

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**AGENDA**  
**MONDAY, MAY 6, 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. Proclamations:
  - a. Grace Catrambone – 100<sup>th</sup> Birthday
  - b. Falmouth Chamber of Commerce 2024 Citizen of the Year
  - c. May 2024 National Cities, Towns, and Villages Month
4. Recognition
5. Announcements
6. Public Comment

**6:45 p.m. PUBLIC HEARINGS**

1. Wetland/Dock Hearing – Andrew and Lara Dearman – application to rebuild existing licensed ramp and float into an entirely fixed pier in Eel Pond, located at 41 Madeline Road, East Falmouth

**7:00 p.m. BUSINESS**

1. Adopt Falmouth Affordable Housing Fund (FAHF) Board of Trustees' Funding Priorities and Board of Trustees' Funding Allocation Guidelines (10 minutes)
2. 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 April – December 2024 (5 minutes)
3. Request from Falmouth Art Market and Falmouth Cultural Council for a waiver/reduction of the special event permit fee for the Art Market at Marina Park on Tuesdays from 6/25/24 – 8/27/24 (5 minutes)
4. Request from John Wesley United Methodist Church for a waiver/reduction of the special event permit fee for Sunday Worship Services at Surf Drive Beach from 7/7/24 – 9/1/24 (5 minutes)
5. Request from the Waquoit Congregational Church for a waiver of the special event permit fee for the annual Summer Bazaar one-way on Parsons Lane – Friday, 7/12/24 and Saturday, 7/13/24 (5 minutes)
6. Request from ArtsFalmouth, Inc. for a waiver/reduction of the special event permit fee for the Arts Alive Festival on the Library Lawn, Peg Noonan Park and Shore Street Extension on Friday, 6/14, Saturday, 6/15 and Sunday, 6/16/24 (5 minutes)
7. License Renewals – 2024 Seasonal and Spring Annual (5 minutes)

**POOL TABLE LICENSE**

King Cormac, Inc. d/b/a Grumpy's Pub, 29 Locust Street

**7:40 p.m. CONSENT AGENDA**

1. Licenses
  - a. Approve application for a Special One-Day Wine & Malt Liquor License – Rise & Shine Productions LLC – Coast Fest – Band Shell, Marina Park – Saturday, 8/3/24 from 3:00 – 10:00 p.m.

- b. Approve application for a Special One-Day Wine & Malt Liquor License – Michael Clark – Livin’ the Dream Bago/Bean Bag Tournament – The Conference Table, 205 Worcester Court – Saturday, 5/11/24 from 11:00 a.m. – 7:00 p.m.
  - c. Approve the application filed by Vineyard Caribbean Cuisine, Inc. for a Common Victualler License – 279 Main Street, Falmouth
  - d. Approve the application filed by Sun Retreats Cape Cod for an Automatic Amusement Device License – 130 Thomas B. Landers Road, East Falmouth
  - e. Approve the application filed by Inn on the Square, 40 North Main Street, Falmouth, for a Change of Manager of its Lodging House License
2. Administrative Orders
- a. Approve warrant for the annual town election on May 21, 2024
  - b. Accept donation from Inman Tree Specialist in the amount of \$550.00 to the Falmouth Cultural Council donation account for the Music at the Table program
  - c. Appoint Inspectors of Animals – Christopher Anglin, Molly Masson, Chloe Eressy
  - d. Approve water main easement for 763 Main Street
  - e. Approve a letter of support for Solar Array Project at Cape Cod Country Club

**7:45 p.m. TOWN MANAGER’S SUPPLEMENTAL REPORT**

**7:50 p.m. SELECT BOARD REPORTS**

**8:00 p.m. ADJOURN**

Nancy Robbins Taylor, Chair  
Select Board

## **OPEN SESSION**

3. Proclamation – Grace Catrambone – 100<sup>th</sup> Birthday



## PROCLAMATION

WHEREAS, Grace Catrambone, a long-time resident of Falmouth, was born at home on May 27, 1924, in East Falmouth, a community and town she greatly loves...And she will now be celebrating her 100<sup>th</sup> birthday on May 27, 2024 in that same close-knit community.

WHEREAS, Some of Grace's many activities involve the faith community, which she greatly loves, at St. Anthony's Church, and other churches associated with St. Joseph, Guardian of the Holy Family Parish and also its "Sisters in Spirit" fellowship group. Grace and her family, devout Catholics, have had deep connections to St. Anthony's dating back to the church's opening, in the year of her birth, 1924. Lovingly living and practicing the faith is an everyday and every moment occurrence, as natural as breathing to Grace.

WHEREAS, Other activities in which Grace regularly participates in involve music and dancing, areas of her life in which she has also found the secret to youth, with benefits in physical, mental and emotional health. In all her life dancing has been paramount, something she greatly loves and from which she derives great joy. Grace participates regularly in line dancing and ballroom dancing and is a member of the Cape Cod Ballroom Dance Association.

WHEREAS, Grace has numerous other involvements and affiliations with groups in the town including the Falmouth Senior Center, the Falmouth Newcomers, the Falmouth Housing, and Neighborhood Falmouth. She greatly loves each and every group involvement and is extremely grateful for the benefits to her life that each group and each individual in that group provide to her.

WHEREAS, Grace is an original tenant of the John Conley Tataket apartments and has served as a welcoming ambassador, local historian and gracious neighbor and friend to Tataket residents for over 38 years and counting.

WHEREAS, Grace's friends and family call her "Tiny the Dancer".

WHEREAS, In a typical week for Grace she may be seen walking about the town, going grocery shopping, having her hair done or perhaps shopping at the Dollar Tree store. Another favorite location she might be seen at is at Dunkin' Donuts enjoying coffee and donuts! All these local shops she greatly loves frequenting, and she inevitably meets people she knows, as it seems everyone in town knows "Tiny".

WHEREAS, Grace is quite a conversationalist, funny and fun loving, and is always impeccably dressed, completely stylish and color coordinated and accessorized with jewelry, with perfect makeup and hair style. Grace has never met a stranger and as she greatly loves all people, she greatly loves conversing with them.

WHEREAS, Grace greatly loves her many family members, as well as her extended family members including several close to her who consider her the mom they wish they had, and she also greatly loves her countless very close friends.

WHEREAS, We GREATLY LOVE Grace Catrambone, ("Tiny the Dancer"), and appreciate the inspiration that her life is to all!

NOW, THEREFORE, WE the Select Board of the Town of Falmouth, Massachusetts, do hereby proclaim **Monday, May 27, 2024** as:

### **GRACE CATRAMBONE A/K/A "TINY THE DANCER" DAY**

IN WITNESS WHEREOF, We, Nancy Robbins Taylor, Edwin P. Zylinski II, Douglas C. Brown, Onjalé Scott Price and Robert P. Mascali have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on this 6<sup>th</sup> day of May, 2024.

\_\_\_\_\_  
Nancy Robbins Taylor, Chair

\_\_\_\_\_  
Onjalé Scott Price

\_\_\_\_\_  
Edwin P. Zylinski II, Vice Chair

\_\_\_\_\_  
Robert P. Mascali

\_\_\_\_\_  
Douglas C. Brown

SELECT BOARD

**OPEN SESSION**

3. Proclamation – Falmouth Chamber of Commerce 2024 Citizen of the Year



**FALMOUTH CHAMBER OF COMMERCE  
2024 OUTSTANDING CITIZEN OF THE YEAR**

**PROCLAMATION**

Whereas: **The Falmouth Chamber of Commerce** annually acknowledges and pays tribute to a citizen of the Town of Falmouth who has made a lasting positive impact on the community through participation in a broad scope of activities and whose commitment to the town has been demonstrated by many years of service beyond his or her profession; and

Whereas: **Troy B. G. Clarkson** is an exceptional citizen of the Town of Falmouth, Massachusetts and New England, well known to all for his professional accomplishments and widespread contributions to the betterment of society; and

Whereas: **Troy B. G. Clarkson** is a model citizen, admired and esteemed for successfully balancing his devotion to family with years of integrity, tireless civic participation and commitment to community progress; and

Whereas: **Troy B. G. Clarkson** quietly works to build a better town, to build the physical and moral fiber of our youngsters, to support the action boards and committees so vital to all our interests, to preserve Falmouth open space and to protect the values and rich character of Falmouth Cape Cod; and

Whereas: **Troy B. G. Clarkson's** many accomplishments and contributions, singularly and collectively, are memorialized in the minds of those he has touched and chronicled on the pages of organizations across this town and as he continues to make a difference in the Town of Falmouth, we do herein declare that this citizen is worthy of high praise and great recognition; and

NOW, THEREFORE, WE, Nancy Robbins Taylor, Edwin P. Zylinski II, Douglas C. Brown, Onjalé Scott-Price, and Robert P. Mascali as members of the Select Board of the Town of Falmouth, by the authority vested in us do **PROCLAIM**

**TROY B. G. CLARKSON  
FALMOUTH'S 2024 OUTSTANDING CITIZEN OF THE YEAR**

IN WITNESS THEREOF, we have hereunto set our hand and caused the great seal of the Town of Falmouth to be affixed.

\_\_\_\_\_  
Nancy Robbins Taylor, Chair

\_\_\_\_\_  
Onjalé Scott Price

\_\_\_\_\_  
Edwin P. Zylinski II, Vice Chair

\_\_\_\_\_  
Robert P. Mascali

\_\_\_\_\_  
Douglas C. Brown

\_\_\_\_\_  
SELECT BOARD

**OPEN SESSION**

3. Proclamation – May 2024 National Cities, Towns, and Villages Month



## Proclamation National Cities, Towns and Villages Month

**Whereas**, the National League of Cities was founded in 1924 in Lawrence, Kansas, as the American Municipal Association by state municipal leagues seeking more coordination and national representation as cities, towns, and villages expanded rapidly;

**Whereas**, the nonpartisan National League of Cities is the oldest and largest organization representing municipal governments throughout the United States, representing the interests of more than 19,000 cities, towns, and villages across the country;

**Whereas today**, the National League of Cities works in partnership with 49 state municipal leagues across the country to strengthen local leadership, drive innovation, and influence the federal policies that impact local programs and operations;

**Whereas**, as the voice of cities, towns, and villages in Washington, DC, the National League of Cities has successfully championed federal legislative solutions that support municipalities and has worked closely with Congress and the Executive Branch to educate policymakers on the realities of local implementation;

**Whereas**, local governments are the bedrock of American democracy, providing 336 million residents with the most accountable, responsive, inclusive, ethical, and transparent government in the world;

**Whereas**, from the nation's smallest villages to its largest cities, America's local governments have been essential in transforming the United States of America into the greatest, most influential nation in world history;

**Whereas**, Falmouth was first incorporated in 1686 and is proudly served today by Select Board members Nancy Robbins Taylor, Chair; Edwin P. Zylinski II, Vice Chair; Douglas C. Brown; Onjalé Scott Price and Robert P. Mascali and a municipal workforce of 350 dedicated public servants;

**Now, therefore, be it resolved that** the Town of Falmouth hereby proclaims May 2024 as **National Cities, Towns, and Villages Month** in celebration of America's local governments and the National League of Cities' historic centennial anniversary.

\_\_\_\_\_  
Nancy Robbins Taylor, Chair

\_\_\_\_\_  
Onjalé Scott Price

\_\_\_\_\_  
Edwin P. Zylinski II, Vice Chair

\_\_\_\_\_  
Robert P. Mascali

\_\_\_\_\_  
Douglas C. Brown

\_\_\_\_\_  
SELECT BOARD

## **OPEN SESSION**

### **PUBLIC HEARINGS**

1. Wetland/Dock Hearing – Andrew and Lara Dearman – application to rebuild existing licensed ramp and float into an entirely fixed pier in Eel Pond, located at 41 Madeline Road, East Falmouth



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Public Hearing 1.

**ITEM TITLE:** Wetland/Dock Hearing- Andrew and Lara Dearman- application to rebuild existing licensed ramp and float into an entirely fixed pier in Eel Pond, located at 41 Madeline Road, East Falmouth

**MEETING DATE:** 5/6/2024

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

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** Wetland Office Procedure List; Public Hearing Notice dated April 19, 2024; Request of Certified Abutters List; Application for Permit to Fill, Dredge, or Otherwise Alter Wetlands (Pier Reconstruction)- Falmouth Engineering, April 4, 2024; Order of Conditions 25-4938; Harbormaster Inspection Report dated August 3, 2023

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### PURPOSE:

The Select Board will conduct a public hearing for the purpose of considering the approval of an application to rebuild existing licensed ramp and float into an entirely fixed pier in Eel Pond, located at 41 Madeline Road, East Falmouth.

### BACKGROUND/SUMMARY:

- Falmouth Engineering has submitted the attached application on behalf of property owners Andrew and Lara Dearman to rebuild the existing licensed ramp and float into an entirely fixed pier; the existing floating dock system has been in place for many years.

- The property is bounded to the west by waters of Eel Pond, which contains the resource areas Land Under the Ocean and Land Containing Shellfish.
- The existing dock which consists of a fixed portion and sub-standard floating sections will be improved by replacing the existing floating sections with a new fixed pier providing public access and sunlight penetration.
- The Conservation Administrator signed the WPA Form 5- Order of Conditions on March 22, 2024.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board conduct the scheduled public hearing and, following the hearing, make its decision based upon the information that was presented.

**OPTIONS:**

- Motion to approve the application of property owners Andrew and Lara Dearman to rebuild the existing licensed ramp and float into an entirely fixed pier in Eel Pond, located at 41 Madeline Road, East Falmouth as presented.
- Motion to deny the approval of the application of property owners Andrew and Lara Dearman to rebuild the existing licensed ramp and float into an entirely fixed pier in Eel Pond, located at 41 Madeline Road, East Falmouth as presented.
- Some other Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

**FINANCE DIRECTOR COMMENTS (IF APPLICABLE):**

N/A

**TOWN MANAGER COMMENTS:**

The Town Manager recommends that the Select Board conduct the scheduled public hearing and, following the hearing, make its decision based upon the information that was presented.

*Michael Renshaw*

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**Town Manager**

5/1/2024

**Date**

WETLAND OFFICE PROCEDURE

5/6/24  
41 Madeline Rd.  
Starman

- ✓ 1. Two copies of application, 2 plot plans and 1 abutters list along with \$75.00 (\$25.00 filing fee and \$50.00 advertising fee) to be filed with the Select Board.
- ✓ 2. Make copy of original application and take an original and a copy to the Town Clerk's Office for date stamping – We keep original – Clerk keeps copy.
- ✓ 3. Complete Abutter Certification List and give to Assessor's Office for verification (properties within 300'). 4/10
- ✓ 4. Print two sets of labels from abutters list.
- ✓ 5. Schedule hearings 15 minutes apart. 5/6/24 at 6:45 p.m.
- ✓ 6. Prepare legal notice for newspaper – advertise on 2 Fridays beginning 14 days before the hearing date. 4/19 + 4/26
- ✓ 7. E-mail legal notice to newspaper Wednesday before the Friday publication date. Include Select Board's account #2056 on the ad for proper billing purposes. 4/17
- ✓ 8. Send memo to engineer/architect asking for submission of postage stamps for mailing of legal notices. Double amount of stamps needed for mailing of legal notice and final decision. Mail legal notices on the first Friday publication date.
- ✓ 9. Send memo to Conservation Commission asking for reports from Conservation, Shellfish, and Harbor Master. respond by 4/26
- ✓ 10. Send copies of legal notice to the following: posted on website
 

Conservation Commission	Shellfish Constable
Board of Health	Harbor Master
Town Clerk	Building Department
Planning Board	Petitioner
Engineer/Architect	Abutters

AFTER APPROVAL

- 1. Create a new document or modify existing letter of decision for project that was approved by Select Board. Assign a number, if necessary to the project. Numbers are kept in white binder. The original document to modify can be found under: "Town Shared Files (T:)\Selectmen\PRIVATE\SHARED DOCUMENTS \WETLANDS\WETLAND MISC INFO\DOCK-PIER NUMBERS".
- 2. Two original decisions must be signed by at least 4 members of the Select Board. After signing, take to Town Clerk's Office, date stamp, give 1 original to Clerk and keep 1 original. Make copies of original letter and mail to abutters. Original is mailed to owner. A copy is kept in our file.

**NOTE: When an application is submitted for a pond or lake (fresh water) it is sent to the Shellfish Constable for informational purposes only. The Shellfish Constable does not need to submit a report and the Shellfish Constable does not receive a copy of the approval letter.**



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

[townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)

## PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 6, 2024 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Andrew and Lara Dearman for permission to rebuild the existing licensed ramp and float into an entirely fixed pier, located at 41 Madeline Road, East Falmouth, MA. Area affected is Eel Pond. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the  
Falmouth Select Board

*Publication dates: Friday, April 19, 2024 and Friday, April 26, 2024; Falmouth Enterprise.*

PUBLIC HEARING NOTICE

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Per Order of the  
Falmouth Select Board

April 19, 2024  
April 26, 2024



RECEIVED

APR 10 2024

FALMOUTH BOARD OF ASSESSORS

Town of Falmouth Assessing Department

59 Town Hall Square, Falmouth MA 02540

Telephone: 508-495-7380

Fax: 508-495-7384

REQUEST OF CERTIFIED ABUTTERS LIST

Name of person requesting abutters list: Diane Davidson

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

Phone: x7321

Abutters to (subject property): Map 32 Section 06 Parcel 000 Lot 111

Lot size of subject property:

Location of subject property: 41 Madeline Road, East Falmouth, MA 02536

Check one:

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

Fee. \$25.00 Total N/A

**41 MADELINE RD**

CERTIFIED



Bruce Cabral  
Assistant Assessor  
Town of Falmouth, MA  
April 17, 2024

58 MADELINE RD ADAMS RICHARD A ADAMS ELIZABETH T 85 CLUBHOUSE DR LEOMINSTER. MA 01453	32 06 000 106 LUC: 101	26 MADELINE RD DREGER ROSEMARY CAREY JAIME M 230 OLD MAIN RD NORTH FALMOUTH. MA 02556	32 06 000 084 LUC: 101	49 MADELINE RD MUNGEAM TRUSTEE LAWRENCE A MUNGEAM TRUSTEE ALICE R 271 PLEASANT ST MARLBOROUGH. MA 01752-1164	32 06 000 113 LUC: 101
98 SQUIBNOCKETT DR AUGUSTA SCOTT D 98 SQUIBNOCKETT DR EAST FALMOUTH. MA 02536	32 04 008 083 LUC: 101	30 MADELINE RD DURKIN PAUL J DURKIN AMANDA L 11 JASMINE DR WORCESTER. MA 01605	32 06 000 091 LUC: 101	23 MADELINE RD NARDI DOMINIC 23 MADELINE RD EAST FALMOUTH. MA 02536	32 06 000 065 LUC: 101
52 MADELINE RD BARRACLOUGH ROGER K 52 MADELINE RD E FALMOUTH. MA 02536-6238	32 06 000 107 LUC: 101	0 MADELINE RD OFF FALMOUTH TOWN OF CONSERVATION COMMISSION 59 TOWN HALL SQ FALMOUTH. MA 02540	32 06 001 000 LUC: 932	23 DEBBIE LN OCONNOR PADRAIG LENEHAN LAURA 52 GOODNOW RD SUDBURY. MA 01776	32 06 000 067 LUC: 101
94 SQUIBNOCKETT DR BROWN TRUSTEE JEFFREY R BROWN TRUSTEE KRISTEN F 94 SQUIBNOCKETT DR EAST FALMOUTH. MA 02536	32 04 008 062 LUC: 101	93 ANTLERS SHORE DR GILADI JULIA LIPKINA NATALIA 109 BAY STATE RD ARLINGTON. MA 02474	32 06 000 095 LUC: 101	24 DEBBIE LN OCONNOR PADRAIG LENEHAN LAURA 52 GOODNOW RD SUDBURY. MA 01776	32 06 000 110 LUC: 101
14 HOLLY LN CARETTE KATHY A CARETTE CARL 14 HOLLY LN E FALMOUTH. MA 02536-6229	32 06 000 086 LUC: 101	45 MADELINE RD GRAVINA TRUSTEE CARL J GRAVINA TRUSTEE KARIN M 41 LENNON LN WALPOLE. NH 03608	32 06 000 112 LUC: 101	0 CANAPITSIT DR OFF PACHECO ROBERT B 25 CANAPITSIT DR E FALMOUTH. MA 02536	32 04 008A 000 LUC: 132
88 SQUIBNOCKETT DR CICALIS PERRY D CICALIS JULIE M 88 SQUIBNOCKETT DR EAST FALMOUTH. MA 02536	32 04 008 061 LUC: 101	14 DEBBIE LN LEGG CHARLES R 14 DEBBIE LN E FALMOUTH. MA 02536-6257	32 06 000 092 LUC: 101	0 CANAPITSIT DR OFF PACHECO ROBERT B 25 CANAPITSIT DR E FALMOUTH. MA 02536	32 04 008E 000 LUC: 210
97 ANTLERS SHORE DR CORNELL CLARE 97 ANTLERS SHORE DR EAST FALMOUTH. MA 02536-6207	32 06 000 096 LUC: 101	27 MADELINE RD MARGAND BRUCE MARGAND JILL 27 MADELINE RD EAST FALMOUTH. MA 02536	32 06 000 066 LUC: 101	55 MADELINE RD PERRY JOHN M PERRY PATRICIA A 55 MADELINE RD E FALMOUTH. MA 02536-6235	32 06 000 115 LUC: 101
84 SQUIBNOCKETT DR DARDANO TRUSTEE KRISTIN L DENHAM TRUSTEE LILIBETH 281 ELM ST NORTHAMPTON. MA 01060	32 04 008 048 LUC: 101	44 MADELINE RD MARTIN REGINA C MARTIN CLARE J 44 MADELINE RD EAST FALMOUTH. MA 02536	32 06 000 109 LUC: 101	85 ANTLERS SHORE DR PESCOSOLIDO ROBERT 25 GLENDON RD NEEDHAM. MA 02492	32 06 000 098 LUC: 101
41 MADELINE RD DEARMAN ANDREW M DEARMAN LARA F 31 HELENA AVE LARCHMONT. NY 10538	32 06 000 111 LUC: 101	16 HOLLY LN MCLEAN GERARD MCLEAN SUSAN CARR 16 HOLLY LN EAST FALMOUTH. MA 02536	32 06 000 085 LUC: 101	6 DEBBIE LN SARGENT ADRIANNA N PO BOX 837 EAST FALMOUTH. MA 02536	32 06 000 094 LUC: 101
53 MADELINE RD DMYTRYCK THOMAS G 604 MAPLE ST FRANKLIN. MA 02038-1569	32 06 000 114 LUC: 101	9 DEBBIE LN MUCCIARONE ANDREW MUCCIARONE KRISTEN H 19 VINE ST FRANKLIN. MA 02038-2551	32 06 000 089 LUC: 101	48 MADELINE RD SHINOHARA TOSHIMICHI SHINOHARA LILLIAN 48 MADELINE RD EAST FALMOUTH. MA 02530	32 06 000 108 LUC: 101

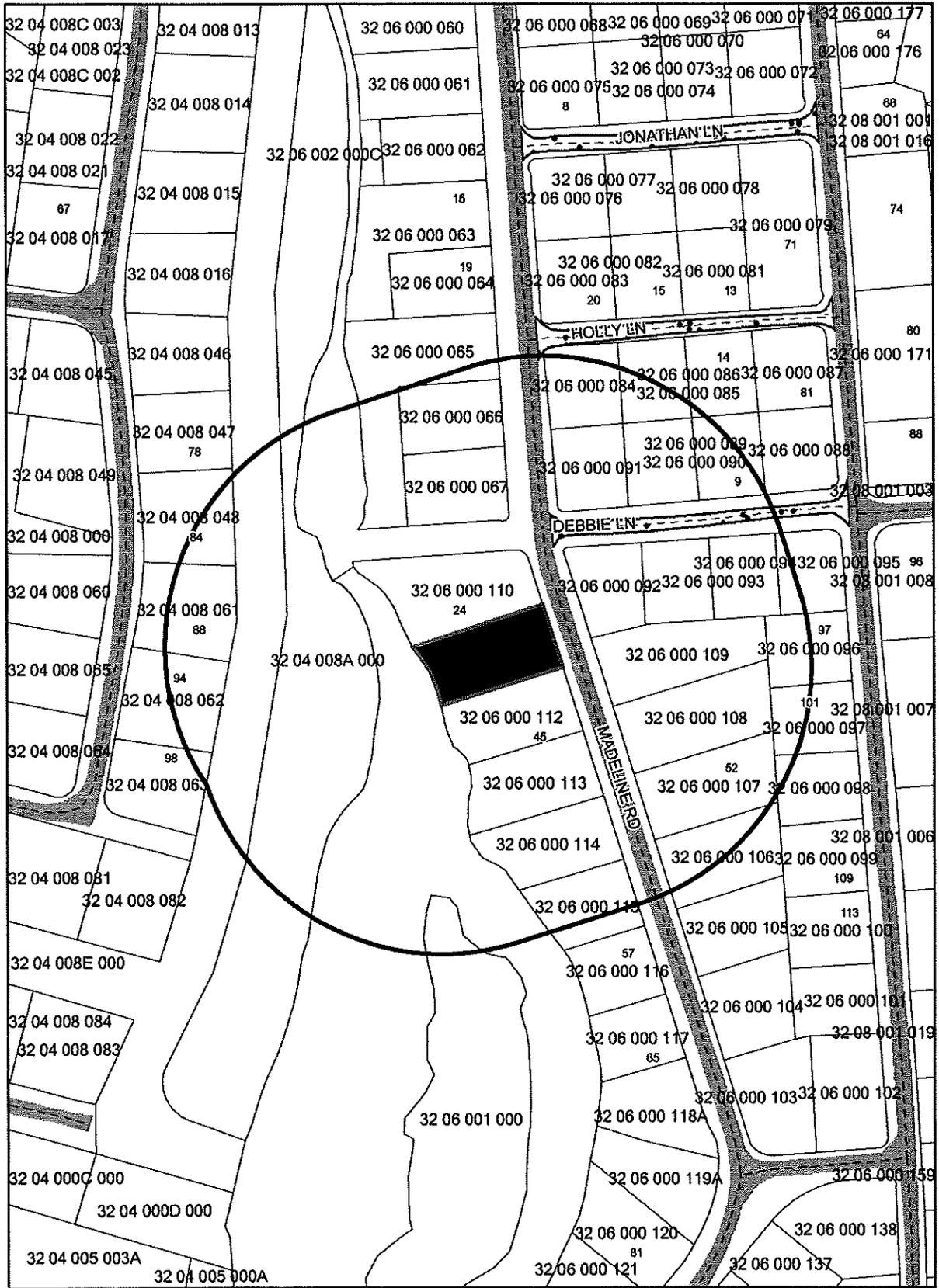
11 DEBBIE LN 32 06 000 090  
STIDHAM MATTHEW D LUC: 101  
6228 ARTHUR AVE  
NEWPORT RICHEY. FL 34653

10 DEBBIE LN 32 06 000 093  
TOMPKINS JILL P LUC: 101  
PO BOX 777  
EAST FALMOUTH. MA 02536

101 ANTLERS SHORE DR 32 06 000 097  
UBERTI LAUREN M LUC: 101  
101 ANTLERS SHORE DR  
EAST FALMOUTH. MA 02536

105 ANTLERS SHORE DR 32 06 000 098  
WALLIN KIMBERLY B LUC: 101  
TEAMAN BRIAN  
105 ANTLERS SHORE DR  
E FALMOUTH. MA 02536-6207

# 41 MADELINE RD





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

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

TOWN CLERK

APR 9, 2024 PM 3:14

RECEIVED

*PIER RECONSTRUCTION*

*41 MADELINE ROAD*

*EAST FALMOUTH, MASSACHUSETTS*

Prepared for:

Andrew and Lara Dearman

Prepared by:



**Falmouth Engineering, Inc.**

17 Academy Lane, Suite 200

Falmouth, MA

02540



**PAID**  
\$75.00 CK#19980

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

**ATTACHMENT A - PROJECT NARRATIVE**

**ATTACHMENT B – ORDER OF CONDITIONS 25-4938**

**ATTACHMENT C – DRIVING DIRECTIONS TO SITE**

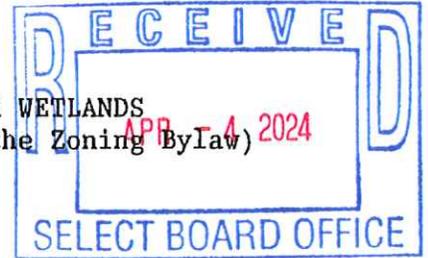
**ATTACHEMENT D - HARBORMASTER COMMENTS**

**ATTACHMENT E - PLAN OF PROPOSED PIER**

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

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TOWN OF FALMOUTH  
BOARD OF SELECTMEN



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

To the Board of Selectmen  
Falmouth, MA

Date: April 3, 2024

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

OWNER: Andrew & Lara Dearman 31 Helena Ave. Larchmount, NY 10538  
(full name) (address)

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

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

1. Location of Property: Map 32 Section 06 Parcel 000 Lot 111  
Street Name and House Number 41 Madeline Road

2. Body of water, marsh or stream affected: Eel Pond

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

a. Dimensions, Acreage of total parcel: 12, 206 S.F.

b. Length of water marsh frontage: 80'

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

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

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

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

Disposition of Spoil: N/A

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

g. Other (docks, piers and etc.) Rebuild the existing licensed ramp and float into an entirely fixed pier.

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

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

5. Zoning which governs area: RC

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

7. Has a permit ever been approved or refused for this location by State,  
Federal or Local Authority? Order of Conditions 25-4938

8. Remarks \_\_\_\_\_

9. Project Summary for legal notice: Applicant proposes to  
rebuild the existing licensed ramp and float into an entirely fixed pier.

Owner: Andrew & Lara Dearman

31 Helena Ave.

Larchmount, NY 10538

(Name & Address)

TEL #:

Agent: Falmouth Engineering, Inc.

17 Academy Lane, Ste. 200

Falmouth, MA 02540

(Name & Address)

TEL #: 508.495.1225

Applicant: Same as owner

(Name & Address)

TEL #: 914.327.9519

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

**ATTACHMENT A**

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**PROJECT NARRATIVE**

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## **ATTACHMENT A - PROJECT NARRATIVE**

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### **Introduction and Project Overview**

Falmouth Engineering Inc. has filed this application on behalf of Andrew and Lara Dearman, the applicant and owners of the property at 41 Madeline Road propose to rebuild the existing licensed ramp and float into an entirely fixed pier.

The project meets or exceeds all performance standards applicable under Section 240-77 (Wetland Regulations) of the Falmouth Zoning By Law.

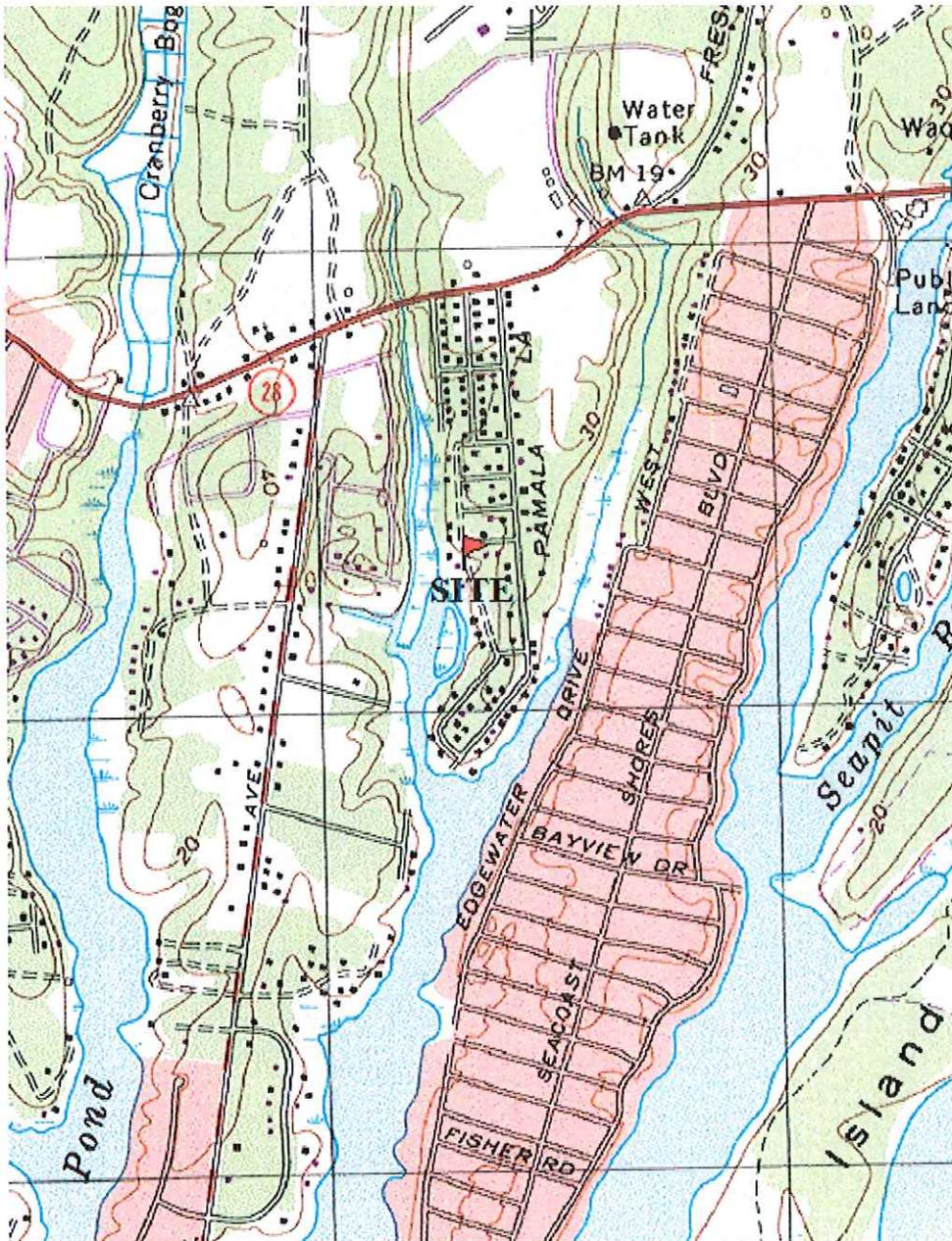
### **Existing Conditions**

The project site is located in the village of East Falmouth along the eastern shore of Eel Pond (refer to Project Location Map). The property contains a house and appurtenances. The property contains a walkway, ramp, and floating dock system. Access to the dock is provided over the lawn area leading from the house.

The existing float system also has a Chapter 91 License and was reviewed by Conservation Commission previously under an RDA application. The existing dock has been in existence for many years.

### *Regulated Resource Areas*

The property is bounded to the west by the waters of Eel Pond, which contains the resource areas Land Under the Ocean and Land Containing Shellfish.



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FIGURE 1-SITE LOCATION MAP

41 MADELINE ROAD EAST FALMOUTH, MA

The property also contains a low profile coastal bank in the form of a small stone wall as shown on the plan. The lot is also within flood hazard zone AE13 and AE12.

#### *Estimated Habitat and Protected Species*

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

#### **Proposed Project**

The project involves the removal of the substandard timber walkway, ramp and float sections and replacement with an entirely elevated fixed pier. The existing timber walkway does not meet the clearance requirement for public access. The existing decking material does not meet the requirements for sunlight penetration. The existing floats do not provide for adequate separation from Land Under the Ocean and Land Containing Shellfish.

The new dock will improve conditions by elevating the walkway to provide for public access. The new dock will improve conditions by introducing "Thru-Flow" decking that will allow for sunlight penetration. The new dock will improve conditions by replacing the floats with a fixed pier, thereby eliminating impacts from the floats making contact with and shading the substrate.

The pile installation will occur in Land Under the Ocean. A total of 5 square feet of bottom area will be altered to allow for the installation of the ten 10" diameter timber pilings.

#### **Anticipated Impacts to Resource Areas**

##### *Anticipated Impacts*

The proposed pier will occupy approximately the same footprint as the existing walkway, ramp and floats. Therefore, there will be no additional impacts.

##### *Proposed Mitigation*

The proposed replacement of the existing walkway, ramp and floats with a new fixed pier will dramatically improve conditions by significantly reducing impacts to bottom substrate, providing public access and improving sunlight penetration. All of these improvements mitigate any temporary impacts during dock installation.

## **Compliance with Applicable Performance Standards**

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

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

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

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

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

The existing dock will extend only 17 feet from Mean High Water.

The new pier will allow for public access by providing clearance beneath the structure. This provision of the regulations is met.

In addition, the Harbormaster was consulted and provided a letter indicating that he has no issues concerning navigation.

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

The water depth at the end of the proposed dock is less than 3 feet at mean low water. This condition is pre-existing and cannot be changed. The new fixed pier will improve conditions by eliminating the existing floats and providing an entirely fixed pier.

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

The proposed "T" measures 5' by 20' and equals 100 square feet. Therefore, the proposed dock meets this provision.

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

The proposed dock will enhance intertidal access by elevating the pier 5' above mean high water to allow for public access. This will improve existing conditions.

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

The proposed dock improvements are located in the same position as the existing dock. The proposed dock is in excess of 10'' from the property boundaries on both sides.

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

The proposed dock will be entirely fixed with no floats. This new dock will replace a floating dock.

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

Since there are no floats proposed, there is no need for a designated storage area.

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

The existing dock walkway is constructed of timber planks. The new dock will improve conditions by providing "Thru-Flow" decking. This new decking will provide for sunlight penetration over 50 percent in all areas of the new dock.

10. *The maximum horizontal footcandle level as measured directly below each complete lighting unit shall not exceed 0.2 footcandles.*

The new dock will comply with this standard.

**General Requirements and Prohibitions all Docks and Piers (Falmouth Wetland Regulations 10.16 (1) (h) (1-4))**

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

No portion of the proposed dock is located within a FEMA designated velocity zone. Therefore, the proposed pier complies with this performance standard.

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

A shellfish survey and accompanying report indicate that there are no significant densities of shellfish within 35 of the mooring field of the proposed dock.

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

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

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

Although the attached shellfish report indicates no violable shellfish habitat, we offer the following:

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

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

*b. Alterations in relief elevation;*

No alterations in relief elevation are proposed.

*c. The compacting of sediments by vehicular traffic;*

No compacting of sediments by vehicular traffic is proposed.

*d. Alterations in the distribution of sediment grain size;*

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

*e. Alterations in natural drainage from adjacent lands;*

No changes in natural drainage patterns are proposed.

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

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

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

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

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

Information published by the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species indicates that the proposed pier

construction is not located within Estimated Habitat of Rare Wetlands Habitat and Priority Habitat.

## **6.0 Summary**

The existing wetland resources, potential project impacts, and proposed mitigation measures associated with this pier construction project have been fully documented in the Notice of Intent. The project should be reviewed favorably in consideration of the following:

- The existing dock consisting of a fixed portion and substandard floating sections will be improved by replacing the existing floating sections with a new fixed pier providing for public access and sunlight penetration. In addition, substandard floats impacting the bottom will be removed thereby improving conditions.
- Piles will be driven from a barge operating in Eel Pond in such a manner contact with the substrate will be avoided as much as possible.

The project meets or exceeds all applicable performance standards under Section 240-77 (Wetland Regulations) of the Falmouth Zoning By Law and should therefore be reviewed favorable by the Falmouth Select Board.

**ATTACHMENT B**

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**ORDER OF CONDITIONS 25-4938**

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

Provided by MassDEP:  
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 Falmouth  
 City/Town

**A. General Information (cont.)**

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

Barnstable

a. County

33348

c. Book

b. Certificate Number (if registered land)

163

d. Page

7. Dates: 1/24/2024 2/14/2024 3/22/24  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Site Plan

a. Plan Title

Falmouth Engineering, Inc.

b. Prepared By

1/17/2024

d. Final Revision Date

Michael J. Borselli, P.E., Gary S. Labrie, P.L.S.

1" = 10'

e. Scale

f. Additional Plan or Document Title

3/22/24

g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a.  Public Water Supply
- b.  Land Containing Shellfish
- c.  Prevention of Pollution
- d.  Private Water Supply
- e.  Fisheries
- f.  Protection of Wildlife Habitat
- g.  Groundwater Supply
- h.  Storm Damage Prevention
- i.  Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

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



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**B. Findings (cont.)**

Denied because:

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

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

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



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**B. Findings (cont.)**

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	150 ± a. square feet	 b. square feet		
	 c. c/y dredged	 d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	 a. square feet	 b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. <input type="checkbox"/> Coastal Dunes	 a. square feet	 b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. <input checked="" type="checkbox"/> Coastal Banks	5 ± a. linear feet	 b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	 a. square feet	 b. square feet		
17. <input type="checkbox"/> Salt Marshes	 a. square feet	 b. square feet	 c. square feet	 d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	 a. square feet	 b. square feet		
	 c. c/y dredged	 d. c/y dredged		
19. <input checked="" type="checkbox"/> Land Containing Shellfish	150 ± a. square feet	 b. square feet	 c. square feet	 d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	 a. c/y dredged	 b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	190 ± a. square feet	 b. square feet		
22. <input type="checkbox"/> Riverfront Area	 a. total sq. feet	 b. total sq. feet		
Sq ft within 100 ft	 c. square feet	 d. square feet	 e. square feet	 f. square feet
Sq ft between 100-200 ft	 g. square feet	 h. square feet	 i. square feet	 j. square feet



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**B. Findings (cont.)**

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

23.  Restoration/Enhancement \*:
- a. square feet of BVW \_\_\_\_\_ b. square feet of salt marsh \_\_\_\_\_
24.  Stream Crossing(s):
- a. number of new stream crossings \_\_\_\_\_ b. number of replacement stream crossings \_\_\_\_\_

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

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



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## WPA Form 5 – Order of Conditions

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### C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number            25-4938            "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
- i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
  - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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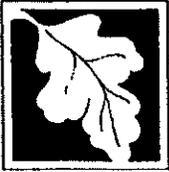
**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

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

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

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



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

Provided by MassDEP:  
25-4938  
MassDEP File #

eDEP Transaction #  
Falmouth  
City/Town

### D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

1. Municipal Ordinance or Bylaw

2. Citation

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

- b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:  
Falmouth Wetlands Bylaw / Regulations
1. Municipal Ordinance or Bylaw
2. Citation  
CH 235 /  
FWR 10.00
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
- The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See Attached



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

Provided by MassDEP:  
25-4938  
MassDEP File #

eDEP Transaction #  
Falmouth  
City/Town

**E. Signatures**

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

3/22/24  
1. Date of Issuance

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

4

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

2. Number of Signers

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

*Jennifer L. Lincoln*  
Signature

Jennifer L. Lincoln, Conservation Administrator

*Jamie Mathews*  
Signature

Jamie Mathews, Chair

*Courtney Bird*  
Signature

Courtney Bird, Vice Chair

*Elizabeth Gladfelter*  
Signature

Elizabeth Gladfelter

*Kevin O'Brien*  
Signature

Kevin O'Brien

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

by hand delivery on

Printed Name

by certified mail, return receipt requested, on  
3/22/24 *Erica Borselli*  
Date  
*FALMOUTH ENGINEERS, INC.*

by certified mail, return receipt requested, on

Date

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



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

Provided by MassDEP:  
 25-4938  
 MassDEP File #

eDEP Transaction #  
 Falmouth  
 City/Town

## F. Appeals

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

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

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



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

Provided by MassDEP:  
 25-4938  
 MassDEP File #

eDEP Transaction #  
 Falmouth  
 City/Town

**G. Recording Information**

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

Conservation Commission

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

To:

Falmouth  
 Conservation Commission

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

Project Location \_\_\_\_\_ MassDEP File Number \_\_\_\_\_

Has been recorded at the Registry of Deeds of:

Barnstable \_\_\_\_\_  
 County \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_

for: \_\_\_\_\_  
 Property Owner

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

Book \_\_\_\_\_ Page \_\_\_\_\_

In accordance with the Order of Conditions issued on:

Date \_\_\_\_\_

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

Instrument Number \_\_\_\_\_

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

Document Number \_\_\_\_\_

Signature of Applicant \_\_\_\_\_



## Falmouth Conservation Commission

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

Andrew and Lara Dearman  
41 Madeline Rd, Falmouth  
DEP # 25-4938

### FINDINGS

1. The applicant proposes to replace the existing pier, ramp and float with a fixed pier. The new pier will be located slightly further out into the water to achieve a deeper water depth and will be constructed with thru-flow decking.
2. An area of gravel on the north side of the house was installed without a permit.
3. Resource areas onsite and within 100 feet of the proposed project include Land Subject to Coastal Storm Flowage (LSCSF), Land Under Salt Pond, Land Containing Shellfish, Salt Marsh, Coastal Bank, Land Under Ocean, and Resource Area Buffer.

### STANDARD CONDITIONS

1. Permission is granted to Andrew and Lara Dearman, 41 Madeline Rd, to replace the existing pier, ramp and float with a fixed pier according to the plans by Falmouth Engineering, Inc., dated January 17, 2024 and entitled "Site Plan- Dock Reconstruction" subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes will require that the applicant first obtain all necessary permits and approvals from the Conservation Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of \$25,000.00 per day.
4. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are

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

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

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

29. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. A request for a Certificate of Compliance must be accompanied by and "Existing Conditions" plan and Engineers written certification of compliance certifying the dock or pier has been constructed and completed in accordance with the conditions contained herein and notes any deviation from the approved plans.
30. The dock must be properly maintained in a safe and functioning manner. Docks and piers are coastal structures requiring continual maintenance or else lend themselves to causing significant damage to property at the time of storms. If not properly maintained docks and piers pose a significant danger to public safety. Docks and piers not properly maintained, which in the opinion the Commission have a potential of being destroyed in a storm, may be ordered removed at the owner's expense. You have a right to hearing prior to any such order being issued.

### **SPECIAL CONDITIONS:**

1. Prior to construction a revised plan shall be submitted depicting the correct salt marsh delineation, the four (4) trees on the lot, and riverfront designation.
2. All piers if designed to be in continual use shall have adequate bubblers protecting piles during winter months.
3. Any lightning to the dock shall be low profile lighting so not to disturb surrounding area. The existing light at the waters edge shall be removed.
4. The gravel area on the northside of the house shall be removed or may remain with proper mitigation.
5. The Conservation Department and the Department of Marine and Environmental Services shall be notified of the date and time of construction activities utilizing a barge.
6. Only one (1) boat shall be moored to the dock at any one time. This boat shall be located in the area depicted as the mooring field on the plan of reference.

### **VOTE AUTHORIZING SIGNATURES OF COMMISSIONERS**

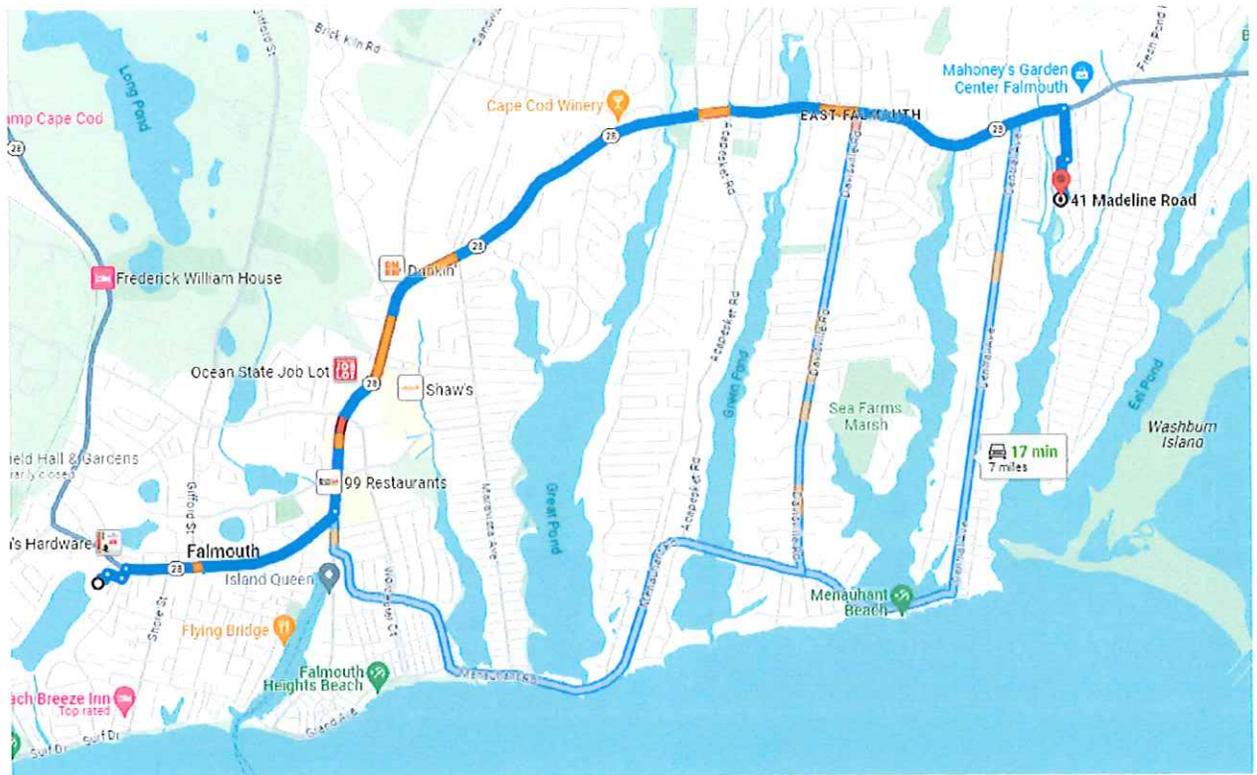
In accordance with the unanimous vote of the Falmouth Conservation Commission, Jennifer L. Lincoln, Conservation Administrator is authorized to sign on behalf of each individual Commissioner as reflected in the recorded Land Court Document: 1,393,706 dated 04-03-2020 9:24 Barnstable Land Court Registry

**ATTACHMENT C**

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**DRIVING DIRECTIONS TO SITE**

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## Driving Directions to Site

From Town Hall, turn right onto Main Street and continue onto Route 28 for approximately 5 miles through East Falmouth. Turn right onto Antlers Shore Drive and follow for .3 miles. Turn right onto Debbie Lane. Take your first left onto Madeline Road. Number 41 is on your right.

**ATTACHMENT D**

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**HARBORMASTER COMMENTS**

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

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

**Applicant:** Dearman, Andrew & Lara  
**Date on Plan:** August 3, 2023  
**Property:** 41 Madeline Rd  
**Assessors Map:** 32 06 000 111  
**Area of Impact:** Eel River West

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***Date of Inspection***

***and/or Review:*** August 3, 2023

***Project Staking:*** No

***Navigational Issues:*** Similar to other structures in the immediate area

***Mooring Issues:*** None

***Comments*** No expansion of current footprint.

***Recommendation*** None

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Gregg Fraser,  
MES Director/Harbormaster

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8-3-23  
Date

**ATTACHMENT E**

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**PLAN OF PROPOSED PIER**

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## **OPEN SESSION**

### **BUSINESS**

1. Adopt Falmouth Affordable Housing Fund (FAHF) Board of Trustees' Funding Priorities and Board of Trustees' Funding Allocation Guidelines ( **minutes**)



**ITEM NUMBER:** Business 1.

**ITEM TITLE:** Adopt Falmouth Affordable Housing Fund (FAHF) Board of Trustees' Funding Priorities and Board of Trustees' Funding Allocation Guidelines

**MEETING DATE:** 5/6/2024

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

**SUBMITTED BY:** Kimberly Fish, Housing Coordinator

**ATTACHMENTS:** CPC Recommendation Memo, Board of Trustees 'Funding Priorities (final and redlined), Board of Trustees' Funding Allocation Guidelines (final and redlined) and the Board of Trustees' Project Funding Evaluation Form

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**PURPOSE:**

The Housing Coordinator will provide a brief presentation regarding the proposed revisions to the Falmouth Affordable Housing Fund Board of Trustees' Funding Priorities and the Board of Trustees' Funding Allocation Guidelines. It is being requested that the Select Board, as Trustees of the Fund, vote to adopt said documents as per the Fund's enabling Act.

**BACKGROUND/SUMMARY:**

- The Falmouth Affordable Housing Fund (FAHF) was created in 2011 by Session Law, Acts of 2011, Chapter 29 for the promotion, expansion and/or retention of affordable housing. The Select Board are Trustees of the Fund.
- The FAHF is funded by Community Preservation Funds, reoccurring funding sources, free cash and donations.

- On March 2, 2024, the Housing Coordinator presented proposed revised documents to the Select Board at their workshop.
- As per Section 2(c) of the enabling Act, Housing Coordinator presented the proposed documents to the Community Preservation Committee (CPC) at their April 25, 2024, meeting. The CPC voted to recommend the proposed documents to the Select Board with one amendment (see attached memo from the CPC).

**DEPARTMENT RECOMMENDATION:**

The Housing Coordinator recommends adoption of the proposed documents as presented.

**RECOMMENDED MOTION:**

“I move, as Trustees of the Falmouth Affordable Housing Fund, adoption of the Board of Trustees’ Funding Priorities and the Board of Trustees’ Funding Allocation Guidelines as presented.”

**OPTIONS:**

- Move the recommended motion as presented.
- Motion to not adopt the documents as presented.
- Some other Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

**FINANCE DIRECTOR COMMENTS (IF APPLICABLE):**

N/A

**TOWN MANAGER COMMENTS:**

The Town Manager recommends that the Select Board adopt the proposed documents as presented.

*Michael Renshaw*

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Town Manager

4/29/2024

Date



**Community Preservation Committee**  
59 Town Hall Square, Falmouth, MA 02540  
508-495-7436

**MEMO**

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**To:** Michael Renshaw, Town Manager  
Kimberly Fish, Housing Coordinator

**From:** Maureen Thomas, Community Preservation Coordinator *MT*

**Cc:** Sandra Cuny, CPC Interim Chair

**Re:** **CPC Recommendation – FAHF Guidelines**

**Date:** April 29, 2024

---

On Thursday, April 25, 2024, the Community Preservation Committee (CPC) voted unanimously to make a recommendation to the Falmouth Affordable Housing Fund (FAHF) Trustees in support of the proposed FAHF Guidelines, as presented.

In addition, the CPC suggested adding rental units with one, two, three or more bedrooms for families to the list of highest priorities for the proposed FAHF Trustees' Funding Priorities.

Thank you very much for your consideration of the CPC recommendation and suggestion.

## **FALMOUTH AFFORDABLE HOUSING FUND**

- 1) PROPOSED BOARD OF TRUSTEES' FUNDING PRIORITIES**
- 2) REDLINED VERSION - BOARD OF TRUSTEES' FUNDING PRIORITIES**
- 3) PROPOSED BOARD OF TRUSTEES' FUNDING ALLOCATION GUIDELINES**
- 4) REDLINED VERSION - BOARD OF TRUSTEES' FUNDING ALLOCATION GUIDELINES**
- 5) BOARD OF TRUSTEES' FUNDING EVALUATION FORM**

# 1) PROPOSED BOARD OF TRUSTEES' FUNDING PRIORITIES



## Falmouth Affordable Housing Fund

Established by Ch. 29 of the Acts of 2011  
Select Board, Trustees

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59 Town Hall Square  
Falmouth, Massachusetts 02540  
(508) 495-7344

### BOARD OF TRUSTEES' FUNDING PRIORITIES

The Town of Falmouth and the Falmouth Affordable Housing Fund (FAHF) strive to create and preserve a broad range of housing that encourages residency of diverse populations and gives equal access to housing opportunities. The following priorities are primarily based on the 2024 Falmouth Housing Production Plan (HPP) and will be considered by the Board of Trustees when making funding determinations.

#### Highest Priorities

- Rental units with one to three bedrooms for households with income levels of 60% - 120% of the Area Median Income (AMI).
- Mixed income developments.
- Multi-family housing.
- Units that are ADA accessible.

#### Neighborhood Context, Design and Sustainability

- Create and preserve affordable housing with an increased density that is compatible with surrounding homes and neighborhoods and protects our natural environment.
- Create and preserve affordable housing that is consistent with the Commonwealth's Sustainable Development Principals (found here: <https://www.mass.gov/doc/notice-of-funding-availability-commonwealths-sustainable-development-principles/download>).
- Create and preserve affordable housing that is dispersed throughout town and in mixed-income developments.

#### Multi-Family and Mixed Use

- Create multi-family houses and mixed-use developments for adaptive reuse of commercial/retail buildings in locations consistent with the Local Comprehensive Plan (found here: <https://www.falmouthma.gov/1289/Plans-and-Studies>).

### **Land Conservation**

- Create affordable housing that is consistent with community and natural resource conservation goals and objectives, including rehabilitation of existing structures, infill development in existing neighborhoods, Open Space Residential Design projects and projects that connect to the public sewer system.

### **Target Population**

- Households with incomes from 60% to 120% of the AMI (highest priority).
- Households with incomes from 30% to 60% of the AMI (second priority)
- Households with incomes from 120% to 140% of the AMI (third priority)
- Diversity of housing types targeting different household needs/sizes.
- Seniors who need support services to age in place.
- Persons with disabilities.
- First-time homebuyers.

### **Increase the Number of Affordable and Attainable Units in Proposed Developments**

- Create more affordable units than the minimum required by applicable zoning including through the Ch. 40B Comprehensive Permit and the Mixed Residential and Commercial Overlay District bylaw (MRCOD).
- Create attainable housing for households with income up to 120% of AMI for rentals and up to 140% of the AMI for homeownership units in excess of the 25% required by a Comprehensive Permit or a MRCOD decision.
- Create attainable housing for households with income up to 120% of the AMI for rentals and up to 140% of the AMI for homeownership units that are created without a Comprehensive Permit or a MRCOD decision.

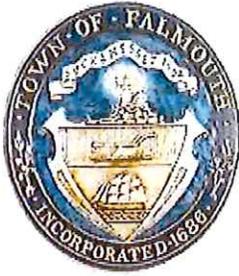
### **Preservation of Deed Restricted Affordable Units**

- Preserve deed restricted units that are subject to re-sale, foreclosure or are subject to older deed restrictions that expire.

### **Owner Occupied Rehabilitation**

- Support a rehabilitation assistance program in compliance with the State Department of Revenue Guidance for a low and moderate-income owner unable to afford necessary improvements.

## 2) REDLINED VERSION - BOARD OF TRUSTEES' FUNDING PRIORITIES



## Falmouth Affordable Housing Fund

Established by Ch. 29 of the Acts of 2011  
Select Board, Trustees

---

59 Town Hall Square  
Falmouth, Massachusetts 02540  
(508) 495-7344

### BOARD OF TRUSTEES' FUNDING PRIORITIES

The Town of Falmouth and the Falmouth Affordable Housing Fund (FAHF) strive to create and preserve a broad range of housing that encourages residency of diverse populations and gives equal access to housing opportunities. The following priorities are primarily based on the 2024 Falmouth Housing Production Plan (HPP) and will be considered by the Board of Trustees when making funding determinations.

#### Highest Priorities

- Rental units with one to ~~two~~-three bedrooms for households with income levels of ~~56~~0% - 120% of the Area Median Income (AMI).
- Mixed income developments.
- Multi-family housing.
- Units that are ADA accessible.
- ~~Maximize local preference in the lottery (resides in town, works in town, or child goes to school in town):~~

#### Neighborhood Context, Design and Sustainability

- Create and preserve affordable housing with an increased density that is compatible with surrounding homes and neighborhoods and protects our natural environment.
- Create and preserve affordable housing that is consistent with the Commonwealth's Sustainable Development Principals (found here: <https://www.mass.gov/doc/notice-of-funding-availability-commonwealths-sustainable-development-principles/download>).
- Create and preserve affordable housing that is dispersed throughout town and in mixed-income developments.

### Multi-Family and Mixed Use

- Create multi-family houses and mixed-use developments for adaptive reuse of commercial/retail buildings in locations consistent with the Local Comprehensive Plan (found here: <https://www.falmouthma.gov/1289/Plans-and-Studies>).

### Land Conservation

- Create affordable housing that is consistent with community and natural resource conservation goals and objectives, including rehabilitation of existing structures, infill development in existing neighborhoods, Open Space Residential Design projects and projects that connect to the public sewer system.

### Target Population

- ~~Households with incomes from 60% to 8120% of the AMI (highest priority).~~
- ~~Households with incomes from 30% to 60% of the AMI (second priority)~~
- ~~Households with incomes from 120% to 140% of the AMI (third priority)~~
- ~~Households with incomes from 80% to 120% (up to 140% for homeownership) of the AMI:~~
  - Diversity of housing types targeting different household needs/sizes.
  - Seniors who need support services to age in place.
  - Persons with disabilities.
  - First-time homebuyers.

### Increase the Number of Affordable and Attainable Units in Proposed Developments

- Create more affordable units than the minimum ~~required by applicable zoning in affordable housing developments including those proposed and required including~~ through the Ch. 40B Comprehensive Permit and the Mixed Residential and Commercial Overlay District bylaw (MRCOD).
- ~~Create A~~attainable housing for households with income up to ~~100%--120% of AMI for rentals and (up to 140% for homeownership)~~ of the AMI for ~~homeownership~~ units in excess of the 25% required by a Comprehensive Permit or a MRCOD decision.
- ~~Create A~~attainable housing for households with income up to ~~100%--120% of the AMI for rentals and (up to 140% for homeownership)~~ of the AMI for ~~homeownership~~ units that are created without a Comprehensive Permit or a MRCOD decision.

### **Preservation of Deed Restricted Affordable Units**

- Preserve deed restricted units that are subject to re-sale, foreclosure or are subject to older deed restrictions that expire.

### **Owner Occupied Rehabilitation**

- Support a rehabilitation assistance program in compliance with the State Department of Revenue Guidance for a low and moderate-income owner unable to afford necessary improvements.

**3) PROPOSED BOARD OF TRUSTEES' FUNDING ALLOCATION GUIDELINES**



## Falmouth Affordable Housing Fund

Established by Ch. 29 of the Acts of 2011  
Select Board, Trustees

---

59 Town Hall Square  
Falmouth, Massachusetts 02540  
(508) 495-7344

### **BOARD OF TRUSTEES' FUNDING ALLOCATION GUIDELINES**

Falmouth Affordable Housing Fund (FAHF) monies are available on a limited basis for projects that support the Trustees' Funding Priorities. The FAHF will review the status of applications pending and applications projected to be filed. They will adjust awards based on the amount of applications and a determination of the current housing needs of Falmouth and the current cost of construction at the time application is filed since costs of construction ebb and flow. The Trustees may allocate up to \$150,000 per unit inclusive of site acquisition costs with the specific amount to be determined based upon the review of community benefit and the particular aspects of each project taking into account criteria including, but not limited to:

- Level of affordability and percentage of deed restricted units that will be created.
- Extent to which the development meets the Trustees Funding Priorities.
- Extent to which the project meets the priorities as set in the most current Housing Production Plan.
- Strength of the overall concept.
- Reasonableness of operating costs for a project of its size.
- Availability of additional subsidy funds to leverage FAHF investment.
- Results of the Project Funding Evaluation Form.
- Project's readiness to proceed.
- Developer is in good standing.

**4) REDLINED VERSION - BOARD OF TRUSTEES' FUNDING ALLOCATION GUIDELINES**



## Falmouth Affordable Housing Fund

Established by Ch. 29 of the Acts of 2011  
Select Board, Trustees

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59 Town Hall Square  
Falmouth, Massachusetts 02540  
(508) 495-7344

### BOARD OF TRUSTEES' FUNDING ALLOCATION GUIDELINES

Falmouth Affordable Housing Fund (FAHF) monies are available on a limited basis for projects that support the Trustees' Funding Priorities. The FAHF will review the status of applications pending and applications projected to be filed. They will adjust awards based on the amount of applications and a determination of the current housing needs of Falmouth and the current cost of construction at the time application is filed since costs of construction ebb and flow. The Trustees may allocate up to \$15025,000 per unit **inclusive of site acquisition costs** with the specific amount to be determined based upon the review of community benefit and the particular aspects of each project taking into account criteria including, but not limited to:

- Level of affordability and percentage of deed restricted units that will be created.
- Extent to which the development meets the Trustees Funding Priorities.
- Extent to which the project meets the priorities as set in the most current Housing Production Plan.
- Strength of the overall concept.
- Reasonableness of operating costs for a project of its size.
- Availability of additional subsidy funds to leverage FAHF investment.
- ~~Project is consistent with Stretch Code sustainable development principles:~~
- Results of the Project Funding Evaluation Form.
- Project's readiness to proceed.
- Developer is in good standing.

- Maximizing local preference in the lottery (resides in town, works in town, or child goes to school in town):

## 5) BOARD OF TRUSTEES' FUNDING EVALUATION FORM



## Falmouth Affordable Housing Fund

Established by Ch. 29 of the Acts of 2011  
Select Board, Trustees

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59 Town Hall Square  
Falmouth, Massachusetts 02540  
(508) 495-7344

### BOARD OF TRUSTEES' PROJECT FUNDING EVALUATION FORM

Applicant: \_\_\_\_\_ Address: \_\_\_\_\_

Falmouth Affordable Housing Working Group Meeting Date: \_\_\_\_\_

- Rental units with one to two bedrooms
- Homeownership with two bedrooms
- Mixed income developments
- Multi-family housing
- ADA accessible
- Project compatible with surrounding homes and neighborhoods
- Project is consistent with the Commonwealth's Sustainable Development Principles
- Project protects natural resources
- Project creates attainable housing (80% - 140%)
- Operating costs for project of its size is reasonable
- Project is prepared to proceed with permitting process
- Applicant and development team has experience with projects of similar type

- Applicant and development team is in good standing with respect to prior FAHF funding awards, including but not limited to having no unresolved findings or corrective actions from annual project monitory reviews
- Prior projects are up to date with their monitory agent's annual submissions
- There are other subsidy funds available
- Project is located close to employment opportunities, health care, public transportation, schools, recreational areas, public and other services
- No environmental impacts or none that can't be mitigated.
- Will be doing a Local Preference for lottery (70% highest by law)
- Will be creating more than the required 25% required by the permitting decision
- 
-

## Fee Waiver Policy

May 6, 2024

**Select Board  
Fee Waiver Policy  
Adopted February 11, 2016**

I. General Fee Waiver Policy (excluding Special Events Fees)

It is the policy of the Town of Falmouth to consistently and equitably implement the annual schedule of fees; however, there may arise from time-to-time unique circumstances in which fees may be waived.

Fee Waivers shall be granted by the Town Manager only as follows:

- **Municipal and School Projects:** Town Projects in which the procurement and solicitation documents clearly indicate in the bidding process prior to the opening of the price proposals that fees shall be waived.

Private non-profit agencies presenting a case for a unique public benefit may seek a waiver of fees subject to staff review and approval by the Select Board. These agencies should contemplate up to a two-month review and approval period. To be eligible for a waiver of fees, the private non-profit shall exhibit that it offers a unique public benefit at no charge to the public or provides a service to the Town Residents, particularly the neediest of our residents. Affordable Housing projects that are required to prepare a development pro forma to receive permits or grants will not be considered unless they provide 100% affordable housing and the development fees and profit are limited to below 20% of the project cost.

Inspection fees and fees associated with direct service or material costs will not be waived.

II. Special Events Fees and Use Charges Policy

Public amenities in the Town of Falmouth such as parks, facilities, special open spaces and public ways have been developed for the use and enjoyment of the public. Special events fees and use charges have been established with an understanding that these fees and charges relate to the cost of supporting the facility for such events. Special events may limit access to the public, may only be available to the public willing to pay a fee for the use and enjoyment of the facility/event, and for some events the general public may be prohibited from accessing the facility during the approved Special event.

## Select Board Fee Waiver Policy (continued)

### Daily Fees:

The daily fee established shall be charged for each day the Special event has been granted use and enjoyment of the facility. Set up and break down days will be charged the daily fee.

### Recurring Events:

Recurring one-day events (more often than four times a year) will be charged the full fee for at least the first and the last day of the scheduled event. Any consideration for a waiver is as described below.

### Fee Waivers:

The Town will waive daily fees for special events sponsored by established Village associations, the Falmouth Fireworks Committee, the Falmouth Chamber of Commerce, Falmouth VIPS, Falmouth Public Schools, Falmouth Academy, or the Town of Falmouth. With the exception of School or Town events, fees will not be waived for any events that have limited public access or charge an admission fee.

Fee waivers can also be granted, upon request, by the Town Manger under the following conditions:

- An event providing broad community benefit and sponsored for charitable purposes may request a fee waiver. The Sponsor must present a letter of request including financial documentation verifying that all net event fees collected will be directed to a specific charitable purpose.

Any recurring events may be granted a discount up to 75% of the daily charge (excluding the required first and last days) upon application to the Select Board. The Board will consider the cost of maintenance of the facility, the public benefit of the event, and the public disruption caused by the event.

All events will carry any necessary insurance and supply bonds as required for the event.

## Fee Schedule

May 6, 2024

Retesting of Gas Pumps	\$40.00
<u>Other:</u>	
Taxi meters	\$40.00
Odometer, Hub odometer	\$10.00
Leather Meas. (semi-annual)	\$10.00
Fabric Measuring	\$15.00
Wire-Rope Cordage	\$15.00
Can-Bottle redeemer	\$15.00
Net weight inspection	\$5.00 / unit
<u>Price Verification for Scanners:</u>	
<4 Scanners	\$75.00
4 – 11 Scanners	\$150.00
>11 Scanners	\$250.00
<u>Adjustment Fee</u>	
Per Device	\$35.00

## **SELECT BOARD**

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### ALCOHOL LICENSES

#### Year Round All Alcohol

Common Victualler, Inn Holder	\$1,750.00
Club	\$1,350.00
Veterans Clubs	\$675.00
Retail Package Goods Store	\$1,850.00
Druggist	\$525.00
Filing Fee	\$50.00

#### Year Round Wine and Malt

Common Victualler, Inn Holder	\$1,200.00
Retail Package Goods Store	\$1,150.00
Club	\$425.00
On-Premise Farmer-Brewery (49 seats or fewer)	\$400.00
(50 seats or more)	\$800.00
On-Premise Farmer-Winery (49 seats or fewer)	\$400.00
(50 seats or more)	\$800.00
Filing Fee	\$50.00

#### Seasonal All Alcohol

##### Common Victualler, Inn Holder:

Until November 30 <sup>th</sup>	\$1,650.00
Until January 15 <sup>th</sup>	\$1,700.00
Club	\$1,275.00
Seasonal Wine Only	\$825.00
Filing Fee	\$50.00

#### One-Day Liquor License

\$25.00/Day

#### Agricultural Event Liquor License for Farmer/Winery

\$50.00

ENTERTAINMENT LICENSES

Non-Motorized Conveyance	\$25.00
Fortune Tellers	\$50.00
Juke Box	\$75.00
One Entertainer	\$75.00
Dancing, Band, Floor Shows, Theater, Movies	\$100.00
Movie Theater License	\$500.00
Amusement Devices (Video Games) PER MACHINE	\$100.00
Amusement Devices Seasonal (Video Games) PER MACHINE	\$75.00
Bowling Alleys 1 <sup>st</sup> Alley	\$30.00
Per Additional Alley	\$15.00
Pool Table	\$100.00
One-Day Entertainment License (Monday – Saturday)	\$25.00/day

SUNDAY ENTERTAINMENT

By Week	
Straight Sundays	\$5.00
Saturday Night – 1:00 a.m. – Plus Sunday	\$10.00
By Year	
Straight Sundays	\$75.00
Saturday Night – 1:00 a.m. – Plus Sunday	\$150.00

AUTO DEALERSHIP LICENSES

Class I	\$100.00
Class II	\$75.00
Class III	\$50.00
Junk Yard	\$25.00

VEHICLE FOR HIRE LICENSES

Taxi, Livery, Limousine	\$50.00
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OTHER LICENSES

Common Victualler	\$60.00
Lodging House License	\$35.00
Inn Holder	\$60.00
Second-Hand Dealer	\$25.00
Collection Container Permit	\$75.00
Vending Machine (Printed Matter, Per Machine)	\$25.00
Yard Sale Permit	\$10.00

FILING FEES

Wetlands, Aquaculture, Fuel Storage	\$25.00
All other licenses and permits (except as noted above)	\$10.00

ADVERTISING FEES

Wetlands, Liquor Licenses	\$50.00
Aquaculture, Fuel Storage, Shade Tree, Building Code Board of Appeals	\$35.00

FINGERPRINT PROCESSING FEE (Town):

Manager of Alcoholic Beverage License	\$30.00
Owner or Operator of Public Conveyance	\$30.00

Dealer of Second-Hand Articles \$30.00

**SPECIAL EVENTS PERMIT FEES**

Events of up to 49 people \$25.00/day, including set-up days  
Events of 50 or more people \$200.00/day, including set-up days

**Road Races (by distance):**

Less than 5K: Up to 49 people \$50/day  
50 – 300 people \$150/day  
300+ people \$250/day

5K up to 10K: Up to 49 people \$150/day  
50 – 300 people \$200/day  
300+ people \$350/day

10K – Marathon Up to 49 people \$200/day  
50 – 300 people \$250/day  
300+ people \$450/day

Use of Town Beach and/or Parking Lot for Wedding/Ceremony, Resident \$75.00  
Use of Town Beach and/or Parking Lot for Wedding/Ceremony, Non-Resident \$150.00

**UTILITIES LICENSE AGREEMENTS**

\$200.00 plus the cost of recording at the Barnstable Registry of Deeds (BCRD)

**TAX COLLECTOR**

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Municipal Lien Certificates \$75.00  
Demand Fee \$10.00

**TREASURER**

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Checks returned for Insufficient Funds \$25.00  
Tax Title

Properties in Foreclosure: Legal Fees: All costs incurred by the Town will be paid by the property owner prior to a Certificate of Redemption being issued by the Town Treasurer.

**ZONING BOARD OF APPEALS**

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All Residential Special Permits/Variances/Appeals \$200.00  
Commercial Properties \$500.00  
Comprehensive Permit Application Fees:  
Non-Profit Filing Fee \$1,000.00 + \$25.00 per unit  
For Profit Filing Fee \$2,000.00 + \$125.00 per unit  
Administrative Approval \$100.00  
Amendment Fee \$100.00

*Note: Double filing fee charged for work done prior to a permit.*

## **OPEN SESSION**

### **BUSINESS**

2. 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 April – December 2024 **(5 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 2.

**ITEM TITLE:** 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 April-December 2024

**MEETING DATE:** 5/6/2024

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

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** Previous Year's Notes; Request Letter from Applicant; Town Special Event Permit Application dated February 5, 2024; Special Events Use Policy

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### PURPOSE:

The Select Board will consider the approval of a request 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 April-December 2024.

### BACKGROUND/SUMMARY:

- The applicant is requesting a full waiver of the permit fee.
- In accordance with the approved Fee Schedule, the permit fee for this event is calculated based upon the following formula: \$25.00/day permit fee X 30= \$750.

- Over the course of the previous three years, the Select Board took the following action on the request from the applicant to waive the special event permit fee:
  - In 2023 the Board voted to waive the permit fee.
  - In 2022 the Board voted to waive the permit fee.
  - In 2021 the Board voted to reduce the permit fee to \$287.50.

**DEPARTMENT RECOMMENDATION:**

Based upon the Select Board’s previous decisions to waive the special event permit fees in 2022 and 2023, the Town Manager is recommending that the Select Board approve the 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 April-December 2024.

**OPTIONS:**

- Motion to approve the 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 April-December 2024.
- Motion to deny approval of the 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 April-December 2024.
- Motion to reduce the special event permit fee to a certain Board specified amount.

**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:**

Based upon the Select Board's previous decisions to waive the special event permit fees in 2022 and 2023, the Town Manager is recommending that the Select Board approve the 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 April-December 2024.

*Michael Renshaw*

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**Town Manager**

4/29/2024

**Date**

## Request for Fee Waiver:

### Practice and Teach Tai Ji

#### Notes:

The applicant is requesting a waiver of the permit fee.

The Select Board has voted in recent past years to waive or reduce the fee as follows:

In 2023: The Board voted to waive the permit fee.

In 2022: The Board voted to waive the permit fee.

In 2021: The Board voted to reduce the permit fee to \$287.50.

The calculation of the standard reduction in permit fee is as follows:

\$25.00 per day permit fee x 30 days = \$750

First and last day = \$50

Remaining days (28) x \$25 = \$700 - \$525 (75% reduction) = \$175

\$175 + 50 = \$225 permit fee



**PAID**  
\$ 10.00 CK 0927



**Cape Cod Guang Ping Tai Ji Quan Club**

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February 5, 2024

Town of Falmouth Selectboard  
59 Town Hall Square  
Falmouth MA 02540

Dear Selectboard,

I am writing on behalf of the Cape Cod Guang Ping Tai Ji Quan Club, a non-profit organization dedicated to promoting the practice of Tai Ji Quan in our community. Each year, we move practice outside once the weather gets nice. The Bigelow Marine Park is one location we have used on Saturday mornings consistently for many years. We request a waiver of the special event permit fee to practice there for 1.5 hours each week, weather permitting.

As a non-profit organization, the permit fee for this weekly request is a significant expense for us and would impact our members with increased dues.

Our weekly practice not only benefits our organization but also the community at large. It will allow individuals to learn more about the benefits of Tai Ji and consider adding this internal martial art as a daily physical activity. We believe this public location aligns with the Town of Falmouth's mission to promote health and wellness in the community and our mission to share our skills with anyone wanting to try tai ji.

We understand that the Town has limited resources, and we greatly appreciate any consideration for our request. We carry liability insurance and have supplied the Town with a copy of this certificate.

Thank you for your time and consideration. We look forward to hearing back from you soon.

Sincerely,

Dianne Marshall  
President

Cape Cod Guang Ping Tai Ji Quan Club  
www.capecodtaiji.org



# Town of Falmouth

Office of the Town Manager & Select Board  
59 Town Hall Square · Falmouth, MA 02540  
Telephone (508) 495-7320 · Email [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)

## Application for Special Events

### CONTACT INFORMATION

Applicant's Name: Cape Cod Guang Ping Taiji QUAN Club  
Mailing Address: 467 Teaticket Hwy Teaticket MA 02536  
Phone: \_\_\_\_\_ Cell Phone: 508 274 5043  
E-Mail: cape cod taiji@gmail.com

### EVENT DETAILS

Name of Event: Taiji Practice  
Type of Event: Practice + teaching taiji  
Description of Event: Club members practicing taiji as a group  
(Attach a narrative describing the event on a separate sheet if more space is needed.)  
Event Day & Date: Saturdays, April - December  
Rain Date: Moves to Gus Canty Recreation Center  
Event Hours: From: 9:30 AM To: 12:00 PM  
Setup Date: \_\_\_\_\_ Time: \_\_\_\_\_ Breakdown Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location Requested:  
1<sup>st</sup> Choice: Bigelow Marine Park, Scranton Ave  
2<sup>nd</sup> Choice: Ellis Lewis Park, behind Town Hall

Number of Attendees: 8-20 Number of Vehicles: 6-16

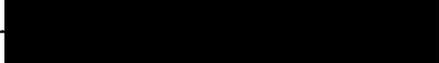
Parking Plan: At the park -

Solid Waste & Recycling Plan: use trash cans on premises  
(Please see Solid Waste & Recycling Information, attached.)

- Check all that apply and provide a description of each in the space provided:
- Chairs \_\_\_\_\_
  - Tents \_\_\_\_\_ (apply for tent permit at Building Department)
  - Barriers \_\_\_\_\_
  - Signs \_\_\_\_\_ (apply for sign permit at Building Department)
  - Road race \_\_\_\_\_ (include route map, see attached road race rules and sign)
  - Walk/bike \_\_\_\_\_ (include route map)
  - Use of Shining Sea Bike Path \_\_\_\_\_ (see attached bike path rules and sign)
  - Food or beverages \_\_\_\_\_ (apply for temporary food permit at Health Department)
  - Alcoholic beverages \_\_\_\_\_ (apply for one-day liquor license)
  - Entertainment \_\_\_\_\_ (apply for Sunday entertainment license)

### ADDITIONAL REQUESTS: (Use of restroom facilities, electricity, etc.)

Applicant's Signature: Dianne Marshall Date: 2-5-24

References: 1. Clif Genge Phone:   
2. Geoff Way Phone:   
3. \_\_\_\_\_ Phone: \_\_\_\_\_



**FALMOUTH SELECT BOARD**  
**SPECIAL EVENTS USE POLICY**  
**February 28, 2022**

**1. Purpose**

The purpose of this policy is to regulate events that take place on Town property in a manner that balances public enjoyment of Town property and support for local businesses while protecting public health and safety, managing negative impacts to surrounding neighborhoods such as noise and traffic, and preventing an undue burden on Town departments.

**2. Special Events Policy**

The Town of Falmouth hereby establishes the following policy to govern Special Events. This policy shall apply to applications for use of public roads, municipal parks, grounds and beaches.

Additional policies and procedures may apply depending on the scope of the Special Event Proposed. The Recreation Department (Gus Canty Recreational Building, Grounds and Facilities and Fields), Library Trustees (all public libraries and library grounds), Parks Department (Goodwill Park), Beach Department and School Department, have standing policies and fees related to use of related facilities. Any board, committee or commission so enabled to approve events will issue permission in conformance with the minimum conditions of this policy.

**SPECIAL CONSIDERATION:**

- a. During the Months of July, August and September, approval of Special Events will be made only after careful consideration of the effect that the event will have on parking and traffic congestion in the proposed area. For example, special events on the main streets of the villages of Falmouth will be given careful consideration and will be avoided if at all possible during July and August.*

An individual or group seeking to sponsor an event must submit a 'Special Event Application' form to the Town Manager's Office **at least 60 days in advance of the event date**. Exceptions may be made for small events at the discretion of the Town Manager (e.g. a small wedding, etc.). All applications will be reviewed by the 'Special Events Internal Staff Working Group' appointed by the Town Manager. The Internal Staff Working Group review will include at a minimum a posted public meeting at which the public is invited to comment on the application. The Internal Staff Working Group shall provide its recommendation to the Town Manager who may deny or approve the application with any conditions deemed necessary to meet the purposes of the Policy. See 'Internal Staff Working Group Charge' for further details regarding the composition and review procedure. No Special Event shall be held without the approval of the Town Manager and any other Town department that has jurisdiction over the facility at which the event takes place. An applicant may appeal the Town Manager's decision to the Select Board.

For Special Events on Town beaches, please also see the Beach Use Policy.

The Town Manager's Office will maintain a calendar of Special Events on the Special Events page of the Town website and submit a list of events approved and denied to the Select Board for informational purposes.

All applicants agree to restore the site to its original condition, removing all trash, handling recyclables according to town recycling policy, removing equipment, etc., immediately following the event, regardless of the source. The permitted group will compensate the Town for any clean-up or repairs required as a result of the approved activity.

The Event Sponsor / Applicant shall acknowledge this policy by returning a signed copy with the Special Event Request Form.

### **3. Minimum Conditions**

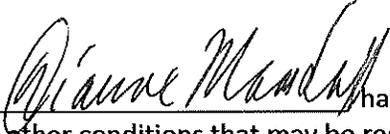
The following are minimum conditions:

- a. Special Events Fees (see attached Fee Schedule) shall be submitted upon approval of the event.
- b. In addition to the Special Events Fee, a \$300 minimum deposit check, made payable to the Town of Falmouth, is required of all special events. The deposit check shall be submitted upon approval of the event and will be held in the Select Board's office and returned to the organizer(s) at the conclusion of the special event, provided no damage or litter has occurred.
- c. Payment of a \$10.00 filing fee shall be submitted with an application.
- d. Signs: Approval for one (1) on-premise special event/promotional sign may be approved by the Building Commissioner. Off-premise signs that are within the Town's Sign Code requirements must be approved by the Select Board. Off-premise signs that are not in compliance with the Town's Sign Code requirements must be submitted to the Building Department in writing with a design or photograph of the proposed sign(s). Off-premise signs requested on private property must receive approval from the property owner in advance of approval by the Select Board. Requests for off-premises signage must be received by the Select Board at least one month in advance of the special event.
- e. Raffles must be performed by licensed non-profit organizations only.
- f. Parking is available in designated public parking lots and as allowed on the street. There are no special exceptions to posted parking regulations or fees.
- g. Portable toilets are allowed upon request.
- h. The Police Department will recommend the number, location, and duration of police details required.
- i. The Fire Department and Marine and Environmental Services Department may recommend details as may be required to ensure the safety of an event.
- j. Events proposing the sale of liquor must apply separately for a one-day liquor license. The one-day liquor license is issued by the Select Board
- k. Events will be permitted on a first-come, first-serve basis. Recurring events such as road races, village association events, festivals, etc., will notify the Town as soon as annual dates are set to reserve the time needed.
- l. The Applicant agrees to Hold Harmless the Town of Falmouth and will sign and return the Hold Harmless agreement provided in the Application Packet.

- m. The Applicant will obtain all necessary permits for the event proposed, including, but not limited to:
  - Building Permits for tents and structures;
  - Health Inspections for food service;
  - Select Board for off-premises sign approval.
- n. Special Event coverage—a certificate of Insurance in the amount of \$1,000,000 is required.
- o. Additional Insurances, including Auto Liability in the amount of \$1,000,000 and Workers Compensation insurance will be required for events with auto and employee liability exposure.
  - Events proposing the consumption or sale of alcohol shall provide Liquor Liability Insurance in the amount of \$2,000,000 in the aggregate and \$1,000,000 per occurrence.

A copy of all approved requests with special conditions shall be filed with the referring departments.

Per Order of the Select Board  
February 28, 2022

I,  have read and agree to all of the conditions of this policy and to any other conditions that may be required by the permitting authority.



## TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

### INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

FOR GOOD AND VALUABLE CONSIDERATION and the permitted right to use facilities of the Town of Falmouth as set forth herein, the undersigned Applicant does hereby agree to INDEMNIFY AND HOLD HARMLESS the Town of Falmouth from any loss, damage or expense arising out of the claim or demand of any person on account of or directly or indirectly as a result of the undersigned Applicant's use of the facility of the Town of Falmouth identified below authorized by the Special Events Policy. This INDEMNIFICATION AND HOLD HARMLESS Agreement shall be for the benefit of the Town of Falmouth and its elected and appointed officials, officers, employees, volunteers and other persons acting on authority of and on behalf of the Town of Falmouth. This INDEMNIFICATION AND HOLD HARMLESS Agreement includes defense costs, expenses, attorneys' fees, judgments and other damage awards.

Name of Facility: Bigelow Marine Park

Date(s) of Use: April - December 2024

Applicant Name: Cape Cod Guang Ping Tai Ji Qwan Club  
Dianne Marshall, President

Signature: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_

## **OPEN SESSION**

### **BUSINESS**

3. Request from Falmouth Art Market and Falmouth Cultural Council for a waiver/reduction of the special event permit fee for the Art Market at Marina Park on Tuesdays from 6/25/24 – 8/27/24 **(5 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 3.

**ITEM TITLE:** Request from Falmouth Art Market and Falmouth Cultural Council for a waiver of the special event permit fee for the Art Market at Marina Park on Tuesdays from June 25, 2024 through August 27, 2024

**MEETING DATE:** 5/6/2024

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

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** Previous Year's Notes and Fee Calculation; Request Letter from Applicants dated February 6, 2024; Town Special Event Permit Application dated February 6, 2024; Special Events Use Policy; Fire Rescue Public Event Packet

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### PURPOSE:

The Select Board will consider the approval of a request 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 April-December 2024.

### BACKGROUND/SUMMARY:

- The applicant is requesting a full waiver of the permit fees associated with his event.
- In accordance with the approved Fee Schedule, the permit fee for this event is calculated based upon the following formula: \$200.00/day permit fee X 10= \$2,000.

- Over the course of the previous seven (7) years, the Select Board has taken the following action on the request from the applicant to waive the special event permit fee:
  - In 2023 the Board voted to waive the permit fee.
  - In 2022 the Board voted to waive the permit fee.
  - In 2021 the Board voted to reduce the permit fee to \$300.
  - In 2020 the Board voted to reduce the permit fee to \$300 (event cancelled).
  - In 2019 the Board voted to reduce the permit fee to \$300.
  - In 2018 the Board voted to reduce the permit fee to \$300.
  - In 2017 the Board voted to reduce the permit fee to \$300.

**DEPARTMENT RECOMMENDATION:**

Based upon the Select Board’s previous decisions to waive the special event permit fees in 2022 and 2023, the Town Manager is recommending that the Select Board approve the request from the Falmouth Art Market and Falmouth Cultural Council for a waiver of the special event permit fee for the Art Market at Marina Park on Tuesdays from June 25, 2024 through August 27, 2024.

**OPTIONS:**

- Motion to approve the request from the Falmouth Art Market and Falmouth Cultural Council for a full waiver of the special event permit fee for the Art Market at Marina Park on Tuesdays from June 25, 2024 through August 27, 2024.
- Motion to deny approval of the request from the Falmouth Art Market and Falmouth Cultural Council for a waiver of the special event permit fee for the Art Market at Marina Park on Tuesdays from June 25, 2024 through August 27, 2024.
- Motion to reduce the special event permit fee to a certain Board specified amount.

**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:**

Based upon the Select Board's previous decisions to waive the special event permit fees in 2022 and 2023, the Town Manager is recommending that the Select Board approve the request from the Falmouth Art Market and Falmouth Cultural Council for a waiver of the special event permit fee for the Art Market at Marina Park on Tuesdays from June 25, 2024 through August 27, 2024.

*Michael Renshaw*

---

4/29/2024

Town Manager

Date

## Request for Fee Waiver:

### Falmouth Art Market

#### Notes:

The applicant is requesting a waiver of the special event permit fee.

The Select Board has voted in recent past years to waive or reduce the fee as follows:

2023	Waived
2022	Waived
2021	Reduced to \$300
2020	Reduced to \$300 (but event was cancelled)
2019	Reduced to \$300
2018	Reduced to \$300
2017	Reduced to \$300

The calculation of the standard reduction in permit fee is as follows;

\$200 per day permit fee x 10 days = \$2,000  
First and last day = \$400  
8 days x \$200 = \$1,600 - \$1,200 (75% reduction) = \$400  
\$400 + 400  
= \$800 permit fee

February 6, 2024

Town of Falmouth  
Office of the Town Manager & Select Board  
59 Town Hall Square  
Falmouth, MA 02540

Dear Diane Davidson, Office Manager, & Select Board Members,

The Falmouth Art Market is a local fundraising partner of the Falmouth Cultural Council. This year, the Art Market will take place on every Tuesday starting on June 25 - August 27, 2024 at Marine Park. We would like to apply for a full waiver for this summer season as we have received in the past.

All vendor fees are donated to the Cultural Council and this revenue helps provide grants to local artists and supports cultural events in the community.

We hope you will consider our request.

Thank you,

Jane Parhiala  
Coordinator, Falmouth Art Market

Alice Kociemba,  
Chair, Falmouth Cultural Council



# Town of Falmouth

Office of the Town Manager & Select Board  
59 Town Hall Square · Falmouth, MA 02540  
Telephone (508) 495-7320 · Email [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)

**PAID**  
\$10.00 CK# 1403



## Application for Special Events

### CONTACT INFORMATION

Applicant's Name: Jane Parhiala  
Mailing Address: 47 Sippewissett Rd., Falmouth, MA 02540  
Phone: \_\_\_\_\_ Cell Phone: [REDACTED]  
E-Mail: [REDACTED]

### EVENT DETAILS

Name of Event: Falmouth Art Market  
Type of Event: Arts and Craft market  
Description of Event: vendors selling their art work, musicians and food trucks  
*(Attach a narrative describing the event on a separate sheet if more space is needed.)*  
Event Day & Date: Every Tuesday starting June 25 through August 27  
Rain Date: No rain dates

Event Hours: From: 11:00am To: 5:00pm  
Setup Date: Tuesdays June 25 / Time: 9:00am Breakdown Date: same Time: 6:00pm

Location Requested:  
1<sup>st</sup> Choice: Marine Park, Scranton Ave next to the Flying Bridge Restaurant  
2<sup>nd</sup> Choice: \_\_\_\_\_

Number of Attendees: 25 - 30 Number of Vehicles: 25-30

Parking Plan: cars will be parked in back of tents on the property

Solid Waste & Recycling Plan: bins will be available  
*(Please see Solid Waste & Recycling Information, attached.)*

Check all that apply and provide a description of each in the space provided:

- Chairs \_\_\_\_\_
- Tents 10'x10' *(apply for tent permit at Building Department)*
- Barriers \_\_\_\_\_
- Signs on site 27"x37" sandwich board, small 15'x19" and 20'x30" *(apply for sign permit at Building Department)*
- Road race \_\_\_\_\_ *(include route map, see attached road race rules and sign)*
- Walk/bike \_\_\_\_\_ *(include route map)*
- Use of Shining Sea Bike Path \_\_\_\_\_ *(see attached bike path rules and sign)*
- Food or beverages 3 food trucks *(apply for temporary food permit at Health Department)*
- Alcoholic beverages \_\_\_\_\_ *(apply for one-day liquor license)*
- Entertainment local musicians, folk, Celtic etc. *(apply for Sunday entertainment license)*

### ADDITIONAL REQUESTS: *(Use of restroom facilities, electricity, etc.)*

restroom access and use of electricity

Applicant's Signature: \_\_\_\_\_ Date: Feb. 6, 2024

References: 1. Helen Koehler Phone [REDACTED]  
2. Lisa Esperson Phone [REDACTED]  
3. Chris Lynch Phone [REDACTED]



# Town of Falmouth

Office of the Town Manager & Select Board  
59 Town Hall Square, Falmouth, Massachusetts 02540  
Telephone (508) 495-7320  
Fax (508) 457-2573  
[www.falmouthma.gov](http://www.falmouthma.gov) · [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)

## Instructions for applying for a special event in the Town of Falmouth:

1. Complete the application and attach the following (at least 60 days in advance of event):
  - a. Narrative describing the event
  - b. Route map, or sketch of event location
  - c. Solid waste and recycling plan
  - d. Sign application, photo/sketch of sign(s) including dimensions, and location(s) (if applicable)
  - e. One-day liquor license application (if applicable)
  - f. Entertainment and/or Sunday Entertainment license (if applicable)
2. For use of Marina Park, Bandshell, Falmouth Heights Ball Field or other ball fields, contact the Recreation Department first at (508) 457-2567 for availability and to reserve the space.
3. Forward the complete application to the Office of the Town Manager/Select Board. Include a \$10.00 filing fee (please make check payable to the Town of Falmouth).
4. The application is reviewed by the Town Manager's Internal Working Group for Special Events (which is made up of representatives of town departments and public safety). You will be invited to attend the working group meeting, and/or members of the working group will review the application and contact you with any questions.
5. The internal staff working group shall provide its recommendation to the Town Manager who may deny or approve the application with any conditions deemed necessary.
6. After approval by the Town Manager, you will receive an email notification along with a list of any outstanding fees and/or required documents. The permit will be issued to you only after receipt of all fees and required documents.

**FILING FEE:** \$10.00

### SPECIAL EVENTS PERMIT FEES:

Events of up to 49 people	\$25.00/day, including set-up days
Events of 50 or more people	\$200.00/day, including set-up days

### Road Races (by distance):

Less than 5K:	Up to 49 people	\$50/day
	50 – 300 people	\$150/day
	300+ people	\$250/day
5K up to 10K:	Up to 49 people	\$150/day
	50 – 300 people	\$200/day
	300+ people	\$350/day
10K – Marathon:	Up to 49 people	\$200/day
	50 – 300 people	\$250/day
	300+ people	\$450/day

Use of: Town Beaches for Weddings/Ceremonies and/or Beach Parking Lot, Resident	\$75.00
Use of: Town Beaches for Weddings/Ceremonies and/or Beach Parking Lot, Non-Resident	\$150.00

**DEPOSIT:** \$300.00 minimum

## Requirements for Prospective Users of the Shining Sea Bikeway

Organizations or individuals seeking to use the Shining Sea Bikeway for Special Events are required to affirm that they will abide by the rules for users of the Bikeway.

The Shining Sea Bikeway is a shared use path that serves transportation and recreational needs on a continuing basis and must not be impeded or blocked.

### PROSPECTIVE USERS MUST AGREE TO

1. Stay to the right and pass on the left, giving an audible signal when passing
2. Allow breaks for passing traffic to merge into the event traffic: do not bunch up
3. Within 12 hours of the event, clear the path of any debris and directional markers
4. Confirm that helmets are in use, as required by law, for all bicyclists under 17 years of age
5. Provide marshals to direct participant traffic at road crossings so that traffic on the road and on the bikeway is not endangered or inconvenienced by the event
6. Obtain clearance from the Falmouth Police; if indicated, to hold the event
7. Notify all participants of their obligations under the above rules

### ADDITIONAL REGULATIONS: TOWN OF FALMOUTH

- Dogs must be leashed and controlled at all times
- Pet waste must be cleaned AND removed from the path
- Groups must not span more than half (one 5-foot lane) of the path
- Move right when signaled to allow others to pass within the lane
- When stopping, move off the path surface
- No permanent paint marking on bikeway.
- Only chalk or washable paint can be used on roadways/bikeway.

### SAFETY AND CONSIDERATION

- The Shining Sea Bikeway is a Shared Use Path and all have equal rights to use it. Respect the rights of others.

Please sign and date to indicate acceptance of these requirements.

By \_\_\_\_\_

Date \_\_\_\_\_

Organization \_\_\_\_\_

## Requirements for Special Events within Town Streets

1. Obtain clearance from Falmouth Police and Fire Departments to hold event.
2. Include course map with application.
3. Remove all trash from the race course immediately following the event.
4. Parking plan for event must be submitted with application.
5. All temporary race signage must be removed within 12 hours of event.
6. If tents are used, any tent over 400 sq. ft. requires a permit from the Building Department.
7. If beach access is requested, seek approval from Beach Department.
8. No permanent paint marking on town streets or bikeway for events or road race course (except Falmouth Road Race and Cape Cod Marathon).
9. Only chalk or washable paint can be used on roadways for events or race markers.
10. If food is served after the event, proper approval from the Board of Health is required.
11. A minimum of \$300.00 deposit required upon approval.

Please sign and date to indicate acceptance of these requirements.

By \_\_\_\_\_

Date \_\_\_\_\_

Organization \_\_\_\_\_



**FALMOUTH SELECT BOARD  
SPECIAL EVENTS USE POLICY  
February 28, 2022**

**1. Purpose**

The purpose of this policy is to regulate events that take place on Town property in a manner that balances public enjoyment of Town property and support for local businesses while protecting public health and safety, managing negative impacts to surrounding neighborhoods such as noise and traffic, and preventing an undue burden on Town departments.

**2. Special Events Policy**

The Town of Falmouth hereby establishes the following policy to govern Special Events. This policy shall apply to applications for use of public roads, municipal parks, grounds and beaches.

Additional policies and procedures may apply depending on the scope of the Special Event Proposed. The Recreation Department (Gus Canty Recreational Building, Grounds and Facilities and Fields), Library Trustees (all public libraries and library grounds), Parks Department (Goodwill Park), Beach Department and School Department, have standing policies and fees related to use of related facilities. Any board, committee or commission so enabled to approve events will issue permission in conformance with the minimum conditions of this policy.

**SPECIAL CONSIDERATION:**

- a. During the Months of July, August and September, approval of Special Events will be made only after careful consideration of the effect that the event will have on parking and traffic congestion in the proposed area. For example, special events on the main streets of the villages of Falmouth will be given careful consideration and will be avoided if at all possible during July and August.*

An individual or group seeking to sponsor an event must submit a 'Special Event Application' form to the Town Manager's Office **at least 60 days in advance of the event date**. Exceptions may be made for small events at the discretion of the Town Manager (e.g. a small wedding, etc.). All applications will be reviewed by the 'Special Events Internal Staff Working Group' appointed by the Town Manager. The Internal Staff Working Group review will include at a minimum a posted public meeting at which the public is invited to comment on the application. The Internal Staff Working Group shall provide its recommendation to the Town Manager who may deny or approve the application with any conditions deemed necessary to meet the purposes of the Policy. See 'Internal Staff Working Group Charge' for further details regarding the composition and review procedure. No Special Event shall be held without the approval of the Town Manager and any other Town department that has jurisdiction over the facility at which the event takes place. An applicant may appeal the Town Manager's decision to the Select Board.

For Special Events on Town beaches, please also see the Beach Use Policy.

The Town Manager's Office will maintain a calendar of Special Events on the Special Events page of the Town website and submit a list of events approved and denied to the Select Board for informational purposes.

All applicants agree to restore the site to its original condition, removing all trash, handling recyclables according to town recycling policy, removing equipment, etc., immediately following the event, regardless of the source. The permitted group will compensate the Town for any clean-up or repairs required as a result of the approved activity.

The Event Sponsor / Applicant shall acknowledge this policy by returning a signed copy with the Special Event Request Form.

### **3. Minimum Conditions**

The following are minimum conditions:

- a. Special Events Fees (see attached Fee Schedule) shall be submitted upon approval of the event.
- b. In addition to the Special Events Fee, a \$300 minimum deposit check, made payable to the Town of Falmouth, is required of all special events. The deposit check shall be submitted upon approval of the event and will be held in the Select Board's office and returned to the organizer(s) at the conclusion of the special event, provided no damage or litter has occurred.
- c. Payment of a \$10,00 filing fee shall be submitted with an application.
- d. Signs: Approval for one (1) on-premise special event/promotional sign may be approved by the Building Commissioner. Off-premise signs that are within the Town's Sign Code requirements must be approved by the Select Board. Off-premise signs that are not in compliance with the Town's Sign Code requirements must be submitted to the Building Department in writing with a design or photograph of the proposed sign(s). Off-premise signs requested on private property must receive approval from the property owner in advance of approval by the Select Board. Requests for off-premises signage must be received by the Select Board at least one month in advance of the special event.
- e. Raffles must be performed by licensed non-profit organizations only.
- f. Parking is available in designated public parking lots and as allowed on the street. There are no special exceptions to posted parking regulations or fees.
- g. Portable toilets are allowed upon request.
- h. The Police Department will recommend the number, location, and duration of police details required.
- i. The Fire Department and Marine and Environmental Services Department may recommend details as may be required to ensure the safety of an event.
- j. Events proposing the sale of liquor must apply separately for a one-day liquor license. The one-day liquor license is issued by the Select Board
- k. Events will be permitted on a first-come, first-serve basis. Recurring events such as road races, village association events, festivals, etc., will notify the Town as soon as annual dates are set to reserve the time needed.
- l. The Applicant agrees to Hold Harmless the Town of Falmouth and will sign and return the Hold Harmless agreement provided in the Application Packet.

- m. The Applicant will obtain all necessary permits for the event proposed, including, but not limited to:
  - Building Permits for tents and structures;
  - Health Inspections for food service;
  - Select Board for off-premises sign approval.
- n. Special Event coverage—a certificate of Insurance in the amount of \$1,000,000 is required.
- o. Additional Insurances, including Auto Liability in the amount of \$1,000,000 and Workers Compensation insurance will be required for events with auto and employee liability exposure.
  - Events proposing the consumption or sale of alcohol shall provide Liquor Liability Insurance in the amount of \$2,000,000 in the aggregate and \$1,000,000 per occurrence.

A copy of all approved requests with special conditions shall be filed with the referring departments.

Per Order of the Select Board  
February 28, 2022



I, Jane Parhiala, have read and agree to all of the conditions of this policy and to any other conditions that may be required by the permitting authority.



## TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

### INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

FOR GOOD AND VALUABLE CONSIDERATION and the permitted right to use facilities of the Town of Falmouth as set forth herein, the undersigned Applicant does hereby agree to INDEMNIFY AND HOLD HARMLESS the Town of Falmouth from any loss, damage or expense arising out of the claim or demand of any person on account of or directly or indirectly as a result of the undersigned Applicant's use of the facility of the Town of Falmouth identified below authorized by the Special Events Policy. This INDEMNIFICATION AND HOLD HARMLESS Agreement shall be for the benefit of the Town of Falmouth and its elected and appointed officials, officers, employees, volunteers and other persons acting on authority of and on behalf of the Town of Falmouth. This INDEMNIFICATION AND HOLD HARMLESS Agreement includes defense costs, expenses, attorneys' fees, judgments and other damage awards.

Name of Facility: \_\_\_\_\_

Date(s) of Use: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Signature: \_\_\_\_\_

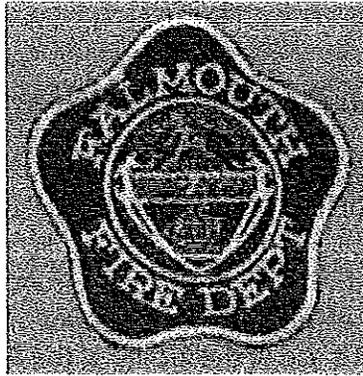
Witness: \_\_\_\_\_

Date: \_\_\_\_\_

# FALMOUTH FIRE RESCUE DEPARTMENT

## FIRE PREVENTION

### -PUBLIC EVENT STANDARDS-



This packet is provided for use during an approved Special Event in the Town of Falmouth with regards to regulatory items and inspectional services as outlined by the Falmouth Fire Rescue Department.

Print name of person or organization: Falmouth Art Market

Date of Event: June 25 - Aug 27 Every Tuesday

Signature of representative: Jane Parhala

(I acknowledge receipt of this packet and will adhere to any/all applicable requirements or conditions to be followed as outlined by the Fire Prevention Office of the FFRD)

Date received: \_\_\_\_\_



## **FALMOUTH FIRE RESCUE DEPARTMENT PUBLIC EVENT STANDARD**

### **SCOPE**

The following is the standard that sets the minimum requirements for fire & life safety and emergency planning, and shall be applied to all shows, trade or commercial, fairs, festivals, concerts, or otherwise, and shall apply whether or not the show is open to the public. It shall apply to indoor or outdoor events or a combination of both.

### **A. PLANS**

Accurate, to scale floor or site plans (TWO SETS) for the entire show shall be submitted to the Fire Rescue Department a minimum of thirty (30) days prior to the opening date of the show. Plans shall show size and location of booths, exits, and aisles. One approved plan will be returned.

### **B. ADVANCED APPROVAL**

The following activities must be approved in advance by the head of the Fire Rescue Department and a permit issued if required:

1. The display and operation of any heater, barbecue, heat producing device, lamp, lantern, etc.
2. The display or operation of any electrical, mechanical, or chemical device which may be deemed hazardous to life.
3. The use and/or storage of flammables, compressed gases, or dangerous chemicals.

4. The use of any LPG fired equipment or any open flame cooking equipment such as a charcoal grill may require a permit. If required, the permit shall reflect the specific location the cooking is to take place. The area must be kept clear of combustibles and a minimum of a 3-A, 40-B, C (10LB) fire extinguisher shall be at each location, under this section, that intends to cook. No cooking or heat producing equipment shall be allowed in tents that are not fire retardant or that are accessible by the public.
5. Any displayed, motorized vehicle shall have its battery disconnected and its fuel supply reduced to not more than 1/2 tank or 10 gal. whichever is less. All motor vehicle tanks shall have locking gas caps or have their caps taped shut to prevent "tampering". Garden tractors, chain saws, power plants, and other gasoline-powered equipment shall be safeguarded in a similar manner.
6. No parking of any vehicles inside a building will be allowed unless with prior approval. Cars and trucks shall be removed immediately after unloading.

#### **C. EXITS AND FIRE LANES**

1. Exit identification and designation of the way thereto shall be provided and maintained at all times.
2. Exit lights and/or emergency egress lights shall be installed, by the host facility, if required by the Head of the Fire Department, or his designee. Such devices shall be installed per 780 CMR (building code).
3. Aisles and exits, as designated on approved show plans, shall be kept clean, clear, and free of obstructions. Booth construction shall be substantial and fixed in position in the specified areas for the duration of the show. Easels, signs, etc. shall not be placed in the exit paths.
4. All existing fire lanes shall be maintained, where possible, or additional temporary fire lanes shall be installed.
5. No vehicle shall be allowed to move through a crowd without at least two observers to prevent accidents.

#### **D. EMERGENCY PLANS AND EQUIPMENT**

1. Approved fire extinguishing equipment is located throughout the building, additional approved type fire extinguishers may be required on orders of the Fire

Rescue Department. Accordingly, the extinguishing equipment shall remain free of any obstructions and shall be plainly visible at all times.

2. Any grease producing cooking equipment used in fixed, mobile, or temporary concessions, such as trucks, buses, trailers, pavillions, tents, or any form of roofed enclosure, shall be protected with an automatic fire extinguishing system, unless otherwise exempted by the authority having jurisdiction.
3. The show manager shall advise all exhibitors of the building's/ facility's fire alarm system (if any), location of pull stations, standpipes, fire response, etc.
4. An emergency plan must be in place for the duration of the event. This must include the ability to report a fire, police, or medical emergency. The plan will include a method for the emergency services to contact responsible organization officials throughout the duration of the event. These officials must have the authority to make decisions and commit organizational funds to resolve emergencies that may occur during the event.

#### **E. UTILITY SERVICES**

1. Electrical and gas installations shall be made and inspected according to applicable National standards and Town regulations.
2. No more than two (2) propane tanks per booth/exhibit location. Propane tanks and compressed gas cylinders must be secured to a fixed object with a non-combustible material such as a chain. Containers of greater than 30 lbs. each shall be installed by a licensed gas fitter or the propane company that owns the tank/tanks. (527 CMR 6.00)
3. All compressed gas cylinders such as those used for the filling of balloons or the charging of soda systems shall also be properly secured against damage due to being tipped over. Any spare compressed gas or LPG cylinders shall be secured in a safe and secure location approved by the fire department.
4. Electrical cords, hoses, etc. shall be protected against tripping (buried, covered, etc.).
5. Electrical cords/ multiple outlet units shall be protected by adequate overcurrent devices, (circuit breakers), be in good condition, and of adequate size to handle the loads. NOTE: This is in addition to the building circuit breakers.

#### **F. FLAME RETARDANT TREATMENT**

1. All decorations, drapes, signs, banners, acoustical materials, hay, straw, moss, split bamboo, plastic cloth, and similar decorative materials, shall be flame retardant to the satisfaction of the Fire Rescue Department (per 527 CMR). Canvas, cloth, cardboard, leaves, and similar combustible material shall not be used. Accordingly, oil cloth, tarpaper, and certain plastic materials cannot be made flame retardant and therefore their use is prohibited.
2. All tents shall comply with 527 CMR 19.00 – tentage and/or 780 CMR - Building Code and/or NFPA 102 (whichever applies), and may require a permit through the appropriate authority having jurisdiction.

#### **G. GENERAL**

1. Literature on display shall be limited to reasonable quantities. Reserve supplies shall be kept in closed containers and stored in a neat and compact manner.
2. Show management shall assume responsibility for daily adequate janitorial and rubbish pick-up services, and shall advise all exhibitors that booths shall be cleaned of combustible rubbish daily. Rubbish shall not be allowed to accumulate.
3. Smoking, flammable liquids and open flames are not allowed in buildings and tents open to the public. No smoking signs will be posted.
4. Combustible materials shall not accumulate under bleachers.
5. Oily rags and waste shall be kept in a separate covered metal container.
6. The following items shall not be permitted, stored or sold: Electrically conductive balloons, weapons, fireworks, smoke bombs, stink bombs, snap caps, bomb bags, silly string and any other items that may cause harm, injury and/or may incite civil unrest. This includes, but is not limited to, displays, storage, sales, gifts, promotions, etc.

## **OPEN SESSION**

### **BUSINESS**

4. Request from John Wesley United Methodist Church for a waiver/reduction of the special event permit fee for Sunday Worship Services at Surf Drive Beach from 7/7/24 – 9/1/24 **(5 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 4.

**ITEM TITLE:** Request from John Wesley United Methodist Church for a waiver/reduction of the special event permit fee for Sunday Worship Services at Surf Drive Beach from July 7, 2024 through September 1, 2024

**MEETING DATE:** 5/6/2024

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

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** Previous Year's Notes and Fee Calculation; Request Letter from Applicant dated February 26, 2024; Town Special Event Permit Application; Special Events Use Policy; Certificate of Insurance

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### PURPOSE:

The Select Board will consider the approval of a request from John Wesley United Methodist Church for a waiver/reduction of the special event permit fee for Sunday Worship Services at Surf Drive Beach from July 7, 2024 through September 1, 2024.

### BACKGROUND/SUMMARY:

- The applicant is requesting a reduction of the permit fees associated with this event similar to the reduction provided over the course of the past eight years.

- In accordance with the approved Fee Schedule, the permit fee for this event is calculated based upon the following formula:

$\$75/\text{day permit fee} \times 8 \text{ days} = \$600.00$   
 $\text{First and last day} = \$150.00$   
 $6 \text{ days} = \$450.00 - \$337.50 \text{ (75\% reduction)} = \$112.50$   
 $\$112.50 + \$150.00 = \mathbf{\$262.50 \text{ reduced permit fee}}$

- Over the course of the previous eight (8) years, the Select Board has voted each year to reduce the special event permit fee to \$262.50 per the formula.

**DEPARTMENT RECOMMENDATION:**

Based upon the Select Board’s previous decisions to reduce the special event permit fees over the past eight years, the Town Manager is recommending that the Select Board approve the request from the John Wesley United Methodist Church for a reduction of the special event permit fee for Sunday Worship Services at Surf Drive Beach from July 7, 2024 through September 1, 2024 to the reduced amount of \$262.50.

**OPTIONS:**

- Motion to approve the request from the John Wesley United Methodist Church for a reduction of the special event permit fee for Sunday Worship Services at Surf Drive Beach from July 7, 2024 through September 1, 2024 to the reduced amount of \$262.50.
- Motion to deny approval of the request from the John Wesley United Methodist Church for a reduction of the special event permit fee for Sunday Worship Services at Surf Drive Beach from July 7, 2024 through September 1, 2024 to the reduced amount of \$262.50.
- Motion to reduce the special event permit fee to a certain Board specified amount.

**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:**

Based upon the Select Board's previous decisions to reduce the special event permit fees over the past eight years, the Town Manager is recommending that the Select Board approve the request from the John Wesley United Methodist Church for a reduction of the special event permit fee for Sunday Worship Services at Surf Drive Beach from July 7, 2024 through September 1, 2024 to the reduced amount of \$262.50.

*Michael Renshaw*

---

**Town Manager**

4/29/2024

**Date**

**Request for Fee Waiver:**

**Sunday Worship Services – John Wesley United Methodist Church –  
Surf Drive Beach**

Notes:

The applicant is requesting a reduction in the permit fee.

The Select Board has voted in recent past years to reduce the fee as follows:

2023	\$262.50
2022	\$262.50
2021	\$262.50
2020	\$262.50 (events cancelled)
2019	\$262.50
2018	\$262.50
2017	\$262.50
2016	\$262.50

The calculation of the standard reduction in permit fee is as follows:

\$75.00 per day permit fee x 8 days = \$600.00  
First and last day = \$150.00  
6 days = \$450.00 - \$337.50 (75% reduction) = \$112.50  
\$112.50 + 150.00  
= \$262.50 permit fee



# John Wesley United Methodist Church

Love God. Love Others. Serve the World.

Special Events Internal Working Group

Falmouth Select Board

Falmouth Town Hall

59 Town Hall Square

Falmouth, MA 02540

Dear Madams and Sirs:

On behalf of the John Wesley United Methodist Church, I am writing to ask your approval to use Surf Drive Beach again this summer to hold a brief non-denominational worship service on Sunday mornings. As we have done the previous eight summers, we would gather every Sunday from 7:30am-8:00am. Our first service would be on July 7<sup>th</sup> and run through September 1<sup>st</sup>. We would not hold services on the Falmouth Triathlon or the Falmouth Road Race.

I would also ask the Board of Selectmen for a fee waiver under the Fee Waiver Policy, where recurring events are fronted a discount up to 75% of the daily charge, excluding the first and last days. We have received this waiver each year in the past, based on the fact that this service provides a broad community benefit, and there is no additional cost to the town, as the beach attendant is already at the beach prior to our service and we leave prior to the opening of the parking lot. This would be a total of 8 Sundays so with the last and first days being  $\$75 \times 2 = \$150$ , plus 75% reduction of the remaining 6 days ( $\$18.75 \times 6 = \$112.50$ ), our total would be \$262.50.

Thank you very much for your consideration. If I can provide additional information, please don't hesitate to contact me.

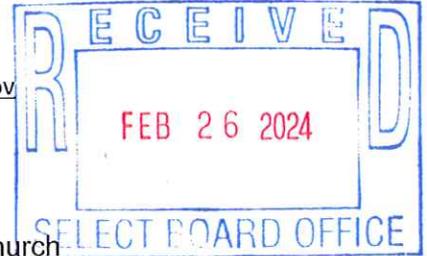
Very truly yours,

Rev. René Perez



# Town of Falmouth

Office of the Town Manager & Select Board  
59 Town Hall Square · Falmouth, MA 02540  
Telephone (508) 495-7320 · Email [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)



## Application for Special Events

### CONTACT INFORMATION

Applicant's Name: Rev. Rene Perez - John Wesley United Methodist Church  
Mailing Address: 270 Gifford St., Falmouth, MA 02540  
Phone: 508-548-3050 Cell Phone: \_\_\_\_\_  
E-Mail: pastor.jwumc@gmail.com

### EVENT DETAILS

Name of Event: Beach Service  
Type of Event: Sunday Worship Services  
Description of Event: Worship service  
(Attach a narrative describing the event on a separate sheet if more space is needed.)  
Event Day & Date: Sundays, July 7th - Sept. 1st 2024

Rain Date: \_\_\_\_\_

Event Hours: From: 7:30 AM To: 8:00 AM

Setup Date: Every Sunday Time: 7 AM Breakdown Date: Every Sunday Time: 8 AM

Location Requested:  
1<sup>st</sup> Choice: Surf Drive Beach  
2<sup>nd</sup> Choice: \_\_\_\_\_

Number of Attendees: 80 Number of Vehicles: 25

Parking Plan: Beach employee open gate 7:15 & let out & close at 8:15

Solid Waste & Recycling Plan: \_\_\_\_\_  
(Please see Solid Waste & Recycling Information, attached.)

Check all that apply and provide a description of each in the space provided:

- Chairs \_\_\_\_\_
- Tents \_\_\_\_\_ (apply for tent permit at Building Department)
- Barriers \_\_\_\_\_
- Signs \_\_\_\_\_ (apply for sign permit at Building Department)
- Road race \_\_\_\_\_ (include route map, see attached road race rules and sign)
- Walk/bike \_\_\_\_\_ (include route map)
- Use of Shining Sea Bike Path \_\_\_\_\_ (see attached bike path rules and sign)
- Food or beverages \_\_\_\_\_ (apply for temporary food permit at Health Department)
- Alcoholic beverages \_\_\_\_\_ (apply for one-day liquor license)
- Entertainment \_\_\_\_\_ (apply for Sunday entertainment license)

**ADDITIONAL REQUESTS:** (Use of restroom facilities, electricity, etc.)

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

References: 1. \_\_\_\_\_ Phone: \_\_\_\_\_  
2. \_\_\_\_\_ Phone: \_\_\_\_\_  
3. \_\_\_\_\_ Phone: \_\_\_\_\_



**FALMOUTH SELECT BOARD**  
**SPECIAL EVENTS USE POLICY**  
**February 28, 2022**

**1. Purpose**

The purpose of this policy is to regulate events that take place on Town property in a manner that balances public enjoyment of Town property and support for local businesses while protecting public health and safety, managing negative impacts to surrounding neighborhoods such as noise and traffic, and preventing an undue burden on Town departments.

**2. Special Events Policy**

The Town of Falmouth hereby establishes the following policy to govern Special Events. This policy shall apply to applications for use of public roads, municipal parks, grounds and beaches.

Additional policies and procedures may apply depending on the scope of the Special Event Proposed. The Recreation Department (Gus Canty Recreational Building, Grounds and Facilities and Fields), Library Trustees (all public libraries and library grounds), Parks Department (Goodwill Park), Beach Department and School Department, have standing policies and fees related to use of related facilities. Any board, committee or commission so enabled to approve events will issue permission in conformance with the minimum conditions of this policy.

**SPECIAL CONSIDERATION:**

- a. *During the Months of July, August and September, approval of Special Events will be made only after careful consideration of the effect that the event will have on parking and traffic congestion in the proposed area. For example, special events on the main streets of the villages of Falmouth will be given careful consideration and will be avoided if at all possible during July and August.*

An individual or group seeking to sponsor an event must submit a 'Special Event Application' form to the Town Manager's Office **at least 60 days in advance of the event date**. Exceptions may be made for small events at the discretion of the Town Manager (e.g. a small wedding, etc.). All applications will be reviewed by the 'Special Events Internal Staff Working Group' appointed by the Town Manager. The Internal Staff Working Group review will include at a minimum a posted public meeting at which the public is invited to comment on the application. The Internal Staff Working Group shall provide its recommendation to the Town Manager who may deny or approve the application with any conditions deemed necessary to meet the purposes of the Policy. See 'Internal Staff Working Group Charge' for further details regarding the composition and review procedure. No Special Event shall be held without the approval of the Town Manager and any other Town department that has jurisdiction over the facility at which the event takes place. An applicant may appeal the Town Manager's decision to the Select Board.



# John Wesley United Methodist Church

270 Gifford Street, Falmouth, MA 02540

Rev. René A. Perez  
Email: pastor.jwumc@gmail.com

Office: (508) 548-3050  
Email: jwumcfalmouth@comcast.net  
Website: www.johnwesleyumc.org

Special Events Internal Working Group

Falmouth Select Board

Falmouth Town Hall

59 Town Hall Square

Falmouth, MA 02540



Dear Madams and Sirs:

On behalf of the John Wesley United Methodist Church, I am writing to ask your approval to use Surf Drive Beach again this summer to hold a brief non-denominational worship service on Sunday mornings. As we have done the previous eight summers, we would gather every Sunday from 7:30am-8:00am. Our first service would be on July 7<sup>th</sup> and run through September 1<sup>st</sup>. We would not hold services on the Falmouth Triathlon or the Falmouth Road Race.

I would also ask the Board of Selectmen for a fee waiver under the Fee Waiver Policy, where recurring events are fronted a discount up to 75% of the daily charge, excluding the first and last days. We have received this waiver each year in the past, based on the fact that this service provides a broad community benefit, and there is no additional cost to the town, as the beach attendant is already at the beach prior to our service and we leave prior to the opening of the parking lot. This would be a total of 8 Sundays so with the last and first days being  $\$75 \times 2 = \$150$ , plus 75% reduction of the remaining 6 days ( $\$18.75 \times 6 = \$112.50$ ), our total would be  $\$262.50$ .

Attached is our application form.

Thank you very much for your consideration. If I can provide additional information, please don't hesitate to contact me.

Very truly yours,

Rev. René Perez

For Special Events on Town beaches, please also see the Beach Use Policy.

The Town Manager's Office will maintain a calendar of Special Events on the Special Events page of the Town website and submit a list of events approved and denied to the Select Board for informational purposes.

All applicants agree to restore the site to its original condition, removing all trash, handling recyclables according to town recycling policy, removing equipment, etc., immediately following the event, regardless of the source. The permitted group will compensate the Town for any clean-up or repairs required as a result of the approved activity.

The Event Sponsor / Applicant shall acknowledge this policy by returning a signed copy with the Special Event Request Form.

### **3. Minimum Conditions**

The following are minimum conditions:

- a. Special Events Fees (see attached Fee Schedule) shall be submitted upon approval of the event.
- b. In addition to the Special Events Fee, a \$300 minimum deposit check, made payable to the Town of Falmouth, is required of all special events. The deposit check shall be submitted upon approval of the event and will be held in the Select Board's office and returned to the organizer(s) at the conclusion of the special event, provided no damage or litter has occurred.
- c. Payment of a \$10.00 filing fee shall be submitted with an application.
- d. Signs: Approval for one (1) on-premise special event/promotional sign may be approved by the Building Commissioner. Off-premise signs that are within the Town's Sign Code requirements must be approved by the Select Board. Off-premise signs that are not in compliance with the Town's Sign Code requirements must be submitted to the Building Department in writing with a design or photograph of the proposed sign(s). Off-premise signs requested on private property must receive approval from the property owner in advance of approval by the Select Board. Requests for off-premises signage must be received by the Select Board at least one month in advance of the special event.
- e. Raffles must be performed by licensed non-profit organizations only.
- f. Parking is available in designated public parking lots and as allowed on the street. There are no special exceptions to posted parking regulations or fees.
- g. Portable toilets are allowed upon request.
- h. The Police Department will recommend the number, location, and duration of police details required.
- i. The Fire Department and Marine and Environmental Services Department may recommend details as may be required to ensure the safety of an event.
- j. Events proposing the sale of liquor must apply separately for a one-day liquor license. The one-day liquor license is issued by the Select Board
- k. Events will be permitted on a first-come, first-serve basis. Recurring events such as road races, village association events, festivals, etc., will notify the Town as soon as annual dates are set to reserve the time needed.
- l. The Applicant agrees to Hold Harmless the Town of Falmouth and will sign and return the Hold Harmless agreement provided in the Application Packet.

- m. The Applicant will obtain all necessary permits for the event proposed, including, but not limited to:
  - Building Permits for tents and structures;
  - Health Inspections for food service;
  - Select Board for off-premises sign approval.
- n. Special Event coverage—a certificate of Insurance in the amount of \$1,000,000 is required.
- o. Additional Insurances, including Auto Liability in the amount of \$1,000,000 and Workers Compensation insurance will be required for events with auto and employee liability exposure.
  - Events proposing the consumption or sale of alcohol shall provide Liquor Liability Insurance in the amount of \$2,000,000 in the aggregate and \$1,000,000 per occurrence.

A copy of all approved requests with special conditions shall be filed with the referring departments.

Per Order of the Select Board  
February 28, 2022

I, Paul A. Ruiz, have read and agree to all of the conditions of this policy and to any other conditions that may be required by the permitting authority.



## **OPEN SESSION**

### **BUSINESS**

5. Request from the Waquoit Congregational Church for a waiver of the special event permit for the annual Summer Bazaar one-way on Parsons Lane – Friday, 7/12/24 and Saturday, 7/13/24 **(5 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 5.

**ITEM TITLE:** Request from Waquoit Congregational Church for a waiver of the special event permit fee for the annual Summer Bazaar one-way on Parsons Lane- Friday, July 12, 2024 and Saturday, July 13, 2024

**MEETING DATE:** 5/6/2024

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

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** Previous Year's Notes/Fee Calculation; Request Letter from Applicant dated April 18, 2024; Town Special Event Permit Application dated March 12, 2024; Special Events Use Policy

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### PURPOSE:

The Select Board will consider the approval of a request from the Waquoit Congregational Church for a waiver of the special event permit fee for the annual Summer Bazaar one-way on Parsons Lane- Friday, July 12, 2024 and Saturday, July 13, 2024.

### BACKGROUND/SUMMARY:

- The applicant is requesting a full waiver of the permit fee.
- In accordance with the approved Fee Schedule, the permit fee for this event is calculated based upon the following formula: \$200.00/day permit fee X 2 days = \$400.

- Over the course of the previous six years, the Select Board has voted to waive the entire special event permit fee for this event.
- The event will take place on Friday, July 12, and Saturday, July 13, 2024 from 9:00 AM to 4:00 PM both days.

**DEPARTMENT RECOMMENDATION:**

Based upon the Select Board’s previous decisions to waive the special event permit fees for the past six years, the Town Manager is recommending that the Select Board approve the request from the Waquoit Congregational Church for a full waiver of the special event permit fee for the annual Summer Bazaar one-way on Parsons Lane- Friday, July 12, 2024 and Saturday, July 13, 2024.

**OPTIONS:**

- Motion to approve the request from the Waquoit Congregational Church for a full waiver of the special event permit fee for the annual Summer Bazaar one-way on Parsons Lane- Friday, July 12, 2024 and Saturday, July 13, 2024.
- Motion to deny approval of the request from the Waquoit Congregational Church for a full waiver of the special event permit fee for the annual Summer Bazaar one-way on Parsons Lane- Friday, July 12, 2024 and Saturday, July 13, 2024.
- Motion to reduce the special event permit fee to a certain Board specified amount.

**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:**

Based upon the Select Board's previous decisions to waive the special event permit fees for the past six years, the Town Manager is recommending that the Select Board approve the request from the Waquoit Congregational Church for a full waiver of the special event permit fee for the annual Summer Bazaar one-way on Parsons Lane- Friday, July 12, 2024 and Saturday, July 13, 2024.

*Michael Renshaw*

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**Town Manager**

5/1/2024

**Date**

## Request for Fee Waiver:

### Waquoit Congregational Church – Summer Bazaar

#### Notes:

The applicant is requesting a full waiver of the special event permit fee.

The Select Board has voted in recent past years as follows:

2023 Waived  
2022 Waived  
2021 Waived  
2020 -  
2019 Waived  
2018 Waived

The calculation of the standard reduction in permit fee is as follows:

\$200.00 per day permit fee x 2 days = \$400.00

First and last = \$400.00

**WAQUOIT CONGREGATIONAL CHURCH**  
**UNITED CHURCH OF CHRIST**  
15 PARSONS LANE, WAQUOIT, MA 02536  
(508)-548-5269, [waquoitucc@comcast.net](mailto:waquoitucc@comcast.net)

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April 18, 2024

Select Board and  
Mr. Michael Renshaw, Town Manager  
59 Town Hall Square  
Falmouth, MA 02540

Dear Select Board and Mr. Renshaw,

The Waquoit Congregational Church will be hosting its annual Summer Bazaar Friday, July 12 and Saturday, July 13, 9:00am – 4:00pm each day.

The Waquoit Congregational Church Summer Bazaar, a huge furniture and household goods sale, is the most popular church bazaar on upper Cape and has been held every July since 1940. People attend this event from near and far, returning annually to find unique pieces and hidden treasures.

The Summer Bazaar is the Waquoit Congregational Church's largest community outreach program repurposing used goods donated by the community. As a nonprofit, religious organization that provides this local and regional community benefit we request a fee waiver for this Special Event.

Sincerely,

Christine Tetreault  
Office Administrator  
Waquoit Congregational Church  
15 Parsons Lane  
Waquoit, MA 02536  
508-548-5269  
[waquoitucc@comcast.net](mailto:waquoitucc@comcast.net)



# Town of Falmouth



PAID \$10.00 CKA 4402

Office of the Town Manager & Select Board  
59 Town Hall Square · Falmouth, MA 02540  
Telephone (508) 495-7320 · Email [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)



## Application for Special Events

### CONTACT INFORMATION

Applicant's Name: Waquoit Congregational Church, Rev. Nell Fields

Mailing Address: 15 Parsons Lane, Waquoit, MA 02536

Phone: 508-548-5269 Cell Phone: [REDACTED]

E-Mail: waquoitucc@comcast.net

### EVENT DETAILS

Name of Event: Annual Summer Bazaar

Type of Event: Summer Bazaar - Furniture, Household Goods, Books, Lamps, Art, Sports Equipment

Description of Event: 2 days, sales  
(Attach a narrative describing the event on a separate sheet if more space is needed.)

Event Day & Date: Friday, July 12 and Saturday, July 13

Rain Date: None

Event Hours: From: 8:00am To: 4:00pm

Setup Date: Friday, July 12 Time: 8:00am Breakdown Date: Saturday, July 13 Time: 4:00pm

Location Requested:  
1<sup>st</sup> Choice: Request Parsons Lane designated one way traffic - flow Rte 28 to Studley St to Rt 28  
2<sup>nd</sup> Choice: \_\_\_\_\_

Number of Attendees: 50+ Number of Vehicles: 20+

Parking Plan: No parking on Rt 28

Solid Waste & Recycling Plan: Recycleable & Waste bins will be available  
(Please see Solid Waste & Recycling Information, attached.)

Check all that apply and provide a description of each in the space provided:

- Chairs \_\_\_\_\_
- Tents 2 tents, each 20 ft X 40 ft open sided (apply for tent permit at Building Department)
- Barriers \_\_\_\_\_
- Signs 1 sign, 3 ft x 6 ft (apply for sign permit at Building Department)
- Road race \_\_\_\_\_ (include route map, see attached road race rules and sign)
- Walk/bike \_\_\_\_\_ (include route map)
- Use of Shining Sea Bike Path \_\_\_\_\_ (see attached bike path rules and sign)
- Food or beverages \_\_\_\_\_ (apply for temporary food permit at Health Department)
- Alcoholic beverages \_\_\_\_\_ (apply for one-day liquor license)
- Entertainment \_\_\_\_\_ (apply for Sunday entertainment license)

**ADDITIONAL REQUESTS:** (Use of restroom facilities, electricity, etc.)

\_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- References:
1. \_\_\_\_\_ Phone: \_\_\_\_\_
  2. \_\_\_\_\_ Phone: \_\_\_\_\_
  3. \_\_\_\_\_ Phone: \_\_\_\_\_

## Requirements for Prospective Users of the Shining Sea Bikeway

Organizations or individuals seeking to use the Shining Sea Bikeway for Special Events are required to affirm that they will abide by the rules for users of the Bikeway.

The Shining Sea Bikeway is a shared use path that serves transportation and recreational needs on a continuing basis and must not be impeded or blocked.

### PROSPECTIVE USERS MUST AGREE TO

1. Stay to the right and pass on the left, giving an audible signal when passing
2. Allow breaks for passing traffic to merge into the event traffic: do not bunch up
3. Within 12 hours of the event, clear the path of any debris and directional markers
4. Confirm that helmets are in use, as required by law, for all bicyclists under 17 years of age
5. Provide marshals to direct participant traffic at road crossings so that traffic on the road and on the bikeway is not endangered or inconvenienced by the event
6. Obtain clearance from the Falmouth Police, if indicated, to hold the event
7. Notify all participants of their obligations under the above rules

### ADDITIONAL REGULATIONS: TOWN OF FALMOUTH

- Dogs must be leashed and controlled at all times
- Pet waste must be cleaned AND removed from the path
- Groups must not span more than half (one 5-foot lane) of the path
- Move right when signaled to allow others to pass within the lane
- When stopping, move off the path surface
- No permanent paint marking on bikeway.
- Only chalk or washable paint can be used on roadways/bikeway.

### SAFETY AND CONSIDERATION

- The Shining Sea Bikeway is a Shared Use Path and all have equal rights to use it. Respect the rights of others.

Please sign and date to indicate acceptance of these requirements.

By Rev. Nell Fields

Date 3/12/24

Organization Waquoit Congregational Church

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## Requirements for Special Events within Town Streets

1. Obtain clearance from Falmouth Police and Fire Departments to hold event.
2. Include course map with application.
3. Remove all trash from the race course immediately following the event.
4. Parking plan for event must be submitted with application.
5. All temporary race signage must be removed within 12 hours of event.
6. If tents are used, any tent over 400 sq. ft. requires a permit from the Building Department.
7. If beach access is requested, seek approval from Beach Department.
8. No permanent paint marking on town streets or bikeway for events or road race course (except Falmouth Road Race and Cape Cod Marathon).
9. Only chalk or washable paint can be used on roadways for events or race markers.
10. If food is served after the event, proper approval from the Board of Health is required.
11. A minimum of \$300.00 deposit required upon approval.

Please sign and date to indicate acceptance of these requirements.

By Rev. Nell Fields

Date 3/12/24

Organization Waquoit Congregational Church



**FALMOUTH SELECT BOARD**  
**SPECIAL EVENTS USE POLICY**  
**February 28, 2022**

**1. Purpose**

The purpose of this policy is to regulate events that take place on Town property in a manner that balances public enjoyment of Town property and support for local businesses while protecting public health and safety, managing negative impacts to surrounding neighborhoods such as noise and traffic, and preventing an undue burden on Town departments.

**2. Special Events Policy**

The Town of Falmouth hereby establishes the following policy to govern Special Events. This policy shall apply to applications for use of public roads, municipal parks, grounds and beaches.

Additional policies and procedures may apply depending on the scope of the Special Event Proposed. The Recreation Department (Gus Cauty Recreational Building, Grounds and Facilities and Fields), Library Trustees (all public libraries and library grounds), Parks Department (Goodwill Park), Beach Department and School Department, have standing policies and fees related to use of related facilities. Any board, committee or commission so enabled to approve events will issue permission in conformance with the minimum conditions of this policy.

**SPECIAL CONSIDERATION:**

- a. During the Months of July, August and September, approval of Special Events will be made only after careful consideration of the effect that the event will have on parking and traffic congestion in the proposed area. For example, special events on the main streets of the villages of Falmouth will be given careful consideration and will be avoided if at all possible during July and August.*

An individual or group seeking to sponsor an event must submit a 'Special Event Application' form to the Town Manager's Office **at least 60 days in advance of the event date**. Exceptions may be made for small events at the discretion of the Town Manager (e.g. a small wedding, etc.). All applications will be reviewed by the 'Special Events Internal Staff Working Group' appointed by the Town Manager. The Internal Staff Working Group review will include at a minimum a posted public meeting at which the public is invited to comment on the application. The Internal Staff Working Group shall provide its recommendation to the Town Manager who may deny or approve the application with any conditions deemed necessary to meet the purposes of the Policy. See 'Internal Staff Working Group Charge' for further details regarding the composition and review procedure. No Special Event shall be held without the approval of the Town Manager and any other Town department that has jurisdiction over the facility at which the event takes place. An applicant may appeal the Town Manager's decision to the Select Board.

For Special Events on Town beaches, please also see the Beach Use Policy.

The Town Manager's Office will maintain a calendar of Special Events on the Special Events page of the Town website and submit a list of events approved and denied to the Select Board for informational purposes.

All applicants agree to restore the site to its original condition, removing all trash, handling recyclables according to town recycling policy, removing equipment, etc., immediately following the event, regardless of the source. The permitted group will compensate the Town for any clean-up or repairs required as a result of the approved activity.

The Event Sponsor / Applicant shall acknowledge this policy by returning a signed copy with the Special Event Request Form.

### **3. Minimum Conditions**

The following are minimum conditions:

- a. Special Events Fees (see attached Fee Schedule) shall be submitted upon approval of the event.
- b. In addition to the Special Events Fee, a \$300 minimum deposit check, made payable to the Town of Falmouth, is required of all special events. The deposit check shall be submitted upon approval of the event and will be held in the Select Board's office and returned to the organizer(s) at the conclusion of the special event, provided no damage or litter has occurred.
- c. Payment of a \$10.00 filing fee shall be submitted with an application.
- d. Signs: Approval for one (1) on-premise special event/promotional sign may be approved by the Building Commissioner. Off-premise signs that are within the Town's Sign Code requirements must be approved by the Select Board. Off-premise signs that are not in compliance with the Town's Sign Code requirements must be submitted to the Building Department in writing with a design or photograph of the proposed sign(s). Off-premise signs requested on private property must receive approval from the property owner in advance of approval by the Select Board. Requests for off-premises signage must be received by the Select Board at least one month in advance of the special event.
- e. Raffles must be performed by licensed non-profit organizations only.
- f. Parking is available in designated public parking lots and as allowed on the street. There are no special exceptions to posted parking regulations or fees.
- g. Portable toilets are allowed upon request.
- h. The Police Department will recommend the number, location, and duration of police details required.
- i. The Fire Department and Marine and Environmental Services Department may recommend details as may be required to ensure the safety of an event.
- j. Events proposing the sale of liquor must apply separately for a one-day liquor license. The one-day liquor license is issued by the Select Board
- k. Events will be permitted on a first-come, first-serve basis. Recurring events such as road races, village association events, festivals, etc., will notify the Town as soon as annual dates are set to reserve the time needed.
- l. The Applicant agrees to Hold Harmless the Town of Falmouth and will sign and return the Hold Harmless agreement provided in the Application Packet.

- m. The Applicant will obtain all necessary permits for the event proposed, including, but not limited to:
  - Building Permits for tents and structures;
  - Health Inspections for food service;
  - Select Board for off-premises sign approval.
- n. Special Event coverage—a certificate of Insurance in the amount of \$1,000,000 is required.
- o. Additional Insurances, including Auto Liability in the amount of \$1,000,000 and Workers Compensation insurance will be required for events with auto and employee liability exposure.
  - Events proposing the consumption or sale of alcohol shall provide Liquor Liability Insurance in the amount of \$2,000,000 in the aggregate and \$1,000,000 per occurrence.

A copy of all approved requests with special conditions shall be filed with the referring departments.

Per Order of the Select Board  
February 28, 2022

I, Rev. Nell Fields, have read and agree to all of the conditions of this policy and to any other conditions that may be required by the permitting authority.



## TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

### INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

FOR GOOD AND VALUABLE CONSIDERATION and the permitted right to use facilities of the Town of Falmouth as set forth herein, the undersigned Applicant does hereby agree to INDEMNIFY AND HOLD HARMLESS the Town of Falmouth from any loss, damage or expense arising out of the claim or demand of any person on account of or directly or indirectly as a result of the undersigned Applicant's use of the facility of the Town of Falmouth identified below authorized by the Special Events Policy. This INDEMNIFICATION AND HOLD HARMLESS Agreement shall be for the benefit of the Town of Falmouth and its elected and appointed officials, officers, employees, volunteers and other persons acting on authority of and on behalf of the Town of Falmouth. This INDEMNIFICATION AND HOLD HARMLESS Agreement includes defense costs, expenses, attorneys' fees, judgments and other damage awards.

Name of Facility: Waquoit Congregational Church

Date(s) of Use: July 12 nad 13 , 2024

Applicant Name: Rev. Nell Fields

Signature: \_\_\_\_\_

Witness: Christine Tetreault

Date: 3/12/24

## OPEN SESSION

## BUSINESS

6. Request from ArtsFalmouth, Inc. for a waiver/reduction of the special event permit fee for the Arts Alive Festival on the Library Lawn, Peg Noonan Park and Shore Street Extension on Friday, 6/14; Saturday, 6/15 and Sunday, 6/16/24 **(5 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 6.

**ITEM TITLE:** Request from ArtsFalmouth, Inc. for a waiver/reduction of the special event permit fee for the Arts Alive Festival on the Library Lawn, Peg Noonan Park and Shore Street Extension on Friday, June 14, Saturday, June 15, and Sunday, June 16, 2024

**MEETING DATE:** 5/6/2024

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

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** Previous Year's Notes/Fee Calculation; Event Narrative and Request from Applicant to Waive Fee; Town Special Event Permit Application dated February 23, 2024; Special Events Use Policy

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### PURPOSE:

The Select Board will consider the approval of a request from ArtsFalmouth, Inc. for a waiver of the special event permit fee for the Arts Alive Festival on the Library Lawn, Peg Noonan Park and Shore Street Extension on Friday, June 14, Saturday, June 15, and Sunday, June 16, 2024.

### BACKGROUND/SUMMARY:

- The applicant is requesting a full waiver of the permit fee.
- In accordance with the approved Fee Schedule, the permit fee for this event is calculated based upon the following formula: \$200.00/day permit fee X 3 days = \$600.

- Over the course of the previous seven years, the Select Board has voted to waive the entire special event permit fee for this event, with the exception of 2021 when it approved a fee of \$150.
- The event will take place on Friday, June 14 (5:00 PM-9:00 PM), Saturday, June 15 (9:30 AM- 9:00 PM) and Sunday, June 16, 2024 (11:00 AM- 5:00 PM).
- The event is expected to draw between 2,500 and 5,000 attendees.

**DEPARTMENT RECOMMENDATION:**

Based upon the Select Board’s previous decisions to waive the special event permit fees for the past two years, the Town Manager is recommending that the Select Board approve the request from ArtsFalmouth, Inc. for a waiver of the special event permit fee for the Arts Alive Festival on the Library Lawn, Peg Noonan Park and Shore Street Extension on Friday, June 14, Saturday, June 15, and Sunday, June 16, 2024 as presented.

**OPTIONS:**

- Motion to approve the request from ArtsFalmouth, Inc. for a waiver of the special event permit fee for the Arts Alive Festival on the Library Lawn, Peg Noonan Park and Shore Street Extension on Friday, June 14, Saturday, June 15, and Sunday, June 16, 2024 as presented.
- Motion to deny approval of the request from ArtsFalmouth, Inc. for a waiver of the special event permit fee for the Arts Alive Festival on the Library Lawn, Peg Noonan Park and Shore Street Extension on Friday, June 14, Saturday, June 15, and Sunday, June 16, 2024 as presented.
- Motion to reduce the special event permit fee to a certain Board specified amount.

**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:**

Based upon the Select Board's previous decisions to waive the special event permit fees for the past two years, the Town Manager is recommending that the Select Board approve the request from ArtsFalmouth, Inc. for a waiver of the special event permit fee for the Arts Alive Festival on the Library Lawn, Peg Noonan Park and Shore Street Extension on Friday, June 14, Saturday, June 15, and Sunday, June 16, 2024 as presented.

*Michael Renshaw*

---

**Town Manager**

5/1/2024

**Date**

## Request for Fee Waiver:

### Arts Alive Festival

#### Notes:

The applicant is requesting a full waiver of the special event permit fee.

The Select Board has voted in recent past years as follows:

2023	Waived
2022	Waived
2021	\$150 permit fee
2020	-
2019	Waived
2018	Waived
2017	Waived

The calculation of the standard reduction in permit fee is as follows:

\$200.00 per day permit fee x 3 days = \$600.00

First and last = \$400.00

1 day x \$200.00 = \$200.00 - \$150.00 (75% reduction) = \$50.00

\$400.00 + \$50.00

= \$450.00 permit fee

## Application for a Special Event: Arts Falmouth, Inc./Arts Alive 2024

### Narrative Description of the Event

ArtsFalmouth proposes to hold its annual Arts Alive festival on Friday, June 14, from 5 to 9 PM; Saturday, June 15, from 9:30 AM to 9 PM; and Sunday, June 16, from 11 AM to 5 PM on the Falmouth Library Lawn, on Shore Street Extension, and at Peg Noonan Park. The event is free and open to all.

Three tents will be set up on the Library Lawn on Thursday, June 13: one 30'X60' foot tent; one 20'X40' tent, and one 15'X15' tent. The two larger tents will have sides at one end only and streamer lighting. The smallest tent will not have sides or lighting. These tents will be removed on Monday, June 17.

Arts Alive is a lively three-day celebration of the performing, visual, and literary arts. It includes an artisan's market with handcrafted wares made by artists and craftspeople from the Upper Cape and nearby; a wide array of musical, theatrical, dance, and children's performances and events; plus, art demonstrations and participatory creative activities, storytelling, and more. We are continuing our collaboration with community organizations and individuals to celebrate Juneteenth and honor African American culture. We also celebrate Father's Day, Native American culture, and Pride Month. Arts Alive is a multicultural event that celebrates diversity and inclusion, brings people together, and is accessible for people with disabilities.

Arts Alive begins Friday evening with performances from 5 to 7 PM, followed by the popular Town Dance from 7 to 9 PM, and extends through Sunday afternoon at 5 PM, with a wide variety of performances. The Juneteenth Celebration is on Saturday morning at 10 AM, with African drumming beginning at 9:30 AM to lead people to the event.

We will continue our COVID-cautious layout to allow social distancing and to follow health and safety protocols. The large (30'X60') tent is for larger performance groups (dance groups, theatre companies, and bands with more than 3 or 4 members) and the smaller (20'X40') tent is for solo, duo, trio, and quartet performances. The smallest tent (15'X5') is for children's activities, participatory art activities, author/book talks, storytelling, and acoustic performances.

Chairs (120) and tables (21) will be provided under the tents.

We will have artisan tents and select food trucks lining the sides of Shore Street Ext., allowing short distances between the 10' x 10' vendor tents for air flow throughout the arts and crafts and food vendor area. We require tents be secured with at least 20 pounds of weights per leg to prevent flyaways.

Peg Noonan Park will also be used for 10' x 10' artisan vendor tents, which will be separated from each other to promote social distancing and aid air flow. Tents must be staked and weighted.

A limited number of 10' x 10' tents for nonprofit organizations and groups will be allowed in designated areas on the Falmouth Public Library Lawn. These groups understand that financial transactions are prohibited on the Library Lawn.

Public restrooms are available at Peg Noonan Park. A bouse house will be provided for vendors in the Shore Street Ext area.

Arts Alive ends at 5 PM on Sunday, at which time vendor tents and other equipment will be removed from all three areas. It generally takes about an hour for vendors to remove their tents. We expect that Shore Street will be clear of vendors by 7 PM Sunday evening.

The three tents provided by the tent contractor will be removed on Monday, June 17.

**Request for Closure of Shore Street Extension:**

We are again requesting the Town's permission to temporarily close Shore Street Ext. to traffic from dawn on Friday, June 14, until 8 PM on Sunday, June 16 (though we expect to reopen it by 6 or 7 PM) to allow vendors to remove their tents.

We request that signs prohibiting overnight parking be placed along the street on Thursday, June 13.

**We will follow the usual procedures for Arts Alive:**

We will call Dig Safe after marking the location of tents.

We will obtain the necessary tent permits and inspections from the Building Department, with the assistance of the tent rental company.

We will require that food vendors have permits from the Health Department.

We request the use of town restrooms at Peg Noonan Park until the festival closes each day.

We will ask the DPW for extra trash barrels and their servicing.

We will contact Cavossa Disposal for recycling barrels.

Volunteers will patrol the area during event days to remove any trash or litter.

We will provide security on Friday and Saturday nights but will ask the Falmouth Police Department to patrol the area when they are able.

**Request of Waiver of Electrician's Permit:**

Because our only use of electricity during the weekend will be for streamer lighting and safety signage in the two larger tents, we request that the requirement for an electrician to approve the connections to Library Lawn outlets be waived. The fee for an electrician can be significant. Our electric cords were purchased new last year, and we will cover them with wire covers throughout the event.

**Request of Waiver of Event Fee:**

We request that the Town waive the fee for this event. ArtsFalmouth, Inc. is a nonprofit organization, and the Arts Alive festival is free and open to all, celebrating and supporting our local artists and performers and providing an enjoyable weekend for residents and visitors. The expenses of putting on the festival are substantial, and the unpaid volunteer organizers work hard not only to organize the event, but also to raise funds through grants and contributions to make it possible. A fee waiver helps support our fundraising efforts and recognizes the contribution that Arts Alive makes to the Town of Falmouth and its local economy.



**Town of Falmouth**   
 Office of the Town Manager & Select Board  
 59 Town Hall Square · Falmouth, MA 02540  
 Telephone (508) 495-7320 · Email [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)  
**Application for Special Events**



**CONTACT INFORMATION**

Applicant's Name: ArtsFalmouth, Inc., c/o Marilyn J. Rowland  
 Mailing Address: P.O. Box 136, Falmouth, MA 02541  
 Phone: \_\_\_\_\_ Cell Phone:   
 E-Mail: info@artsfalmouth.org

**EVENT DETAILS**

Name of Event: Arts Alive 2024  
 Type of Event: Annual arts and music festival  
 Description of Event: 3-day festival celebrating the arts in Falmouth. See Narrative Description  
 (Attach a narrative describing the event on a separate sheet if more space is needed.)  
 Event Day & Date: June 14 to 16, 2024  
 Rain Date: None  
 Event Hours: From: June 14: 5-9 PM; June 15: 9:30 to 9 PM To: June 16: 11 AM to 5 PM  
 Setup Date: June 12 Time: all day Breakdown Date: June 17 Time: morning  
 Location Requested:  
 1<sup>st</sup> Choice: Falmouth Library Lawn, Peg Noonan Park, Shore Street Extension  
 2<sup>nd</sup> Choice: \_\_\_\_\_  
 Number of Attendees: 2500-5000 Number of Vehicles: \_\_\_\_\_  
 Parking Plan: Town lots, street parking, Mullen-Hall school parking  
 Solid Waste & Recycling Plan: DPW-provided trash barrels; Recycling barrels from Cavossa  
 (Please see Solid Waste & Recycling Information, attached.)

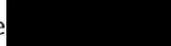
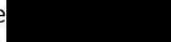
Check all that apply and provide a description of each in the space provided:

- Chairs 120 chairs, 21 tables
- Tents one 30'x60', one 20'x40', one 15'x15' (apply for tent permit at Building Department)
- Barriers DPW saw horses to close off Shore Street Ext Friday 5 AM to Sunday 7 PM
- Signs \_\_\_\_\_ (apply for sign permit at Building Department)
- Road race \_\_\_\_\_ (include route map, see attached road race rules and sign)
- Walk/bike \_\_\_\_\_ (include route map)
- Use of Shining Sea Bike Path \_\_\_\_\_ (see attached bike path rules and sign)
- Food or beverages 3 food vendors expected (apply for temporary food permit at Health Department)
- Alcoholic beverages \_\_\_\_\_ (apply for one-day liquor license)
- Entertainment \_\_\_\_\_ (apply for Sunday entertainment license)

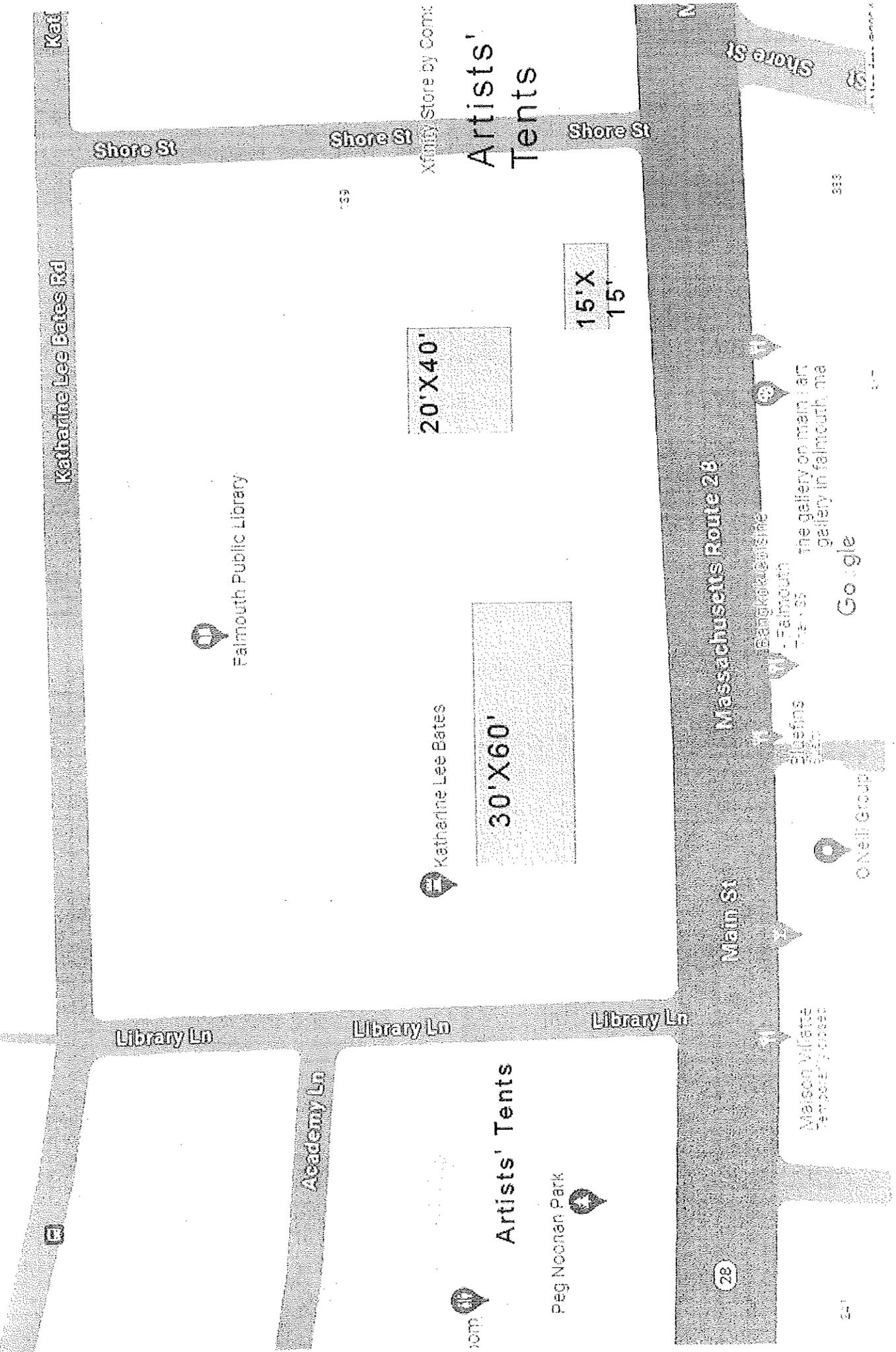
**ADDITIONAL REQUESTS:** (Use of restroom facilities, electricity, etc.)

Tent lighting will be plugged into Library Lawn outlets  
 Peg Noonan Park restroom facilities

Applicant's Signature: Marilyn Rowland Date: Feb 23, 2024

- References:
1. Laura Reckford, Falmouth Art Center Phone 
  2. Allen Russell, Falmouth Community Television Phone 
  3. Karen Rinaldo, Gallery on Main Phone 

# Arts Alive 2024, Special Events Permit map, ArtsFalmouth



Katharine Lee Bates Rd

Shore St

Shore St

Shore St

Shore St

Library Ln

Library Ln

Library Ln

Academy Ln

Main St

Massachusetts Route 28

20'X40'

30'X60'

15'X  
15'

Falmouth Public Library

Katharine Lee Bates

Xfinity Store by Comcast

Arts Alive 2024  
Arts Alive 2024  
Arts Alive 2024

Arts Alive 2024  
Arts Alive 2024  
Arts Alive 2024

Arts Alive 2024

Peg Noonan Park

Maison Willette Temporary Artist

O'Neill Group

Bangkok Cuisine Falmouth

the gallery on main street  
gallery in falmouth, ma

Google

## Requirements for Prospective Users of the Shining Sea Bikeway

Organizations or individuals seeking to use the Shining Sea Bikeway for Special Events are required to affirm that they will abide by the rules for users of the Bikeway.

The Shining Sea Bikeway is a shared use path that serves transportation and recreational needs on a continuing basis and must not be impeded or blocked.

### PROSPECTIVE USERS MUST AGREE TO

1. Stay to the right and pass on the left, giving an audible signal when passing
2. Allow breaks for passing traffic to merge into the event traffic: do not bunch up
3. Within 12 hours of the event, clear the path of any debris and directional markers
4. Confirm that helmets are in use, as required by law, for all bicyclists under 17 years of age
5. Provide marshals to direct participant traffic at road crossings so that traffic on the road and on the bikeway is not endangered or inconvenienced by the event
6. Obtain clearance from the Falmouth Police, if indicated, to hold the event
7. Notify all participants of their obligations under the above rules

### ADDITIONAL REGULATIONS: TOWN OF FALMOUTH

- Dogs must be leashed and controlled at all times
- Pet waste must be cleaned AND removed from the path
- Groups must not span more than half (one 5-foot lane) of the path
- Move right when signaled to allow others to pass within the lane
- When stopping, move off the path surface
- No permanent paint marking on bikeway.
- Only chalk or washable paint can be used on roadways/bikeway.

### SAFETY AND CONSIDERATION

- The Shining Sea Bikeway is a **Shared Use Path** and all have equal rights to use it. Respect the rights of others.

Please sign and date to indicate acceptance of these requirements.

By \_\_\_\_\_

Date \_\_\_\_\_

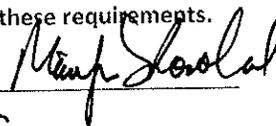
Organization \_\_\_\_\_

## Requirements for Special Events within Town Streets

1. Obtain clearance from Falmouth Police and Fire Departments to hold event.
2. Include course map with application.
3. Remove all trash from the race course immediately following the event.
4. Parking plan for event must be submitted with application.
5. All temporary race signage must be removed within 12 hours of event.
6. If tents are used, any tent over 400 sq. ft. requires a permit from the Building Department.
7. If beach access is requested, seek approval from Beach Department.
8. No permanent paint marking on town streets or bikeway for events or road race course (except Falmouth Road Race and Cape Cod Marathon).
9. Only chalk or washable paint can be used on roadways for events or race markers.
10. If food is served after the event, proper approval from the Board of Health is required.
11. A minimum of \$300.00 deposit required upon approval.

Please sign and date to indicate acceptance of these requirements.

By Marilyn J. Rowland



Date February 21, 2024

Organization ArtsFalmouth, Inc.



**FALMOUTH SELECT BOARD  
SPECIAL EVENTS USE POLICY  
February 28, 2022**

**1. Purpose**

The purpose of this policy is to regulate events that take place on Town property in a manner that balances public enjoyment of Town property and support for local businesses while protecting public health and safety, managing negative impacts to surrounding neighborhoods such as noise and traffic, and preventing an undue burden on Town departments.

**2. Special Events Policy**

The Town of Falmouth hereby establishes the following policy to govern Special Events. This policy shall apply to applications for use of public roads, municipal parks, grounds and beaches.

Additional policies and procedures may apply depending on the scope of the Special Event Proposed. The Recreation Department (Gus Canty Recreational Building, Grounds and Facilities and Fields), Library Trustees (all public libraries and library grounds), Parks Department (Goodwill Park), Beach Department and School Department, have standing policies and fees related to use of related facilities. Any board, committee or commission so enabled to approve events will issue permission in conformance with the minimum conditions of this policy.

**SPECIAL CONSIDERATION:**

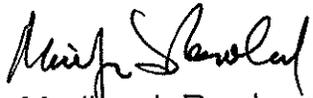
- a. *During the Months of July, August and September, approval of Special Events will be made only after careful consideration of the effect that the event will have on parking and traffic congestion in the proposed area. For example, special events on the main streets of the villages of Falmouth will be given careful consideration and will be avoided if at all possible during July and August.*

An individual or group seeking to sponsor an event must submit a 'Special Event Application' form to the Town Manager's Office **at least 60 days in advance of the event date**. Exceptions may be made for small events at the discretion of the Town Manager (e.g. a small wedding, etc.). All applications will be reviewed by the 'Special Events Internal Staff Working Group' appointed by the Town Manager. The Internal Staff Working Group review will include at a minimum a posted public meeting at which the public is invited to comment on the application. The Internal Staff Working Group shall provide its recommendation to the Town Manager who may deny or approve the application with any conditions deemed necessary to meet the purposes of the Policy. See 'Internal Staff Working Group Charge' for further details regarding the composition and review procedure. No Special Event shall be held without the approval of the Town Manager and any other Town department that has jurisdiction over the facility at which the event takes place. An applicant may appeal the Town Manager's decision to the Select Board.

- m. The Applicant will obtain all necessary permits for the event proposed, including, but not limited to:
  - Building Permits for tents and structures;
  - Health Inspections for food service;
  - Select Board for off-premises sign approval.
- n. Special Event coverage—a certificate of Insurance in the amount of \$1,000,000 is required.
- o. Additional Insurances, including Auto Liability in the amount of \$1,000,000 and Workers Compensation insurance will be required for events with auto and employee liability exposure.
  - Events proposing the consumption or sale of alcohol shall provide Liquor Liability Insurance in the amount of \$2,000,000 in the aggregate and \$1,000,000 per occurrence.

A copy of all approved requests with special conditions shall be filed with the referring departments.

Per Order of the Select Board  
February 28, 2022



I, Marilyn J. Rowland, have read and agree to all of the conditions of this policy and to any other conditions that may be required by the permitting authority.



## TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

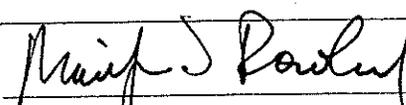
### INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

FOR GOOD AND VALUABLE CONSIDERATION and the permitted right to use facilities of the Town of Falmouth as set forth herein, the undersigned Applicant does hereby agree to INDEMNIFY AND HOLD HARMLESS the Town of Falmouth from any loss, damage or expense arising out of the claim or demand of any person on account of or directly or indirectly as a result of the undersigned Applicant's use of the facility of the Town of Falmouth identified below authorized by the Special Events Policy. This INDEMNIFICATION AND HOLD HARMLESS Agreement shall be for the benefit of the Town of Falmouth and its elected and appointed officials, officers, employees, volunteers and other persons acting on authority of and on behalf of the Town of Falmouth. This INDEMNIFICATION AND HOLD HARMLESS Agreement includes defense costs, expenses, attorneys' fees, judgments and other damage awards.

Name of Facility: Falmouth Public Library Lawn

Date(s) of Use: June 13 to June 17, 2024

Applicant Name: ArtsFalmouth, Inc./Marilyn J. Rowland

Signature: 

Witness: Glenn T. Rowland

Date: February 22, 2024

## OPEN SESSION

## BUSINESS

7. License renewals – 2024 seasonal and Spring annual **(5 minutes)**

### POOL TABLE LICENSE

King Cormac, Inc. d/b/a Grumpy's Pub, 29 Locust Street



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 7.

**ITEM TITLE:** License Renewals- 2024 Seasonal and Spring Annual Renewals- POOL TABLE LICENSE- King Cormac, Inc. d/b/a Grumpy's Pub, 29 Locust Street

**MEETING DATE:** 5/6/2024

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

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** 2024 Seasonal and Spring Annual License Renewals

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**PURPOSE:**

The Select Board will consider the approval of 2024 Seasonal and Spring License renewals as listed in the May 6, 2024 Select Board agenda.

**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 May 6, 2024 Board agenda.

**OPTIONS:**

- Motion to approve the 2024 Seasonal and Spring Annual License Renewals as posted on the May 6, 2024, Board agenda.
  
- Motion to deny approval of the 2024 Seasonal and Spring Annual License Renewals as posted on the May 6, 2024, Board agenda.

**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 May 6, 2024 Board agenda.

*Michael Renshaw*

\_\_\_\_\_  
Town Manager

5/1/2024

Date

May 6, 2024

**Pool Table License**

King Cormac, Inc. d/b/a Grumpy's Pub, 29 Locust Street

## **OPEN SESSION**

### **CONSENT AGENDA**

#### **1. Licenses**

- a. Approve application for a Special One-Day Wine & Malt Liquor License – Rise & Shine Productions LLC – Coast Fest – Band Shell, Marina Park – Saturday, 8/3/24 from 3:00 – 10:00 p.m.



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Consent Agenda – Licenses 1.a.

**ITEM TITLE:** Approve application for Special One-Day Wine and Malt Liquor License- Rise and Shine Productions, LLC- Coast Fest- Band Shell, Marina Park- Saturday, August 3, 2024, from 3:00 PM to 10:00 PM

**MEETING DATE:** 5/6/2024

**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 applications dated April 22, 2024; Coast Fest Overview; Site Plan; Liability Insurance Quotation; Special Event Permit dated February 14, 2024

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### PURPOSE:

The Select Board will consider the approval of an application for Special One-Day Wine and Malt Liquor License- Rise and Shine Productions, LLC- Coast Fest- Band Shell, Marina Park- Saturday, August 3, 2024 from 3:00 PM to 10:00 PM.

### BACKGROUND/SUMMARY:

- Applicant Luke Vose with Rise & Shine Productions, LLC submitted the Special One-Day License application for the Sale of Alcoholic Beverages on April 22, 2024.

- The event, titled Coast Fest, is a music concert and will be held on Saturday, August 3, 2024 from 3:00 PM to 10:00 PM, and approximately 2,000 people are expected to attend the event.
- The event was reviewed and discussed by the Internal Working Group for Special Events at its meeting on Thursday, April 25, 2024, and the Working Group recommended approval.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board approve the application for a Special One-Day Wine and Malt Liquor License- Rise and Shine Productions, LLC- Coast Fest- Band Shell, Marina Park- Saturday, August 3, 2024 from 3:00 PM to 10:00 PM as presented.

**OPTIONS:**

- Motion to approve the application for a Special One-Day Wine and Malt Liquor License- Rise and Shine Productions, LLC- Coast Fest- Band Shell, Marina Park- Saturday, August 3, 2024, from 3:00 PM to 10:00 PM as presented.
- Motion to deny approval of the application for a Special One-Day Wine and Malt Liquor License- Rise and Shine Productions, LLC- Coast Fest- Band Shell, Marina Park- Saturday, August 3, 2024, from 3:00 PM to 10:00 PM as presented.
- Select Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

**FINANCE DIRECTOR COMMENTS (IF APPLICABLE):**

N/A

**TOWN MANAGER COMMENTS:**

The Town Manager recommends that the Select Board approve the application for a Special One-Day Wine and Malt Liquor License- Rise and Shine Productions, LLC- Coast Fest- Band Shell, Marina Park- Saturday, August 3, 2024 from 3:00 PM to 10:00 PM as presented.

*Michael Renshaw*

---

**Town Manager**

4/30/2024

**Date**

Date: 5/6/24

**ONE-DAY LIQUOR LICENSE APPLICATION REVIEW FORM**

**Applicant:** Rise & Shine Productions LLC, Luke Vose, Crooked Coast

**Event:** Coast Fest

**Location:** Band Shell / Marina Park, 180 Scranton Ave.

**Date:** Saturday, 8/3/24 **Time:** 3:00 p.m. - 10:00 p.m.

**License Type:**  Wine & Malt Beverages or  All Alcoholic Beverages

Application sent to the departments, indicated below, for comment:

- Police \_\_\_\_\_
- Fire \_\_\_\_\_
- Health \_\_\_\_\_
- Building \_\_\_\_\_
- Communications \_\_\_\_\_
- M.E.S. \_\_\_\_\_
- DPW \_\_\_\_\_
- Recreation \_\_\_\_\_
- Beach \_\_\_\_\_
- \_\_\_\_\_

**NOTES:** This event was discussed by the Internal Working Group for Special Events at its meeting on Thursday, April 25, 2024. The Working Group recommends approval.

\_\_\_\_\_  
\_\_\_\_\_



# Town of Falmouth

Office of the Town Manager and Select Board  
59 Town Hall Square, Falmouth, Massachusetts 02540  
Telephone (508) 495-7320

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

NAME OF APPLICANT:	Luke Vose		
ADDRESS OF APPLICANT:	42 Minot St		
TOWN:	Falmouth	STATE:	MA
ZIP:	02540		
NAME OF ORGANIZATION:	Rise & Shine Productions LLC		
MAILING ADDRESS:	42 Minot St		
TELEPHONE #:	[REDACTED]	EMAIL:	crookedcoast@gmail.com
LOCATION TO BE LICENSED AND ADDRESS:	The Falmouth Bandshell		
TOWN:	Falmouth	STATE:	MA
ZIP:	02540		
AUTHORIZED MANAGER/OFFICER OF EVENT ESTABLISHMENT:	Luke Vose		
EVENT TITLE:	Coast-Fest	TYPE OF EVENT:	Music Concert
DAY AND DATE(S) OF EVENT:	August 3rd		
HOURS OF EVENT:	3-10 PM		
APPROXIMATE # OF PEOPLE:	2,000		

**TYPE OF LICENSE:**

- |  |                                     |  |
|--|-------------------------------------|--|
| 1. WINE & MALT <input checked="" type="checkbox"/> | NON-PROFIT <input type="checkbox"/> | FOR PROFIT <input checked="" type="checkbox"/> |
| 2. ALL ALCOHOLIC <input type="checkbox"/>          | (NON-PROFIT ONLY)                   | NON-PROFIT <input type="checkbox"/>            |

**REQUIREMENTS CHECKLIST:**

- ✓ 1. Narrative describing the event, including a description of the premises, food service and security plan.
- ✓ 2. Floor plan of area where alcohol will be served and consumed, and securely stored and how this will be separated from public areas (roping, fences, etc.)
- N/A 3. Certificate of non-profit status (if your organization is non-profit)
- ✓ 4. Certificate of liquor liability insurance: \$1 million per occurrence/\$2 million in the aggregate
- 5. Certificate of TIPS or other alcohol safety training for all persons handling alcohol
- 6. Application for Temporary Food Permit (Health Department)

APPLICANT'S SIGNATURE

4/22/24

DATE

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

## Coast-Fest 2024



- John's Liquors will be providing alcohol catering. We've worked with them in the past. All their bartenders are TIPS certified. They can be contacted for certification info at [REDACTED].
- Attached is the map of the current layout. At the recommendation of the police chief and safety officials we removed the fencing around the beer garden last year. This provided a safer and more enjoyable experience for the guests. We'd like to use this layout again this year.
- Rain plan is attached as well.

Looking forward to another great year.

Thanks

Luke Vose

# Coast-Fest

## **Proposed Plan:**

### **In the Event of Inclement Weather**

#### **OVERVIEW**

Coast Fest is an independently run music festival that is organized by Falmouth locals and has had nationally touring artists appear on our stage at the Lin Whitehead Band Shell at Bigelow Marine Park on Falmouth Harbor. We make it a point to donate a portion of our ticket sales every year to local charities- we have donated to Falmouth Band Parents and Falmouth Service Center in the past. The last few years we have held the festival have been successes, and have heard rave reviews from attendees, public safety personnel, and locals who did not attend. We are aware of the threat of inclement weather during the summer and wish to provide a safe experience for all, and to maintain the beauty of the grounds at Falmouth Harbor.

#### **COMMUNICATION WITH LOCAL REPRESENTATIVES**

- **DPW and Special Events Committee**
  - A representative from the planning team will contact the DPW and Special Events committee to relay the message about plans for preservation of the grass at the bandshell if there is inclement weather in the forecast 3 days before the festival (July 30)
  
- **Public Safety**
  - If inclement weather is in the forecast 3 days before the festival, the planning team will contact Falmouth public safety officers to give the plan for safety of all attendees and vendors.
  - Our planning team will be in contact with on site officers to communicate concerns and plans for safety in case of inclement weather.

# Coast-Fest

## **ASSESSMENT OF INCLEMENT WEATHER THREAT**

### **Ten days in advance:**

- The team will meet and discuss the long range forecast for the festival. If there is a strong possibility for wet weather ahead of the festival, or on the day of, we will start making preparations for our protection procedures.

### **Week of the festival:**

- The team will monitor the grounds and the weather forecasts the days leading up to the festival. If rain has saturated the grounds, or there is a possibility that it could, we will communicate the load in plan to our vendors and block off parking spaces in advance to allow for our vendors to park close to their space instead of on the grounds.

### **Day of the festival:**

- The team will monitor the satellite radar to check for rain threats. If the grounds are saturated, or it is raining we will make sure that there is limited driving on the grounds.

### **During/after the festival**

- We will continue to monitor the possibility of rain throughout the festival and our clean up. If it is forecasted to rain after the festival is over, we will make sure that the protection plan is followed for clean up and loading of vendor materials.

# Coast-Fest

## **SAFETY/GROUNDS PRESERVATION PROCEDURES**

### **Grounds**

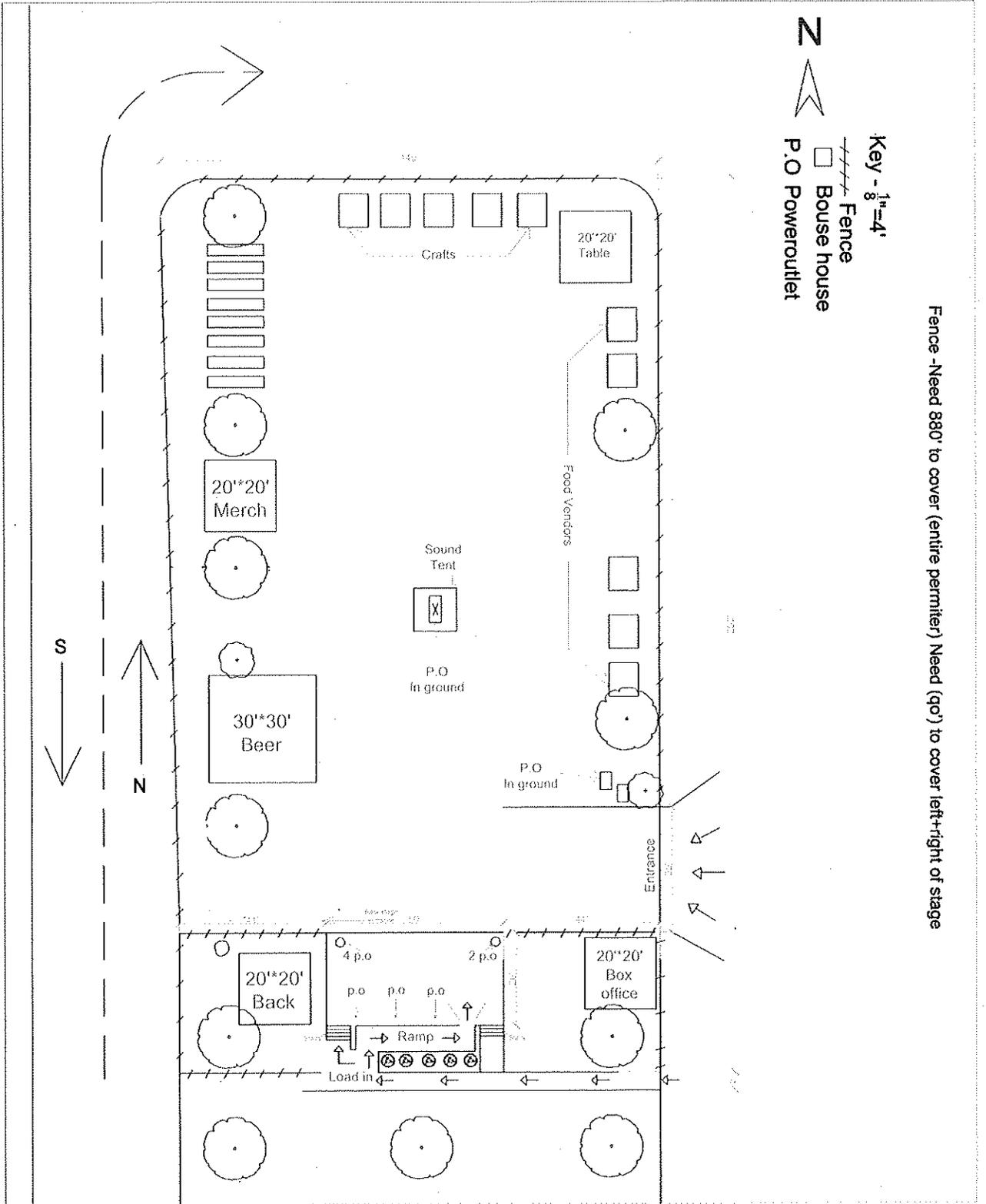
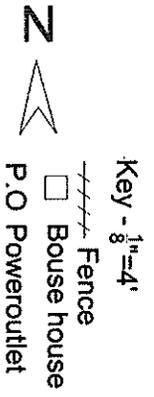
If there is rain in the forecast for the festival day or the grounds are saturated before the event, the planning team will take the following steps:

- Have vendors park in parking spaces near their vending area to minimize driving onto the grounds
- Have deliveries of tents and staging off load backstage to minimize driving on grounds.
- Have deliveries of dumpster and portapotties deliver on near locations from the street instead of driving on the grounds.
- Repair any divots, indents, or damage caused by vendors, tents, or attendees after the festival.

### **Security**

- The planning team will contact the two shuttle bus drivers and have them both stage at the Harbormaster's entrance to load passengers on to return to their cars.
- The planning team will alert the vendors to the potential postponement or cancellation of the festival.
- The planning team will meet with the artists and production team to facilitate a safe and orderly protection of equipment.
- When all stakeholders have been notified and plans have been decided, the planning team will go on stage for an announcement about evacuating or postponing the festival.
- The event will follow the 30-30 Rule for lightning. If lightning is observed and thunder is heard within 30 seconds, the event will be delayed until 30 minutes have passed since thunder was last heard

Fence - Need 880' to cover (entire perimeter) Need (90') to cover left+right of stage



## EVENT LIABILITY INSURANCE QUOTATION

THIS QUOTATION IS SUBJECT TO CHANGE AND FULL MARKET SUPPORT PRIOR TO BINDING COVERAGE.

QUOTE #: 596190  
NAMED INSURED: Rise & Shine Productions LLC  
POLICY PERIOD: FROM: TBD (Date of Purchase)  
TO: 8/8/2024 12:01:00 AM

### LIMITS OF INSURANCE:

#### General Liability

Carrier: U.S. Specialty Insurance Company

General Liability Aggregate	\$2,000,000
GL Products/Completed Operations	\$1,000,000
GL Personal/Advertising Injury	\$1,000,000
Each Occurrence	\$1,000,000
Damages to Premises Rented to You	\$300,000
Liquor Liability	\$1,000,000

#### Spectator Excess Accident Medical

Carrier: United States Fire Insurance Company

Accidental Death & Dismemberment (AD&D)	\$5,000
Accident Medical Expense Benefit	\$5,000
Corridor Deductible per incident per person	\$100
Dental Maximum per tooth per accident	\$250
Aggregate Limit of Indemnity per Accident (Applicable to AD&D only)	\$50,000

Primary GL Premium	\$750.00
Primary GL TRIA	\$9.00
Liquor Liability Premium	\$296.00
Liquor Liability TRIA	\$3.00
Additional Insureds	\$100.00
Premium SubTotal	\$1,158.00
Spectator Excess Accident Medical Premium	\$60.00
TOTAL:	\$1,218.00

\*Please note that premium is fully earned at time of binding

### SUBJECTIVITIES:

1. Please advise who holds the liquor license for this event.
2. Please provide security information and advise how this event is cordoned off.
3. Please provide details on what golf carts will be used for and how they will be kept safely away from the event attendees while in use.
4. Please advise Crooked Coast's role/involvement in this event. Do they carry their own insurance naming Rise & Shine Productions LLC as an additional insured?

QUOTE EXPIRATION DATE: 4/11/2024 9:11:13 AM

# SCHEDULE OF INSURED EVENTS

Name:	Type:	Start Date:	End Date:	Participant Option:	Volunteer Option:	Max Daily:	Total Attend:
Coast-fest 2024	Music Festival	08/03/24	08/03/24	N/A*	N/A*	2500	2500

\* PLEASE PROCEED TO PAGE #4 TO VIEW PARTICIPANT AND/OR VOLUNTEER COVERAGE LIMITS, IF APPLICABLE.

**POLICY FORMS:** Special Event Liability Policy Jacket SE PJ 01 01 13, Common Policy Declarations SE DS 05 02 10, Special Event Liability Declarations SE DS 01 02 10, Tokio Marine HCC Claim Reporting Procedures, Commercial General Liability Coverage Form (Occurrence Version) CG 00 01 04 13, Common Policy Conditions IL 00 17 11 98, Exclusion - Coverage C - Medical Payments CG 21 35 10 01, Abuse Or Molestation Exclusion CG 21 46 07 98, Attendance Limitation Exclusion Endorsement SE 1010 02 10, Employment Related Practices Exclusion CG 21 47 12 07, Fungi or Bacteria Exclusion CG 21 67 12 04, Nuclear Energy Liability Exclusion Endorsement (Broad Form) IL 00 21 09 08, Commercial General Liability Amendatory Endorsement SE 1012 01 13, Requirements For Written Contract of Vendors or Exhibitors SE 1034 02 10, Exclusion - Sports/Leisure/Entertainment Activities And Devices SE 1019 02 10, Field Of Entertainment Exclusion SE 1075 06 11, Assault And Battery Exclusion SE 1008 02 10, Fireworks, Explosives, Pyrotechnic Devices, Or Incendiary Device Exclusion SE 1022 02 10, Professional Liability Exclusion SE 1032 02 10, Securities and Financial Interest Exclusion SE 1077 06 11, Stunt Exclusion Endorsement SE 1076 06 11, Total Lead Exclusion SE 1080 06 11, Collapse Of Temporary Structure Exclusion Endorsement SE 1011 02 10, Asbestos And Silica Exclusion Endorsement SE 1079 06 11, Animal Exclusion SE 1007 02 10, DISCLOSURE PURSUANT TO TERRORISM RISK INSURANCE ACT IL 09 85 12 20, CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM (General Liability) CG 21 70 01 15, Limited Event Coverage SE 1024 02 10, Limited Event Coverage Addendum SE 1024 ADD 02 10, Additional Insured - Managers Or Lessors Of Premises CG 20 11 04 13, AI - State Or Governmental Agency Or Subdivision Or Political Subdivision - Permits CG 20 12 04 13, Additional Insured - Designated Person Or Organization CG 20 26 04 13, Liquor Liability Declarations CG DS 03 07 98, Liquor Liability Coverage Form (Occurrence Version) CG 00 33 04 13, Liquor Liability Conditions Endorsement SE 1030 02 10, Amendment of Liquor Liability Exclusion CG 21 50 04 13, Amendment Of The Policy Period SE 1070 06 10, U.S. Treasury Dept.'s Office of Foreign Assets Control ("OFAC") Advisory Notice IL P 001 01 04, Exclusion - Designated Ongoing Operations - Medical CG 21 53 01 96, Communicable Disease Exclusion CG 21 32 05 09, Exclusion Unmanned Aircraft CG 21 09 06 15, MASSACHUSETTS CHANGES - CANCELLATION & NONRENEWAL CG 02 03 03 08.



## Town of Falmouth

Office of the Town Manager and Select Board  
59 Town Hall Square · Falmouth, MA 02540  
(508) 495-7320 · [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)

### SPECIAL EVENT PERMIT

Event Name	Coast Fest
Type of Event	Concert
Applicant Name	Crooked Coast, Luke Vose
Mailing Address	42 Minot Street, Falmouth, MA 02540
Event Day & Date	<b>Saturday, August 3, 2024</b>
Rain Date	None.
Event Location	Bandshell / Marina Park, Scranton Ave., Falmouth
Event Hours	2:00 p.m. to 10:00 p.m.
Set-Up	8/2/24 – 8:00 a.m.
Break Down	9/4/24 – 8:00 a.m.
Number of Attendees	2,500
Number of Vehicles	750
Parking Plan	Event organizer will charter two school buses running non-stop to and from public lots at Lawrence school and Mullen-Hall school.
Signs	No.
Tents	Yes. For beer, merchandise, box office, etc.
Food / Beverages	Yes.
Alcohol	Yes. Pending application and approval of one-day liquor license for the beer garden.
Entertainment	Yes. Local and national live music.
Additional Details	Organizer will bring generators, porta potties, and rent a dumpster and trash barrels. Snow fencing around perimeter.
Standard Conditions	<ol style="list-style-type: none"> <li>Contact the following Town Departments 30 days prior to event: <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Police Detail Sergeant for public safety requirements.</li> <li><input checked="" type="checkbox"/> Fire Department for EMS or fire detail coordination.</li> <li><input checked="" type="checkbox"/> Fire Department for inspection of food trucks.</li> <li><input checked="" type="checkbox"/> Inspectional Services for tent permit and inspection for tents greater than 400 sq. ft. with sides, or 700 sq. ft. without sides. Contact Dig Safe prior to installation.</li> <li><input type="checkbox"/> Inspectional Services for sign permit.</li> <li><input checked="" type="checkbox"/> Health Department for temporary food permit and to schedule inspection.</li> <li><input checked="" type="checkbox"/> Recreation Department to reserve field/ball field.</li> <li><input checked="" type="checkbox"/> Recreation Department to pick up the key to access electricity at band shell.</li> </ul> </li> <li>No permanent markings on pavement.</li> <li>Follow the "Recycling Instructions for Special Events", attached.</li> <li>Check the location following the event to clean up any litter or debris.</li> </ol>
Special Conditions	<ol style="list-style-type: none"> <li>Post signage – "No parking in Pier 37 Boat House parking lot".</li> <li>Contact Parks Superintendent, Jeremiah Pearson, to submit a rain plan and participate in repair of field if damage occurs.</li> </ol>
Insurance Certificate	Naming the Town of Falmouth as additional insured.
Fees	Filing: \$10.00 · Permit: \$600.00 · Deposit: \$1,000.00 (separate check)

APPROVED:

  
Town Manager

2/14/2024  
Date

## **OPEN SESSION**

### **CONSENT AGENDA**

#### **1. Licenses**

- b. Approve application for a Special One-Day Wine & Malt Liquor License – Michael Clark – Livin’ the Dream Bago/Bean Bag Tournament – The Conference Table, 205 Worcester Court – Saturday, 5/11/24 from 11:00 a.m. – 7:00 p.m.



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Consent Agenda – Licenses 1.b.

**ITEM TITLE:** Approve application for Special One-Day Wine and Malt Liquor License- Michael Clark- Livin' the Dream Bago Bean Bag Tournament- The Conference Table, 205 Worcester Court- Saturday, May 11, 2024 from 11:00 AM – 7:00 PM

**MEETING DATE:** 5/6/2024

**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 applications dated March 15, 2024; Site Plan; Certificate of Liability Insurance;

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### PURPOSE:

The Select Board will consider the approval of an application for Special One-Day Wine and Malt Liquor License- Michael Clark- Livin' the Dream Bago Bean Bag Tournament- The Conference Table, 205 Worcester Court- Saturday, May 11, 2024 from 11:00 AM – 7:00 PM

### BACKGROUND/SUMMARY:

- Applicant Michael Clark with The Conference table restaurant submitted the Special One-Day License application for the Sale of Alcoholic Beverages on March 15, 2024.

- The event, titled Livin’ the Dream, is an outdoor cornhole tournament fundraiser and will be held in the front parking area of The Conference Table on Saturday, May 11, 2024 from 11:00 AM to 7:00 PM, and approximately 50 people are expected to attend the event.
- Bear and wine will be served by TIPS certified employees of The Conference Table.
- The event was reviewed and discussed by the Internal Working Group for Special Events at its meeting on Thursday, April 25, 2024, and the Working Group recommended approval.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board approve the application for a Special One-Day Wine and Malt Liquor License- Michael Clark- Livin’ the Dream Bago/ Bean Bag Tournament- The Conference Table, 205 Worcester Court- Saturday, May 11, 2024 from 11:00 AM – 7:00 PM as presented.

**OPTIONS:**

- Motion to approve the application for a Special One-Day Wine and Malt Liquor License- Michael Clark- Livin’ the Dream Bago/ Bean Bag Tournament- The Conference Table, 205 Worcester Court- Saturday, May 11, 2024 from 11:00 AM – 7:00 PM.
- Motion to deny approval of the application for a Special One-Day Wine and Malt Liquor License- Michael Clark- Livin’ the Dream Bago/ Bean Bag Tournament- The Conference Table, 205 Worcester Court- Saturday, May 11, 2024 from 11:00 AM – 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 Wine and Malt Liquor License- Michael Clark- Livin' the Dream Bago Bean Bag Tournament- The Conference Table, 205 Worcester Court- Saturday, May 11, 2024 from 11:00 AM – 7:00 PM as presented.

*Michael Renshaw*

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Town Manager

4/30/2024

Date

Date: 5/6/24

**ONE-DAY LIQUOR LICENSE APPLICATION REVIEW FORM**

**Applicant:** Michael Clark

**Event:** Livin' the Dream - Bago/Bean Bag Tournament

**Location:** The Conference Table parking lot, 205 Worcester Ct.

**Date:** Saturday, 5/11/24 **Time:** 11:00 a.m. - 7:00 p.m.

**License Type:**  Wine & Malt Beverages or  All Alcoholic Beverages

Application sent to the departments, indicated below, for comment:

- Police \_\_\_\_\_
- Fire \_\_\_\_\_
- Health \_\_\_\_\_
- Building \_\_\_\_\_
- Communications \_\_\_\_\_
- M.E.S. \_\_\_\_\_
- DPW \_\_\_\_\_
- Recreation \_\_\_\_\_
- Beach \_\_\_\_\_
- \_\_\_\_\_

**NOTES:** This event was discussed by the Internal Working Group for Special Events at its meeting on Thursday, April 25, 2024. The Working Group recommends approval.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



APPLICATION

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



NAME OF APPLICANT: MICHAEL CLARK

ADDRESS OF APPLICANT: 6 Keel St SAC

FALMOUTH MA 02540  
TOWN STATE ZIP CODE

NAME OF ORGANIZATION: NORWOOD 77, INC DRA THE CONFERENCE TABLE

MAILING ADDRESS: 205 WORCESTER CT FALMOUTH

TELEPHONE #: [REDACTED] EMAIL: [REDACTED]

LOCATION TO BE LICENSED-ADDRESS: 205 WORCESTER CT

FALMOUTH MA 02540  
TOWN STATE ZIP CODE

EVENT TITLE: LIVIN THE DREAM APPROXIMATE # OF PEOPLE: 50

DATE(S) OF EVENT: 5-11-24 HOURS OF EVENT: 11-7

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: MICHAEL CLARK

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
- N/A 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.)
- OK 6. Temporary Food Permit (Health Department)

3/15/24  
DATE

[Signature]  
APPLICANT SIGNATURE

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



1" = 70 ft

- Parcels -
- Road Ownership
  - <all other values>
  - COUNTY; TOWN
  - PRIVATE
  - STATE
- Water Features
  - POND
  - STREAM

**Disclaimer**  
 The Town of Falmouth makes no claims, no representations and no warranties, express or implied, concerning the validity (express or implied), the reliability or the accuracy of the GIS data and/or GIS products furnished by the Town, including the implied validity of any uses of such data. Parcel lines are graphic representations only.  
 Planimetric features derived from 3/05 Aerials.  
 Prepared by Falmouth GIS.

- LOT WILL BE BLOCKED OFF USING VEHICLES, CONES AND VOLUNTEERS
- AREA OF USE WILL BE VEHICLE FREE AND FILLED W/ PLAGGO BOARDS
- MUSIC WILL BE SET UP IN FRONT OF UNIT 205 B
- 2 PORTAPOTTIES PLUS 6 PUBLIC BUILDING RESTROOMS WILL BE AVAILABLE
- BEER + WINE WILL BE SERVED BY TIPS CERTIFIED EMPLOYEES OF THE CONFERENCE TABLE
- THIS EVENT HAS TAKEN PLACE MANY TIMES IN COQUIT. AND BOTH TIM + MIKE HAVE EXPERIENCE W/ ALL THE PLAYERS AND PROCESSES TO RUN THINGS SMOOTHLY



**OPEN SESSION**

**CONSENT AGENDA**

**1. Licenses**

- c. Approve application filed by Vineyard Caribbean Cuisine, Inc. for a Common Victualler License – 279 Main Street, Falmouth



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Consent Agenda – Licenses 1.c.

**ITEM TITLE:** Approve application by Vineyard Caribbean Cuisine, Inc. for a Common Victualler License- 279 Main Street, Falmouth

**MEETING DATE:** 5/6/2024

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

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** License Application Review Form; Common Victualler and Innholder License Application dated April 8, 2024; Statement of Appointment of Registered Agent; Sample Menu; Floor Plan

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### PURPOSE:

The Select Board will consider the approval of an application filed by Vineyard Caribbean Cuisine, Inc. for a Common Victualler License- 279 Main Street, Falmouth.

### BACKGROUND/SUMMARY:

- The applicant completed and submitted its Common Victualler & Innholder License Application on April 8, 2024 (see attached).
- The seating capacity of the establishment is listed as 26; the Building Commissioner has reviewed and approved the establishment's floor plan for a Common Victualler (food only) license..

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board approve the application by Vineyard Caribbean Cuisine, Inc. for a Common Victualler License- 279 Main Street, Falmouth, as presented.

**OPTIONS:**

- Motion to approve the application filed by Vineyard Caribbean Cuisine, Inc. for a Common Victualler License- 279 Main Street, Falmouth, as presented.
  
- Motion to deny approval of the application filed by Vineyard Caribbean Cuisine, Inc. for a Common Victualler License- 279 Main Street, Falmouth, 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 application by Vineyard Caribbean Cuisine, Inc. for a Common Victualler License- 279 Main Street, Falmouth, as presented.

*Michael Renshaw*

\_\_\_\_\_  
Town Manager

4/30/2024

Date

**19.24 LICENSE APPLICATION REVIEW**

Restaurant/Business: Vineyard Caribbean Cuisine

Address: 279 Main Street

License Type: \_\_\_\_\_

New License Common Victualler License

Transfer of License \_\_\_\_\_

Change of License \_\_\_\_\_

Police No objection

Fire No Objection

Building \_\_\_\_\_

Health No issues

Zoning \_\_\_\_\_

Planning \_\_\_\_\_

DPW \_\_\_\_\_

Assessor \_\_\_\_\_

Wastewater \_\_\_\_\_

\_\_\_\_\_

**NOTES:**

The Building Commissioner has approved the Floor Plan for a Common Victualler (food only) license.



# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen  
59 Town Hall Square, Falmouth, Massachusetts 02540  
Telephone (508) 495-7320 • [licensing@falmouthma.gov](mailto: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: NEWTON V WAITE TITLE: OWNER

HOME ADDRESS: [REDACTED]

Town: Vineyard Haven State: MA Zip code: 02568

BUSINESS NAME: Vineyard Caribbean Cuisine Inc

D/B/A if any: [REDACTED]

BUSINESS ADDRESS: 281 Main Street

Town: Falmouth State: MA Zip code: 02540

MAILING ADDRESS (if different): 281 Main Street Falmouth

Town: Falmouth State: MA Zip code: 02540

FEDERAL ID #: [REDACTED] MANAGER OF RECORD: NEWTON WAITE

EMAIL – required: [REDACTED]

TELEPHONE – BUSINESS: [REDACTED] ALTERNATE: [REDACTED]

DAYS OF OPERATION: Monday to Sun

HOURS OF OPERATION: 8 AM – 9 PM

SEATING CAPACITY : 26

APPLICATION MUST BE SIGNED BY OWNER, MANAGER of RECORD, OR AUTHORIZED REPRESENTATIVE

\*\*DATE: 04/08/24



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

# MENU

## Vineyard CARIBBEAN CUISINE 2

SIT DOWN AND TAKE OUT

281 Main Street Falmouth  
MA 02540

### BREAKFAST

	Med.	Lg.
Ackee & Saltfish	\$20	\$25
Callaloo & Saltfish	\$18	\$23
Butterbean Rundung	\$18	\$23
Porridge	\$8	\$16
Sandwich	\$8	
Sausage / Egg / Cheese		
Coffee	\$5	
Tea	\$2.50	
Hot Chocolate	\$2.50	

### DINNER

	Med.	Lg.
Jerk Chicken	\$20	\$25
Curry Chicken	\$19	\$24
Stew Chicken	\$19	\$24
Fry Chicken	\$19	\$24
Oxtail	\$24	\$28
Curry Goat	\$22	\$26
Jerk Pork	\$20	\$25
Vege Dish	\$19	\$25
BBQ Ribs	\$23	\$27
Curry Chicken & Roti	\$22	
Curry Chicken & Goat	\$25	

### WINOS

	Sm.	Lg.
Jerk	\$14	\$22
BBQ	\$14	\$22
Plain	\$14	\$22
Buffalo	\$14	\$22

### SOUP

	Med.	Lg.
Chicken Pumpkin	\$8	\$16
Chicken Red Peas	\$8	\$16
Manish Water	\$10	\$19
Cowfoot	\$10	\$18

### SEAFOOD

Escoveitch Red Snapper Fish MARKET PRICE	
Jerk Salmon	\$30
Jerk Shrimp	\$28
Curry Shrimp	\$28

### SIDES

Mac & Cheese	\$8
Pasta Salad	\$8
Mashed Potatoes	\$7
Rice & Peas	\$7
Steamed Cabbage	\$7
Tropical Cold Salad	\$7
Fried Plantains	\$6.37
Festivals	\$3
Fried Saltfish Fritters	\$4

### PATTIES

Beef	\$4
Chicken	\$4.50
Vege	\$5
Spinach	\$5
Beef & Cheese	\$4.50
Cocoa Bread	\$2.50

### LUNCH SPECIAL

Jerk Chicken	\$13
Stew Chicken	\$13
Curry Chicken	\$13

### PASTRIES

Vanilla Rum Cake	\$9
Fruit Cake	\$8
Potato Pudding	\$7
Bun & Cheese	\$5

### DRINKS

Tropical Rythm	\$4
Jamaican Soda	\$4
Peanut Punch	\$5
Supligen	\$7
Malta	\$5
Can Soda	\$2
Water	\$2
Ting	\$4.50
Sorrell	\$4.50

Prices subject to change  
Please advise server before placing order if anyone in your party has a food allergy.  
\* Consuming raw or uncooked food may increase risk of food borne illness



Complete prior to applying for:

Common Victualler License  
Lodging House License  
Innholder License

APPLICANT: NEWTON Vaughn Waite

ADDRESS: 279 Main Street Falmouth

LICENSE APPLIED FOR: Common Victualler License

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

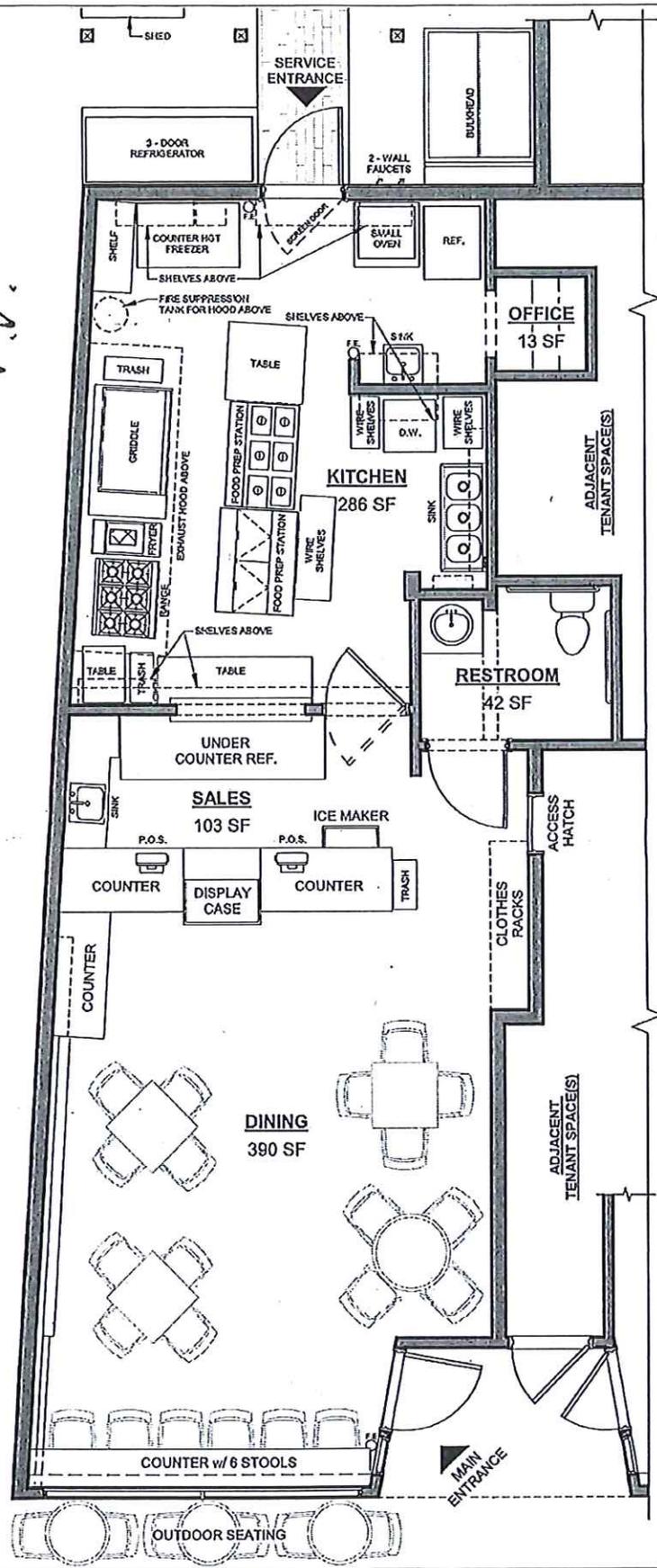
- a. For Common Victualler Licenses submit a Floor Plan completed by a Design Professional showing exits/entrances, distances, and all seats.
- b. For Lodging House Licenses submit a Floor Plan completed by a Design Professional showing exits/entrances, distances, and the occupancy load of each room.
- 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: \_\_\_\_\_

Building Commissioner: X 

DATE: 4-8-24

DRAWINGS REVIEWED BY  
 FALMOUTH BUILDING DEPARTMENT  
 BUILDING CODE COMPLIANCE  
 CHECKSET OF SCHEDULE PLANS  
 4-2-8-24  

EXISTING FLOOR PLAN		EXISTING CONDITIONS		
EX1.1		VINEYARD CARIBBEAN CUISINE INC.		
Scale: 1/4" = 1'-0"	Date: 10 JANUARY 2024	219 MAIN STREET FALMOUTH, MASSACHUSETTS		

## **OPEN SESSION**

### **CONSENT AGENDA**

#### **1. Licenses**

- d. Approve application filed by Sun Retreats Cape Cod for an Automatic Amusement Device License – 130 Thomas B. Landers Road, East Falmouth



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Consent Agenda – Licenses 1.d.

**ITEM TITLE:** Approve the application filed by Sun Retreats Cape Cod for an Automatic Amusement Device License- 130 Thomas B. Landers Road, East Falmouth

**MEETING DATE:** 5/6/2024

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

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** License Application Review Form; Application- Automatic Amusement Device License dated March 14, 2024; Floor Plan

---

### PURPOSE:

The Select Board is being requested to approve an application filed by Sun Retreats Cape Cod for an Automatic Amusement Device License- 130 Thomas B. Landers Road, East Falmouth.

### BACKGROUND/SUMMARY:

- The applicant, Sun Retreats Cape Cod, submitted their application for an Automatic Amusement Device License on March 14, 2024; the application states that the establishment is operated seasonally, from Sunday to Saturday from 9:00 AM through 9:00 PM.
- The owner of the automatic amusement devices is listed as Ryan's Entertainment, and the application states that use of the devices would be restricted to guests.

- The application states that 20 amusement devices, comprised of video, pinball, and electronic games, would be deployed.
- The Falmouth Building Department/Code Compliance reviewed and stamped the floor plan of the establishment and location of devices on April 30, 2024.
- The Police Department has reviewed the application and has no objection to its approval.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board approve the application filed by Sun Retreats Cape Cod for an Automatic Amusement Device License- 130 Thomas B. Landers Road, East Falmouth as presented.

**OPTIONS:**

- Motion to approve the application filed by Sun Retreats Cape Cod for an Automatic Amusement Device License- 130 Thomas B. Landers Road, East Falmouth as presented.
- Motion to deny approval of an Automatic Amusement Device License- 130 Thomas B. Landers Road, East Falmouth as presented.
- Some other Board specified 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 Sun Retreats Cape Cod for an Automatic Amusement Device License- 130 Thomas B. Landers Road, East Falmouth as presented.

*Michael Renshaw*

---

**Town Manager**

5/1/2024

**Date**

**LICENSE APPLICATION REVIEW**

Restaurant/Business: Sun Retreats Cape Cod

Address: 130 Thomas B Landers Road

License Type: Automatic Amusement Device

New License New

Transfer of License \_\_\_\_\_

Change of License \_\_\_\_\_

Police No objection

Fire \_\_\_\_\_

Building \_\_\_\_\_

Health \_\_\_\_\_

Zoning \_\_\_\_\_

Planning \_\_\_\_\_

DPW \_\_\_\_\_

Assessor \_\_\_\_\_

Wastewater \_\_\_\_\_

\_\_\_\_\_

**NOTES:**

The Building Commissioner has approved the floor plan.



Town of Falmouth  
 Office of the Town Manager/Select Board 59  
 Town Hall Square, Falmouth, MA 02540  
 508-495-7320 • [licensing@falmouthma.gov](mailto:licensing@falmouthma.gov)

**APPLICATION - AUTOMATIC AMUSEMENT DEVICE LICENSE**

Includes: Video, Pinball, Electronic Games & Juke Boxes per M.G.L. Chapter 140, Section 177A  
 Does NOT apply to Bowling Alleys or Pool Tables

All Fields are outlined in red are required.

BUSINESS NAME: Sun Retreats Cape Cod <sup>D/B/A</sup>

BUSINESS ADDRESS: 130 Thomas B. Landers Road

TOWN: East Falmouth STATE: MA ZIP CODE: 02536

MAILING ADDRESS:   
 (if different)

TOWN:  STATE:  ZIP CODE:

MANAGER/OWNER: Brian Waksmunski TITLE: District Manager

TELEPHONE #:  ALTERNATE PHONE #:

EMAIL: (required)

DAYS OF OPERATION: Sunday-Saturday HOURS OF OPERATION: 9am-9pm

ANNUAL:  or SEASONAL:

NUMBER OF AMUSEMENT DEVICES: (Video, Pinball, Electronic Games) 20

NUMBER OF JUKEBOXES: 0

OWNER OF MACHINES: Ryan's Entertainment

LOCATION OF MACHINES ON PREMISES: Arcade located in Clubhouse  
 Restricted to guests

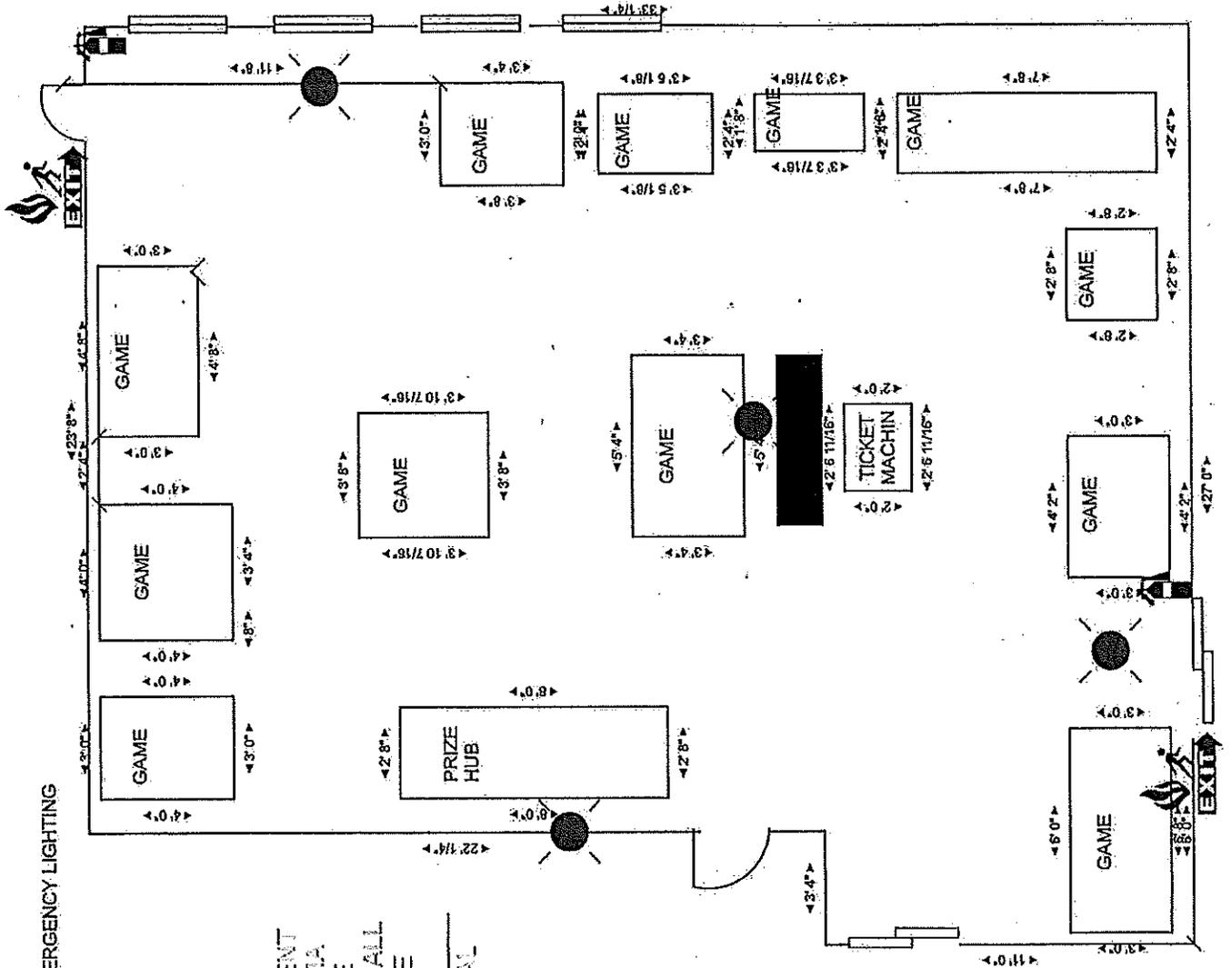
TAX ATTESTATION: I certify under the penalties of perjury that the information provided in this application is true and that, to my best knowledge, I have filed all state tax returns and paid all state and local taxes as required under law. I understand that Licensees who fail to correct their non-filing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

Signature - OWNER or MANAGER

03/14/2024  
 Date

Fees payable to Town of Falmouth

- Filing Fee: \$10
- Annual License: \$100 per Amusement Device
- Seasonal License: \$75 per Amusement Device
- Annual or Seasonal License: \$75 per Juke Box



DENOTES - EMERGENCY LIGHTING



DRAWINGS REVIEWED BY  
 PALMOUTH BUILDING DEPARTMENT  
 CONSTRUCTION SUBJECT TO MA  
 BUILDING CODE COMPLIANCE  
 ONE SET OF STAMPED PLANS SHALL  
 BE KEPT AT THE BUILDING SITE

DATE 4/30/24  
 OFFICIAL

## **OPEN SESSION**

### **CONSENT AGENDA**

#### **1. Licenses**

- e. Approve application filed by Inn on the Square, 40 North Main Street, Falmouth, for a Change of Manager of its Lodging House License



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Consent Agenda – Licenses 1.e.

**ITEM TITLE:** Approve the application filed by Inn on the Square, 40 North Main Street, Falmouth, for a Change of Manager of its Lodging House License

**MEETING DATE:** 5/6/2024

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

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** License Application Review Form, Falmouth Lodging House License Renewal Application dated April 30, 2024

---

### PURPOSE:

The Select Board will consider the approval of the application filed by Inn on the Square, 40 North Main Street, Falmouth, for a Change of Manager of its Lodging House License.

### BACKGROUND/SUMMARY:

- On April 30, 2024 applicant Inn on the Square, located at 40 North Main Street, properly completed the attached Lodging House License Renewal Application indicating a Change of Managers; the new manager is Sarah Bennett.
  
- Departmental review is not required for this license change.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board approve the application filed by Inn on the Square, 40 North Main Street, Falmouth, for a Change of Manager of its Lodging House License as presented.

**OPTIONS:**

- Motion to approve the application filed by Inn on the Square, 40 North Main Street, Falmouth, for a Change of Manager of its Lodging House License as presented.
  
- Motion to deny approval of the application filed by Inn on the Square, 40 North Main Street, Falmouth, for a Change of Manager of its Lodging House License 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 application filed by Inn on the Square, 40 North Main Street, Falmouth, for a Change of Manager of its Lodging House License as presented.

*Michael Renshaw*

\_\_\_\_\_

Town Manager

5/1/2024

Date

**LICENSE APPLICATION REVIEW**

Restaurant/Business: Inn on the Square

Address: 40 North Main Street

License Type: Lodging House License

New License \_\_\_\_\_

Transfer of License \_\_\_\_\_

Change of License Change of Manager

Police \_\_\_\_\_

Fire \_\_\_\_\_

Building \_\_\_\_\_

Health \_\_\_\_\_

Zoning \_\_\_\_\_

Planning \_\_\_\_\_

DPW \_\_\_\_\_

Assessor \_\_\_\_\_

Wastewater \_\_\_\_\_

\_\_\_\_\_

**NOTES:**

Departmental review is not required for this license change.



**TOWN OF FALMOUTH**  
 Office of the Town Manager & Selectmen  
 59 Town Hall Square, Falmouth, Massachusetts 02540  
 Telephone (508) 495-7320

**APPLICATION – RENEWAL APPLICATION**  
**LODGING HOUSE LICENSE**

M.G.L. Chapter 140, Sections 22 - 31  
*Fields outlined in RED are required*

APPLICATION FOR NEW LICENSE:  RENEWAL APPLICATION:

NAME APPLICANT/OWNER:

BUSINESS NAME:  D/B/A

BUSINESS ADDRESS: (if different from Home Address)

TOWN:  STATE:  ZIP CODE:

MAILING ADDRESS: (if different)

MANAGER: (if any)

FID #:  EMAIL: required

TELEPHONE - Business:  Home:

NO. OF ROOMS:  NO. OF LODGERS:

BED & BREAKFAST: - YES/NO  OWNER OCCUPIED: - YES/NO

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

DATE

SIGNATURE: OWNER or MANAGER

TOTAL TOWN OF Falmouth FEES: \$45.00  
 LICENSE FEE: \$35.00 FILING FEE: \$10.00

**OPEN SESSION**

**CONSENT AGENDA**

**2. Administrative Orders**

- a. Approve warrant for the annual town election on May 21, 2024



## AGENDA ITEM SUMMARY SHEET

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

**ITEM TITLE:** Approve warrant for the annual town election on May 21, 2024

**MEETING DATE:** 5/6/2024

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

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** Warrant for Annual Town Election May 21, 2024

---

### PURPOSE:

The Select Board will review and consider the approval of the Warrant for Annual Town Election to be held on May 21, 2024.

### BACKGROUND/SUMMARY:

- The Warrant outlines the nine (9) individual precincts and identifies the voting location within each precinct.
- Qualified voters are instructed to cast their votes on Tuesday, May 21, 2024 between the hours of 7:00 AM to 8:00 PM for the purpose of electing Town officers, Town Meeting representatives, and Question 1 as listed.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board approve the warrant for the annual town election on May 21, 2024, as presented.

**OPTIONS:**

- Motion to approve the warrant for the annual town election on May 21, 2024, as presented.
- Motion to deny approval of the warrant for the annual town election on May 21, 2024, as presented.
- Some other Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

**FINANCE DIRECTOR COMMENTS (IF APPLICABLE):**

N/A

**TOWN MANAGER COMMENTS:**

The Town Manager recommends that the Select Board approve the warrant for the annual town election on May 21, 2024, as presented.

*Michael Renshaw*

\_\_\_\_\_

Town Manager

4/30/2024

Date



*Town of Falmouth*  
**Warrant For  
 Annual Town Election  
 MAY 21, 2024**

BARNSTABLE, SS.

To either of the Constables of the Town of Falmouth

**GREETINGS:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in the Annual Town Election to vote at:

- |             |                                    |             |                                      |
|-------------|------------------------------------|-------------|--------------------------------------|
| Precinct 1: | Town Hall                          | Precinct 6: | Falmouth High School Gymnasium       |
| Precinct 2: | Falmouth Community Veterans Center | Precinct 7: | Waquoit Congregational Church Hall   |
| Precinct 3: | Falmouth High School Gymnasium     | Precinct 8: | Navigator Club                       |
| Precinct 4: | St Anthony's Lodge                 | Precinct 9: | Jewish Congregation Community Center |
| Precinct 5: | St Elizabeth Seton Church Hall     |             |                                      |

On TUESDAY, the 21st OF MAY 2024, from 7:00a.m. to 8:00p.m. for the following purpose:

To cast their votes in the Town Election for the Candidates and Question:

**ELECT TOWN OFFICERS:**

- |                            |             |             |
|----------------------------|-------------|-------------|
| MODERATOR                  | ELECT ONE   | 3 YEAR TERM |
| SELECT BOARD               | ELECT ONE   | 3 YEAR TERM |
| TRUSTEE OF PUBLIC LIBRARY  | ELECT THREE | 3 YEAR TERM |
| SCHOOL COMMITTEE           | ELECT THREE | 3 YEAR TERM |
| PLANNING BOARD             | ELECT TWO   | 3 YEAR TERM |
| MUNICIPAL LIGHT BOARD      | ELECT ONE   | 3 YEAR TERM |
| MUNICIPAL LIGHT BOARD      | ELECT TWO   | 2 YEAR TERM |
| FALMOUTH HOUSING AUTHORITY | ELECT ONE   | 5 YEAR TERM |
| FALMOUTH HOUSING AUTHORITY | ELECT ONE   | 1 YEAR TERM |

**TOWN MEETING REPRESENTATIVES:**

- |               |            |             |
|---------------|------------|-------------|
| ALL PRECINCTS | ELECT NINE | 3 YEAR TERM |
| PRECINCT 2    | ELECT ONE  | 2 YEAR TERM |
| PRECINCT 3    | ELECT ONE  | 2 YEAR TERM |
| PRECINCT 3    | ELECT TWO  | 1 YEAR TERM |
| PRECINCT 5    | ELECT NINE | 3 YEAR TERM |
| PRECINCT 5    | ELECT ONE  | 1 YEAR TERM |
| PRECINCT 9    | ELECT ONE  | 1 YEAR TERM |

QUESTION 1: 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?

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

- NANCY ROBBINS TAYLOR, CHAIR \_\_\_\_\_
- EDWIN P ZYLINSKI, II \_\_\_\_\_
- DOUGLAS C. BROWN \_\_\_\_\_
- ONJALÈ B SCOTT PRICE \_\_\_\_\_
- ROBERT P MASCALI  
 FALMOUTH SELECT BOARD \_\_\_\_\_

Barnstable, SS.  
 Falmouth, MA

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

\_\_\_\_\_  
 Constable, Town of Falmouth

\_\_\_\_\_  
 Date

## **OPEN SESSION**

### **CONSENT AGENDA**

#### **1. Administrative Orders**

- b. Accept donation from Inman Tree Specialist in the amount of \$550.00 to the Falmouth Cultural Council donation account for the Music at the Table program



## AGENDA ITEM SUMMARY SHEET

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

**ITEM TITLE:** Accept donation from Inman Tree Specialist in the amount of \$550.00 to the Falmouth Cultural Council donation account for the Music at the Table program

**MEETING DATE:** 5/6/2024

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

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** Check from Inman Tree Specialist #1272 payable to Town of Falmouth in the amount of \$550.00

---

**PURPOSE:**

The Select Board is being requested to approve the receipt of a \$550 donation to the Falmouth Cultural Council donation account from the Inman Tree Specialist for the Music at the Table program.

**BACKGROUND/SUMMARY:**

N/A

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board approve the receipt of the \$550 donation to the Falmouth Cultural Council donation account from the Inman Tree Specialist for the Music at the Table program.

**OPTIONS:**

- Motion to approve the receipt of the \$550 donation to the Falmouth Cultural Council donation account from the Inman Tree Specialist for the Music at the Table program.
  
- Motion to deny the approval of the receipt of the \$550 donation to the Falmouth Cultural Council donation account from the Inman Tree Specialist for the Music at the Table program.

**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 receipt of the \$550 donation to the Falmouth Cultural Council donation account from the Inman Tree Specialist for the Music at the Table program.

*Michael Renshaw*

\_\_\_\_\_

**Town Manager**

5/2/2024

**Date**



# TOWN OF FALMOUTH

## Schedule of Departmental Payments to the Treasurer

Department: Cultural Council

Date: \_\_\_\_\_

FROM	ACCOUNT #	AMOUNT
<p><b>INMAN TREE SPECIALIST</b> PO BOX 881 NORTH FALMOUTH, MA 02556</p> <p>1272 53-7164/2113 14</p> <p>4.16.24 date</p> <p>pay to the order of <u>Town of Falmouth</u> \$ <u>550.00</u></p> <p><u>Five hundred fifty dollars even</u> dollars</p> <p><b>The Cooperative Bank of Cape Cod</b> POSITIVELY DIFFERENT for <u>FCC Music @ the table</u></p> <p>1272</p>		

TOTAL

To the Accounting Officer:

To the Department Officer making the payment:

Town Treasurer

**OPEN SESSION**

**CONSENT AGENDA**

**2. Administrative Orders**

- c. Appoint Inspectors of Animals – Christopher Anglin, Molly Masson, Chloe Eressy



## AGENDA ITEM SUMMARY SHEET

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

**ITEM TITLE:** Appoint Inspectors of Animals- Christopher Anglin, Molly Masson, Chloe Eressy

**MEETING DATE:** 5/6/2024

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

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** Letter from MA Department of Agricultural Resources dated April 26, 2024; Certificates of Appointment of Inspector of Animals dated May 1, 2024

---

### PURPOSE:

The Select Board is being asked to appoint the following three staff members to serve the role of Inspector of Animals for the Town of Falmouth: Christopher Anglin, Molly Masson, and Chloe Eressy.

### BACKGROUND/SUMMARY:

- If approved, the appointments of Christopher Anglin, Moly Masson, and Chloe Eressy will run from May 1, 2024 through and including April 30, 2025.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board approve the appointment of Christopher Anglin, Molly Masson, and Chloe Eressy to be Inspector of Animals for the Town of Falmouth and to serve in this capacity until April 30, 2025.

**OPTIONS:**

- Motion to approve the appointment of Christopher Anglin, Molly Masson, and Chloe Eressy to be Inspector of Animals for the Town of Falmouth and to serve in this capacity until April 30, 2025.
  
- Motion to deny approval of the appointment of Christopher Anglin, Molly Masson, and Chloe Eressy to be Inspector of Animals for the Town of Falmouth and to serve in this capacity until April 30, 2025.

**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 appointment of Christopher Anglin, Molly Masson, and Chloe Eressy to be Inspector of Animals for the Town of Falmouth and to serve in this capacity until April 30, 2025.

*Michael Renshaw*

\_\_\_\_\_

Town Manager

5/2/2024

Date

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

100 Cambridge Street, 9<sup>th</sup> Floor, Boston, MA 02114  
[www.mass.gov/agr](http://www.mass.gov/agr)



Maura T. Healey  
GOVERNOR

Kimberley Driscoll  
LIEUTENANT  
GOVERNOR

Rebecca L. Tepper  
SECRETARY

Ashley E. Randle  
COMMISSIONER

April 26, 2024

Nominating Authority:

Enclosed is the certificate of appointment for your Inspector of Animals. This appointment covers the inspector from May 1, 2024, until April 30, 2025. The nominating authority should retain this copy as proof of appointment. The animal inspector may choose to carry a copy of the certificate with them. A reduction to 35% on a photocopier will produce a legible wallet-sized copy.

If you have any questions, please call Ashley Kraft at (617) 823- 0145 or email [Ashley.Kraft@mass.gov](mailto:Ashley.Kraft@mass.gov).

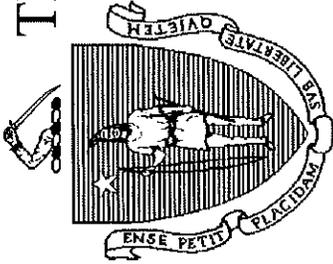
Sincerely,

A handwritten signature in blue ink that reads 'Michael Cahill'.

Michael Cahill  
Director  
Division of Animal Health  
Massachusetts Department of Agricultural Resources



THE COMMONWEALTH OF MASSACHUSETTS



DEPARTMENT OF AGRICULTURAL RESOURCES  
DIVISION OF ANIMAL HEALTH  
100 CAMBRIDGE STREET, 9<sup>TH</sup> FLOOR  
BOSTON, MA 02114

**CERTIFICATE OF APPOINTMENT OF INSPECTOR OF ANIMALS**

City / Town of Falmouth

Through April 30, 2025

Notice is hereby given that I, Michael Cahill, acting under the authority of section 15 and 16 of Chapter 129 of the General Laws, as amended, do hereby approve the appointment of Molly Masson as Inspector of Animals for the City or Town of Falmouth, County of Barnstable, Commonwealth of Massachusetts.

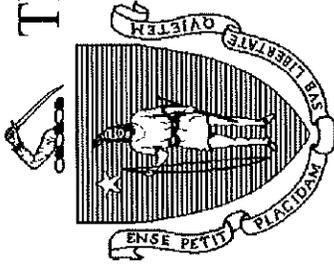
5/1/2024

Date Approved

A handwritten signature in black ink, appearing to read "Michael Cahill", written over a horizontal line.

Director of the Division of Animal Health

THE COMMONWEALTH OF MASSACHUSETTS



DEPARTMENT OF AGRICULTURAL RESOURCES  
DIVISION OF ANIMAL HEALTH  
100 CAMBRIDGE STREET, 9<sup>TH</sup> FLOOR  
BOSTON, MA 02114

**CERTIFICATE OF APPOINTMENT OF INSPECTOR OF ANIMALS**

City / Town of Falmouth

Through April 30, 2025

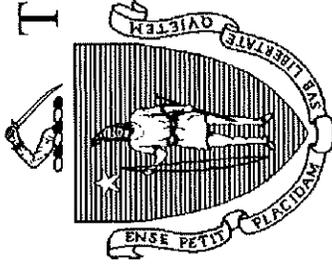
Notice is hereby given that I, Michael Cahill, acting under the authority of section 15 and 16 of Chapter 129 of the General Laws, as amended, do hereby approve the appointment of Christopher Anglin as Inspector of Animals for the City or Town of Falmouth, County of Barnstable, Commonwealth of Massachusetts.

5/1/2024

Date Approved

A handwritten signature in cursive script, appearing to read "Michael Cahill".

Director of the Division of Animal Health



THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF AGRICULTURAL RESOURCES  
DIVISION OF ANIMAL HEALTH  
100 CAMBRIDGE STREET, 9<sup>TH</sup> FLOOR  
BOSTON, MA 02114

**CERTIFICATE OF APPOINTMENT OF INSPECTOR OF ANIMALS**

City / Town of Falmouth

Through April 30, 2025

Notice is hereby given that I, Michael Cahill, acting under the authority of section 15 and 16 of Chapter 129 of the General Laws, as amended, do hereby approve the appointment of Chloe Eressy as Inspector of Animals for the City or Town of Falmouth, County of Barnstable, Commonwealth of Massachusetts.

5/1/2024

Date Approved

A handwritten signature in black ink, appearing to read "Michael Cahill".

Director of the Division of Animal Health

**OPEN SESSION**

**CONSENT AGENDA**

**2. Administrative Orders**

d. Approve water main easement for 763 Main Street



## AGENDA ITEM SUMMARY SHEET

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

**ITEM TITLE:** Approve water main easement for 763 Main Street

**MEETING DATE:** 5/6/2024

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

**SUBMITTED BY:** Town Counsel

**ATTACHMENTS:** Water Main Easement

---

### PURPOSE:

Scranton Main, LLC is seeking to grant a permanent easement to the Town to construct an extension of the Town's water main to the property at 763 Main Street.

### BACKGROUND/SUMMARY:

- In order to provide sufficient water service to the new construction at 763 Main Street, the Town requires an easement over property owned by Scranton Main, LLC. This proposed easement would allow the development to connect to the Town's water service and gives the Town a perpetual right to maintain the pipes and hydrants at the location.
- This easement has been reviewed by Town Counsel and may be accepted administratively by the Select Board pursuant to chapter 65 section 3 of the Falmouth bylaws.

**DEPARTMENT RECOMMENDATION:**

Town Counsel recommends that the Select Board vote to accept the Water Main Easement so that the development at 763 Main Street may connect to the Town’s water service and the Town may maintain the infrastructure at that location.

**OPTIONS:**

- Motion to accept and approve the Water Main Easement so that the development at 763 Main Street may connect to the Town’s water service and the Town may maintain the infrastructure at that location.
- Motion to deny acceptance and approval of the Water Main Easement so that the development at 763 Main Street may connect to the Town’s water service and the Town may maintain the infrastructure at that location.

**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 accept the Water Main Easement so that the development at 763 Main Street may connect to the Town’s water service and the Town may maintain the infrastructure at that location.

*Michael Renshaw*

\_\_\_\_\_

Town Manager

4/29/2024

Date

Address of Premises: 763 Main Street, Falmouth, MA  
Lot 22 and Lot 23, Land Court Plan 7639-Z and Lot 2, Land Court Plan 7639-N;  
Certificate No. 228785

WATER MAIN EASEMENT  
NEW DEVELOPMENT

SCRANTON MAIN LLC, a Massachusetts limited liability company, with an address of 33 Union Street, Boston, Massachusetts 02108 (“Grantor”) grants to the Town of Falmouth (the “Town” or “Grantee”), a municipal corporation, of 59 Town Hall Square, Falmouth, Barnstable County Massachusetts 02540, as owner of land at 763 Main Street, in Falmouth, Barnstable County, Massachusetts 02540, shown as Lot 22 and Lot 23 on Land Court Plan 7639-Z and Lot 2 on Land Court Plan 7639-N (the “Property”),

for nominal, non-monetary consideration,  
the receipt and sufficiency of which is herein acknowledged,

the perpetual right, privilege, and easement, to use in common with the Grantor and others from time to time entitled to use the same, the areas of land as shown as “Water Main Easement Areas” (“Easement Areas”) on the Sketch Plan attached hereto as Exhibit A entitled “Sketch Plan of Water Main Easement Areas”, Owner: Scranton Main LLC, dated February 26, 2023, prepared by Cape & Islands Engineering (the “Plan”) including, without limitation, the right to use the Easement Areas for the purpose of laying, installing, maintaining, operating, constructing, re-constructing, removing, replacing, re-laying, inspecting, patrolling, servicing and using water mains, lines, drains, pipes, hydrants, shut-offs, back flow devices, and related equipment and appurtenances, with the necessary manholes or conduits (all of which, water mains and related equipment, and conduits shall remain the property of the persons installing the same) in, through, under, across and upon the Easement Areas in which the water main extension herein provided for is laid as shown on the Plan attached hereto.

With respect to said right and easement hereby conveyed, the Grantor hereof for itself and its respective successors in the record title thereto hereby agrees as follows:

NOW THEREFORE the Grantor covenants and agrees as follows:

1. The Grantor shall have the right to use and enjoy the foregoing right and easement for the purposes stated in common with the Grantee and others legally entitled thereto, subject to the terms and conditions expressed herein, but water usage shall be separately metered and paid by the party using the same.
2. The Grantor has or will, without any cost or expense to said Town of Falmouth, lay, construct, make, furnish, supply and install an extension of the existing water main of the Town of Falmouth, according to specifications approved by the Water Division and to its entire approval and satisfaction, from the existing water main on Main Street in, through, under, across and along the Easement Areas as shown on the Plan attached hereto as Exhibit A.
3. It is agreed that during such constructions and laying of the water main as contemplated herein and hereby, the Water Division, and its duly appointed agents or representatives, shall have the right to inspect and to determine whether or not the rules and regulations and specifications of said Town of Falmouth are hereby complied with.
4. Grantor shall not perform, nor authorize or permit anyone to perform, any laying, installation, construction, maintenance, repairs or replacement of said water main without providing at least five (5) days written Notice to the Water Division and scheduling the supervision of an authorized agent of the Water Division onsite at all times. Under no circumstances shall Grantor use, improve, or perform work on, including, without limitation, repairs, nor authorize or permit anyone to use, improve, or perform work on, including, without limitation, repairs, any hydrants without the express written approval and direct supervision of the Water Division.
5. It is further agreed and understood that there will be no change in the grade of the Property in which said water main is laid without the prior written approval of the Water Division and that in the event that there is any change made to the grade after the water main has been laid and installed as herein contemplated or provided, that the undersigned Grantor, and/or their successors in the record title thereto, will pay the entire costs of relocating any water mains or pipes or other equipment or appurtenances that may become necessary by virtue of any such change in the grade.
6. Grantor will not authorize nor permit to be laid any existing or proposed waste water management system or components thereof, including, without limitation, gravity sanitary or storm sewer, septic tank, or subsoil treatment system within the Easement Areas.
7. If in connection with the installation of utilities or otherwise any excavations are made within the Easement Areas, the party making such excavation shall forthwith restore said strips and the surfaces thereof to their prior condition. If said party is anyone other than Grantee or their successors in the record title, then Grantor or their successors in record title shall be responsible for ensuring compliance with this Paragraph 7.

8. It is further agreed that upon the completion of the aforementioned water main extension as herein provided, to the approval and satisfaction of the Water Division as evidenced by water being furnished through said water main extension to said premises that all such water mains, pipes, hydrants and appurtenances and equipment shall become, and remain, a part of the Town of Falmouth water supply system and shall be subject to all of the rules and regulations of the Water Division; and that the said Town of Falmouth may connect other water pipes or water mains or other connections thereto, whether on land of the undersigned or otherwise, without obtaining the consent or approval of any person or persons, or corporation who may at that time own said premises or any portion thereof, and without the cost of this water main extension being considered in determining any water guarantee or other charges or conditions that may then be required by the Town of Falmouth.
9. This Easement creates rights for the Town of Falmouth and nothing in this Easement is intended to create a duty or responsibility of any kind whatsoever for the Town of Falmouth to lay, install, maintain, operate, construct, re-construct, remove, replace, re-lay, inspect, patrol, service and use water mains, lines, drains, pipes, hydrants, shut-offs, back flow devices, and related equipment and appurtenances, with the necessary manholes or conduits, for the water main extension contemplated herein. Grantor has not and shall not convey any rights in said extension, to anyone other than the Town of Falmouth as contemplated herein. The limitation in the immediately preceding sentence shall apply to the water main extension as a whole, including, without limitation, its mains, lines, improvements, appurtenances, drains, repairs and replacement.
10. The Town is hereby authorized to maintain, repair or replace the water main extension if the Grantor fails to make or undertake with due diligence maintenance, repair or replacement of said water main extension within ten days after it is given written notice of such failure from anyone; provided, however, that in case of emergency where, in the sole opinion of the Water Superintendent or any Town Official temporarily acting in the Water Superintendent's stead during his or her absence or a vacancy of the role, delay would cause serious loss or damages or a hazard or inconvenience to the public or any combination thereof, the Water Division may maintain, repair or replace the water main extension or place lights, signs, and barricades without prior notice to said Grantor. Said Grantor shall pay any and all costs arising out of or relating to any and all maintenance, repairs, or replacement of the water main, whether performed by the Water Division or not, including, without limitation, legal fees, expenses and costs.

For title reference, see Certificate of Title No. 228785.

IN WITNESS WHEREOF, the undersigned Linda Clark, being the real estate signatory, and duly authorized agent of Scranton Main LLC has signed, sealed, acknowledged and delivered this instrument on behalf of Scranton Main LLC \_\_\_\_\_ this 2<sup>nd</sup> day of APRIL, 2024.

SCRANTON MAIN LLC

By [Signature]  
Its duly authorized agent, and Real Estate Signatory,  
Linda Clark

Commonwealth of Massachusetts

County of Barnstable

On APRIL 2, 2024 before me, the undersigned notary public personally appeared Linda Clark \_\_\_\_\_ proved to me on the basis of satisfactory evidence of identification which was PERSONAL KNOWLEDGE to be the person(s) whose name(s) is/are subscribed to the within instrument and who acknowledged to me this instrument is (his)(her) free act and deed.

WITNESS my hand and official seal.

Laura M. Moynihan  
Signature of Notary Public:  
Print Name:  
My Commission Expires: 9/8/2028



We the undersigned Select Board of the Town of Falmouth hereby accept this Easement on behalf of the Town of Falmouth under authority of Ch. 65, § 3 of the Code of Falmouth.

Town of Falmouth  
By its Select Board

\_\_\_\_\_  
Nancy Robbins Taylor, Chair

\_\_\_\_\_  
Edwin (Scott) P. Zylinski II, Vice Chair

\_\_\_\_\_  
Douglas C. Brown

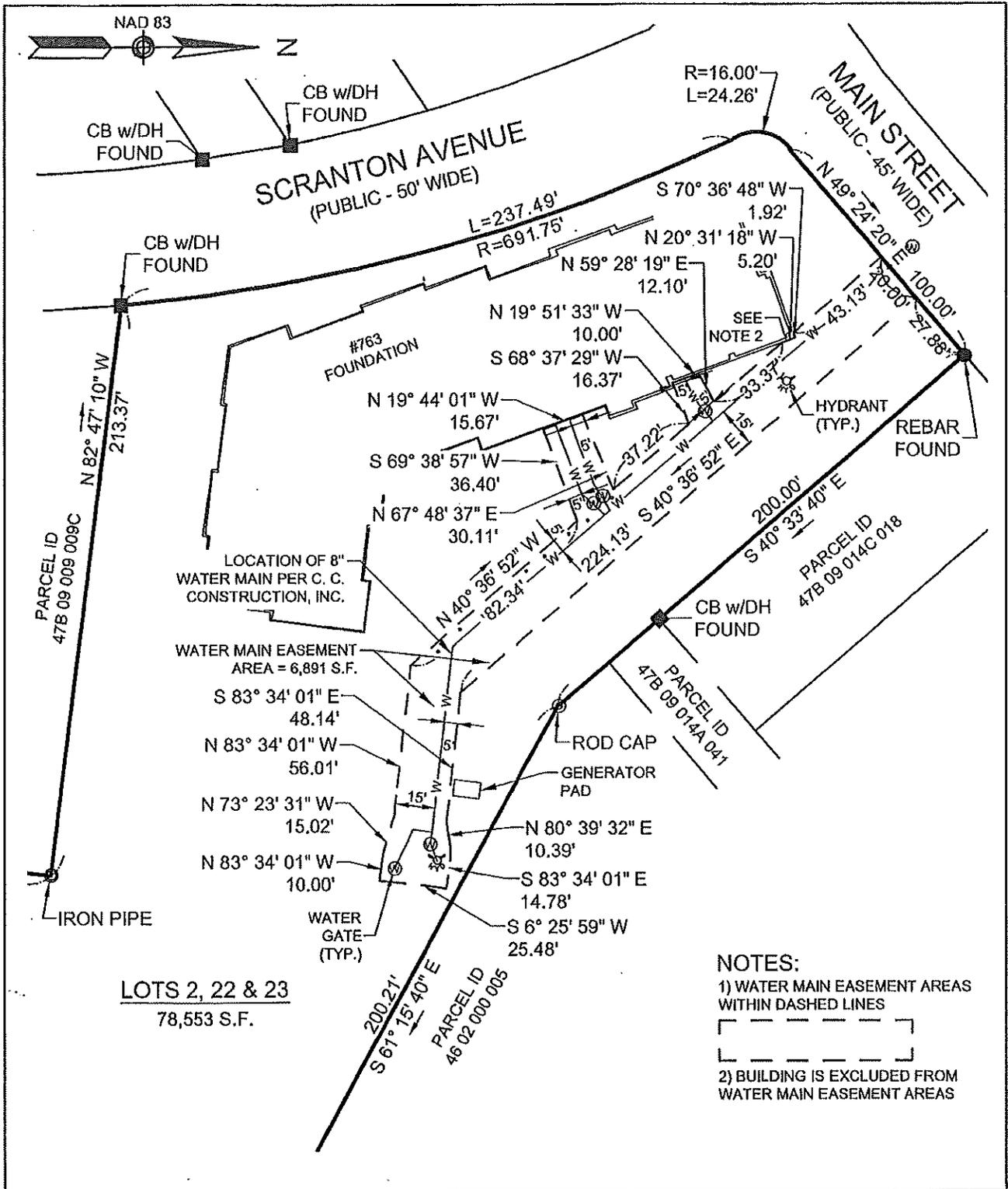
\_\_\_\_\_  
Onjalé Scott Price

\_\_\_\_\_  
Robert P. Mascali

Date: \_\_\_\_\_

Exhibit A

Sketch Plan [See Attached]



**LOTS 2, 22 & 23**  
78,553 S.F.

- NOTES:**
- 1) WATER MAIN EASEMENT AREAS WITHIN DASHED LINES
  - 2) BUILDING IS EXCLUDED FROM WATER MAIN EASEMENT AREAS

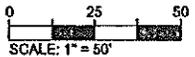
Project: **763 MAIN STREET**  
FALMOUTH, MASSACHUSETTS

Drawing Title: **SKETCH PLAN OF WATER MAIN EASEMENT AREAS**

Owner: **SCRANTON MAIN LLC**

Deed Ref: **CERTIFICATE 228785** Parcel ID No: **47B-09-013-022**

Date: **FEBRUARY 26, 2023**



Drawn By: **JJF** Check By: **JVB**

**CAPE & ISLANDS**  
ENGINEERING

508.477.7272 PHONE 508.477.9072 FAX  
SUMMERFIELD PARK - 800 FALMOUTH ROAD - SUITE 301C - MASHPEE, MA 02649

**OPEN SESSION**

**CONSENT AGENDA**

**2. Administrative Orders**

- e. Approve a letter of support for Solar Array Project at Cape Cod Country Club



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Consent Agenda – Administrative Orders 2.e.

**ITEM TITLE:** Approve a letter of support for Solar Array Project at Cape Cod Country Club

**MEETING DATE:** 5/6/2024

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

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** Draft Letter to Cape Cod Commission, Health and Safety Impact of Solar Photovoltaics, Solar Panel Components: Safety

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### PURPOSE:

The Board is asked to approve a letter of support for the development of a large scale ground-mount solar array at the Cape Cod Country Club project to be submitted to the Cape Cod Commission.

### BACKGROUND/SUMMARY:

- This matter was address by the Select Board on 04/01/2024 at which time the Board directed staff to draft a letter of support which addresses two potential concerns raised at the meeting: 1) potential for hazardous materials contained in solar panels to result in environmental impacts; 2) liability for any environmental impacts caused by the solar panels.
- Town staff looked further into the question of hazardous materials contained in solar panels.
  - Marc Finneran raised a concern about hazardous materials in solar panels and referenced a Newsweek article describing a solar farm in Texas damaged by a

hailstorm. The Newsweek article published 03/26/2024 (<https://www.newsweek.com/thousands-solar-panels-texas-destroyed-hailstorm-1883546>) quotes residents raising concerns about potential contamination. The article also indicates toxic chemical contained in some solar panels only become an environmental concern when disposing of the panels. The article notes that County officials told news outlets that hazardous materials crews had found no contamination in the area.

- The primary toxin of concern in solar panels according to several articles is cadmium telluride (CdTe). Over 90% of panels installed today are crystalline silicon PV panels which do not contain cadmium telluride.
  - See attached article published by NC Clean Energy Technology for further details about the low risk of toxic contamination posed by solar panels.
- 
- The Town can, and should, insist that solar panels installed at this property, which will become a Town-owned parcel if the project comes to pass, not contain cadmium telluride (CdTe).
  - Town Counsel has advised that the Town's liability associated with potential environmental impacts of the solar array (however limited they may be) can be addressed with indemnification and bond requirements in the Town's lease to the solar operator.
  - When evaluating potential environmental risks from solar development, it is important to consider the environmental risks associated with other land use options and the environmental risks associated with other energy generation options.
  - The current use of this property as a golf course involves the release of chemicals with environmental impacts e.g. herbicides, pesticides, nitrogen, phosphorous. The owner has indicated they are not going to stay in the golf business long-term. One likely alternative to development of the site for large-scale solar is housing. Housing, even with best in class septic treatment, will result in discharge of chemicals with known environmental impacts: e.g. nitrogen, phosphorous, and other contaminants of emerging concern.
  - Producing energy from natural gas and other fossil fuels results in many forms of environmental impacts in the extraction, transport and combustion process including release of carbon dioxide and methane (global warming), nitrogen oxides and sulfur dioxides (smog, human health impacts, acid rain), water pollution (oil spills).

- Enclosed for the Board's consideration is a proposed letter in support of the PureSky application to the Cape Cod Commission for a large-scale ground mount solar array.

**From prior Agenda Item 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 that the Select Board approve the letter of support to the Cape Cod Commission for the Solar Array Project at the Cape Cod Country Club as drafted and presented.

**OPTIONS:**

- Motion to approve the letter of support to the Cape Cod Commission for the Solar Array Project at the Cape Cod Country Club as drafted and presented.
  
- Motion to deny approval of the letter of support to the Cape Cod Commission for the Solar Array Project at the Cape Cod Country Club as drafted and presented.
  
- Motion to approve a letter of support to the Cape Cod Commission for the Solar Array Project at the Cape Cod Country Club with some Board specified edits.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

**FINANCE DIRECTOR COMMENTS (IF APPLICABLE):**

N/A

**TOWN MANAGER COMMENTS:**

The Town Manager recommends that the Select Board approve the letter of support to the Cape Cod Commission for the Solar Array Project at the Cape Cod Country Club as drafted and presented.

*Michael Renshaw*

\_\_\_\_\_  
Town Manager

5/2/2024

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](mailto:townmanager@falmouthma.gov)

May 6, 2024

Kristy Senatori  
Executive Director  
Cape Cod Commission  
3225 Main St.  
Barnstable, MA 02630

RE: Proposed Large-Scale Ground Mounted Solar Photovoltaic Installation at 41, 59 and 48  
Theatre Drive and 0 Boxberry Hill Rd, Falmouth

Dear Ms. Senatori:

The Town of Falmouth Select Board has voted to recommend Cape Cod Commission's approval of an application submitted by ASD Cape Cod Holdings LLC (AKA PureSky Energy formerly AMP Energy). The Town has had some dialog with the applicant regarding its proposal. 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. The Select Board considered a number of factors in arriving at its decision to support the project.

- Future Town control of the property;
- Conservation value of the portion of the property to be subject to a permanent conservation restriction;
- Potential use of a limited portion of previously disturbed land, which is not subject to a conservation restriction, for affordable/attainable housing;
- Reduced environmental impacts from ceasing golf course operations;
- Avoided environmental impacts resulting from creation of a 23-megawatt renewable energy source (reduced reliance on fossil fuels = reduced emissions that contribute to climate change, smog, acid rain, oil spills, etc.);
- Lease payment and payment-in-lieu-of-taxes revenue to be received by the Town during the term of the solar lease;
- Potential revenue the Town might generate by continuing to operate a large-scale solar array owned by the Town after the PureSky lease expires.

If the project is approved by the Commission, the Town intends to negotiate a memorandum of agreement and a lease agreement that detail the final construction plans, financial terms, and address potential Town liability related to environmental impacts and decommissioning. The Town will require that the specifications for the solar panels to be installed be approved in advance by the Town so we can assure they do not contain cadmium telluride (CdTe) and are

Kristy Senatori, Executive Director  
Cape Cod Commission  
Page 2  
May 6, 2024

generally “best in class” with respect to what we understand to be a low risk of local environmental contamination if damaged. The Town will also require a bond in an amount sufficient to pay for decommissioning of the array if, and when, the Town elects to remove the array.

Please contact Town Manager Mike Renshaw should you have any questions regarding this matter.

Thank you for your consideration.

Sincerely,

Nancy Robbins Taylor, Chair  
Falmouth Select Board

Enclosure: Memorandum of Understanding 09/22/2024



**NC CLEAN ENERGY**  
TECHNOLOGY CENTER

**Health and Safety Impacts of Solar  
Photovoltaics**  
MAY 2017



## **Health and Safety Impacts of Solar Photovoltaics**

The increasing presence of utility-scale solar photovoltaic (PV) systems (sometimes referred to as solar farms) is a rather new development in North Carolina's landscape. Due to the new and unknown nature of this technology, it is natural for communities near such developments to be concerned about health and safety impacts. Unfortunately, the quick emergence of utility-scale solar has cultivated fertile grounds for myths and half-truths about the health impacts of this technology, which can lead to unnecessary fear and conflict.

Photovoltaic (PV) technologies and solar inverters are not known to pose any significant health dangers to their neighbors. The most important dangers posed are increased highway traffic during the relative short construction period and dangers posed to trespassers of contact with high voltage equipment. This latter risk is mitigated by signage and the security measures that industry uses to deter trespassing. As will be discussed in more detail below, risks of site contamination are much less than for most other industrial uses because PV technologies employ few toxic chemicals and those used are used in very small quantities. Due to the reduction in the pollution from fossil-fuel-fired electric generators, the overall impact of solar development on human health is overwhelmingly positive. This pollution reduction results from a partial replacement of fossil-fuel fired generation by emission-free PV-generated electricity, which reduces harmful sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), and fine particulate matter (PM<sub>2.5</sub>). Analysis from the National Renewable Energy Laboratory and the Lawrence Berkeley National Laboratory, both affiliates of the U.S. Department of Energy, estimates the health-related air quality benefits to the southeast region from solar PV generators to be worth 8.0 ¢ per kilowatt-hour of solar generation.<sup>1</sup> This is in addition to the value of the electricity and suggests that the air quality benefits of solar are worth more than the electricity itself.

Even though we have only recently seen large-scale installation of PV technologies, the technology and its potential impacts have been studied since the 1950s. A combination of this solar-specific research and general scientific research has led to the scientific community having a good understanding of the science behind potential health and safety impacts of solar energy. This paper utilizes the latest scientific literature and knowledge of solar practices in N.C. to address the health and safety risks associated with solar PV technology. These risks are extremely small, far less than those associated with common activities such as driving a car, and vastly outweighed by health benefits of the generation of clean electricity.

This paper addresses the potential health and safety impacts of solar PV development in North Carolina, organized into the following four categories:

- (1) Hazardous Materials
- (2) Electromagnetic Fields (EMF)
- (3) Electric Shock and Arc Flash
- (4) Fire Safety

# 1. Hazardous Materials

One of the more common concerns towards solar is that the panels (referred to as “modules” in the solar industry) consist of toxic materials that endanger public health. However, as shown in this section, solar energy systems may contain small amounts of toxic materials, but these materials do not endanger public health. To understand potential toxic hazards coming from a solar project, one must understand system installation, materials used, the panel end-of-life protocols, and system operation. This section will examine these aspects of a solar farm and the potential for toxicity impacts in the following subsections:

## (1.2) Project Installation/Construction

### (1.2) System Components

#### 1.2.1 Solar Panels: Construction and Durability

#### 1.2.2 Photovoltaic technologies

##### (a) Crystalline Silicon

##### (b) Cadmium Telluride (CdTe)

##### (c) CIS/CIGS

#### 1.2.3 Panel End of Life Management

#### 1.2.4 Non-panel System Components

## (1.3) Operations and Maintenance

## 1.1 Project Installation/Construction

The system installation, or construction, process does not require toxic chemicals or processes. The site is mechanically cleared of large vegetation, fences are constructed, and the land is surveyed to layout exact installation locations. Trenches for underground wiring are dug and support posts are driven into the ground. The solar panels are bolted to steel and aluminum support structures and wired together. Inverter pads are installed, and an inverter and transformer are installed on each pad. Once everything is connected, the system is tested, and only then turned on.



Figure 1: Utility-scale solar facility (5 MW<sub>AC</sub>) located in Catawba County. Source: Strata Solar

## 1.2 System Components

### 1.2.1 Solar Panels: Construction and Durability

Solar PV panels typically consist of glass, polymer, aluminum, copper, and semiconductor materials that can be recovered and recycled at the end of their useful life.<sup>2</sup> Today there are two PV technologies used in PV panels at utility-scale solar facilities, silicon, and thin film. As of 2016, all thin film used in North Carolina solar facilities are cadmium telluride (CdTe) panels from the US manufacturer First Solar, but there are other thin film PV panels available on the market, such as Solar Frontier's CIGS panels. Crystalline silicon technology consists of silicon wafers which are made into cells and assembled into panels, thin film technologies consist of thin layers of semiconductor material deposited onto glass, polymer or metal substrates. While there are differences in the components and manufacturing processes of these two types of solar technologies, many aspects of their PV panel construction are very similar. Specifics about each type of PV chemistry as it relates to toxicity are covered in subsections a, b, and c in section 1.2.2; on crystalline silicon, cadmium telluride, and CIS/CIGS respectively. The rest of this section applies equally to both silicon and thin film panels.

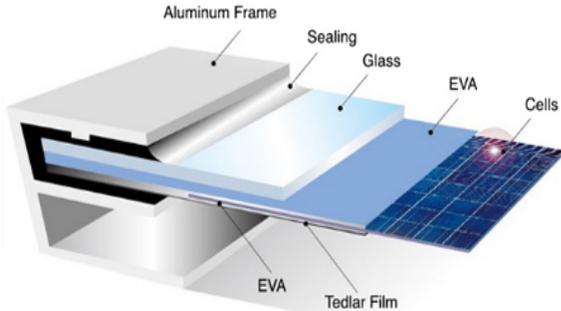


Figure 2: Components of crystalline silicon panels. The vast majority of silicon panels consist of a glass sheet on the topside with an aluminum frame providing structural support. Image Source: [www.riteksolar.com.tw](http://www.riteksolar.com.tw)

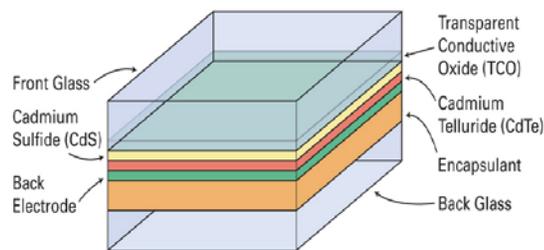


Figure 3: Layers of a common frameless thin-film panel (CdTe). Many thin film panels are frameless, including the most common thin-film panels, First Solar's CdTe. Frameless panels have protective glass on both the front and back of the panel. Layer thicknesses not to scale. Image Source: [www.homepower.com](http://www.homepower.com)

To provide decades of corrosion-free operation, PV cells in PV panels are encapsulated from air and moisture between two layers of plastic. The encapsulation layers are protected on the top with a layer of tempered glass and on the backside with a polymer sheet. Frameless modules include a protective layer of glass on the rear of the panel, which may also be tempered. The plastic ethylene-vinyl acetate (EVA) commonly provides the cell encapsulation. For decades, this same material has been used between layers of tempered glass to give car windshields and hurricane windows their great strength. In the same way that a car windshield cracks but stays intact, the EVA layers in PV panels keep broken panels intact (see Figure 4). Thus, a damaged module does not generally create small pieces of debris; instead, it largely remains together as one piece.



Figure 4: The mangled PV panels in this picture illustrate the nature of broken solar panels; the glass cracks but the panel is still in one piece. Image Source: [http://img.alibaba.com/photo/115259576/broken\\_solar\\_panel.jpg](http://img.alibaba.com/photo/115259576/broken_solar_panel.jpg)

PV panels constructed with the same basic components as modern panels have been installed across the globe for well over thirty years.<sup>3</sup> The long-term durability and performance demonstrated over these decades, as well as the results of accelerated lifetime testing, helped lead to an industry-standard 25-year power production warranty for PV panels. These power warranties warrant a PV panel to produce at least 80% of their original nameplate production after 25 years of use. A recent SolarCity and DNV GL study reported that today's quality PV panels should be expected to reliably and efficiently produce power for thirty-five years.<sup>4</sup>

Local building codes require all structures, including ground mounted solar arrays, to be engineered to withstand anticipated wind speeds, as defined by the local wind speed requirements. Many racking products are available in versions engineered for wind speeds of up to 150 miles per hour, which is significantly higher than the wind speed requirement anywhere in North Carolina. The strength of PV mounting structures were demonstrated during Hurricane Sandy in 2012 and again during Hurricane Matthew in 2016. During Hurricane Sandy, the many large-scale solar facilities in New Jersey and New York at that time suffered only minor damage.<sup>5</sup> In the fall of 2016, the US and Caribbean experienced destructive winds and torrential rains from Hurricane Matthew, yet one leading solar tracker manufacturer reported that their numerous systems in the impacted area received zero damage from wind or flooding.<sup>6</sup>

In the event of a catastrophic event capable of damaging solar equipment, such as a tornado, the system will almost certainly have property insurance that will cover the cost to cleanup and repair the project. It is in the best interest of the system owner to protect their investment against such risks. It is also in their interest to get the project repaired and producing full power as soon as possible. Therefore, the investment in adequate insurance is a wise business practice for the system owner. For the same

reasons, adequate insurance coverage is also generally a requirement of the bank or firm providing financing for the project.

## 1.2.2 Photovoltaic (PV) Technologies

### a. Crystalline Silicon

This subsection explores the toxicity of silicon-based PV panels and concludes that they do not pose a material risk of toxicity to public health and safety. Modern crystalline silicon PV panels, which account for over 90% of solar PV panels installed today, are, more or less, a commodity product. The overwhelming majority of panels installed in North Carolina are crystalline silicon panels that are informally classified as Tier I panels. Tier I panels are from well-respected manufacturers that have a good chance of being able to honor warranty claims. Tier I panels are understood to be of high quality, with predictable performance, durability, and content. Well over 80% (by weight) of the content of a PV panel is the tempered glass front and the aluminum frame, both of which are common building materials. Most of the remaining portion are common plastics, including polyethylene terephthalate in the backsheet, EVA encapsulation of the PV cells, polyphenyl ether in the junction box, and polyethylene insulation on the wire leads. The active, working components of the system are the silicon photovoltaic cells, the small electrical leads connecting them together, and to the wires coming out of the back of the panel. The electricity generating and conducting components makeup less than 5% of the weight of most panels. The PV cell itself is nearly 100% silicon, and silicon is the second most common element in the Earth's crust. The silicon for PV cells is obtained by high-temperature processing of quartz sand ( $\text{SiO}_2$ ) that removes its oxygen molecules. The refined silicon is converted to a PV cell by adding extremely small amounts of boron and phosphorus, both of which are common and of very low toxicity.

The other minor components of the PV cell are also generally benign; however, some contain lead, which is a human toxicant that is particularly harmful to young children. The minor components include an extremely thin antireflective coating (silicon nitride or titanium dioxide), a thin layer of aluminum on the rear, and thin strips of silver alloy that are screen-printed on the front and rear of cell.<sup>7</sup> In order for the front and rear electrodes to make effective electrical contact with the proper layer of the PV cell, other materials (called glass frit) are mixed with the silver alloy and then heated to etch the metals into the cell. This glass frit historically contains a small amount of lead (Pb) in the form of lead oxide. The 60 or 72 PV cells in a PV panel are connected by soldering thin solder-covered copper tabs from the back of one cell to the front of the next cell. Traditionally a tin-based solder containing some lead (Pb) is used, but some manufacturers have switched to lead-free solder. The glass frit and/or the solder may contain trace amounts of other metals, potentially including some with human toxicity such as cadmium. However, testing to simulate the potential for leaching from broken panels, which is discussed in more detail below, did not find a potential toxicity threat from these trace elements. Therefore, the tiny amount of lead in the glass frit and the solder is the only part of silicon PV panels with a potential to create a negative health impact. However, as described below, the very limited amount of lead involved and its strong physical and chemical attachment to other components of the PV panel means that even in worst-case scenarios the health hazard it poses is insignificant.

As with many electronic industries, the solder in silicon PV panels has historically been a lead-based solder, often 36% lead, due to the superior properties of such solder. However, recent advances in lead-free solders have spurred a trend among PV panel manufacturers to reduce or remove the lead in their panels. According to the 2015 Solar Scorecard from the Silicon Valley Toxics Coalition, a group that tracks environmental responsibility of photovoltaic panel manufacturers, fourteen companies (increased from twelve companies in 2014) manufacture PV panels certified to meet the European Restriction of

Hazardous Substances (RoHS) standard. This means that the amount of cadmium and lead in the panels they manufacture fall below the RoHS thresholds, which are set by the European Union and serve as the world's de facto standard for hazardous substances in manufactured goods.<sup>8</sup> The Restriction of Hazardous Substances (RoHS) standard requires that the maximum concentration found in any homogenous material in a produce is less than 0.01% cadmium and less than 0.10% lead, therefore, any solder can be no more than 0.10% lead.<sup>9</sup>

While some manufacturers are producing PV panels that meet the RoHS standard, there is no requirement that they do so because the RoHS Directive explicitly states that the directive does not apply to photovoltaic panels.<sup>10</sup> The justification for this is provided in item 17 of the current RoHS Directive: "The development of renewable forms of energy is one of the Union's key objectives, and the contribution made by renewable energy sources to environmental and climate objectives is crucial. Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources (4) recalls that there should be coherence between those objectives and other Union environmental legislation. Consequently, this Directive should not prevent the development of renewable energy technologies that have no negative impact on health and the environment and that are sustainable and economically viable."

The use of lead is common in our modern economy. However, only about 0.5% of the annual lead consumption in the U.S. is for electronic solder for all uses; PV solder makes up only a tiny portion of this 0.5%. Close to 90% of lead consumption in the US is in batteries, which do not encapsulate the pounds of lead contained in each typical automotive battery. This puts the lead in batteries at great risk of leaching into the environment. Estimates for the lead in a single PV panel with lead-based solder range from 1.6 to 24 grams of lead, with 13g (less than half of an ounce) per panel seen most often in the literature.<sup>11</sup> At 13 g/panel<sup>12</sup>, each panel contains one-half of the lead in a typical 12-gauge shotgun shell. This amount equates to roughly 1/750<sup>th</sup> of the lead in a single car battery. In a panel, it is all durably encapsulated from air or water for the full life of the panel.<sup>14</sup>

As indicated by their 20 to 30-year power warranty, PV modules are designed for a long service life, generally over 25 years. For a panel to comply with its 25-year power warranty, its internal components, including lead, must be sealed from any moisture. Otherwise, they would corrode and the panel's output would fall below power warranty levels. Thus, the lead in operating PV modules is not at risk of release to the environment during their service lifetime. In extreme experiments, researchers have shown that lead can leach from crushed or pulverized panels.<sup>15, 16</sup> However, more real-world tests designed to represent typical trash compaction that are used to classify waste as hazardous or non-hazardous show no danger from leaching.<sup>17, 18</sup> For more information about PV panel end-of-life, see the Panel Disposal section.

As illustrated throughout this section, silicon-based PV panels do not pose a material threat to public health and safety. The only aspect of the panels with potential toxicity concerns is the very small amount of lead in some panels. However, any lead in a panel is well sealed from environmental exposure for the operating lifetime of the solar panel and thus not at risk of release into the environment.

## **b. Cadmium Telluride (CdTe) PV Panels**

This subsection examines the components of a cadmium telluride (CdTe) PV panel. Research demonstrates that they pose negligible toxicity risk to public health and safety while significantly reducing the public's exposure to cadmium by reducing coal emissions. As of mid-2016, a few hundred MWs of

cadmium telluride (CdTe) panels, all manufactured by the U.S. company First Solar, have been installed in North Carolina.

Questions about the potential health and environmental impacts from the use of this PV technology are related to the concern that these panels contain cadmium, a toxic heavy metal. However, scientific studies have shown that cadmium telluride differs from cadmium due to its high chemical and thermal stability.<sup>19</sup> Research has shown that the tiny amount of cadmium in these panels does not pose a health or safety risk.<sup>20</sup> Further, there are very compelling reasons to welcome its adoption due to reductions in unhealthy pollution associated with burning coal. Every GWh of electricity generated by burning coal produces about 4 grams of cadmium air emissions.<sup>21</sup> Even though North Carolina produces a significant fraction of our electricity from coal, electricity from solar offsets much more natural gas than coal due to natural gas plants being able to adjust their rate of production more easily and quickly. If solar electricity offsets 90% natural gas and 10% coal, each 5-megawatt (5 MW<sub>AC</sub>, which is generally 7 MW<sub>DC</sub>) CdTe solar facility in North Carolina keeps about 157 grams, or about a third of a pound, of cadmium *out of our environment*.<sup>22, 23</sup>

Cadmium is toxic, but all the approximately 7 grams of cadmium in one CdTe panel is in the form of a chemical compound cadmium telluride,<sup>24</sup> which has 1/100<sup>th</sup> the toxicity of free cadmium.<sup>25</sup> Cadmium telluride is a very stable compound that is non-volatile and non-soluble in water. Even in the case of a fire, research shows that less than 0.1% of the cadmium is released when a CdTe panel is exposed to fire. The fire melts the glass and encapsulates over 99.9% of the cadmium in the molten glass.<sup>27</sup>

It is important to understand the source of the cadmium used to manufacture CdTe PV panels. The cadmium is a byproduct of zinc and lead refining. The element is collected from emissions and waste streams during the production of these metals and combined with tellurium to create the CdTe used in PV panels. If the cadmium were not collected for use in the PV panels or other products, it would otherwise either be stockpiled for future use, cemented and buried, or disposed of.<sup>28</sup> Nearly all the cadmium in old or broken panels can be recycled which can eventually serve as the primary source of cadmium for new PV panels.<sup>29</sup>

Similar to silicon-based PV panels, CdTe panels are constructed of a tempered glass front, one instead of two clear plastic encapsulation layers, and a rear heat strengthened glass backing (together >98% by weight). The final product is built to withstand exposure to the elements without significant damage for over 25 years. While not representative of damage that may occur in the field or even at a landfill, laboratory evidence has illustrated that when panels are ground into a fine powder, very acidic water is able to leach portions of the cadmium and tellurium,<sup>30</sup> similar to the process used to recycle CdTe panels. Like many silicon-based panels, CdTe panels are reported (as far back as 1998<sup>31</sup>) to pass the EPA's Toxic Characteristic Leaching Procedure (TCLP) test, which tests the potential for crushed panels in a landfill to leach hazardous substances into groundwater.<sup>32</sup> Passing this test means that they are classified as non-hazardous waste and can be deposited in landfills.<sup>33,34</sup> For more information about PV panel end-of-life, see the Panel Disposal section.

There is also concern of environmental impact resulting from potential catastrophic events involving CdTe PV panels. An analysis of worst-case scenarios for environmental impact from CdTe PV panels, including earthquakes, fires, and floods, was conducted by the University of Tokyo in 2013. After reviewing the extensive international body of research on CdTe PV technology, their report concluded, "Even in the worst-case scenarios, it is unlikely that the Cd concentrations in air and sea water will exceed the environmental regulation values."<sup>35</sup> In a worst-case scenario of damaged panels abandoned on the ground, insignificant amounts of cadmium will leach from the panels. This is because this scenario is

much less conducive (larger module pieces, less acidity) to leaching than the conditions of the EPA's TCLP test used to simulate landfill conditions, which CdTe panels pass.<sup>36</sup>

First Solar, a U.S. company, and the only significant supplier of CdTe panels, has a robust panel take-back and recycling program that has been operating commercially since 2005.<sup>37</sup> The company states that it is “committed to providing a commercially attractive recycling solution for photovoltaic (PV) power plant and module owners to help them meet their module (end of life) EOL obligation simply, cost-effectively and responsibly.” First Solar global recycling services to their customers to collect and recycle panels once they reach the end of productive life whether due to age or damage. These recycling service agreements are structured to be financially attractive to both First Solar and the solar panel owner. For First Solar, the contract provides the company with an affordable source of raw materials needed for new panels and presumably a diminished risk of undesired release of Cd. The contract also benefits the solar panel owner by allowing them to avoid tipping fees at a waste disposal site. The legal contract helps provide peace of mind by ensuring compliance by both parties when considering the continuing trend of rising disposal costs and increasing regulatory requirements.

### c. CIS/CIGS and other PV technologies

Copper indium gallium selenide PV technology, often referred to as CIGS, is the second most common type of thin-film PV panel but a distant second behind CdTe. CIGS cells are composed of a thin layer of copper, indium, gallium, and selenium on a glass or plastic backing. None of these elements are very toxic, although selenium is a regulated metal under the Federal Resource Conservation and Recovery Act (RCRA).<sup>38</sup> The cells often also have an extremely thin layer of cadmium sulfide that contains a tiny amount of cadmium, which is toxic. The promise of high efficiency CIGS panels drove heavy investment in this technology in the past. However, researchers have struggled to transfer high efficiency success in the lab to low-cost full-scale panels in the field.<sup>39</sup> Recently, a CIGS manufacturer based in Japan, Solar Frontier, has achieved some market success with a rigid, glass-faced CIGS module that competes with silicon panels. Solar Frontier produces the majority of CIS panels on the market today.<sup>40</sup> Notably, these panels are RoHS compliant,<sup>41</sup> thus meeting the rigorous toxicity standard adopted by the European Union even though this directive exempts PV panels. The authors are unaware of any completed or proposed utility-scale system in North Carolina using CIS/CIGS panels.

## 1.2.3 Panel End-of-Life Management

Concerns about the volume, disposal, toxicity, and recycling of PV panels are addressed in this subsection. To put the volume of PV waste into perspective, consider that by 2050, when PV systems installed in 2020 will reach the end of their lives, it is estimated that the global annual PV panel waste tonnage will be 10% of the 2014 global e-waste tonnage.<sup>42</sup> In the U.S., end-of-life disposal of solar products is governed by the Federal Resource Conservation and Recovery Act (RCRA), as well as state policies in some situations. RCRA separates waste into hazardous (not accepted at ordinary landfill) and solid waste (generally accepted at ordinary landfill) based on a series of rules. According to RCRA, the way to determine if a PV panel is classified as hazardous waste is the Toxic Characteristic Leaching Procedure (TCLP) test. This EPA test is designed to simulate landfill disposal and determine the risk of hazardous substances leaching out of the landfill.<sup>43,44,45</sup> Multiple sources report that most modern PV panels (both crystalline silicon and cadmium telluride) pass the TCLP test.<sup>46,47</sup> Some studies found that some older (1990s) crystalline silicon panels, and perhaps some newer crystalline silicon panels (specifics are not given about vintage of panels tested), do not pass the lead (Pb) leachate limits in the TCLP test.<sup>48,</sup>

The test begins with the crushing of a panel into centimeter-sized pieces. The pieces are then mixed in an acid bath. After tumbling for eighteen hours, the fluid is tested for forty hazardous substances that all must be below specific threshold levels to pass the test. Research comparing TCLP conditions to conditions of damaged panels in the field found that simulated landfill conditions provide overly conservative estimates of leaching for field-damaged panels.<sup>50</sup> Additionally, research in Japan has found no detectable Cd leaching from cracked CdTe panels when exposed to simulated acid rain.<sup>51</sup>

Although modern panels can generally be landfilled, they can also be recycled. Even though recent waste volume has not been adequate to support significant PV-specific recycling infrastructure, the existing recycling industry in North Carolina reports that it recycles much of the current small volume of broken PV panels. In an informal survey conducted by the NC Clean Energy Technology Center survey in early 2016, seven of the eight large active North Carolina utility-scale solar developers surveyed reported that they send damaged panels back to the manufacturer and/or to a local recycler. Only one developer reported sending damaged panels to the landfill.

The developers reported at that time that they are usually paid a small amount per panel by local recycling firms. In early 2017, a PV developer reported that a local recycler was charging a small fee per panel to recycle damaged PV panels. The local recycling firm known to authors to accept PV panels described their current PV panel recycling practice as of early 2016 as removing the aluminum frame for local recycling and removing the wire leads for local copper recycling. The remainder of the panel is sent to a facility for processing the non-metallic portions of crushed vehicles, referred to as “fluff” in the recycling industry.<sup>52</sup> This processing within existing general recycling plants allows for significant material recovery of major components, including glass which is 80% of the module weight, but at lower yields than PV-specific recycling plants. Notably almost half of the material value in a PV panel is in the few grams of silver contained in almost every PV panel produced today. In the long-term, dedicated PV panel recycling plants can increase treatment capacities and maximize revenues resulting in better output quality and the ability to recover a greater fraction of the useful materials.<sup>53</sup> PV-specific panel recycling technologies have been researched and implemented to some extent for the past decade, and have been shown to be able to recover over 95% of PV material (semiconductor) and over 90% of the glass in a PV panel.<sup>54</sup>

A look at global PV recycling trends hints at the future possibilities of the practice in our country. Europe installed MW-scale volumes of PV years before the U.S. In 2007, a public-private partnership between the European Union and the solar industry set up a voluntary collection and recycling system called PV CYCLE. This arrangement was later made mandatory under the EU’s WEEE directive, a program for waste electrical and electronic equipment.<sup>55</sup> Its member companies (PV panel producers) fully finance the association. This makes it possible for end-users to return the member companies’ defective panels for recycling at any of the over 300 collection points around Europe without added costs. Additionally, PV CYCLE will pick up batches of 40 or more used panels at no cost to the user. This arrangement has been very successful, collecting and recycling over 13,000 tons by the end of 2015.<sup>56</sup>

In 2012, the WEEE Directive added the end-of-life collection and recycling of PV panels to its scope.<sup>57</sup> This directive is based on the principle of extended-producer-responsibility. It has a global impact because producers that want to sell into the EU market are legally responsible for end-of-life management. Starting in 2018, this directive targets that 85% of PV products “put in the market” in Europe are recovered and 80% is prepared for reuse and recycling.

The success of the PV panel collection and recycling practices in Europe provides promise for the future of recycling in the U.S. In mid-2016, the US Solar Energy Industry Association (SEIA) announced that they are starting a national solar panel recycling program with the guidance and support of many

leading PV panel producers.<sup>58</sup> The program will aggregate the services offered by recycling vendors and PV manufacturers, which will make it easier for consumers to select a cost-effective and environmentally responsible end-of-life management solution for their PV products. According to SEIA, they are planning the program in an effort to make the entire industry landfill-free. In addition to the national recycling network program, the program will provide a portal for system owners and consumers with information on how to responsibly recycle their PV systems.

While a cautious approach toward the potential for negative environmental and/or health impacts from retired PV panels is fully warranted, this section has shown that the positive health impacts of reduced emissions from fossil fuel combustion from PV systems more than outweighs any potential risk. Testing shows that silicon and CdTe panels are both safe to dispose of in landfills, and are also safe in worst case conditions of abandonment or damage in a disaster. Additionally, analysis by local engineers has found that the current salvage value of the equipment in a utility scale PV facility generally exceeds general contractor estimates for the cost to remove the entire PV system.<sup>59, 60, 61</sup>

#### **1.2.4 Non-Panel System Components (racking, wiring, inverter, transformer)**

While previous toxicity subsections discussed PV panels, this subsection describes the non-panel components of utility-scale PV systems and investigates any potential public health and safety concerns. The most significant non-panel component of a ground-mounted PV system is the mounting structure of the rows of panels, commonly referred to as “racking”. The vertical post portion of the racking is galvanized steel and the remaining above-ground racking components are either galvanized steel or aluminum, which are both extremely common and benign building materials. The inverters that make the solar generated electricity ready to send to the grid have weather-proof steel enclosures that protect the working components from the elements. The only fluids that they might contain are associated with their cooling systems, which are not unlike the cooling system in a computer. Many inverters today are RoHS compliant.

The electrical transformers (to boost the inverter output voltage to the voltage of the utility connection point) do contain a liquid cooling oil. However, the fluid used for that function is either a non-toxic mineral oil or a biodegradable non-toxic vegetable oil, such as BIOTEMP from ABB. These vegetable transformer oils have the additional advantage of being much less flammable than traditional mineral oils. Significant health hazards are associated with old transformers containing cooling oil with toxic PCBs. Transformers with PCB-containing oil were common before PCBs were outlawed in the U.S. in 1979. PCBs still exist in older transformers in the field across the country.

Other than a few utility research sites, there are no batteries on- or off-site associated with utility-scale solar energy facilities in North Carolina, avoiding any potential health or safety concerns related to battery technologies. However, as battery technologies continue to improve and prices continue to decline we are likely to start seeing some batteries at solar facilities. Lithium ion batteries currently dominate the world utility-scale battery market, which are not very toxic. No non-panel system components were found to pose any health or environmental dangers.

### **1.4 Operations and Maintenance – Panel Washing and Vegetation Control**

Throughout the eastern U.S., the climate provides frequent and heavy enough rain to keep panels adequately clean. This dependable weather pattern eliminates the need to wash the panels on a regular basis. Some system owners may choose to wash panels as often as once a year to increase production, but most in N.C. do not regularly wash any PV panels. Dirt build up over time may justify panel washing a few times over the panels' lifetime; however, nothing more than soap and water are required for this activity.

The maintenance of ground-mounted PV facilities requires that vegetation be kept low, both for aesthetics and to avoid shading of the PV panels. Several approaches are used to maintain vegetation at NC solar facilities, including planting of limited-height species, mowing, weed-eating, herbicides, and grazing livestock (sheep). The following descriptions of vegetation maintenance practices are based on interviews with several solar developers as well as with three maintenance firms that together are contracted to maintain well over 100 of the solar facilities in N.C. The majority of solar facilities in North Carolina maintain vegetation primarily by mowing. Each row of panels has a single row of supports, allowing sickle mowers to mow under the panels. The sites usually require mowing about once a month during the growing season. Some sites employ sheep to graze the site, which greatly reduces the human effort required to maintain the vegetation and produces high quality lamb meat.<sup>62</sup>

In addition to mowing and weed eating, solar facilities often use some herbicides. Solar facilities generally do not spray herbicides over the entire acreage; rather they apply them only in strategic locations such as at the base of the perimeter fence, around exterior vegetative buffer, on interior dirt roads, and near the panel support posts. Also unlike many row crop operations, solar facilities generally use only general use herbicides, which are available over the counter, as opposed to restricted use herbicides commonly used in commercial agriculture that require a special restricted use license. The herbicides used at solar facilities are primarily 2-4-D and glyphosate (Round-up®), which are two of the most common herbicides used in lawns, parks, and agriculture across the country. One maintenance firm that was interviewed sprays the grass with a class of herbicide known as a growth regulator in order to slow the growth of grass so that mowing is only required twice a year. Growth regulators are commonly used on highway roadsides and golf courses for the same purpose. A commercial pesticide applicator license is required for anyone other than the landowner to apply herbicides, which helps ensure that all applicators are adequately educated about proper herbicide use and application. The license must be renewed annually and requires passing of a certification exam appropriate to the area in which the applicator wishes to work. Based on the limited data available, it appears that solar facilities in N.C. generally use significantly less herbicides per acre than most commercial agriculture or lawn maintenance services.

## **2. Electromagnetic Fields (EMF)**

PV systems do not emit any material during their operation; however, they do generate electromagnetic fields (EMF), sometimes referred to as radiation. EMF produced by electricity is non-ionizing radiation, meaning the radiation has enough energy to move atoms in a molecule around (experienced as heat), but not enough energy to remove electrons from an atom or molecule (ionize) or to damage DNA. As shown below, modern humans are all exposed to EMF throughout our daily lives without negative health impact. Someone outside of the fenced perimeter of a solar facility is not exposed to significant EMF from the solar facility. Therefore, there is no negative health impact from the EMF

produced in a solar farm. The following paragraphs provide some additional background and detail to support this conclusion.

Since the 1970s, some have expressed concern over potential health consequences of EMF from electricity, but no studies have ever shown this EMF to cause health problems.<sup>63</sup> These concerns are based on some epidemiological studies that found a slight increase in childhood leukemia associated with average exposure to residential power-frequency magnetic fields above 0.3 to 0.4  $\mu\text{T}$  (microteslas) (equal to 3.0 to 4.0 mG (milligauss)).  $\mu\text{T}$  and mG are both units used to measure magnetic field strength. For comparison, the average exposure for people in the U.S. is one mG or 0.1  $\mu\text{T}$ , with about 1% of the population with an average exposure in excess of 0.4  $\mu\text{T}$  (or 4 mG).<sup>64</sup> These epidemiological studies, which found an association but not a causal relationship, led the World Health Organization's International Agency for Research on Cancer (IARC) to classify ELF magnetic fields as "possibly carcinogenic to humans". Coffee also has this classification. This classification means there is limited evidence but not enough evidence to designate as either a "probable carcinogen" or "human carcinogen". Overall, there is very little concern that ELF EMF damages public health. The only concern that does exist is for long-term exposure above 0.4  $\mu\text{T}$  (4 mG) that may have some connection to increased cases of childhood leukemia. In 1997, the National Academies of Science were directed by Congress to examine this concern and concluded:

"Based on a comprehensive evaluation of published studies relating to the effects of power-frequency electric and magnetic fields on cells, tissues, and organisms (including humans), the conclusion of the committee is that the current body of evidence does not show that exposure to these fields presents a human-health hazard. Specifically, no conclusive and consistent evidence shows that exposures to residential electric and magnetic fields produce cancer, adverse neurobehavioral effects, or reproductive and developmental effects."<sup>65</sup>

There are two aspects to electromagnetic fields, an electric field and a magnetic field. The electric field is generated by voltage and the magnetic field is generated by electric current, i.e., moving electrons. A task group of scientific experts convened by the World Health Organization (WHO) in 2005 concluded that there were no substantive health issues related to *electric* fields (0 to 100,000 Hz) at levels generally encountered by members of the public.<sup>66</sup> The relatively low voltages in a solar facility and the fact that electric fields are easily shielded (i.e., blocked) by common materials, such as plastic, metal, or soil means that there is no concern of negative health impacts from the electric fields generated by a solar facility. Thus, the remainder of this section addresses magnetic fields. Magnetic fields are not shielded by most common materials and thus can easily pass through them. Both types of fields are strongest close to the source of electric generation and weaken quickly with distance from the source.

The direct current (DC) electricity produced by PV panels produce stationary (0 Hz) electric and magnetic fields. Because of minimal concern about potential risks of stationary fields, little scientific research has examined stationary fields' impact on human health.<sup>67</sup> In even the largest PV facilities, the DC voltages and currents are not very high. One can illustrate the weakness of the EMF generated by a PV panel by placing a compass on an operating solar panel and observing that the needle still points north.

While the electricity throughout the majority of a solar site is DC electricity, the inverters convert this DC electricity to alternating current (AC) electricity matching the 60 Hz frequency of the grid. Therefore, the inverters and the wires delivering this power to the grid are producing non-stationary EMF, known as extremely low frequency (ELF) EMF, normally oscillating with a frequency of 60 Hz. This frequency is at the low-energy end of the electromagnetic spectrum. Therefore, it has less energy than

other commonly encountered types of non-ionizing radiation like radio waves, infrared radiation, and visible light.

The wide use of electricity results in background levels of ELF EMFs in nearly all locations where people spend time – homes, workplaces, schools, cars, the supermarket, etc. A person’s average exposure depends upon the sources they encounter, how close they are to them, and the amount of time they spend there.<sup>68</sup> As stated above, the average exposure to magnetic fields in the U.S. is estimated to be around one mG or 0.1  $\mu$ T, but can vary considerably depending on a person’s exposure to EMF from electrical devices and wiring.<sup>69</sup> At times we are often exposed to much higher ELF magnetic fields, for example when standing three feet from a refrigerator the ELF magnetic field is 6 mG and when standing three feet from a microwave oven the field is about 50 mG.<sup>70</sup> The strength of these fields diminish quickly with distance from the source, but when surrounded by electricity in our homes and other buildings moving away from one source moves you closer to another. However, unless you are inside of the fence at a utility-scale solar facility or electrical substation it is impossible to get very close to the EMF sources. Because of this, EMF levels at the fence of electrical substations containing high voltages and currents are considered “generally negligible”<sup>71, 72</sup>

The strength of ELF-EMF present at the perimeter of a solar facility or near a PV system in a commercial or residential building is significantly lower than the typical American’s average EMF exposure.<sup>73,74</sup> Researchers in Massachusetts measured magnetic fields at PV projects and found the magnetic fields dropped to very low levels of 0.5 mG or less, and in many cases to less than background levels (0.2 mG), at distances of no more than nine feet from the residential inverters and 150 feet from the utility-scale inverters.<sup>75</sup> Even when measured within a few feet of the utility-scale inverter, the ELF magnetic fields were well below the International Commission on Non-Ionizing Radiation Protection’s recommended magnetic field level exposure limit for the general public of 2,000 mG.<sup>76</sup> It is typical that utility scale designs locate large inverters central to the PV panels that feed them because this minimizes the length of wire required and shields neighbors from the sound of the inverter’s cooling fans. Thus, it is rare for a large PV inverter to be within 150 feet of the project’s security fence.

Anyone relying on a medical device such as pacemaker or other implanted device to maintain proper heart rhythm may have concern about the potential for a solar project to interfere with the operation of his or her device. However, there is no reason for concern because the EMF outside of the solar facility’s fence is less than 1/1000 of the level at which manufacturers test for ELF EMF interference, which is 1,000 mG.<sup>77</sup> Manufacturers of potentially affected implanted devices often provide advice on electromagnetic interference that includes avoiding letting the implanted device get too close to certain sources of fields such as some household appliances, some walkie-talkies, and similar transmitting devices. Some manufacturers’ literature does not mention high-voltage power lines, some say that exposure in public areas should not give interference, and some advise not spending extended periods of time close to power lines.<sup>78</sup>

### **3. Electric Shock and Arc Flash Hazards**

There is a real danger of electric shock to anyone entering any of the electrical cabinets such as combiner boxes, disconnect switches, inverters, or transformers; or otherwise coming in contact with voltages over 50 Volts.<sup>79</sup> Another electrical hazard is an arc flash, which is an explosion of energy that can occur in a short circuit situation. This explosive release of energy causes a flash of heat and a shockwave, both of which can cause serious injury or death. Properly trained and equipped technicians and electricians know how to safely install, test, and repair PV systems, but there is always some risk of

injury when hazardous voltages and/or currents are present. Untrained individuals should not attempt to inspect, test, or repair any aspect of a PV system due to the potential for injury or death due to electric shock and arc flash, The National Electric Code (NEC) requires appropriate levels of warning signs on all electrical components based on the level of danger determined by the voltages and current potentials. The national electric code also requires the site to be secured from unauthorized visitors with either a six-foot chain link fence with three strands of barbed wire or an eight-foot fence, both with adequate hazard warning signs.

## 4. Fire Safety

The possibility of fires resulting from or intensified by PV systems may trigger concern among the general public as well as among firefighters. However, concern over solar fire hazards should be limited because only a small portion of materials in the panels are flammable, and those components cannot self-support a significant fire. Flammable components of PV panels include the thin layers of polymer encapsulates surrounding the PV cells, polymer backsheets (framed panels only), plastic junction boxes on rear of panel, and insulation on wiring. The rest of the panel is composed of non-flammable components, notably including one or two layers of protective glass that make up over three quarters of the panel's weight.

Heat from a small flame is not adequate to ignite a PV panel, but heat from a more intense fire or energy from an electrical fault can ignite a PV panel.<sup>80</sup> One real-world example of this occurred during July 2015 in an arid area of California. Three acres of grass under a thin film PV facility burned without igniting the panels mounted on fixed-tilt racks just above the grass.<sup>81</sup> While it is possible for electrical faults in PV systems on homes or commercial buildings to start a fire, this is extremely rare.<sup>82</sup> Improving understanding of the PV-specific risks, safer system designs, and updated fire-related codes and standards will continue to reduce the risk of fire caused by PV systems.

PV systems on buildings can affect firefighters in two primary ways, 1) impact their methods of fighting the fire, and 2) pose safety hazard to the firefighters. One of the most important techniques that firefighters use to suppress fire is ventilation of a building's roof. This technique allows superheated toxic gases to quickly exit the building. By doing so, the firefighters gain easier and safer access to the building, Ventilation of the roof also makes the challenge of putting out the fire easier. However, the placement of rooftop PV panels may interfere with ventilating the roof by limiting access to desired venting locations.

New solar-specific building code requirements are working to minimize these concerns. Also, the latest National Electric Code has added requirements that make it easier for first responders to safely and effectively turn off a PV system. Concern for firefighting a building with PV can be reduced with proper fire fighter training, system design, and installation. Numerous organizations have studied fire fighter safety related to PV. Many organizations have published valuable guides and training programs. Some notable examples are listed below.

- The International Association of Fire Fighters (IAFF) and International Renewable Energy Council (IREC) partnered to create an online training course that is far beyond the PowerPoint click-and-view model. The self-paced online course, "Solar PV Safety for Fire Fighters," features rich video content and simulated environments so fire fighters can practice the knowledge they've learned. [www.iaff.org/pvsafetytraining](http://www.iaff.org/pvsafetytraining)
- [Photovoltaic Systems and the Fire Code](#): Office of NC Fire Marshal
- [Fire Service Training](#), Underwriter's Laboratory

- Firefighter Safety and Response for Solar Power Systems, National Fire Protection Research Foundation
- Bridging the Gap: Fire Safety & Green Buildings, National Association of State Fire Marshalls
- Guidelines for Fire Safety Elements of Solar Photovoltaic Systems, Orange County Fire Chiefs Association
- Solar Photovoltaic Installation Guidelines, California Department of Forestry & Fire Protection, Office of the State Fire Marshall
- PV Safety & Firefighting, Matthew Paiss, Homepower Magazine
- PV Safety and Code Development: Matthew Paiss, Cooperative Research Network

## Summary

The purpose of this paper is to address and alleviate concerns of public health and safety for utility-scale solar PV projects. Concerns of public health and safety were divided and discussed in the four following sections: (1) Toxicity, (2) Electromagnetic Fields, (3) Electric Shock and Arc Flash, and (4) Fire. In each of these sections, the negative health and safety impacts of utility-scale PV development were shown to be negligible, while the public health and safety benefits of installing these facilities are significant and far outweigh any negative impacts.

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Published by the N.C. Clean Energy Technology Center at N.C. State University





# Solar Panel Components: Safety

Though the health and safety of our communities are good things to be concerned about, solar panels are not a danger.

Updated: January 24, 2024



Image of a solar panel behind a fence. Photo credit: Joe Conklin

Solar energy is considered a cleaner energy alternative to coal and natural gas. However, some people are concerned that solar panels are dangerous due to toxic materials within them. Though the health and safety of our communities are good things to be concerned about, solar panels are not a danger.

In most solar panels, 85 to 95% of the material is glass, plastic, and aluminum, making a frame that protects the electronics inside. An ethylene vinyl acetate (EVA) layer applied to the glass helps keep it intact even if it is cracked like a car windshield. The inner part of the frame contains the solar cell that generates the power from the sun and the other electronic components that allow the cells to transport the energy. Two main types of solar make up 97% of the market. These are crystalline silicon panels (C-Si) and thin film cadmium telluride panels (CdTe). Their names are derived from the type of solar cells they use.

The main component in C-Si panels is silicon, a non-toxic mineral that makes up about 25% of the soil under our feet. Other materials are included in trace amounts, but the main concern is the lead-based solder used to link the individual cells within the panel. The average amount of lead in a panel is 12-15 grams or about half of the lead in a 12-gauge shotgun shell or 1/750<sup>th</sup> in a car battery.

CdTe thin-film panels draw concern from the use of cadmium telluride. This name can be misleading since the panel only uses 7 grams of CdTe to coat the thin film that produces electricity. Though CdTe is toxic, people often confuse this material with pure Cadmium, which is one hundred times more toxic.

## Can these materials get out of the panels and into the environment?

Studies looking at both types of panels operating under normal conditions years after installation have found that the soil under the panels did not contain dangerous levels of harmful materials. A few studies have also put cracked solar panels in the field and found no significant release of toxins into the environment. This is mainly due to the EVA encapsulation limiting the ability of rainwater to get into the panel, as well as the strength of the attachment of the lead and CdTe to the solar cells.

## What if a natural disaster or fire happens?

Solar arrays have already gone through these kinds of disasters. When hurricanes have hit solar arrays, they have had only limited damage. For example, with a top speed of 130 miles per hour, Hurricane Florence struck twenty facilities with 600,000 panels. Only twelve at one solar site were damaged. Solar panels are not particularly flammable because they mainly consist of glass, aluminum, and plastic. Studies that exposed panels to flames have shown little in the release of harmful toxins due to the EVA encapsulation on the glass, which melts together, trapping almost all the toxins within it before they can be released.

In conclusion, solar energy does not pose a severe risk to the communities around it. Like many other uses, such as industrial uses, other forms of power generation, or even fertilizer use in farming, we can't guarantee they will not release anything harmful into the environment. However, with proper management, we can ensure that any release of toxic materials is well below an unsafe level.

To learn more about Large-Scale Solar in Pennsylvania or other energy sources and issues, please go to the following link to register for webinars or to watch recordings of previous Penn State webinars: [Webinars - Browse by Education Format | Topic: Energy](https://extension.psu.edu/education-format/webinars?topic=Energy)  
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