded the motion. Vote: Yes-4. No-1. (Ms. Scott Price)

Mr. Zylinski made a motion to appoint Amy Roth. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

Ms. Scott Price made a motion to appoint Kristine Copley. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

Ms. Scott Price made a motion to appoint Philip Gessen. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

Mr. Mascali made a motion to appoint Geralyn Schad. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

Mr. Mascali made a motion to appoint Stephanie Murphy. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

Mr. Brown made a motion to appoint Stephen Vannerson. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

2. Regulatory Boards

- a. Board of Health –
Amy Roth
Current member, she would like to continue her service on this committee. She environmental consultant.
Mr. Zylinski made a motion to appoint Amy Roth to a term ending 6/30/26. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

Kevin Kroeger
Mr. Kroeger has been a resident of Town 25 years, is an environmental scientist, has been on the Regulatory Board for six years.

Mr. Zylinski made a motion to appoint Kevin Kroeger to a term ending 6/30/26. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

- b. Conservation Commission
Stephen Patton
Mr. Patton is familiar with the regulations and enjoyed his term. The staff is superior, the work they do with local engineering and landscaping firms has created an excellent relationship. He attends meetings and does site visits. He has completed the training session for the Conservation Commission.

Ms. Scott Price motion to appoint to a term ending 6/30/26. Mr. Mascali seconded the motion. Vote: Yes-5. No-0.

- c. Zoning Board of Appeals
Frank Duffy full member
Mr. Duffy attended all meetings, it is interesting, and good decisions have been made. Members and staff do a great job.

Mr. Zylinski motion to appoint Frank Duffy to the full member vacancy. Mr. Mascali seconded the motion. Vote: Yes-5. No-0.

Anthony Petrucci 6/30/26 Associate member

Mr. Petrucci lives in North Falmouth, he said it is important to participate in the community, he retired to Falmouth in 2015. He is a direct abutter to two projects next to him, the research he did was fascinating, he learned a lot, and enjoyed being part of the process. He attended many meetings as a direct abutter and has the time to contribute to the Board.

Ms. Scott Price made a motion to appoint Mr. Petrucci to the Associate member vacancy term ending 6/30/26. Mr. Mascali seconded the motion. Vote: Yes-5. No-0.

3. Non-Regulatory Boards

a. Affordable Housing Committee

Samuel Patterson

Mr. Patterson served as liaison to the committee for many years and likes the opportunity to try to make housing less of a social issue in Town.

Chair Taylor made a motion to appoint to the unexpired term ending 6/30/24. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

b. Bicycle and Pedestrian Committee ending 6/30/26.

Paul Joyce

Mr. Joyce worked for Sea Education Association for 18 years, has been riding bikes for 30 years, and wants to make the Town safer for bicycles.

Ms. Scott Price made a motion to appoint Paul Joyce to a term ending 6/30/26. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

Matthew Delaney

Lived in Falmouth for 21 years, commuting and riding bikes, manages Corner Cycle.

Mr. Zylinski made a motion to appoint Matthew Delaney to a term ending 6/30/26. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

Ellen Adams

Ms. Adams has lived in Falmouth for six years, her brother owns Corner cycle, she is an avid cyclist and walker, she is a naturalist.

Ms. Scott Price made a motion to appoint Ellen Adams to a term ending 6/30/26. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

c. Commission on Substance Use

Dennis Lyons

Mr. Lyons is a resident and has been living here since 2013 full time. Pharmacist since 1975 and owned a consulting firm. Regulatory work background. Worked with DPH on controlled substance program, prescription monitoring program, ongoing concerns about the real pandemic of opiate use and problem we face today with prescription drug abuse. Did work around policy.

Mr. Brown made a motion to appoint Mr. Lyons to a term ending 6/30/26. Mr. Mascali seconded the motion. Vote: Yes-5. No-0.

d. EDIC

Samuel Patterson

This item was continued until after EDIC interviews Mr. Patterson.

e. Solid Waste Advisory Committee –

Robert Garritt

Mr. Garrit worked at the MBL for 30 years, has been a Falmouth resident for 40 years. He is now retired.

Ms. Scott Price made a motion to appoint to a term ending 6/30/26. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

- f. South Cape Beach Advisory Committee –
Debbie Scott

Ms. Scott of Philadelphia St., reported there are no meetings or meeting minutes to look at and would like to be appointed to it to move it forward. Completed a few terms on Falmouth Municipal Building Committee.

According to Mr. Johnson-Staub, this is a regional committee, the Town gets annual report from the committee. Report indicates they meet several times a year and he will look into the minutes.

Ms. Scott Price made a motion to appoint to a term ending 6/30/26. Mr. Brown seconded the motion. Vote: Yes-5. No-0.

- g. Water Quality Management Committee –
Two Term ending 6/30/26.

Ronald Zweig

Mr. Zweig is interested in working on consultation with the community, outreach, and education. He'd like to get the committee regularly on FCTV. He was on the Cape Light Compact for about ten years and interested in resource conservation re: Eco toilets and urine diversion. Environmental impact assessments of water quality management need to be considered, there could be unintended consequences. He has organized peer reviews of some aspects. He has worked in public sector investment.

Mr. Brown shared his concern that after a vote is taken, Mr. Zweig advocates for the minority position. Mr. Zweig responded that it has been an element, on some occasions the advocacy has resulted in a positive outcome. If you do not succeed right away, it could be that it takes time for others to understand. If there were something that he had a minority position on, if he believed in it, he would continue to try to bring his viewpoint. He has worked with many groups and it takes time for groups to come to consensus.

John Waterbury

Currently serving on Board of Health and was charter member of the Water Quality Committee. There are critical decisions, looking at ocean outfalls, he worked with the Coalition of Buzzards Bay in 2014 to allow for ocean outfalls that were previously prohibited.

Mr. Brown and Mr. Zylinski stated they support this appointment.

Edward Jalowiec

Mr. Jalowiec, 120 Worcester Court, resident since 1996, retired engineer, corporate management, construction, management of projects, facilities, long term interest in waste management, including fluids. This is a fascinating and vital topic. His experience throughout his career and always a communicator and facilitator. He tries to help build consensus to make informed decisions. The outfall pipe is the way to go to address problems.

Brown noted Mr. Jalowiec is well informed.

Mr. Zylinski made a motion to appoint Edward Jalowiec to a term ending 6/30/26. Ms. Scott Price seconded the motion. Vote: Yes-4. No-1. (Mr. Mascali).

Mr. Zylinski made a motion to appoint John Waterbury to a term ending 6/30/26. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

4. Committee Re-appointments (uncontested seats)
Chair Taylor read each board and member.

Beach committee: held by Chair Taylor.

Community Preservation Committee held by Chair Taylor.
Chair Taylor abstained for the voting of Russell Robbins.

Ms. Scott Price made a motion to approve all except those held. Mr. Brown seconded the motion. Vote: Yes-5. No-0.

Ms. Scott Price made a motion to appoint Barbara Schneider. Mr. Mascali seconded the motion. Vote: Yes-3. No-0. Abstain-2. (Chair Taylor and Mr. Zylinski)

Ms. Scott Price made a motion to appoint Sandra Cuny. Mr. Mascali seconded the motion. Vote: Yes-5. No-0.

Ms. Scott Price made a motion to appoint Thomas Crane. Mr. Mascali seconded the motion. Vote: Yes-5. No-0.

Ms. Scott Price made a motion to appoint Russell Robbins. Mr. Mascali seconded the motion. Vote: Yes-4. No-0. Abstain-1. (Chair Taylor)

Mr. Brown made a motion to appoint Joseph Strazzulla. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

OPEN SESSION

1. Proclamation – Day of Portugal – June 10, 2023

Ms. Scott Price read the motion in the packet. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

2. Recognition

- a. Michael Galasso, EDIC

Joined the board in 2009, restoration of Falmouth Station, leased the property for 99 years, secured the State funds to renovate the Station. Chair of the EDIC for multiple terms for his 14 year tenure.

Mr. Mascali noted Mr. Galasso appreciates the recognition and unable to be here tonight because he is at an out of state convention.

- b. Emergency Communication Officers

John Bonchek
Amanda Oliver
Stephanie Barry

They have been working overtime the last few months while Communications has been understaffed.

Mr. Johnson-Staub noted these employees have seen the Town through a difficult period with the staffing shortage and the Town is reliant on them for continuity of service.

Mr. Zylinski attended regimental change command and recognized the Commander Abigail Pope, wishes her well.

Mr. Brown recognized the Veterans Ceremony for Veterans Day, recognized the Veterans council, DPW, and Army Colonel. Andy Dufresne and Ahmed Mustafa served the veterans.

Mr. Mascali recognized Belonging to Each Other \$350,000 grant from County Commissioners, he was part of the ceremony with them and the funds will be used to purchase a building for homeless in Town.

Frank Shorter Grand Marshal of Indy 500 this past Memorial Day weekend.

Mr. Zylinski attended the Wounded Warrior bike ride, recognized the warriors and those who helped make it happen.

3. Announcements

Ms. Scott Price announced Juneteenth celebration at Highfield Hall, live music, dancing, and activities for all ages. Learn about and celebrate Juneteenth.

Mr. Mascali 6/22/23 Commission on Substance Abuse community forum at St. Barnabas Church.

Mr. Brown announced Library Housing discussion “the huddle” on Wednesday at the library.

4. Public Comment

Jim Grey, West Falmouth Village Association, people are concerned about the Falmouth Fire Department (FFD) staffing situation, 10-14 staff from FFD, expected 24/7 staffing of West Falmouth station, it is not happening. It is closed because firefighters failed to show up one day. The FFD is obligated to manage staff and reallocate resources to keep all 4 stations open.

Barbara Schneider, Chair Beach Committee, update on parking attendant huts in place at Old Silver public beach and Surf Drive. They are different than what was shown the Select Board due to cost and difficulty getting the design in time. The remaining ones will be built to a smaller scale so loss of parking spaces does not occur. They will be in place by mid-summer, remainder will be discussed at the next Town Meeting. These will provide better conditions for employees. Handed the Select Board members a document.

Dave Buzanoski, President Falmouth Heights and Maravista Neighborhood Association, appreciates the dialogue open with Southcoast Wind. He wrote the Select Board in April regarding Southcoast, engaged with Falmouth and Mr. Johnson-Staub, provided a summary of what had transpired, summarizing it by saying the Select Board had not yet taken a position to support or not support and was not in negotiation with SouthCoast at the moment. There are a lot of things ongoing with Southcoast and they would like to be updated. Their position has not changed, maintain opposition.

Maureen Harlow-Hawkes, Old Dock Road, appreciates what citizens are doing to volunteer. She is looking forward to the new Town Administrator getting to the bottom of the issues with the FFD. It is important to get staffing in place before the Hatchville Fire Station opens.

6:45 p.m. PUBLIC HEARINGS

1. Application for a Transfer of an All Alcoholic Beverages Restaurant License by Peppercorn Restaurant, Inc. located at 285 Main Street, Falmouth, MA. An application for a Common Victualler License has also been submitted.
Mr. Zylinski read the hearing notice.

Mr. Johnson-Staub noted this is Shiverick’s Café, application is complete, after approval by the Select Board, including the certificate of inspection and food service permit. Recommend approval conditioned on the approval of the certificates.

Entertainment license carries with the transfer.

Public Comment: none.

Ms. Scott Price motion to close the hearing. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

Discussion

Ms. Scott Price made a motion approval under condition of the food service permit and certificate of inspection. Mr. Mascali seconded the motion. Vote: Yes-5. No-0.

Mr. Brown made a motion to reopen the hearing. Mr. Mascali seconded the motion. Vote: Yes-5. No-0.

Mr. Brown asked who the manager of the liquor license will be. The applicant noted he will be the manager of the liquor license.

Mr. Brown made a motion to close the hearing. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

Mr. Brown made a motion to approve the transfer. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

2. Application for a Transfer of an All Alcoholic Beverages Restaurant License by RGMD CORP d/b/a Ristorante Avellino located at 339 East Falmouth Highway, East Falmouth, MA. An application for a Common Victualler License has also been submitted.

Mr. Zylinski read the hearing notice.

Mr. Johnson-Staub noted the location is at the former Josh's at Davisville, the application is complete. Condition on inspection and food service permit.

Applicant was present.

Public comment: none.

Ms. Scott Price made a motion to close the hearing. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

Ms. Scott Price made a motion to approve under condition of inspection and food service permit. Mr. Mascali seconded the motion. Vote: Yes-5. No-0.

BUSINESS

1. Affirm Police Chief Appointment
Mr. Johnson-Staub described the hiring process and qualifications of Mr. Lourie, he is the best choice and will be an effective leader of the Falmouth Police Department. Mr. Johnson-Staub recommends the Select Board approve his recommendation. He is not seeking a residency waiver.

Mr. Lourie is looking forward to relocating to Falmouth. He will advocate for the community, this is a great honor. He looks forward to working in service to Falmouth and our region.

Ms. Scott Price made a motion to affirm the Police Chief appointment. Mr. Brown seconded the motion. Vote: Yes-5. No-0.

Mr. Zylinski, Mr. Brown, and Chair Taylor asked that Chief Lourie treat the officers well and take good care of their officers.

Mr. Brown and Mr. Zylinski noted that they were disappointed that this opportunity was not afforded to a current member of the Falmouth Police Department, noting that they understand that Chief Lourie was deemed to be the most qualified candidate.

2. Acting as Trustees of the Falmouth Affordable Housing Fund, vote to grant \$177,293.96 to Megansett Crossing, LLC to supplement funding for 10 affordable deed restricted rental units at Megansett Crossing

This item was deferred at request of Mr. Galasso.

3. Annual report – Conservation Commission
Jamie Matthews, Chair Conservation Commission, reviewed the report in the packet. Reviewed the goal and mission of the Conservation Commission. The Commission meets Wednesday evenings and additional days as needed. Held over 265 hearings this year. There were 34 meetings averaging 3 hours each this year, and they have always had a quorum. 96% of applicants receive a positive order of conditions. The members spend about 4 hours a week preparing for each meeting. Thanked the Town Departments, volunteers who help support them.

Enforcements this year included people who do work without permitting, landscape contractors who do not understand they need permits and whose responsibility it is--the landowner. Vernal pools are a restricted area. They try to work with people to get it taken care of. Many do not realize they are in a resource area. They are trying to find a way to publicize what their responsibility is in the process.

Mr. Brown commented that the Conservation Commission has been user friendly.

4. Presentation and vote to send letter to EPA regarding machine gun range at Joint Base Cape Cod

Rosemary Carey, Precinct 5, asked the Select Board to submit a letter acknowledging the sole source aquifer review and objection to the project. Ms. Carey made an overhead presentation. The project may contaminate the aquifer causing a significant public health hazard. In the packet is a letter, and Ms. Carey read the letter. Comments are due to the EPA by June 26, 2023.

Social and economic concerns include tourism economy based on our water, noise, traffic, risks from construction.

Mr. Brown commented the 170 acres is the full project, first phase strips about 80 acres of land. He would like to amend this project in its entirety covers the 170 acres and they advocate for the project to be scaled down by the Army.

Mr. Zylinski commented that our military needs to be trained and needs places to train, this says if it may affect, he would like the information that says it will affect, then the project will not be funded by the federal government.

Chair Taylor is opposed, it is on sole source aquifer, even if it may contaminate, she feels the letter should be sent. Water is vital to life, so if there is even the chance to contaminate the aquifer, she cannot support the project.

Ms. Scott Price supports the work of the EPA, if they are raising cause for concern, she supports their concern.

Mr. Mascali asked if we raise what our concerns are but not taking a position, given it is a may contaminate.

Mr. Brown said they know it might be a problem but is it and will it be a problem? Many scientific people are more concerned with propellants than the bullets, and modifying plans may be an option.

Mr. Mascali feels it can be a problem, may be able to say there are strong concerns going forward.

The Select Board discussed removing the phrase to reject it and replace it with the Select Board echoes these concerns.

Mr. Johnson-Staub said that the language of the draft is confusing by use of the word may. His understanding is this is the end of the EPA analysis, if the project were to go forward it may contaminate but we will not know until it is built. Is the Select Board willing to take the risk? Chair Taylor is not willing to take the risk.

Ms. Scott Price noted the project be rejected as proposed, we do not support it due to the research by the EPA .

Mr. Brown would like to give a hint that if they scale it back and be more conservative maybe there is some hope.

Mr. Johnson-Staub noted EPA issued a draft determination that the range may contaminate the Cape Cod aquifer, if confirmed the project will not be eligible for federal funding.

Betsy Gladfelter noted there was a problem with the new water plant and there was a gun range just to the south of where the new water plant was located. A very expensive cleanup of that gun range was part of the water plant development. The cost of the cleanup was incorporated into the water plant project. This kind of a range could be in other areas and not contaminating a water supply like we have here. We have a single lens.

Mr. Brown said only 80 acres from the first part of the project is needed.

Marc Finneran, Grand Ave., the cleanup near the water plant was of lead bullets during the water plant construction. This is not lead, they are copper bullets. He attended Col. Powers presentation, biggest concern is propellants, they put mats in the area where weapons are shot. He does not see what damage copper will do to the environment. When the bullets are in the ground and they make efforts to recover all of them, copper travels less than a foot.

Mr. Zylinski said they have one shot to do this right, if it happens and we are wrong, there are other places they can train. There are other areas this can be set up. If they are looking for a unanimous vote, he cannot support putting it here on the sole aquifer.

Chair Taylor assumes they would come back with another location not on the sole aquifer, but that is up to them. It is up to the Select Board to protect the water.

Beth Karasnian, Precinct 2, her husband served in Vietnam and spoke about air disasters recently and from his years of service, he wanted the public to understand accidents are not something we long for, but something we must understand. In order to be combat ready, they need to produce real situations. For us to consider scaling it down as opposed to rejecting it. When we deny readiness of our military, it puts us at risk. Maybe not a complete rejection, but maybe a scaling down.

Jim Grey, said the word “may” is the key piece. We would be fully support of the item if the EPA found there was no potential harm to our water supply. He suggests modifying to put the ownness to them to say there would be no harm to our water supply.

Mr. Mascali noted the release from the EPA notes risk to the sole aquifer is too significant. Without proof or evidence there is no damage, than we must deny it at this stage because it must be avoided.

Mr. Brown would like two modifications: scale back, modify, or relocate the project.

Chair Taylor would consider the first part, but not the second part.

Mr. Brown made a motion to add language to the beginning that says in light of the EPA sole source aquifer review...finds project as proposed in its entirety. Ms. Scott Price seconded the motion. Vote: Yes-3. No-2. (Mr. Mascali and Chair Taylor)

Mr. Brown made a motion to add encourage the national guard to modify, scale back, or relocate this project. No member seconded the motion. The motion fails.

Ms. Scott Price made a motion to approve with this letter language as amended and eliminating the hyphen from Ms. Scott Price’s last name. Mr. Zylinski seconded the motion to approve letter with the edits and send it on. Vote: Yes-5. No-0.

5. Approve request from Cape Cod Guang Ping Tai Ji Quan Club for a waiver of the special event permit fee for the Tai Ji Practice at Marina Park on Saturday mornings from 6/10/23 – 12/30/23 **(5 minutes)**
PJS noted this is approved for 30 days, full fee would be \$750, last year granted a full waiver, year before it was a reduced fee.

Diane Marshall President, they have been practicing there for 15-20 years and would like to continue. They have membership fees and do lessons that cost about \$30 and gives them three months of membership with the club. Twelve practices a week. Yearly membership fee.

Mr. Brown made a motion to waive the total fee. Ms. Scott Price seconded the motion. Vote: Yes-4. No-1. (Mr. Zylinski).

6. Request for variance to Sign Code – §184-32 Off-Premise Signs: Falmouth Art Market – Art Market on Tuesdays, 6/27/23 – 8/29/23

Mr. Johnson-Staub noted first time this has been requested for this recurring event. Details and designs are in the packet.

Ms. Scott Price made a motion to approve. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

7. Review of Select Board liaison assignments **(10 minutes)**
Copy in the packet with the liaison policy.
Chair Taylor would like to include the School Committee in her assignment.
Mr. Brown would like the WQMC.
EDIC to Mr. Mascali.

Mr. Zylinski Veteran's Council
Cape Cod Water Protection Collaborative was disbanded.
Mr. Mascali interested in Bikeways.
Mr. Mascali Recreation Committee
Mr. Mascali Council on Aging.

Mr. Zylinski made a motion to approve with the amendments. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

CONSENT AGENDA

1. Licenses

- a. Approve the application for an Automatic Amusement Device License – Shipwrecked, LLC d/b/a Shipwrecked located at 263 Grand Avenue, Falmouth
Held by Chair Taylor.
Mr. Johnson-Staub noted this requires a vote of the jSelect Board but not a hearing. An amusement device is a video game, cage with claw, separate category for juke box which they are not planning.
Ms. Scott Price made a motion to approve. Second

Dave Buzanoski, appreciates what was done with the facility and he enjoys going there. He asked the owner his intention to turn this into an arcade type venue with kids going in and playing video games and that is not his intention.

Debbie Scott: is there a time they are open? would the video games have a time period to it. The capacity issue would be per fire code.

Mr. Johnson-Staub would like to consult with Town Counsel re: patron only playing games. The area could accommodate up to three games.

Mr. Brown made a motion to defer and seek more information. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

2. Administrative Orders

- a. Vote to approve letter of interest in applying for ownership of Nobska Lighthouse property
- b. Approve letter to Steamship Authority regarding early morning ferry schedule
- c. Request for variance to Sign Code – §184-32 Off-Premise Signs: Rotary Club of Falmouth – Day of Play Saturday, 7/8/23
- d. Request for variance to Sign Code – §184-32 Off-Premise Signs: Rotary Club of Falmouth – Butterfly Garden Day - Saturday, 8/5/23
- e. Vote to authorize grant application to be submitted to Coastal Zone Management for design of improvement of storm water management on Thomas B. Landers Road
Held by Brown to find out the exaction location. Dr. Gladfelter said it is the connection between Turner and Sandwich road.

Mr. Brown made a motion to approve. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

- f. Vote to authorize grant application to be submitted to Coastal Zone Management for design of improvement of storm water management on Surf Drive at Fresh River

Mr. Zylinski made a motion to move the consent agenda holding license a and administrative order e. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

MINUTES

1. Review and Vote to Approve Minutes of Meetings

- a. Public Session – May 22, 2023
Mr. Mascali corrected Nobska light land vote was 4 yes and Mr. Mascali recused himself.
Mr. Zylinski made a motion to approve. Mr. Brown seconded the motion. Vote: Yes-5. No-0.
- b. Executive Session – April 3, 2023-none.

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Johnson-Staub provided an update on Southcoast Wind, no substantive dialogue in recent months, Southcoast is working on plans to meet requirements of system operator with plans for connecting with regional power grid. Read statement from packet. The Select Board has not taken a position to support or oppose the project and no negotiation of a potential host community agreement has occurred.

Fourth of July plans include 25 State troopers to provide police details.

The Incoming Town Manager, Mike Renshaw, starts on June 12.

Next meeting is 6/26/23.

SELECT BOARD REPORTS

Mr. Brown:

At WQMC meeting today UMASS Dartmouth consultant noted expanding beds 14 and 15 for wastewater discharge.

A Steamship Authority meeting was held, however there was no chat function to make comments, and the meeting was live. Followed up with another meeting in person to solicit comments on long range planning. Mr. Brown commented that action is more important than words, and members of the Long Range Planning Task Force that met for 2 years, they would like SSA management to discuss the RFP for the New Bedford service and look into making more space at that site. They have not met since March, Mr. Brown is unsure of the status of the lack of meeting and planning process.

The Steamship Authority (SSA) is buying 3 boats, however chopping 15 ft. off of them so they are of size to be used in Woods Hole and Barnstable Harbor. The money could be used on electrification, if the boats were left large, more capacity, maybe the SSA could get rid of the 5:30 a.m. boat. Mr. Brown requested an agenda item because of the lack of long range planning and his question of whether the SSA can do it in-house. He would like to send a letter to legislatures that he does not believe the SSA should continue being a licensing authority for other carriers.

Ms. Scott Price:

Attended the FCTV 30th anniversary event.

DISCUSSION OF FUTURE AGENDA ITEMS

Chair Taylor would like a workshop on strategic plan and what progress has been made.

Kelsey Perry, update on wind at next meeting.

Mr. Mascali asked that Town Counsel review the real estate tax liens and ability of towns to retain some of the equity. MA law is somewhat against what the Supreme Court held in this recent decision.

Chief Lourie does not have a start date yet, but it is anticipated soon.

Mr. Zylinski would like more clarification on investigative powers to call and subpoena witnesses as outlined in the charter.

ADJOURN

Ms. Scott Price made a motion to adjourn at 8:49 p.m. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

Respectfully submitted,

Jennifer Chaves
Recording Secretary

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, MARCH 11, 2024 – 6:00 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

Select Board Present: Nancy Taylor, Chair; Scott Zylinski, Vice Chair; Doug Brown; Onjalé Scott Price; Robert Mascali.

Staff Present: Michael Renshaw, Town Manager.

1. Chair Taylor called the Open session to order at 6:02pm.
2. Mr. Mascali made a motion to convene the executive session under 1. M.G.L. c. 30A s. 21(a)(3) – To discuss strategy with respect to collective bargaining – AFSCME C and 2. M.G.L. c. 30A s. 21(a)(1) – To discuss an Open Meeting Law Complaint filed by Bill Enos, III against the Select Board because to not go into executive session could prejudice ongoing negotiations. Mr. Zylinski seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

3. Chair Taylor reconvened open session at 6:30pm.
4. Pledge of Allegiance
5. Recognition

Mr. Brown recognized the public and presentations at the Saxon meetings; the residents showed up well informed on the project.

6. Announcements

Mr. Mascali announced the Falmouth Education Fund Annual meeting this Saturday at the Coonamessett Restaurant.

Mr. Brown announced the Belonging to Each other annual meeting Wednesday at 5pm at Liam McGuire's.

7. Public Comment

Marilois Snowman, FalmouthNet President, is aware of a recent letter from the Municipal Light Board. The two approaches to install; 1. Open access to the fiber capacity for multiple providers to use and 2. Private linked to one owner. The letter notes a closed private. Open access network controlled by the Town ensures digital equity of the residents. The Municipal Light Plant (MLP) has heard from two companies that would provide open input. FalmouthNet is exploring town infrastructure and collecting rental income from multiple providers, and the Select board appointing an advisory committee to assess the opportunities for the Town.

David Eisenberg, resident, spent last five years applying his expertise towards an internet access network for Falmouth. He stated the offer Boundless Networks provided to the Municipal Light Board is a strong offer and we should investigate the offer. It is the only proposal before our Town that can be implemented

in the near term. They propose to build a network that would cover 100% of the Town, the MLP, in executive session, confirmed every home and business would be covered. We should negotiate in good faith. FalmouthNet is stuck on the idea of municipal ownership, but we have heard from expert opinions of the company that the Cape Cod Commission hired that it is not necessary to have municipal ownership to have a world class fiberoptic network in Falmouth.

David Moriarty, Precinct 6, commented on Southcoast looking for a place to put the cable for their DC powerplant and this is a dangerous proposition because it would be on top of the Town drinking supply and could destroy the water supply. This is very dangerous for the community and property values.

BUSINESS

1. Update/presentation on the Old Burial Ground study.

Steve Cadorette, DPW Deputy Director, reported that a ground penetrating survey was completed. Location is on Mill Road. Mr. Cadorette made a computer presentation. GPR Survey Report was reviewed and can be found on the Town website. The history of the Burial Ground and the survey were reviewed. There are 1634 burials identified, six potential archeological features were identified. Reviewed the next phases.

Thanked the Historical Commission.

The end of the dirt road, you can see where the unmarked graves are located, large open area at the end of the road.

Mr. Cadorette noted one goal is to prepare a plan, a grid that is numbered and lettered. At the end of the road, they would like to put a kiosk that describe the grid and burials in each grid.

They overlayed what was found on the GRS survey with the historical information/plans.

They have \$25,000 to do visual assessment, the cost is more than that so they will go for additional Community Preservation Act (CPA) funding to complete the visual assessment, expected to be about \$13,000.

Once they are to the point of conservation work, visually it will be easier to see what is there.

2. Discuss and vote to approve the movement of the existing Oscar Wolf plaque presently situated on the front facing of the Lin Whitehead Bandshell

Mr. Renshaw noted Dr. Whitehead asked about the existing plaque. The bandshell was dedicated in 1972 in name of Mr. Wolf. 1994 rededicated 8/4/94. By mid 1990's the bandshell was replaced. Dr. Whitehead's wife, Lin Whitehead, organized the effort. On 1/8/24 the Select Board renamed the structure. The Whitehead family would like to place a new plaque of Ms. Whitehead on the front and put Mr. Wolf's plaque on another suitable location of the bandshell. The DPW would remove and relocate the Oscar Wolf plaque.

Mr. Brown made a motion and Chair Taylor read the motion on behalf of Mr. Brown to approve moving the plaque bearing the name of Oscar Wolf to another suitable location on the bandshell to continue to commemorate his contributions to the construction of the original band shell in 1972. The Department of Public Works be responsible for the removal of the Oscar Wolf Plaque and its transfer to another suitable location on the structure. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

3. Discuss and vote to approve a letter to the Commission on Energy Infrastructure Siting and Permitting opposing the removal of local control and regional oversight for the siting of renewable energy facilities.

Mr. Renshaw explained Governor Healey created this new Commission to facilitate community input into the process. The Commission began meeting in October 2023, and is seeking public input through March 15, 2024, comment on 4 categories and described those. There is also an online survey posted on the Town website. Seeking input on other questions related to siting and permitting process. A copy of the draft letter

is in the packet, he recommends it be approved by the Select Board and give the Chair authority to sign the letter.

Ms. Scott Price asked to clarify that the Commission would still have a role. According to Mr. Renshaw, no current local controls would be removed.

Mr. Brown suggested adding the fact that we still have a dozen solar energy projects because they are too large and we can only do two little ones. He feels the system is broken and infrastructure improvement is needed.

Mr. Mascali is concerned that this is coming on 3/11/24 with a 3/14/24 deadline for public comment, it is a very short timeframe to analyze everything. He followed the link but could not get to the survey. He would like to look at it more in depth, but the timeframe provided is too short.

This was not very well publicized.

David Moriarty, Precinct 6, this is a rehash of another bill, the Wind Energy Reform Bill. The zoning laws work well and protect us, but the State is not happy with it because it is holding up their renewable energy. They want the consumer to pay for everything, they are not concerned about the environment, which is at risk of these type of projects. Town citizens have been hurt by this and driven them out of Town.

Ms. Scott Price noted adding in infrastructure is a good idea, overall, the letter looks good.

Dave Buzanoski, President of the Falmouth Heights/Maravista Neighborhood Association, is happy to see the Select Board take the time to address this issue. There are specific questions the State is trying to address. The 44 question survey, each question was a result of the discussion of earlier meetings of the Commission. He supports the idea of writing such a letter.

Lynn Schad, Precinct 3, did not know very much about this letter. She is pleased the Select Board will put forth this letter, renewable energy goals being met is important, but we have to do it the right way.

Mr. Brown learned about this through the Select Board packet, through the process of alerting others, he has learned that others are not aware of this issue.

Chair Taylor stated that it was sent to the Select Board by a resident, that is how the Select Board became aware of the issue.

Mr. Brown made a motion to approve the attached draft letter to the chair of the Commission on Energy Infrastructure Siting and Permitting to oppose any erosion of local control and regional oversight for the siting and permitting of renewable energy facilities, and to authorize the Chair to sign the letter amended as discussed. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

4. Discuss and vote to approve a letter to the Massachusetts Environmental Policy Act Office related to the Steamship Authority's Request for Advisory Ruling

Mr. Renshaw reviewed background in the packet. The Select Board is being asked to approve a letter to the EPA that requests a full environmental report be required so the Steamship Authority is in full compliance. He recommends the Select Board approve the draft letter in the packet.

This was something discussed at the Select Board workshop.

Mr. Mascali made a motion to approve. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

CONSENT AGENDA

1. Licenses

- a. Application for three Special One-Day Wine & Malt Liquor Licenses – Holy Ghost Society of Fresh Pond – Portuguese Festivals – 408 Carriage Shop Road – Sunday, May 19, 12:00 pm-7:00 pm; Saturday, June 22, 4:00 pm-11:00 pm; Sunday, June 23, 12:00 pm-7:00 pm; and Saturday, August 17, 2024, 3:00 pm-11:00 pm
- b. Application for three Special One-Day Wine & Malt Liquor Licenses – West Falmouth Library – Jazz Concerts – 575 West Falmouth Highway – Sunday, March 17; Sunday, June 30; and Saturday, July 6. All events from 4:00 pm-6:00 pm

2. Administrative Orders

- a. Approve Intermunicipal Agreements with the Towns of Brewster, Yarmouth and Mashpee for sale of surplus intermediate oysters.

Mr. Zylinski made a motion to approve the consent agenda. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

MINUTES

1. Review and Vote to Approve Minutes of Meetings

a. Public Session

February 12, 2024

Mr. Mascali noted an edit needed to strike on the first page, item #4 “free fares through 6/30/24” under announcements.

February 26, 2024

Chair Taylor noted an edit needed on page 6, delete the period.

Ms. Scott Price made a motion to approve the amended minutes with edits. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

TOWN MANAGER’S SUPPLEMENTAL REPORT

Mr. Renshaw and Mr. Johnson-Staub had a meeting on 2/28/24 in an effort to get the urine diversion project back on track. This is tied to November Town Meeting approval and the Select Board’s approval of \$80,000 in ARPA funds for a preliminary study. They followed up with the Green Center and Falmouth Pond Center folks on 3/7/24 with the MassTec representatives. The purpose of the meeting was to develop a scope of work project. Article 22 out of the Finance Committee because there are many questions that were difficult to answer. Good use to bring MassTec folks, prepare a scope of work, and bring back a plan to use the ARPA funds. None of the \$80,000 has been used yet. There was a lot of discussion and intent, but no accountability of who would do what. Mr. Renshaw and Mr. Johnson-Staub will help move this along. The Finance Committee recommended indefinite postponement of Article 22, the Green Center may be considering a positive motion to April Town Meeting to have that discussion. There are many outstanding questions and he would like to get those answered.

Mr. Brown noted there are some questions that cannot be answered at this time. He does not feel the project is ready to move forward.

Mr. Mascali announced a public forum on 3/28/24 at the Main Library Hermann Room from 7pm-9pm.

Mr. Renshaw said the Select Board approved the appropriation to use the funds, but the next step of who would be expending these funds was not followed up. He and Mr. Johnson-Staub will have as many answers as possible.

A dredge update is in the packet. There were several delays in permitting. MES Director Greg Fraser reminded Mr. Renshaw that the previous ten-year permit expired on 10/31/22, has started the process of renewal. The Army Corps of Engineers was the last federal permit and was over one year overdue. That was done, the county dredge equipment was onsite in November 2023, but could not wait, there was another project that needed to be done that was ready to go. A week later the Army Corps permit was approved, but the dredge had already left. The weather over the last few weeks has led to a pause. Mechanical issues then came up, were fixed, they were heading to

Falmouth, stopped to get a job done in Harwich, finally got word from MA DEP of the waiver for time of year restriction, and now being told as long as the dredge can be here by the end of this week, they are optimistic will be done.

Great Pond, Green Pond, and Bourne's Pond approaches need to be done. Going forward we need to do a better job on working, may be some policy recommendations that will come forward. Perhaps it is a regional issue, which may be better.

Mr. Zylinski reported his constituency has money in the vessel, the Army Corps of Engineers can do whatever they want. When an accident or damage to someone's property occurs because the dredging is not done, who do they go to? According to Mr. Brown they would go to their own insurance company because one cannot sue the State or County.

Mr. Brown attended Waterways Committee meeting on Wednesday, it may be time to reach out to Mashpee to team up on the Waquoit Bay dredging. There is no place to land the spoils, maybe on a beach in Mashpee could be an option. A current study is being done on how many yards of spoils would be needed, Waterways Committee suggested breaking it up in 2-3 smaller projects. Waquoit Bay is dangerous at this time, you need to go outside the marked channel. Sailboats and large powerboats are no longer able to access the bay, we are way behind on dredging. There is concern that the Bourne's Pond dredging will not be done.

The dredging is weather dependent.

SELECT BOARD REPORTS

Mr. Mascali:

Attended the Bicycle and Pedestrian Committee meeting on 3/6/24, one issue that stuck out was the possible imposition of Chapter 70, resulting in a town wide 25 mph speed limit. The Committee members were concerned about it and in favor of it.

Mr. Brown:

Meeting at the location of the proposed gate at the Black Beach roadway where it meets the bike path. Those present included the DEP, consultants, attorneys to speak and get an idea of the site. They were not inclined to get into the legal discussion about a roadway across private land.

Attended the Waterways Committee meeting.

Friday meeting with Senator Markey's staff regarding grant funding potential for Falmouth high speed network, learned that there are possibilities to put in requests and now is the time to do it. If we felt we wanted money towards a municipal broadband plan or additional money for municipal light plant board. FalmouthNet has a grant, Brown considered putting in a request.

Mr. Renshaw attended a meeting at Bourne Police Department three months ago to talk about discretionary spending, there is an application process, it is limited to about \$50,000 per project, we may have missed this cycle.

Mr. Brown noted the community development grant program, BEAD; he spoke with a few individuals who were saying the programs they administer usually to \$1-2 million and top out at \$4-5 million. March to April is when applications are requested and if funds are awarded, the funds would not be expected until mid-late 2025.

Ms. Scott Price made a motion to adjourn at approximately 8 p.m. Mr. Mascali seconded the motion. Vote: Yes-5. No-0. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary