

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, JULY 1, 2024 – 6:00 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

6:00 p.m. OPEN SESSION

6:00 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(3) - To discuss strategy with respect to potential litigation where discussion in an open session would have a detrimental effect on the litigating position of the Town

6:30 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Recognition
4. Announcements
5. Public Comment
6. Affirm appointment of Recreation Director

6:35 p.m. COMMITTEE INTERVIEWS

Interview, vote and appoint committee members

1. Regulatory Boards
 - a. Zoning Board of Appeals – D. Scott Peterson
2. Non-Regulatory Boards
 - a. Bicycle and Pedestrian Committee – Stephen Morris
3. Committee Appointments

6:45 p.m. PUBLIC HEARINGS

1. Wetland/Dock Hearing – Philip Chase – application to reconstruct an existing dilapidated dock, stabilize an eroding slope by installing a concrete block retaining wall, and associated clearing, grading and landscaping, located at 9 Compass Circle, East Falmouth. Area affected is Jenkins Pond.
2. Approve the application filed by Bad Martha's Farmer's Brewery, LLC for a Farmer-Winery Pouring License to be exercised at 876 East Falmouth Highway, East Falmouth
3. Approve the application filed by Bad Martha's Farmer's Brewery, LLC for an Alteration of Premises to its Farmer-Brewery Pouring License to be exercised at 876 East Falmouth Highway, East Falmouth
4. Approve the application filed by Tap City II, Inc. d/b/a Tap City Grille for a Transfer of an All-Alcoholic Beverages Common Victualler License to be exercised at 285 Main Street, Falmouth
5. Approve the application filed by Markantonis Restaurant Group, Inc. d/b/a Estia for a Change of Manager, Change of Ownership, and a Change of Officers/ Directors of its All-Alcoholic Beverages Restaurant License to be exercised at 117 Main Street, Falmouth

7:25 p.m. BUSINESS

1. Report – Affordable Housing Committee (15 minutes)
2. Approve the application filed by OSJL Spirits, LLC d/b/a Ocean State Job Lot for a Change of Manager of its Wine & Malt Beverages Package Store License to be exercised at 50 Teaticket Highway, Teaticket (5 minutes)

3. Approve Grant of License to John R. Bowen and Anna A. Bowen to provide the Licensees with the nonexclusive use of certain property within the public way at the intersection of Grand Avenue, a public way, and Montgomery Court, a private way, for the purpose of installing and maintaining a cobblestone apron at said intersection (15 minutes)
4. Discuss and vote to changes to the Freshwater Ponds Advisory Committee member appointments (5 minutes)
5. Discuss and vote changes to the Veterans Council Committee Veterans Organizations appointments (10 minutes)
6. Discuss letter from the Cape and Islands Municipal Leaders Association, Inc. regarding the Gulf of Maine wind lease area (10 minutes)

8:25 p.m. CONSENT AGENDA

1. Licenses
 - a. Approve the application by Falmouth Elks Lodge #2380 B.P.O.E. of U.S.A., Inc. for a Change of Officers/ Directors of a Non-Profit All Alcohol Club License to be exercised at 140 Palmer Avenue, Falmouth
 - b. Approve application for Special One-Day All Alcoholic Liquor Licenses – New England Festivals, Inc. – Harbor Light Illumination Concert Series & Night Market – Saturdays, 7/6, 7/13, 7/27, 8/10, 8/17 & 8/24/24
2. Administrative Orders
 - a. Vote to Execute Eversource Electric Service Easement for Wastewater Treatment Facility Site
 - b. Approve mission statement for the 250th Anniversary Task Force
 - c. Vote to accept donation in the amount of \$500.00 from David's Old Silver Swim, Inc. c/o Robert & Susan Catalano to the Beach Donations Account, 28-632-5655-4830, to fund the Dr. David Garber "Dare to be Great" Award given to a lifeguard during our annual banquet
 - d. Vote to accept donation in the amount of \$850.00 from the Old Stone Dock Association to the Beach Donations Account, 28-632-5655-4830, to fund the planting of window boxes for the Ellen T. Mitchell Bathhouse at 56 Surf Drive
 - e. Vote to expend those funds from the Old Stone Dock Association donation to the Beach Donations Account to pay the Soares Flower Garden Nursery invoice for window box flowers and planting services at the Ellen T. Mitchell Bathhouse at 56 Surf Drive

8:30 p.m. MINUTES

1. Review and Vote to Approve Minutes of Meetings
 - a. Public Sessions – May 6, 2024; June 17, 2024

8:35 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT

8:40 p.m. SELECT BOARD REPORTS

8:45 p.m. ADJOURN

Nancy Robbins Taylor, Chair
Select Board

OPEN SESSION

6. Affirm appointment of Recreation Director



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Open Session 6.

ITEM TITLE: Affirm Appointment of Recreation Director

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Redacted Resume

PURPOSE:

The Select Board will consider affirming the Town Manager's recommended appointment of Julie Williams-Tinkham as the Town's Recreation Director.

BACKGROUND/SUMMARY:

- We are pleased to bring forward for affirmation Julie Williams-Tinkham, a highly qualified candidate.
- Ms. Williams-Tinkham has a bachelor's degree in Kinesiology and Physical Education and a master's degree in educational leadership. She is an experienced professional and leader in health and physical education, programming, coaching, and management.
- She was awarded the Massachusetts Association of Health, Physical Education, Recreation, and Dance (MAHPERD) Inspirational Pathfinder Award, which is awarded for dedication to the principle of good sportsmanship and fair play while exemplifying respect, dignity, responsible behavior, and leadership through programming in a manner that promotes social justice and change and being an active, positive role model and empowering athletes to reach for their dreams.

- In 2022, Ms. Williams-Tinkham founded Launch Track & Field in Falmouth as the only youth USA Track & Field program on the Cape.
- She has demonstrated a strong commitment to diversity, equity, and inclusion throughout her career.
 - She was appointed to the national USA Track & Field Diversity and Leadership Committee as the Masters representative and the regional association representative.
 - In a prior position, she wrote an inclusive athletic policy that passed unanimously through that community's School Committee and is now touted as the exemplar for the state by the Massachusetts Interscholastic Athletics Association (MIAA).
 - During COVID, she designed yard signs to support Pride Month and worked with Falmouth Public Schools to make them available to community members. Those signs were still used in Falmouth this year.
- She continues to compete as a masters athlete and currently holds national records for Track and Field W35 and W40 age group weight, superweight, and ultraweight pentathlon events.
- Ms. Williams-Tinkham is a proud and long-time Falmouth resident who is excited about the opportunity to serve her community.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve and affirm the appointment of Julie Williams-Tinkham as the Town of Falmouth Recreation Director.

OPTIONS:

- Motion to approve and affirm the appointment of Julie Williams-Tinkham as the Town of Falmouth Recreation Director.
- Motion to deny the approval and affirmation of the appointment of Julie Williams-Tinkham as the Town of Falmouth Recreation Director.
- Some other Board stipulated 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 and affirm the appointment of Julie Williams-Tinkham as the Town of Falmouth Recreation Director.

Michael Renshaw

Town Manager

Click or tap to enter a date.

Date



Julie Williams-Tinkham

PROFESSIONAL EDUCATIONAL EXPERIENCE

Barnstable Public Schools, Hyannis, MA – Department Head Physical Education and Health (K-7)

August 2021 – PRESENT

- Supervise and evaluate 12 educators in 7 schools
- Teach 6th and 7th grade Physical Education classes
- Oversee K-7 Health and Physical Education Department
- Worked on LGBTQ inclusive initiatives across the district
- Develop curriculum for health and physical education courses

Falmouth Public Schools, Falmouth, MA – Director of Physical Education, Health and Wellness

August 2018 – June 2021

- Supervised and evaluated 15 educators and 1 administrator (Athletic Director), in 7 schools
- Oversaw K-12 Health and Physical Education Department
- Oversaw district Wellness initiatives
- Worked on LGBTQ inclusive initiatives across the district

Framingham High School, Framingham, MA – Health and Physical Education Teacher and Department Chair

August 2005 – August 2018

- Supervised and Evaluated 10 teachers
- Taught Health and Physical Education Classes
- Worked on LGBTQ inclusive initiatives across the district
- Coached Track and Field (Head coach, assistant coach, and volunteer assistant coach)

Sandwich High School, Sandwich, MA – Health and Physical Education Teacher and Track and Field Coach

August 2004 – June 2005

- Taught Physical Education and Health classes
- Head Girls' Track and Field Coach

ATHLETIC EXPERIENCE

Twilight Throwers – USATF Masters Track and Field Team

2015 – PRESENT

- President
- Participating athlete

Launch Track & Field – USATF Youth Track and Field Team

Spring 2022 – PRESENT

- Founded Youth Track and Field Program
- Coach
- Only USATF Youth program on Cape Cod

USATF – Masters Track and Field Committee Representative for Diversity and Leadership Committee

September 2022 – PRESENT

- Attend Annual Meeting for National Committee

Bridgewater State University, Bridgewater, MA – Assistant Track and Field Coach

December 2024 – PRESENT

- Assistant coach for throws (shot put, discus, javelin, hammer, and weight)

Babson College, Wellesley, MA – Assistant Track and Field Coach

November 2014 – May 2018

- Assistant coach for throws (shot put, discus, javelin, and hammer)

EDUCATION

Widener University, Chester, PA – ABD for PhD in Sexuality Education

University of Maine, Orono, ME – MEd Educational Leadership

University of Maine, Orono, ME – BS Kinesiology and Physical Education

PERSONAL/PROFESSIONAL ACCOMPLISHMENTS

- 2021 MAHPERD "Pathfinder Award" recipient
- Multiple Trans* Inclusive presentations
- Multiple Massachusetts Department of Elementary and Secondary Education (DESE) Safe School "OUT Badge" trainings
- Developed a Trans* inclusive athletic policy for Framingham Public Schools, used at the exemplar by the Massachusetts Interscholastic Athletic Association (MIAA)
- "You Can Play" regional board member, consultant for various projects
- Current American Record Holder for Track and Field W35 and W40 age group weight, superweight, and ultraweight pentathlon events
- USA Track & Field New England "Athlete of the Month" October 2020 and August 2017
- 2018 USA Track and Field Age Group Athlete of the Year
- Interviewed for several publications related to the development of trans* inclusive practices
 - Including New York Times and MTA Today
- Volunteer Official for Unified Track & Field Program at Falmouth High School

CERTIFICATIONS

- MA Principal/Assistant Principal (5-12)
- MA Physical Education (5-12)
- MA Health and Family Consumer Science (all levels)
- USA Track and Field (USATF) Certified Official
- NIAAA Registered Athletic Administrator

OPEN SESSION

COMMITTEE INTERVIEWS

Interview, vote and appoint committee members

1. Regulatory Boards
 - a. Zoning Board of Appeals – D. Scott Peterson



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.a. Regulatory Boards

ITEM TITLE: Interview, vote, and appoint committee members- Zoning Board of Appeals- D. Scott Peterson

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Email from candidate dated May 28, 2024 indicating desire to be re-appointed to the ZBA

PURPOSE:

The Select Board will conduct an interview and consider the re-appointment of Mr. D. Scott Peterson to serve another term on the Zoning Board of Appeals with a term ending June 20, 2029.

BACKGROUND/SUMMARY:

- Mr. Peterson indicated his desire to be re-appointed to serve on the Zoning Board of Appeals via email dated May 28, 2024.
- There is currently one (1) full member position that will be available effective June 30, 2024.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board appoint Mr. D. Scott Peterson to serve on the Zoning Board of Appeals for a term expiring on June 30, 2029.

OPTIONS:

- Motion to reappoint D. Scott Peterson to serve on the Zoning Board of Appeals with a term ending on June 30, 2029.

- Motion to deny the appointment of D. Scott Petersen to serve on the Zoning Board of Appeals.

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 appoint Mr. D. Scott Peterson to serve on the Zoning Board of Appeals for a term expiring on June 30, 2029.

Michael Renshaw

Town Manager

6/25/2024

Date

Zoning Board of Appeals (5 members, 2 associate members) (5-year terms)

One full member position:

- With a term ending 6/30/29

One applicant:

- D. Scott Peterson (incumbent) has requested to be reappointed to another term as a full member



TOWN OF FALMOUTH

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



THE COMMONWEALTH OF MASSACHUSETTS
The Town of Falmouth

May 9, 2024

D. Scott Peterson
70 Saddleback Lane
East Falmouth, MA 02536

Zoning Board of Appeals

The Select Board has decided on this format for inquiring about the status of Committee and Board members wishing to be considered for reappointment. Our records indicate that your term is about to expire. Under the terms of the Falmouth Charter an incumbent will continue to serve until reappointment or a successor is appointed.

Please indicate if you are interested in being considered for reappointment by completing the form, below, and return this letter to the office of the Select Board, 59 Town Hall Square, Falmouth, MA 02540 or email this letter to diane.davidson@falmouthma.gov no later than **Friday, May 24, 2024.**

Thank you for your cooperation and interest in serving the Town. If you have any questions, please call this office at (508) 495-7320.

Sincerely,
Michael Renshaw
Michael Renshaw
Town Manager

.....
I am interested in reappointment to the Zoning Board of Appeals.

Please check one:

YES NO

SIGNATURE *D. Scott Peterson* DATE May 20, 2024
EMAIL [REDACTED] TEL. # [REDACTED]

OPEN SESSION

COMMITTEE INTERVIEWS

Interview, vote and appoint committee members

2. Non-Regulatory Boards

- a. Bicycle and Pedestrian Committee – Stephen Morris



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews – Non-Regulatory Boards 2.a.

ITEM TITLE: Interview, vote, and appoint committee members- Bicycle and Pedestrian Committee- Stephen Morris

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application Form dated May 27, 2024

PURPOSE:

The Select Board will conduct an interview and consider the appointment of Stephen Morris, who has submitted an application to serve on the Bicycle and Pedestrian Committee.

BACKGROUND/SUMMARY:

- Stephen Morris' application was submitted on May 27, 2024 and it indicates that he has experience serving on the Middleboro Select Board (1982-1989 and 1999-2001) and that he is a frequent user of the bike path.
- Mr. Morris has been a resident of Falmouth for over nine (9) years.
- There is currently one vacancy to be filled with a term ending June 30, 2027, and there are three applicants for this vacancy to include Mr. Morris.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board conduct interviews of each of the three applicants who have expressed interest in serving on the Bicycle and Pedestrian Committee and make an appointment that the Board determines to be in the best interest of the Town.

OPTIONS:

Following the interview process:

- Motion to appoint Michael Taylor to serve on the Bicycle and Pedestrian Committee for a term to expire on June 30, 2027.
- Motion to appoint Mitchell Flaherty to serve on the Bicycle and Pedestrian Committee for a term to expire on June 30, 2027.
- Motion to appoint Stephen Morris to serve on the Bicycle and Pedestrian Committee for a term to expire on June 30, 2027.

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 interviews of each of the three applicants who have expressed interest in serving on the Bicycle and Pedestrian Committee and make an appointment that the Board determines to be in the best interest of the Town.

Michael Renshaw

Town Manager

6/25/2024

Date



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

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

Name: Stephen D. MORRIS

Address: 34 hummingbird hill Rd Village: West Fal ZIP: 02540

Mailing Address: Same Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 9+ (date: 2015) / Taxpayer yes (date: 2015)

Amount of time you are available to give: 10 hrs / wk

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

1. Bicycle + Pedestrian Committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences _____

I use the bike path five days / week, walking, running and biking

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

Board of Selectmen (1982-89, 2 1999-2001) Middleboro
Capital Planning Committee (1995-2022) Middleboro

Falmouth Running Club Board of Directors (2017-2024)

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

I use the bike path 5x/wk

WALKING, RUNNING, BIKING

- I'm a good listener and an active member of any committee I belong to.

- I never miss meetings

- I can follow committee/meeting rules

You may attach a resume to this application.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	Jack Afarian	Falmouth Running Club President Cape Cod Marathon Director	[REDACTED]
2.	Sue Callan	Athlete	[REDACTED]
3.	Bernie Cabral	teacher	[REDACTED]

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

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

5/27/24
DATE

[Signature]
APPLICANT'S SIGNATURE

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

OPEN SESSION

COMMITTEE INTERVIEWS

Interview, vote and appoint committee members

2. Non-Regulatory Boards

a. Bicycle and Pedestrian Committee

- Michael Taylor – Interviewed on 6/17
- Mitchell Flaherty – Interviewed on 6/17
- Stephen Morris – Reschedule to 7/1

Bicycle and Pedestrian Committee (9 members) (3-year terms)

One position:

- With a term ending 6/30/27

Three applicants:

- Michael Taylor
- Mitchell Flaherty
- Stephen Morris



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews – Non-Regulatory 2.a. - Taylor

ITEM TITLE: Interview, vote, and appoint committee members- Bicycle and Pedestrian Committee- Michael Taylor

MEETING DATE: 6/17/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application Form dated May 24, 2024; Committee Appointment Policy

PURPOSE:

The Select Board will conduct an interview and consider the appointment of Michael Taylor, who has submitted an application to serve on the Bicycle and Pedestrian Committee.

BACKGROUND/SUMMARY:

- Michael Taylor's application was submitted on May 24, 2024 and it indicates that he has experience in managing running groups at his workplace and that he is an active runner in the community.
- Mr. Taylor has been a resident of Falmouth for two (2) years.
- There is currently one vacancy to be filled with a term ending June 30, 2027, and there are three applicants for this vacancy to include Mr. Taylor.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board conduct interviews of each of the three applicants who have expressed interest in serving on the Bicycle and Pedestrian Committee and make an appointment that the Board determines to be in the best interest of the Town.

OPTIONS:

Following the interview process:

- Motion to appoint Michael Taylor to serve on the Bicycle and Pedestrian Committee for a term to expire on June 30, 2027.

- Motion to appoint Mitchell Flaherty to serve on the Bicycle and Pedestrian Committee for a term to expire on June 30, 2027.

- Motion to appoint Stephen Morris to serve on the Bicycle and Pedestrian Committee for a term to expire on June 30, 2027.

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 interviews of each of the three applicants who have expressed interest in serving on the Bicycle and Pedestrian Committee and make an appointment that the Board determines to be in the best interest of the Town.

Michael Renshaw

Town Manager

6/11/2024

Date



TOWN OF FALMOUTH

**BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM**

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

Name: Michael Taylor

Address: 134 Blacksmith Shop Road Village: Falmouth ZIP: 02536

Mailing Address: 134 Blacksmith Shop Road Village: Falmouth ZIP: 02536

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 2 (date:) / Taxpayer 2 (date:)

Amount of time you are available to give: Every other Friday and intermittent time throughout the week

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

1. Bicycle & Pedestrian Committee
2. Affordable Housing Committee
3. _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences: _____

Managed running groups at my workplace, Managed school clubs

Software developer with analytical skills, Active participant in local running scene

Town offices held in Falmouth or elsewhere and dates of years served: No, but I am
eager to learn and engage with the committees' work. I have

attended town hall meetings and the Zoning Board
of Appeals meetings.

Briefly describe the particular skills you feel you will add to the committee or board: As a
software developer, I bring analytical skills to analyze data and inform
decisions. My experience managing running groups and
school clubs demonstrates my ability to collaborate, lead, and
communicate effectively. As an avid runner with extensive knowledge
of Falmouth's trails and streets, I can provide valuable insights
on pedestrian safety and infrastructure needs. My passion for affordable
housing will drive me to find creative solutions that benefit our community.

You may attach a resume to this application.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Jennifer McCarthy-Taylor</u>	<u>Postdoctoral Researcher</u>	[REDACTED]
2.	<u>Mary Tynell</u>	<u>Realtor</u>	[REDACTED]
3.	<u>Ken Gartner</u>	<u>Physical Therapist</u>	[REDACTED]

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

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

05/24/24
DATE

[Signature]
APPLICANT'S SIGNATURE

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



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews – Non-Regulatory 2.a. - Flaherty

ITEM TITLE: Interview, vote, and appoint committee members- Bicycle and Pedestrian Committee- Mitchell Flaherty

MEETING DATE: 6/17/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application Form dated May 30, 2024; Resume; Committee Appointment Policy

PURPOSE:

The Select Board will conduct an interview and consider the appointment of Mitchell Flaherty, who has applied to serve on the Bicycle and Pedestrian Committee.

BACKGROUND/SUMMARY:

- Mitchell Flaherty's application was submitted on May 30, 2024 and it indicates that he has experience while in college working on a variety of projects related to bicycle infrastructure and multi-use pathways.
- Mr. Flaherty has been a resident of Falmouth for three (3) years.
- There is currently one vacancy to be filled with a term ending June 30, 2027, and there are three applicants for this vacancy to include Mr. Flaherty.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board conduct interviews of each of the three applicants who have expressed interest in serving on the Bicycle and Pedestrian Committee and make an appointment that the Board determines to be in the best interest of the Town.

OPTIONS:

Following the interview process:

- Motion to appoint Michael Taylor to serve on the Bicycle and Pedestrian Committee for a term to expire on June 30, 2027.

- Motion to appoint Mitchell Flaherty to serve on the Bicycle and Pedestrian Committee for a term to expire on June 30, 2027.

- Motion to appoint Stephen Morris to serve on the Bicycle and Pedestrian Committee for a term to expire on June 30, 2027.

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 interviews of each of the three applicants who have expressed interest in serving on the Bicycle and Pedestrian Committee and make an appointment that the Board determines to be in the best interest of the Town.

Michael Renshaw

Town Manager

6/11/2024

Date



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

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Name: Mitchell Flaherty

Address: 38 Brockton St Village: Taunton ZIP: 02536

Mailing Address: 38 Brockton St Village: Taunton ZIP: 02536

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 3 (date:) / Taxpayer (date:)

Amount of time you are available to give: 4-5 days a month or more if needed

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

1. Bicycle and Pedestrian Committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences: While in College in Boulder, CO I worked on a number of school projects dealing with bike infrastructure and multi-use pathways including the history of Boulder (1960s) bikeways and exploring bike infrastr through comdev

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

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

want to help get the board more ambitious goals
and raise public awareness of the BdP committee
and help the town of Falmouth plan for development
in the future. With less emphasis on car centric
infrastructure and instead putting people and places above cars
and traffic

You may attach a resume to this application. ✓

List three (3) references:

Name	Title	Phone
1. <u>Tim Cohan</u>	<u>Director of Sales, Marketing, CS</u>	<u>MacDuggalls</u> [REDACTED]
2. <u>Dave Walsh</u>	<u>Offshore Mexican Team Leader</u>	[REDACTED]
3. <u>Carric Uodehwal</u>	<u>College Professor</u>	[REDACTED]

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

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

05/30/2024
DATE

[Signature]
APPLICANT'S SIGNATURE

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

Mitchell Flaherty

Career Focus: Environmental Science

Oceanographic Science | Climatology | Climate Change Planning | Renewable Energy | Data Extraction and Modeling

Recent BA Environmental Studies/minor in Atmospheric Ocean Sciences, passionate about using technical and scientific expertise to preserve our environment and create livable, equitable communities. *Value offered:*

- **Problem Solving:** Intuitive, creative, logical thinker who applies data and science to find solutions to real-world issues.
- **Professionalism:** Hard worker recognized for leadership, initiative, and independently managing duties and projects.
- **Interpersonal Skills:** Natural relationship builder able to convey complex information in easy-to-understand language.

Skills: Python | C++ | Data Analysis and Visualization | Data Mapping | Team Leadership | Project Management

Education

UNIVERSITY OF COLORADO

Boulder, CO | 2022

BA in Environmental Studies, Minor in Atmospheric Oceanic Sciences

Notable Projects:

- **Atmospheric Research:** Selected topic and worked with partner to identify promising locations for wave energy production. Independently developed Python coding method to extract real-time data from National Data Buoy Center. *Grade: A*
- **Energy Policy:** Created detailed recommendations to streamline the permitting process for offshore wind energy. *Grade: A*
- **Creative Climate Communication:** With team, developed innovative idea to raise awareness of climate crisis through comedy skits. Created humorous monologue on bicycle infrastructure for [Stand-Up for Climate comedy show](#), delivered to a sold-out audience. *Performance at 38:20.*

Relevant Coursework: Atmospheric Research and Analysis | Physical Oceanography and Climatology | Energy and Climate Change | Principles of Climate | Data for Development | Descriptive Oceanography | Governing the Environment | Land Use Ethics

Honors and Activities: Dean's List | Member Freeskiing Team, Club Frisbee Team, Sustainable Buffs Club

Experience

EAST WEST TECHNICAL SERVICES

Falmouth, MA | 2023–Present

Industry-Funded Scallop At-Sea Observer for National Marine Fisheries Services (NMFS)

Accompany East Coast commercial vessels at sea, conducting unbiased in-field data collection to ensure regulatory compliance.

- Weigh and measure catch, identify species, collect biological DNA samples, and gather haul data.
- Confirm that safety equipment is up to USCG standards and fishing gear falls within allowable tolerances.
- Provide real-time updates to regional fishery quotas via an online portal.
- Maintain positive and professional communications with captain and crew throughout multi-day fishing voyages.

MACDOUGALL'S CAPE COD MARINE SERVICES

Falmouth, MA | 2019–2023

Assistant Dockmaster | Summers 2022 and 2023

Promoted to newly created position, oriented new Dockmaster, and served as second-in-command for summer boating seasons.

- Led 8-person crew, overseeing 130 vessels on site and managing/maintaining all facilities: docks, clubhouse, landscapes.
- Scheduled fuel deliveries to create a safe, efficient process for customers while safeguarding the environment.
- Served as first point of contact for customers seeking service or transient dockage.
- Co-managed boat valet program, overseeing loading and unloading of 40 vessels (20 to 35 ft.) via marina forklift.
- Assisted in evaluating candidates for summer positions and training and orienting new staff.

Dock Hand | Summers 2019, 2020, 2021

Repeatedly recruited to return for summer position based on work ethic, initiative, and reliability.

- Entrusted to manage opening and closing operations for marina with \$20M annual revenue.
- Docked and handled 70+ customer boats, up to 50 ft. in length, in all weather conditions.
- Managed safe fueling for up to 200 vessels per day.

Additional

- VEX Robotics Competition Design Award, 2018, as member of high school robotics team
- Volunteer with Falmouth Pedestrian and Bicycle Committee and MassBike
- First Aid and CPR Certified | TWIC Card Holder

OPEN SESSION

COMMITTEE INTERVIEWS

Interview, vote and appoint committee members

3. Committee appointments



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews – 3. Committee Appointments

ITEM TITLE: Committee Appointments

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Listing of Town Committee Appointments (Certified Weighers- Cape Cod Aggregates); Letter from Cape Cod Aggregates dated June 19, 2024

PURPOSE:

The Select Board will review and consider the request of Cape Cod Aggregates to appoint Jenn Quinn, Brian Studley, Robert Snow, and Edward Bousefield as Certified Weighers.

BACKGROUND/SUMMARY:

- Cape Cod Aggregates submitted a request to the Select Board office to appoint the following individuals as Certified Weighers (see attached letter dated June 19, 2024):
 - Jenn Quinn
 - Brian Studley
 - Robert Snow
 - Edward Bousefield

- If approved, these appointments would serve a term from July 1, 2024 through June 30, 2025.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board appoint Jenn Quinn, Brian Studley, Robert Snow, and Edward Bousefield as Certified Weighers to serve a term of July 1, 2024 through June 30, 2025.

OPTIONS:

- Motion to approve the appointments of Jenn Quinn, Brian Studley, Robert Snow, and Edward Bousefield as Certified Weighers to serve a term of July 1, 2024 through June 30, 2025.

- Some other Board identified 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 appoint Jenn Quinn, Brian Studley, Robert Snow, and Edward Bousefield as Certified Weighers to serve a term of July 1, 2024 through June 30, 2025.

Michael Renshaw

Town Manager

6/26/2024

Date

Town Committee Appointments

Other Appointments:

Appointment	Name	Term Ending
Certified Weighers – Cape Cod Aggregates	Jenn Quinn	6/30/25
	Brian Studley	6/30/25
	Robert Snow	6/30/25
	Edward Bousefield	6/30/25



CAPE COD AGGREGATES CORP.

**1550 PHINNEYS LANE
P.O. BOX 517
BARNSTABLE, MA 02630-0517**

June 19, 2024
Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Selectman
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
508-495-7321

RE: Certified Weighers 2024-2025

Cape Cod Aggregates respectfully requests that the following persons be appointed as Certified Weighers for the term of July 1, 2024 through June 30, 2025:

Jenn Quinn
103 Bridge Street
East Falmouth, MA 02536

Brian Studley
69 Barlow Avenue
West Warham, MA 02644

Robert Snow
37 Trowbridge Path
West Yarmouth, MA 02673

Edward Bousefield
62 Wood Road
Sandwich, MA 02563

Thank you for your assistance with this matter.

Sincerely,

Anna Snow
Office Assistant

OPEN SESSION

PUBLIC HEARINGS

1. Wetland/Dock Hearing – Philip Chase – application to reconstruct an existing dilapidated dock, stabilize an eroding slope by installing a concrete block retaining wall, and associated clearing, grading and landscaping, located at 9 Compass Circle, East Falmouth. Area affected is Jenkins Pond.



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearings 1.

ITEM TITLE: Wetlands/Dock Hearing- Philip Chase- application to reconstruct an existing dilapidated dock, stabilize an eroding slope by installing a concrete block retaining wall, and associated clearing, grading, and landscaping, located at 9 Compass Circle, East Falmouth. Area affected is Jenkins Pond.

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Public Hearing Notice (June 14, 2024 and June 21, 2024); Wetland Office Procedures; Request of Certified Abutters List dated June 6, 2024; Application for Permit to Fill, Dredge, or Otherwise Alter Wetlands received on May 22, 2024; MassDEP Order of Conditions; Approved Plans;

PURPOSE:

The Select Board will conduct a public hearing under section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws to hear comment on the application of Philip Chase for permission to reconstruct an existing dilapidated dock, stabilize an eroding slope by installing a concrete block retaining wall, and associated clearing, grading, and landscaping, located at 9 Compass Circle, East Falmouth.

The area affected is Jenkins Pond.

BACKGROUND/SUMMARY:

- A hearing was held by the Conservation Commission on April 17, 2024 and it issued a set of Standard Conditions (attached in packet).
- The completed Application for Permit to Fill, Dredge or Otherwise Alter Wetlands package was received by the Select Board Office on May 22, 2024 (see attached, completed by Falmouth Engineering).

DEPARTMENT RECOMMENDATION:

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

OPTIONS:

- Motion to approve Philip Chase's application to reconstruct an existing dilapidated dock, stabilize an eroding slope by installing a concrete block retaining wall, and associated clearing, grading, and landscaping, located at 9 Compass Circle, East Falmouth as presented.
- Motion to deny approval of Philip Chase's application to reconstruct an existing dilapidated dock, stabilize an eroding slope by installing a concrete block retaining wall, and associated clearing, grading, and landscaping.
- Some other Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

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

Michael Renshaw

Town Manager

6/26/2024

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

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, July 1, 2024 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Philip Chase for permission to reconstruct an existing dilapidated dock, stabilize an eroding slope by installing a concrete block retaining wall, and associated clearing, grading and landscaping, located at 9 Compass Circle, East Falmouth, MA. Area affected is Jenkins Pond. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

Publication dates: Friday, June 14, 2024 and Friday, June 21, 2024; Falmouth Enterprise.



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

TOWN CLERK
JUN 6, 2024 PM 1:50
RECEIVED

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

PROPOSED DOCK RECONSTRUCTION/RETAINING WALL

9 COMPASS CIRCLE

FALMOUTH, MASSACHUSETTS

Prepared for:

Philip Chase

Prepared by:



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

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ATTACHMENT D - PROJECT PLANS

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

TOWN OF FALMOUTH
BOARD OF SELECTMEN

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

To the Board of Selectmen
Falmouth, MA

Date: May 22, 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: Philip Chase 1 Lime St. Boston, MA 02108
(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 22 Section 02 Parcel 023 Lot 017
Street Name and House Number 9 Compass Circle

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

3. Description of property and project site: Single family dwelling containing existing dock and associated appurtanances

a. Dimensions, Acreage of total parcel: 10,300 S.F.

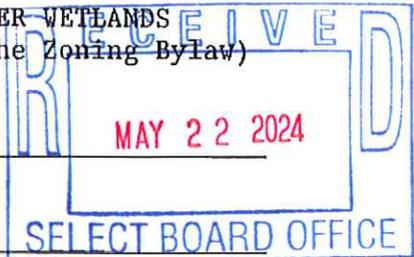
b. Length of water marsh frontage: 160'

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.) Reconstruct an existing dilapidated dock, stabilize an eroding slope by installing a concrete block retaining wall, and associated clearing grading and landscaping

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 25-4957

8. Remarks _____

9. Project Summary for legal notice: _____

Reconstruct an existing dilapidated dock, stabilize an eroding slope by installing a concrete block retaining wall, and associated clearing grading and landscaping

Owner: Philip Chase
1 Lime St. Boston, MA 02108

Agent: Falmouth Engineering, Inc.
17 Academy Lane, Ste. 200
Falmouth, MA 02540

(Name & Address)
TEL #:

(Name & Address)
TEL #: 508.495.1225

Applicant: Same as owner

(Name & Address)
TEL #:

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

ATTACHMENT A

PROJECT NARRATIVE

ATTACHMENT A - PROJECT NARRATIVE

1.0 Introduction and Project Overview

This Notice of Intent (NOI) application is being filed by Falmouth Engineering Inc. on behalf of Philip Chase for construction activities at 9 Compass Circle. The Applicant proposes to license and reconstruct an existing dilapidated dock and stabilize an eroding slope by installing a concrete block retaining wall and associated clearing grading and landscaping. Portions of the construction will be within 100' feet of wetland resources as described below.

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

2.0 Existing Conditions

The project site consists of approximately 10,300± square feet of developed land located along the shore of Jenkins Pond (refer to Project Location Map). The property is located on a broad flat landform with a moderate slope to Jenkins Pond.

The property contains a single-family dwelling, shed, lawn areas and landscaping typical for the surrounding neighborhood.

The slope adjacent to Jenkins Pond is eroding.

2.1 Regulated Resource Areas

The site is located on the shore of Jenkins Pond. The resource areas within 100' and nearby by to the proposed activities include Land Under Waterbody and Inland Bank.

The associated "No Disturbance Zone A" is also shown on the plan.

2.2 Buffer Zone Description

The portion of the buffer zone to be affected by the proposed activities has been disturbed prior to development. The site is currently occupied by a house lawn areas, driveway and landscaped areas.

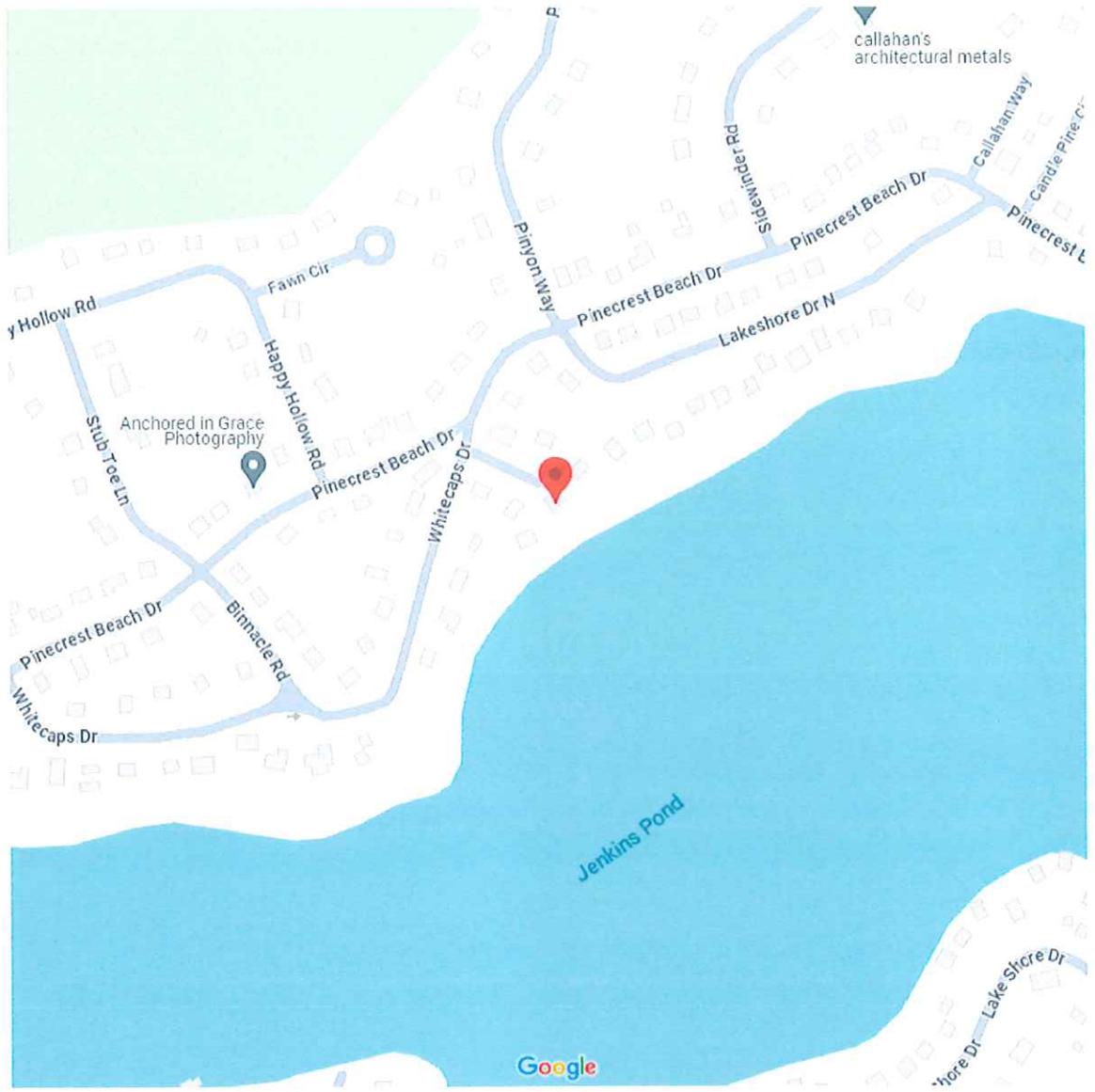


FIGURE 1-SITE LOCATION MAP

9 COMPASS CIRCLE
EAST FALMOUTH, MA

2.3 Estimated Habitat and Protected Species

The Massachusetts Natural Heritage Atlas indicates that the property is not located within Priority and Estimated Habitat of Rare Wetlands Wildlife. Therefore, a MESA filing is not necessary.

3.0 Proposed Project

The Applicant proposes to license and reconstruct an existing dock and construct a concrete block retaining wall as shown on the attached plans to mitigate for bank erosion.

The bank is eroding, causing loss of upland and trees. Two trees are already in need of removal. Further erosion will continue to undermine the bank and additional trees will be damaged and threatened by the erosion.

The concrete block design and details are shown on the plans. The block wall will be installed utilizing a “mini” excavator. The excavator will first excavate a small level trench at the base of the proposed wall. This small excavated trench will receive the first course of stones.

Blocks will be delivered to the front of the house, hoisted and carried by the excavator to the wall site and staged in the upland just landward of the proposed location.

The wall will be constructed as shown on the plans in manageable sections.

The area behind the wall is proposed to be backfilled and regraded to provide a flatter yards area for recreational/leisure outside uses. Some fill will be placed to level the yard. The estimated volume of fill is 200 cubic yards.

A limit of work will be installed just seaward along the edge of the proposed block wall.

Upon completion of the block retaining wall, the proposed dock reconstruction will occur. The proposed dock will be installed from the top of the newly installed retaining wall as shown on the plans.

One small 8' fixed pier section will be supported by the wall and two 6" x 6" timber posts. The proposed float will be secured with 4 – 4" diameter galvanized pipes, two at each end of the proposed float.

The proposed float will measure 8' x 12.5' (100 square feet).

The dock is intended to remain in place year-round and will be fitted with a bubbler system to mitigate for potential ice damage.

The construction methodology will be as follows:

- Stake the limit of work as shown on the plans.
- Remove the two undermined trees.
- Install the concrete block wall.
- Backfill, regrade, loam and seed the areas adjacent to and landward of the block wall.
- Re-construct the existing unlicensed dock.
- Restore the construction access route.

4.0 Anticipated Impacts and Mitigation Measures

4.1 Anticipated Impacts

Construction at the site will require re-disturbance of an area of the lot that was previously disturbed. The construction area will be bordered by a silt fence limit of work that will mitigate for erosion into the pond. The pond shoreline consists of a cobble and gravel surface. The soil is very coarse grain without fine sediment. As such no siltation or pluming of the pond will occur. No impacts to wetland resources are expected. The proposed wall is in the buffer to the resource area, not within the resource area.

The proposed dock reconstruction will be in accordance with Falmouth Wetland Regulations requirements for freshwater docks. This dock is similar to other freshwater docks within Jenkins Pond.

Only temporary limited impacts are anticipated while installing the pile supports. No long-term impacts are anticipated.

4.2 Minimization and Mitigation

Prior to the commencement of any of the construction activities, erosion and sedimentation controls will be installed along the work limits as shown on the attached site plan. The erosion and sedimentation controls will function to keep sediment within the limits of work. They will also serve to define the limit of construction.

Erosion and sedimentation controls will be maintained until disturbed areas have been restored. All ground disturbances will be kept to the minimum necessary to complete the construction and installations, and the disturbed areas of the site will be restored upon completion.

5.0 Summary

The existing wetland resource areas, anticipated project impacts, and proposed mitigation have been documented in this application. All proposed work is to be conducted in previously disturbed areas of the buffer zone and on a previously disturbed portion of an eroding sloping landform.

The purpose of the proposed project is to stabilize erosion and loss of upland and to remove a delapidated and unlicensed dock and reconstruct and license a new dock in conformance with all state and local wetlands regulations.

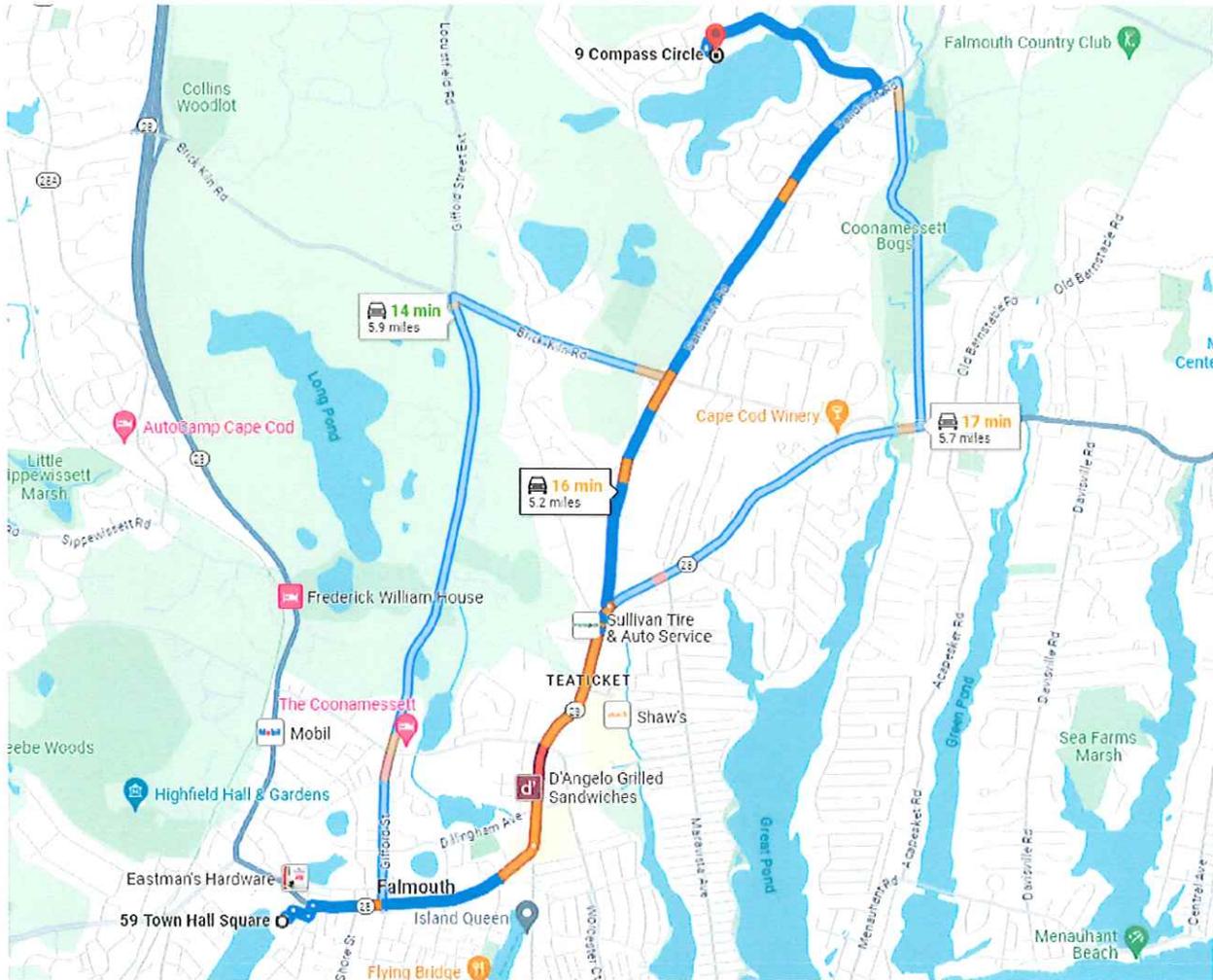
In light of these considerations the proposed project should be reviewed favorably by the Select Board.

ATTACHMENT B

DRIVING DIRECTIONS TO SITE

DRIVING DIRECTIONS TO SITE

Turn right out of Town Hall parking lot onto Main Street and continue onto Davis Straits for 2 miles. Turn left onto Sandwich Rd. and follow for 2.3 miles. Turn left onto Pinecrest Beach Dr. and follow .9 miles to Compass Circle. Number 9 is straight ahead on the cul-de-sac.



ATTACHMENT C

ORDER OF CONDITIONS 25-4957



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:
25-4957
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Barnstable
- | | |
|-----------|--|
| a. County | b. Certificate Number (if registered land) |
| 27286 | 57 |
| c. Book | d. Page |
7. Dates: 3/13/2024 4/17/2024 5/7/2024
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 - Proposed Wall/Dock
- | | |
|----------------------------|---|
| a. Plan Title | b. Prepared By |
| Falmouth Engineering, Inc. | Michael J. Borselli, P.E., Gary S. Labrie, P.L.S. |
| 4/9/2024 | 1" = 10' |
| d. Final Revision Date | e. Scale |
- | | |
|--------------------------------------|---------|
| f. Additional Plan or Document Title | g. Date |
|--------------------------------------|---------|

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

- | | | |
|---|--|---|
| a. <input checked="" type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input checked="" type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input type="checkbox"/> Flood Control |

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

Approved subject to:

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



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

Provided by MassDEP:
 25-4957
 MassDEP File #

eDEP Transaction #
 Falmouth
 City/Town

B. Findings (cont.)

Denied because:

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4957

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____ 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 type="checkbox"/> Coastal Banks	_____ a. linear feet	_____ b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____ a. square feet	_____ b. square feet		
17. <input 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 type="checkbox"/> Land Containing Shellfish	_____ 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 type="checkbox"/> Land Subject to Coastal Storm Flowage	_____ a. square feet	_____ b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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

Provided by MassDEP:
25-4957
MassDEP File #

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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):

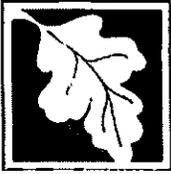
a. number of new stream crossings

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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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 25-4957 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

1. Municipal Ordinance or Bylaw

2. Citation

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

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:
Falmouth Wetlands Bylaw / Regulations
1. Municipal Ordinance or Bylaw
- 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



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E. Signatures

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

5/7/2024

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
Printed Name

Maureen Harlow-Hawkes
Signature

Maureen Harlow-Hawkes
Printed Name

Elizabeth Gladfelter
Signature

Elizabeth Gladfelter
Printed Name

Kevin O'Brien
Signature

Kevin O'Brien
Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

5/7/24 Encubersella
Date

Date

FALMOUTH ENGINEERING, INC

For Signature Authorization see
Doc: 1,383,706
BARNSTABLE LAND COURT REGISTRY



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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F. Appeals

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

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

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



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G. Recording Information

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

Conservation Commission

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

To:

Falmouth
Conservation Commission

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

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Barnstable
County

Book

Page

for: Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

Signature of Applicant



Falmouth Conservation Commission

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

Phillip Chase
9 Compass Circle, Falmouth
DEP # 25-4957

FINDINGS

1. The applicant proposes to license and reconstruct an existing dock and stabilize an eroding slope by installing a concrete block retaining wall, regrade and slope the yard, and install a 10-foot wide mitigation buffer strip required under a previous order of conditions.
2. Resource areas onsite and within 100 feet of the proposed project include Land Under Waterbodies, Inland Bank, and Resource Area Buffer.

INTERESTS

1. Storm Damage Prevention
2. Flood Control
3. Pollution Prevention
4. Protection of private and public water supply
5. Protection of groundwater
6. Protection of wildlife habitat

STANDARD CONDITIONS

1. Permission is granted to Phillip Chase, 9 Compass Circle, Falmouth, MA, to license and reconstruct an existing dock and stabilize an eroding slope by installing a concrete block retaining wall, regrade and slope the yard, and install a 10-foot wide buffer strip required under a previous order of conditions according to the narrative and plan prepared by Falmouth Engineering, Inc., dated March 5, 2024 and revised April 9, 2024 and entitled "Site Plan-Proposed Wall/Dock" and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent

than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.

3. 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).
4. 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 will have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.
5. Issuance of the Order of Conditions does not relieve the permittee from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.
6. 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. The Conservation Commission as well as its staff and agents have the authority to issue an Enforcement Order if work does not comply with the terms or intent of the conditions contained herein or the plans herein referenced.
7. The Order of Conditions expires three (3) years from the original date of issuance. Any Amendments to the Order of Conditions **do not** extend the Original Order. You may request an Extension to the original Order of Conditions, in writing, at least 30 days prior to the expiration. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.
8. Prior to any work commencing:
 - a. Proof of recording of this Order of Conditions 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. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
 - d. 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.

- e. The Limit of Work must be installed prior to any work, excavation, construction or clearing of vegetation, in order to prevent damage to the Interests of the Act and Bylaw. The Limit of Work shall consist of a single row of staked strawbale/silt fencing.
- i. **Please be advised that the use of a straw/mulch waddle/sock is not allowed unless approved in writing by the Conservation Administrator. The Conservation Administrator reserves the right to revoke any approval if this method is determined to be ineffective or is not maintained.**
9. The Limit of Work strawbales/silt fencing shall be replaced as necessary and should to be maintained in good condition throughout the entire construction period. Upon completion of all construction and stabilization of the site, strawbales/silt fencing is to be removed and properly disposed of. No fill is allowed to be placed against or outside the Limit of Work at any time. There shall be no work or storage of materials outside the Limit of Work.
10. The construction site is to be cleaned daily to remove any loose debris and permitted cuttings offsite. Any 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 noted on the plans.
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.
12. Any other proposed activities (alteration, fill, excavation or removal of vegetation) within any Resource Area or within 100 feet of any Resource Area will require that the applicant obtain all necessary permits from the Conservation Commission.
13. Applicant is put on notice of the requirement to adhere to the performance standards set forth in the Town's Nitrogen Control Bylaw (Chapter 237 of the Code of Falmouth; full text available at <https://ecode360.com/27443489>), which applies to all areas throughout the Town of Falmouth. These performance standards stipulate that: (1) the application of nitrogen is prohibited between October 16 and April 14; (2) residents/property owners may not allow nitrogen to be applied to any impervious surface on their property, including parking lot, driveway, roadway, sidewalk, or ice; and must immediately and completely remove and contain any nitrogen that may be applied, spilled, or deposited, whether intentionally or accidentally, on any impervious surface; (3) residents/property owners may not apply nitrogen directly to any surface before or during a heavy rain event; and (4) the application of nitrogen is at all times prohibited within 100 feet of Resource Areas as defined in Falmouth's Wetlands Regulations FWR 10.02(1)(a) through (d) (<https://ecode360.com/12120136>), namely: any bank, freshwater wetland, coastal wetland, beach, dune, flat, marsh, swamp, wet meadow, bog, or vernal pool; any creek, estuary, stream, pond, or lake; the ocean; and land under water bodies.
14. The application of nitrogen is at all times prohibited within 100 feet of the following additional areas under Conservation Commission jurisdiction: land subject to tidal action; land subject to flooding or inundation by groundwater or surface water; land subject to coastal storm flowage; land subject to flooding; lands and waters within the Black Beach Great Sippewissett Marsh District of Critical Planning Concern; and lands and waters within the Waquoit Bay Area of Critical Environmental Concern.

15. Before work can begin (i.e. clearing or construction) the Town of Falmouth Conservation Commission Form(s) 1 and 2 are to be submitted to the Conservation Department, identifying the General Contractor (GC) and other responsible parties and signed by the GC and all other responsible parties confirming that the signatories thereto have read and understand the Order of Conditions and that they jointly and severally take responsibility for compliance with the OOC on site during the life of the project. These documents shall be submitted with the ten (10) day start work notification required by Standard Condition #8(b).
16. Any changes to the plan of record noted in Standard Condition 1 above, no matter how minor in scope, including, but not restricted to, changes in the building footprint and appendages such as decks, addition and/or modification of accessory structures, changes in landscape features such as patios, retaining walls, plantings, removal of vegetation, the modification of finished grades, etc. require that the applicant obtain the permission of the Conservation Commission *before* undertaking the modified work. Depending on the scope of the change, said permission may be obtained by filing for an Administrative Approval, an amended Order of Conditions, or entirely new Notice of Intent. Failure to comply with this condition may subject the applicant to an enforcement order and/or fines.
17. 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. If this Order is based on a professionally rendered drawing then a letter must be submitted from an engineer or architect certifying full compliance and any deviation from the approved plans, as well as, an "Existing Conditions" plan. This plan shall include ALL structure and landscape features including patios, retaining walls, ornamental plantings, native plantings, AC units, steps, outdoor showers, walkways, etc. Any mitigation trees for the project shall be located and identified to species. Any mitigation shrubs for the project shall be delineated on the plan, labeled as "native buffer shrubs" and the final square footage noted. A request for a Certificate of Compliance shall be made in writing immediately following completion of all work including permanently stabilizing the site with vegetation.

SPECIAL CONDITIONS:

1. Lawn within the 100 ft buffer to all resource areas shall be seeded (not sod) with a drought tolerant fescues on eight (8) to ten (10) inches of loam. The loam shall be of natural origin as defined by the United States Department of Agriculture (USDA).
2. No permanent and/or subsurface irrigation system shall be installed. A temporary above ground drip irrigation system will be allowed to insure the survival of the mitigation plantings. Once mitigation plantings and lawn have been established the temporary system shall be removed.
3. Prior to conducting any work on the property, pre-construction photos shall be taken and submitted to the Conservation department for review. Photos shall be submitted with the 10 day start work notification required by Standard Condition #8(b).
4. All plantings shall be from 2-gallon or 3-gallon containers and spaced 3 feet on center. No dwarf varieties such as "shamrock" inkberry (*Ilex glabra "shamrockii"*) or "hummingbird" sweet pepperbush

(*Clethra alnifolia* "hummingbird") may be used. Tags depicting the plant species and variety shall be left on the plants until established.

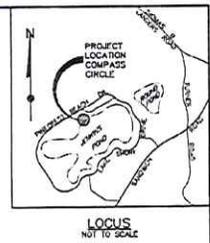
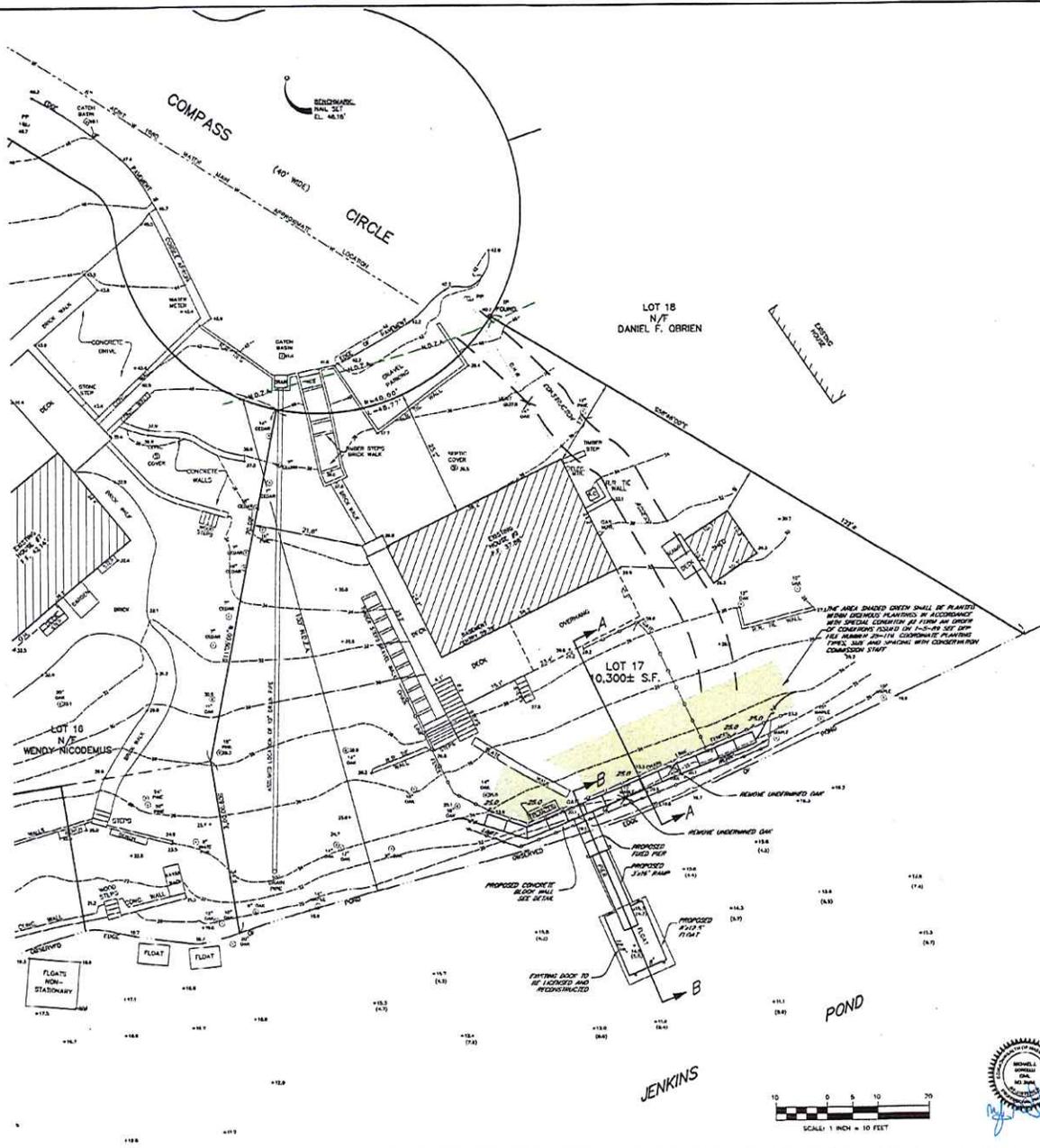
5. All plantings shall be maintained in good health and shall be allowed to grow into their full and mature form. These plantings shall not be altered in any way (pruned, removed, etc.) without first obtaining a permit from the Conservation Commission for such work. This condition shall be ongoing with the deed.
6. All cuttings/debris, etc. are to be kept out of the Resource Areas.
7. The construction site is to be cleaned daily to remove any loose debris.
8. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.
9. Special Condition 5 shall be written into the Certificate of Compliance and shall be registered with and ongoing with the deed.

VOTE AUTHORIZING SIGNATURES OF COMMISSIONERS

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

ATTACHMENT D

PROJECT PLANS

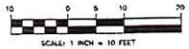


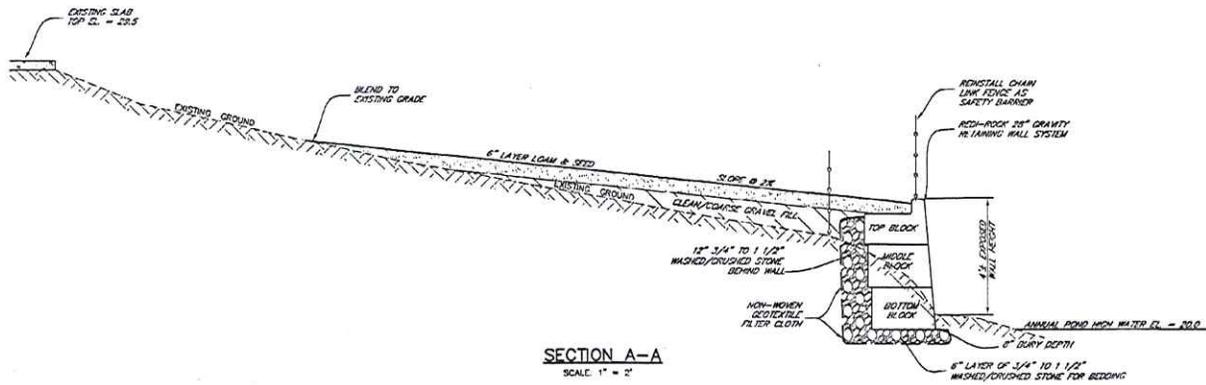
LEGEND

---	EXISTING 2' CONTOUR
---	EXISTING 10' CONTOUR
+23.8	EXISTING SPOT ELEVATION
+26.0	PROPOSED SPOT ELEVATION
UAF 15	EXISTING HILL
X	EXISTING TREE TO BE REMOVED
U.P. 15	EXISTING UTILITY POLE
FOUND	CONCRETE BOUNDARY
—	DRAINAGE FLOW
(4.2)	DEPTH REFERENCE TO ANNUAL POND ELEVATION

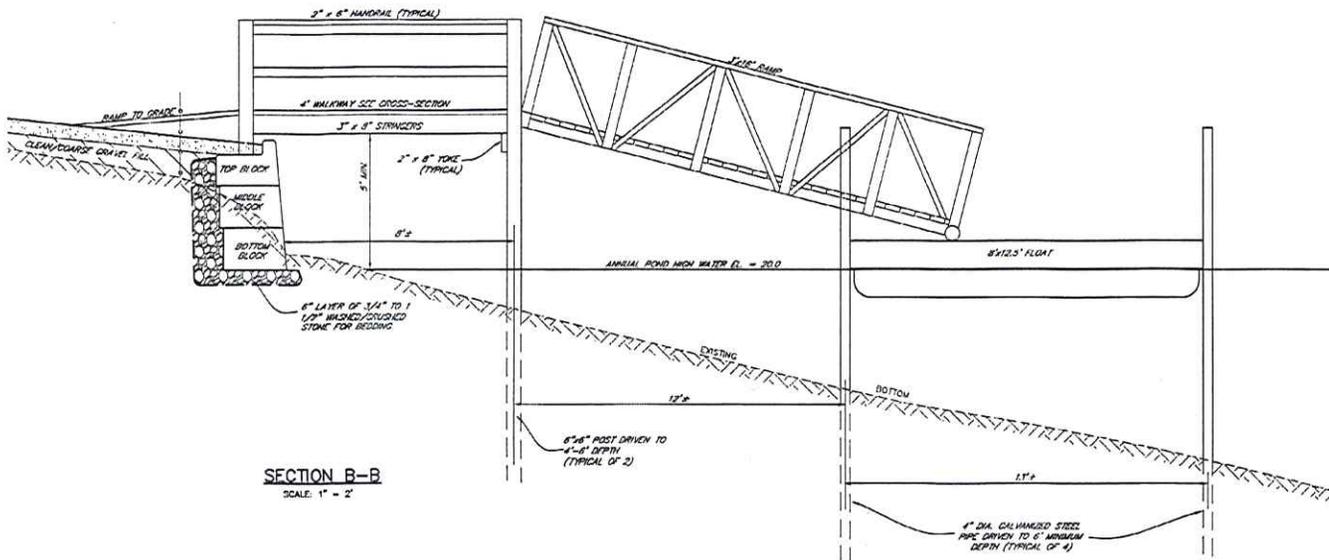
- GENERAL NOTES:**
- ASSESSOR'S INFORMATION: 22 02 023 017
 - FLOOD ZONE: X (FEMA MAP 25001C0724J)
 - ZONING DISTRICT: RC
 - WIND EXPOSURE CATEGORY: B
 - OVERLAY DISTRICTS: ZONE B WELLHEAD PROTECTION & WATER RESOURCE PROTECTION
 - LOT COVERAGE BY:
 - A. STRUCTURES: 1,652 S.F./10,300 S.F. = 16.0% < 30%
 - B. STRUCTURES/PARKING/PAVING: 1,976 S.F./10,300 S.F. = 19.2% < 40%
 - WIND BORNE DEBRIS REGION: N/A
 - STREET ADDRESS: COMPASS CIRCLE
 - HOUSE NUMBER: 0
 - TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
 - ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1985.

4/9/24	REDUCE WALL HEIGHT & VOLUME OF FILL, REVISE GRADING, ADD REQUIRED PLANTINGS
DATE	REVISION
SITE PLAN - PROPOSED WALL/DOCK FOR #9 COMPASS CIRCLE PREPARED FOR PHILIP CHASE IN FALMOUTH, MA	
PLAN DATE: MARCH 5, 2024	PLAN SCALE: 1" = 10'
CIVIL ENGINEERING	WETLANDS PERMITTING
WASTEWATER DESIGN	COASTAL ENGINEERING
TITLE & PLAT PLANS	FENS AND DOGS
LAND USE PLANNING	COMMERCIAL/RESIDENTIAL
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.492.1225 PROJECT NUMBER: 22062 CAD FILE NAME: 22062SMALL DRAWN BY: L.M./A.B. SHEET 1 OF 2	





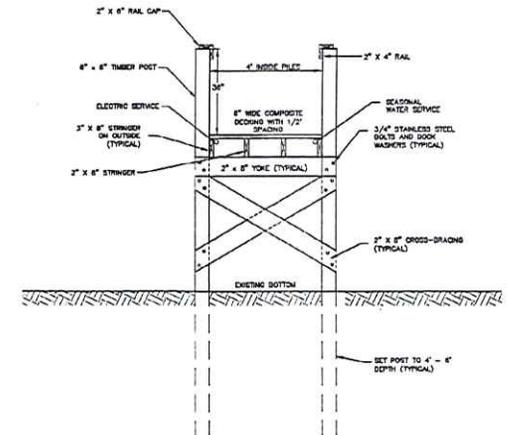
SECTION A-A
SCALE: 1" = 2'



SECTION B-B
SCALE: 1" = 2'

CONSTRUCTION NOTES:

1. ALL WOOD MATERIALS SHALL BE CUT IN THE UPLAND.
2. ALL WOOD MATERIALS SHALL BE NON-CCA TREATED.
3. PILES SHALL BE OTHER, NOT LETTED, TO A MINIMUM DEPTH OF 15' OF REFUSAL.
4. FASTENING OF WOOD MATERIALS SHALL BE BY 3/4" BOLTS, NUTS AND DOCK WASHERS. HURRICANE CLIPS ON TRUSS BOLTS FOR STRINGER CONNECTION TO YOKE AS INDICATED ON THE PLANS.
5. ALL DOCK LIGHTING SHALL NOT EXCEED 0.2 FOOT-CANDLE (FC).



TYPICAL WALKWAY CROSS-SECTION

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

4/9/24	REDUCE WALL HEIGHT & VOLUME OF FILL, REVISE GRADING.
DATE	REVISION
DOCK AND WALL DETAILS FOR #9 COMPASS CIRCLE PREPARED FOR PHILIP CHASE FALMOUTH, MA	
PLAN DATE: MARCH 5, 2024	PLAN SCALE: AS SHOWN
CIVIL ENGINEERING	WETLANDS PERMITTING
WASTEWATER DESIGN	COASTAL ENGINEERING
TITLE & PLAN PLANS	PIERS AND DOCKS
LAND USE PLANNING	COMMERCIAL/RESIDENTIAL
 17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.485.1225 PROJECT NUMBER: 22045 (CAN FILE NAME: 22045WALL) DRAWN BY: L.M./	



my all

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, July 1, 2024 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Philip Chase for permission to reconstruct an existing dilapidated dock, stabilize an eroding slope by installing a concrete block retaining wall, and associated clearing, grading and landscaping, located at 9 Compass Circle, East Falmouth, MA. Area affected is Jenkins Pond. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

June 14, 2024
June 21, 2024



RECEIVED

JUN 06 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 22 Section 02 Parcel 023 Lot 017 ✓
Map _____ Section _____ Parcel _____ Lot _____
Map _____ Section _____ Parcel _____ Lot _____

Lot size of subject property: _____

Location of subject property: 9 Compass Circle, 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'
- 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

9 COMPASS CIR

CERTIFIED



Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
June 6, 2024

48 LAKE SHORE DR NORTH BENJAMIN S HOFFMAN REV TRUST 189 N MAIN ST SHARON. MA 02067	22 04 018 015A LUC: 101	18 WHITECAPS DR ISHIHARA TRUSTEE AKIRA ISHIHARA TRUSTEE IKUKO 8 SANDY BEACH LN COHASSET. MA 02025	22 02 023 013 LUC: 101	219 PINECREST BEACH DR SPARROWS NEST RENTALS LLC 9 BUCKHILL RD NORTHBOROUGH. MA 01532	22 02 023 069 LUC: 101
42 LAKE SHORE DR NORTH BRIGGS TRUSTEE HELEN M BRIGGS TRUSTEE GRAFTON 42 LAKESHORE DR N EAST FALMOUTH. MA 02538-4786	22 04 018 013A LUC: 101	47 LAKE SHORE DR NORTH JOSEPHS CHRISTOPHER P JOSEPHS LYNN G 9401 RAVINA CT FAIRFAX STATION. VA 22039	22 04 012 019A LUC: 101	11 WHITECAPS DR SWARTZ JR H MARSHALL 11 WHITECAPS DR EAST FALMOUTH. MA 02538-4772	22 02 023 023 LUC: 101
8 COMPASS CIR BURWELL BEVERLY 38 CLEARWATER DR EAST FALMOUTH. MA 02536	22 02 023 019 LUC: 101	2 COMPASS CIR LAVOIE DEBORAH M LAVOIE JOSEPH 2 COMPASS CIR E FALMOUTH. MA 02536-4705	22 02 023 021 LUC: 101	50 LAKE SHORE DR NORTH SYLVESTER GEOFF SYLVESTER DEREK 95 BIRCH ST PEABODY. MA 01980	22 04 015 016A LUC: 101
52 LAKE SHORE DR NORTH COHEN RICHARD M MEISHIED COHEN PAIGE ANN 23 CURTIS RD NATICK. MA 01760	22 04 014 017A LUC: 101	7 COMPASS CIR NICODEMUS WENDY 7 DIAMOND ST NORFOLK. MA 02058	22 02 023 016 LUC: 101	9 COMPASS CIR VAUGHN TRUSTEE SUSAN E S E VAUGHN TRUST 2013 58 ROCHESTER RD NEWTON. MA 02458	22 02 023 017 LUC: 101
14 WHITECAPS DR DECILIO RICHARD DECILIO AKIKO 14 WHITECAPS DR E FALMOUTH. MA 02536-4773	22 02 023 014 LUC: 101	18 COMPASS CIR OBRIEN DANIEL F 18 COMPASS CIR E FALMOUTH. MA 02536-4705	22 02 023 018 LUC: 101	3 COMPASS CIR ZUROWSKI JULIE A FORREST GREGORY R 160 CAPTAINS ROW MASHPEE. MA 02649	22 02 023 015 LUC: 101
44 LAKE SHORE DR NORTH DUFFY TRUSTEE JOHN E DUFFY TRUSTEE MARY A 209 ARROW HEAD RD MARSHFIELD. MA 02050	22 04 017 014A LUC: 101	209 PINECREST BEACH DR OLIVER III RAYMOND 209 PINECREST BEACH DR EAST FALMOUTH. MA 02536	22 02 023 071 LUC: 101		
226 PINECREST BEACH DR EAGAR ELAINE M GOODWIN PAUL J 5 WHITE CAPS DR EAST FALMOUTH. MA 02536	22 02 023 022 LUC: 101	28 WHITECAPS DR OSTROVSKY YAKOV OSTROVSKY GALINA 9 KIPPY DR WABAN. MA 02468	22 02 023 011 LUC: 101		
22 WHITECAPS DR ENGLISH BRAGA MOLLY E 22 WHITECAPS DR E FALMOUTH. MA 02536	22 02 023 012 LUC: 101	54 LAKE SHORE DR NORTH ROSE LINDA A MORZE DAVID D 54 LAKESHORE DR NORTH EAST FALMOUTH. MA 02538	22 04 013 018A LUC: 101		
215 PINECREST BEACH DR HADDAD PETER A HADDAD TEDDI LYNN 215 PINECREST BEACH DR E FALMOUTH. MA 02538	22 02 023 070 LUC: 101	210 PINECREST BEACH DR SCHAECHTER KATHERINE MELANIE 210 PINECREST BEACH DR EAST FALMOUTH. MA 02536	22 02 023 020 LUC: 101		
19 WHITECAPS DR HIGGINS ROBERT J MACLEOD LEE ANNE 19 WHITECAPS DR E FALMOUTH. MA 02536	22 02 023 025 LUC: 101	15 WHITECAPS DR SHALAPYONOK ALEXI SHALAPYONOK LUDMILA S 15 WHITECAPS DR E FALMOUTH. MA 02536-4772	22 02 023 024 LUC: 101		

Diane Davidson

From: Fallon Queeney
Sent: Tuesday, June 25, 2024 9:01 AM
To: Diane Davidson
Cc: Alissa Bergeron; Jennifer Lincoln
Subject: RE: Special Permit Application - Wetlands/Docks - 9 Compass Circle - Corrected
Attachments: Compass Cir 9 (Chase) 25-4957 Plan REV 04 09 2024.pdf; Compass Cir 9 (Chase) OOC (2).pdf

Good morning Diane,

The submitted documents match what was presented to the Conservation Commission on the 4/17/2024 hearing. The Order of Conditions and approved plan have been attached here for your records.

Fallon Queeney
Conservation Agent
Town of Falmouth, MA
Fallon.queeney@falmouthma.gov
(508)495-7448

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Friday, June 21, 2024 3:12 PM
To: Falmouth Conservation Commission <concom@falmouthma.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>
Subject: Special Permit Application - Wetlands/Docks - 9 Compass Circle - Corrected

To All,

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

Applicant: Philip Chase
Location: 9 Compass Circle, East Falmouth
Proposed Work: To reconstruct an existing dilapidated dock, stabilize an eroding slope by installing a concrete block retaining wall, and associated clearing grading and landscaping.
Body of Water: Jenkins Pond

The applicant has provided a copy of the Order of Conditions. If you have any comments, please send by Wednesday, June 26, 2024.

The hearing is scheduled at the Select Board meeting on Monday, July 1, 2024 at 6:45 p.m.

Thank you.

Diane

Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager & Select Board
59 Town Hall Square
Falmouth, MA 02540

OPEN SESSION

PUBLIC HEARINGS

2. Approve the application filed by Bad Martha's Farmer's Brewery, LLC for a Farmer-Winery Pouring License to be exercised at 876 East Falmouth Highway, East Falmouth



LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Bad Martha's Farmer's Brewery, LLC has applied for a Farmer-Winery Pouring License to be exercised at 876 East Falmouth Highway, East, Falmouth, MA.

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

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

LICENSING BOARD

Nancy Robbins Taylor

Edwin P. Zylinski, II

Douglas C. Brown

Robert P. Mascali

Heather M. H. Goldstone

Publication date: Friday, June 14, 2024; Falmouth Enterprise



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearings 2.

ITEM TITLE: Approve application filed by Bad Martha's Farmer's Brewery, LLC for a Farmer-Winery Pouring License to be exercised at 876 East Falmouth Highway, East Falmouth

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Liquor License Hearing Notice (Publication Date June 14, 2024); ABCC Advisory Regarding Extension of Farmer-Series Pouring Permit Premises and New 19H Pouring Permit; License Application Review Form; Summary of Application for New Farmer-Winery Pouring License Application dated May 31, 2024; farmer-Winery License approval date of September 25, 2023; Application for a New License dated May 20, 2024; Building Site Plan; Floor Plan

PURPOSE:

The Select Board will conduct a public hearing under Chapter 138 of the General Laws, as amended, to hear and consider an application filed by Bad Martha's Farmer's Brewery, LLC for a Farmer-Winery Pouring License to be exercised at 876 East Falmouth Highway, East Falmouth.

BACKGROUND/SUMMARY:

- Bad Martha's Farmer's Brewery, LLC is applying for a 19B (n) Farmer Winery License.

- Massachusetts Farmer-Winery License #FW-LIC-000220 has been issued and included in this application.
- The intent is for “such products (*wine*) to be stored by the bottle on the premises. No other aspects of the applicant’s operations will be affected.”
- A new 19H Pouring Permit is being applied for in a separate application.
- The applicant states in the application that the Farmer Winery Pouring License will be exercised on the basement level of the premises located at 876 East Falmouth Highway.
- The Police Department has reviewed the application and has no objections to its approval.
- The Fire Rescue Department has reviewed the application and has no objections to its approval.

DEPARTMENT RECOMMENDATION:

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

OPTIONS:

- Motion to approve the application filed by Bad Martha’s Farmer’s Brewery, LLC for a Farmer-Winery Pouring License to be exercised at 876 East Falmouth Highway, East Falmouth.
- Motion to deny approval of the application filed by Bad Martha’s Farmer’s Brewery, LLC for a Farmer-Winery Pouring License to be exercised at 876 East Falmouth Highway, East Falmouth.
- Some other Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

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

Michael Renshaw

Town Manager

6/26/2024

Date



*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114*

Deborah B. Goldberg
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

**ALCOHOLIC BEVERAGES CONTROL COMMISSION ("ABCC") ADVISORY
REGARDING EXTENSION OF FARMER-SERIES POURING PERMIT PREMISES AND
NEW § 19H POURING PERMIT**

On August 10, 2016, Governor Baker signed into law H4569, "An Act relative to job creation and workforce development." This legislation makes several changes to the Farmer-Series pouring permits.

Farmer-Series Pouring Permit Updates

Farmer-series licensees may now obtain pouring permits issued under § 19B(n) (for farmer-wineries), § 19C(n) (for farmer-breweries), and § 19E(o) (for farmer-distilleries) that permit them to sell for consumption not only on their licensed premises, but also on the farmland or vineyard that operates appurtenant and contiguous, and in conjunction with, the licensed premises. This means that a farmer-winery, for example, may sell its own wine by the glass not only inside its licensed winery, but also on its adjacent vineyard property.

For farmer-series licensees that already have a pouring permit but would like to add their adjacent farmland or vineyards to their pouring permit, please complete an Alteration of Licensed Premises application and submit it to your Local Board.

For farmer-series licensees that do not currently have a pouring permit but would like to obtain one, please complete a Farmer Series Pouring Permit application and submit it to your Local Board.

The New "19H" Pouring Permit

The legislature also created a new type of farmer-series pouring permit under § 19H. Previously, a farmer-series licensee could only sell its own license's products on its premises. This meant, for example, that if a licensee owned a farmer-winery and a farmer-brewery, it was limited to selling its wines on its farmer-winery's premises, and could not sell its brewery's products on the farmer-winery's premises.

Now under § 19H, if a licensee owns more than one type of farmer-series license, it can apply for a § 19H pouring permit that will permit any and all alcohol produced by it (or for it and sold under its brand name) to be sold for on-premises consumption on any of its farmer-series premises and vineyards/farmlands, so long as the licensee's vineyards/farmlands are operated as appurtenant and contiguous to each other. For example, if a licensee owns a § 19B farmer-winery and a § 19C farmer-brewery that are on vineyards/farms adjacent and contiguous to each other, it may obtain a § 19H pouring permit that allows it to sell its winery products on the brewery's premises, and its brewery's products on its winery's premises.

In order to apply for a § 19H pouring permit a licensee must complete the Farmer Series Pouring Permit application. In Section 3(b) of the application, the licensee must check all types of farmer-series licenses for which it seeks to have a § 19H pouring permit. For example, if a licensee has a farmer-winery and a farmer-brewery and would like to sell its winery products on its brewery premises, the licensee must check the boxes for "Farmer Brewery" and "Farmer Winery," but not the "Farmer Distillery" box. Please be aware that if the farmer-series licenses are not on lands appurtenant and contiguous to each other the application for a § 19H pouring permit will be denied.

As with all farmer-series pouring permits, these permits only permit the farmer-series licensees to sell their own products, or products produced for them and sold under their brand name. No other alcoholic beverages may be sold anywhere covered under the pouring permit.

Finally, please be aware that nothing has changed about the prohibition against a licensee owning both a § 12 license and any farmer-series license issued under § 19B, §19C, and § 19E.

As a reminder, all licensees must ensure that they are in compliance with the Laws of the Commonwealth of Massachusetts and that sale of alcoholic beverages take place only as authorized by applicable law.

(Issued August 11, 2016)

LICENSE APPLICATION REVIEW

Restaurant/Business: Bad Martha's Farmer's Brewery, LLC

Address: 876 East Falmouth Highway, East Falmouth

License Type: Farmer Brewery Pouring License

New License New Farmer Winery Pouring License

Transfer of License _____

Change of License _____

Police No objection

Fire No Objection

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

NOTES:

Bad Martha's Farmer's Brewery, LLC is applying for a 19B(n) Farmer Winery License. Massachusetts Farmer-Winery License #FW-LIC-000220 has been issued and included in the application.

The intent is for *“such products (wine) to be stored by the bottle on the premises. No other aspects of the Applicant’s operations will be affected”*. The applicant may provide details of the process.

A new 19H Pouring Permit is being applied for in a separate application. See the ABCC Advisory of August 11, 2016, included with the applications.

Summary of Application for New Farmer-Winery Pouring License Application

Applicant: Bad Martha Farmer's Brewery, LLC

Filing Date: May 31, 2024

Location: 876 East Falmouth Highway, East Falmouth, MA 02356

Brief Overview: Bad Martha Farmer's Brewery, LLC (the "Applicant") has operated a Farmer-Brewery located at 876 East Falmouth Highway, East Falmouth, MA 02356 for several years, and seeks herein to add a Farmer-Winery Pouring License at the same location.

The end result of this application is to add wine to the menu of the already-existing tap room. The Applicant will not be producing wine on the premises, as they will be contracting out for such products to be stored by the bottle on the premises. No other aspects of the Applicant's operations will be affected by this application.

Applications: The Applicant has been approved for a Farmer-Winery License pursuant to G.L. c. 138, sec. 19B, enclosed. The Applicant is therefore applying for a Farmer-Winery Pouring License located at 876 East Falmouth Highway, East Falmouth, MA 02356.

The Farmer-Winery pouring area at 876 East Falmouth Highway, East Falmouth, MA 02356 is located in one room on the basement level and totals approximately 1,288 square feet. The enclosed application includes a diagram showing the existing, previously approved Farmer-Brewery Pouring premises, as well as the proposed Farmer-Winery Pouring premises.

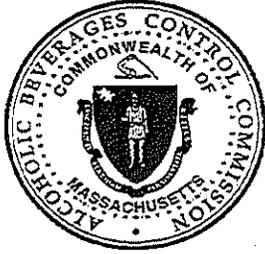
The ABCC requires that when a licensee adds a winery pouring license to a previously existing taproom, a corresponding alteration of premises must be made to create a 19H pouring license. An Alteration of Premises application has therefore been filed on the same date as this New Farmer Distillery License application.

Manager of Record: The proposed Manager of Record is Joshua Flanders, who has experience in the industry, as he is the currently approved manager of the Farmer-Brewery pouring license located at 876 East Falmouth Highway. He is a US citizen, a resident of Massachusetts, and is familiar with the rules and regulations pertaining to the sale and service of alcohol of the Falmouth Select Board, the ABCC, and the Commonwealth of Massachusetts.

Ownership Structure: The Applicant, Bad Martha Farmer Brewery, is owned 100% by Jonathan Blum. Jonathan Blum serves as a LLC Member-Manager, and Joshua Flanders serves as a LLC Manager.

Cost of Project: The up-front cost of the distillery is estimated to be minimal or de minimis and all said funds are being contributed by Bad Martha Farmer's Brewery, LLC, from its business operating account.

Contact Person: John P. Connell, Esq.
Upton Connell & Devlin, LLP
112 Water Street, Suite 201, Boston, MA 02109
Office Phone: 617-227-3277 [REDACTED]
Email: Jconnell@UCDlaw.com



Commonwealth of Massachusetts
Office of the State Treasurer
Alcoholic Beverages Control Commission

FARMER-WINERY LICENSE

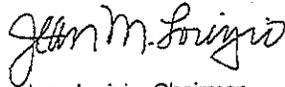
M.G.L. c. 138, § 19B

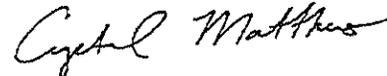
This Farmer-Winery License authorizes the following licensee to produce, rectify, blend, or fortify, keep and expose for sale and to sell wine containing not more than twenty-four percent alcohol by weight:

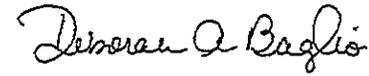
Bad Martha Farmer's Brewery, LLC DBA Bad Martha Farmer's Brewery

876 East Falmouth Highway
East Falmouth, MA 02536

Approved by the Alcoholic Beverages Control Commission on September 25, 2023


Jean Lorizio, Chairman


Crystal Matthews, Commissioner


Deborah Baglio, Commissioner

License Number: FW-LIC-000220
Record Number: 2023-000006-FW-APP
Capacity: 5K Gallons or Less

THIS LICENSE WILL EXPIRE DECEMBER 31, 2023 UNLESS REVOKED OR CANCELLED DURING THIS PERIOD
THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS PLACE WHERE IT CAN BE EASILY READ



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

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="On-Premises-12"/>	<input type="text" value="Farmer Series Pouring Permit"/>	<input type="text" value="Wines"/>	<input type="text" value="Annual"/>

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

The applicant is applying for a new G.L. ch. 138 Section 19B(n) Farmer Winery Pouring License to be exercised on the basement level of the premises located at 876 East Falmouth Highway, East Falmouth, MA.

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

2. BUSINESS ENTITY INFORMATION

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

Entity Name FEIN

DBA Manager of Record

Street Address

Phone Email

Alternative Phone Website

3. DESCRIPTION OF PREMISES

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

The Farmer Winery Pouring Area is located on the basement level and on the stairs from the basement to the first floor and measures approximately 1,288 square feet.

Total Square Footage: Number of Entrances: Seating Capacity:

Number of Floors: Number of Exits: Occupancy Number:

4. APPLICATION CONTACT

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

Name: Phone:

Title: Email:

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	<input type="text" value="LLC"/>	Date of Incorporation	<input type="text" value="11/12/2013"/>
State of Incorporation	<input type="text" value="Massachusetts"/>	Is the Corporation publicly traded? <input type="radio"/> Yes <input checked="" type="radio"/> No	

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

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

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

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Jonathan Blum"/>	<input type="text" value="136 Plantingfield Way, Edgartown, MA 02539"/>	<input style="background-color: black; color: black;" type="text"/>	<input style="background-color: black; color: black;" type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text" value="LLC Member/Manager"/>	<input type="text" value="100%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Joshua Flanders"/>	<input type="text" value="21 Smilin Jack Lane, East Falmouth, MA 02539"/>	<input style="background-color: black; color: black;" type="text"/>	<input style="background-color: black; color: black;" type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text" value="LLC Manager"/>	<input type="text" value="0%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Additional pages attached? Yes No

CRIMINAL HISTORY

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

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

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

Name	License Type	License Name	Municipality
See Attachment			

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

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

Name	License Type	License Name	Municipality

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

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

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

7. OCCUPANCY OF PREMISES

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

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

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name BMFB Falmouth, LLC

Landlord Phone (508) 939-0540

Landlord Email josh@badmarthabeer.com

Landlord Address 876 East Falmouth Highway, East Falmouth, MA 02536

Lease Beginning Date 01/01/2021

Rent per Month [REDACTED]

Lease Ending Date 12/31/2025

Rent per Year [REDACTED]

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

Yes No

6. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Name	License Type	License Name and Municipality	Type of Interest
Jonathan Blum	Farmer Brewery	Bad Martha Farmer's Brewery, Edgartown	Sole Member / LLC Manager
Jonathan Blum	Farmer Brewery	Bad Martha Farmer's Brewery, Falmouth	Sole Member / LLC Manager
Jonathan Blum	Farmer Series Pouring	Bad Martha Farmer's Brewery, Edgartown	Sole Member / LLC Manager
Jonathan Blum	Farmer Series Pouring	Bad Martha Farmer's Brewery, Falmouth	Sole Member / LLC Manager
Joshua Flanders	Farmer Brewery	Bad Martha Farmer's Brewery, Edgartown	LLC Manager
Joshua Flanders	Farmer Brewery	Bad Martha Farmer's Brewery, Falmouth	LLC Manager
Joshua Flanders	Farmer Series Pouring	Bad Martha Farmer's Brewery, Edgartown	LLC Manager
Joshua Flanders	Farmer Series Pouring	Bad Martha Farmer's Brewery, Falmouth	LLC Manager

10. MANAGER APPLICATION

A. MANAGER INFORMATION

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

Proposed Manager Name Date of Birth

Residential Address

Email Phone

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

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen? Yes No *Manager must be a U.S. Citizen
If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? Yes No
If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

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

Start Date	End Date	Position	Employer	Supervisor Name
07/2014	05/2016	Bartender	Bad Martha Farmer's Brewery, Edgartown	James Carleton, Kelly Ray
05/2018	08/2019	General Manager	Bad Martha Farmer's Brewery, Edgartown	
09/2019	Present	General Manager	Bad Martha Farmer's Brewery, Falmouth	

D. PRIOR DISCIPLINARY ACTION

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

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

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

Manager's Signature Date

Secretary of the Commonwealth of Massachusetts
William Francis Galvin

Business Entity Summary

ID Number: 001120663

[Request certificate](#)[New search](#)Summary for: **BAD MARTHA FARMER'S BREWERY, LLC**

The exact name of the Domestic Limited Liability Company (LLC): BAD MARTHA FARMER'S BREWERY, LLC		
Entity type: Domestic Limited Liability Company (LLC)		
Identification Number: 001120663		
Date of Organization in Massachusetts: 11-12-2013		
Date of Revival:		
Date of Involuntary Dissolution by Court Order or by the SOC: 12-30-2022		
Last date certain:		
The location or address where the records are maintained (A PO box is not a valid location or address):		
Address: 876 E FALMOUTH HWY		
City or town, State, Zip code, EAST FALMOUTH, MA 02536 USA		
Country:		
The name and address of the Resident Agent:		
Name: JONATHAN BLUM		
Address: 136 PLANTINGFIELD WAY		
City or town, State, Zip code, EDGARTOWN, MA 02539 USA		
Country:		
The name and business address of each Manager:		
Title	Individual name	Address
MANAGER	JONATHAN BLUM	136 PLANTINGFIELD WAY EDGARTOWN, MA 02539 USA
MANAGER	JOSHUA FLANDERS	876 E FALMOUTH HWY EAST FALMOUTH, MA 02536 USA
In addition to the manager(s), the name and business address of the person(s) authorized to execute documents to be filed with the Corporations Division:		
Title	Individual name	Address
The name and business address of the person(s) authorized to execute, acknowledge, deliver, and record any recordable instrument purporting to affect an interest in real property:		
Title	Individual name	Address

REAL PROPERTY	JONATHAN BLUM	136 PLANTINGFIELD WAY EDGARTOWN, MA 02539 USA
REAL PROPERTY	JOSHUA FLANDERS	876 E FALMOUTH HWY EAST FALMOUTH, MA 02536

Consent Confidential Data Merger Allowed Manufacturing

View filings for this business entity:

- ALL FILINGS ▲
- Annual Report ■
- Annual Report - Professional
- Articles of Entity Conversion
- Certificate of Amendment
- Certificate of Cancellation

[View filings](#)

Comments or notes associated with this business entity:

[New search](#)



Complete prior to applying for:

- New Liquor License
- Transfer of Liquor License
- Alteration of Premises
- Annual Entertainment/Sunday Entertainment License

APPLICANT: BAD MARTHA FARMER'S BREWERY, LLC

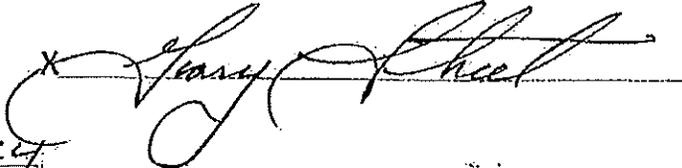
ADDRESS: 876 East Falmouth Hwy, East Falmouth, MA 02956

LICENSE APPLIED FOR: New Farmer Winery Pouring; Alteration of 194 Pouring Premises

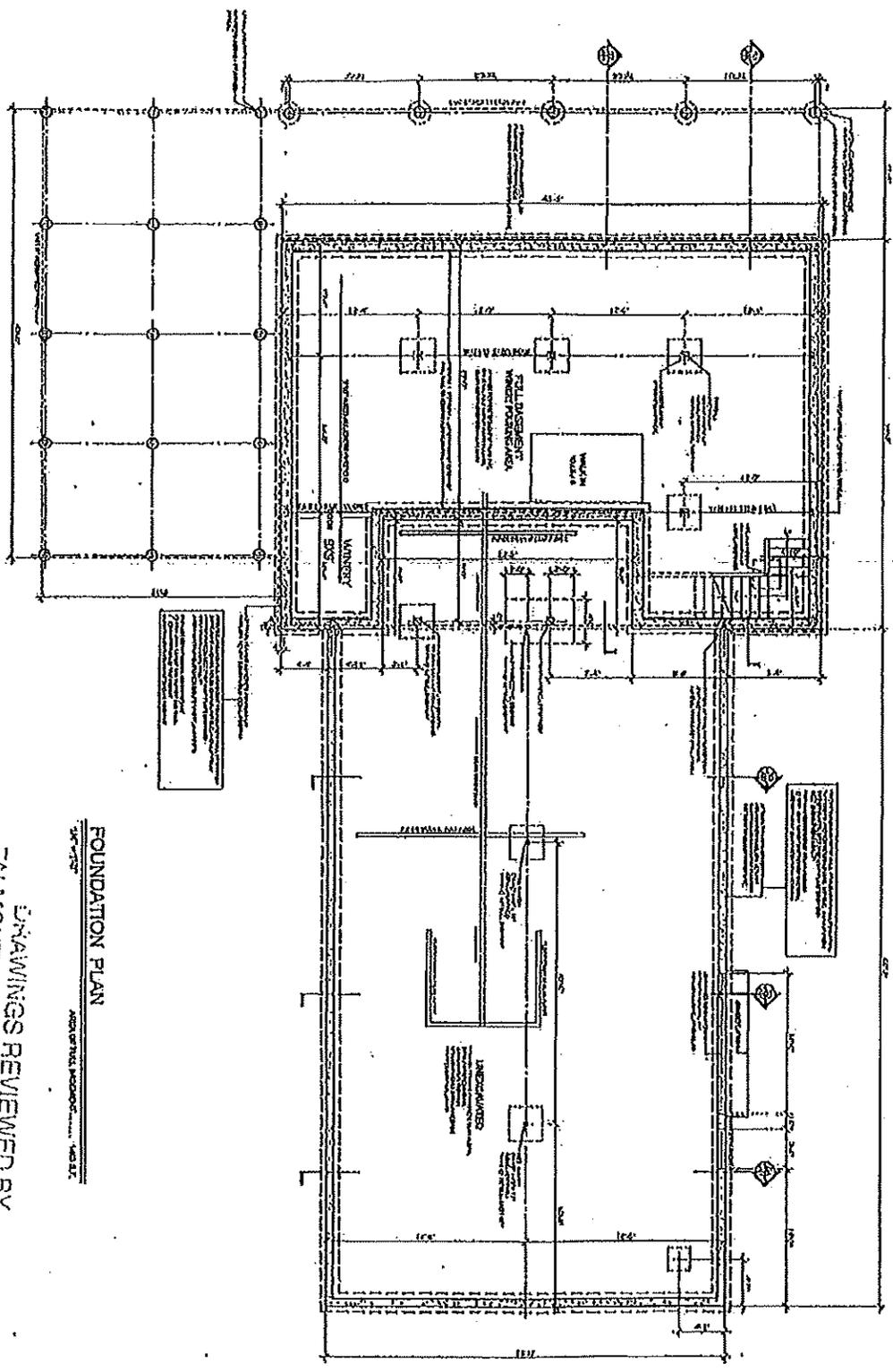
The attached plan or plans described below have been approved by the Building Commissioner's Office as appropriate for this application:

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

NOTES: _____

Building Commissioner: X 

DATE: 5-30-24



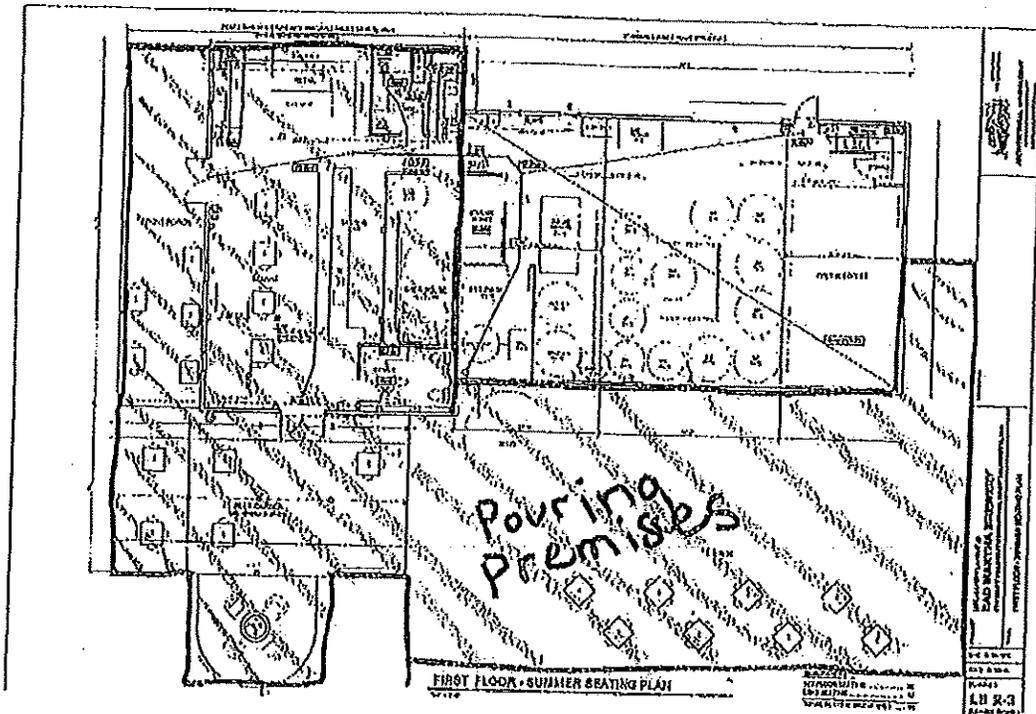
FOUNDATION PLAN
 ARCHITECTURAL INNOVATIONS, INC. 10/12/11

DRAWINGS REVIEWED BY
 FALMOUTH BUILDING DEPARTMENT
 CONSTRUCTION SUBJECT TO IMA
 BUILDING CODE COMPLIANCE

ONE SET OF STAMPED PLANS SHALL
 BE KEPT AT THE BUILDING SITE

5-30-11
 BUILDING OFFICIAL

A1 - 9 DRAWING NO.	PROJECT BAD MARTHA BREWERY 274 EAST FALMOUTH HIGHWAY, EAST FALMOUTH, MA	REVISIONS	 ARCHITECTURAL INNOVATIONS 100 STATE STREET, SUITE 200 FALMOUTH, MASSACHUSETTS 01901
	DATE APPROVED 5-30-11	DRAWN BY RRG	



- Farmer Brewery
Pouring Area

DRAWINGS REVIEWED BY
FALMOUTH BUILDING DEPARTMENT
CONSTRUCTION SUBJECT TO MA
BUILDING CODE COMPLIANCE
ONE SET OF STAMPED PLANS SHALL
BE KEPT AT THE BUILDING SITE

5-30-24

DATE

BUILDING OFFICIAL

OPEN SESSION

PUBLIC HEARINGS

3. Approve the application filed by Bad Martha's Farmer's Brewery, LLC for an Alteration of Premises to its Farmer-Brewery Pouring License to be exercised at 876 East Falmouth Highway, East Falmouth



LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Bad Martha's Farmer's Brewery, LLC has applied for an Alteration of Premises to its Farmer-Brewery Pouring License to be exercised at 876 East Falmouth Highway, East Falmouth, MA.

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

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

LICENSING BOARD
Nancy Robbins Taylor
Edwin P. Zylinski, II
Douglas C. Brown
Robert P. Mascali
Heather M. H. Goldstone

Publication date: Friday, June 14, 2024; Falmouth Enterprise



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearings 3.

ITEM TITLE: Approve application filed by Bad Martha's Farmer's Brewery, LLC for an Alteration of Premises to its Farmer-Brewery Pouring License to be exercised at 876 East Falmouth Highway, East Falmouth

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Liquor License Hearing Notice (Publication Date June 14, 2024); License Application Review Form; ABCC Amendment- Change or Alteration of Premises Information; Summary of Application for Alteration of Premises; Building Site Plan; Floor Plan

PURPOSE:

The Select Board will conduct a public hearing under Chapter 138 of the General Laws, as amended, to hear and consider an application filed by Bad Martha's Farmer's Brewery, LLC for an Alteration of Premises to its Farmer-Brewery Pouring License, 876 East Falmouth Highway, East Falmouth.

BACKGROUND/SUMMARY:

- Bad Martha's Farmer's Brewery, LLC is applying for an Alteration of Premises to obtain a 19H Pouring License to allow service of both brewery products and wine contracted from an outside source.

- Massachusetts Farmer-Winery License # FW-LIC-000220 has been issued and is included with this application.
- The intent is for “such products (*wine*) to be stored by the bottle on the premises. No other aspects of the applicant’s operations will be affected.”
- A new 19B (n) Farmer-Winery Pouring Permit is being applied for in a separate application.
- The Police Department has reviewed the application and has no objections to its approval.
- The Fire Rescue Department has reviewed the application and has no objections to its approval.
- The Building Department has reviewed the application and has no objections to its approval.
- The Planning Board review found outside noise of particular concern to neighbors (see attached Site Plan Review Modification Decision).

DEPARTMENT RECOMMENDATION:

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

OPTIONS:

- Motion to approve the application filed by Bad Martha’s Farmer’s Brewery, LLC for an Alteration of Premises to its Farmer-Brewery Pouring License to be exercised at 876 East Falmouth Highway, East Falmouth.
- Motion to deny approval of the application filed by Bad Martha’s Farmer’s Brewery, LLC for an Alteration of Premises to its Farmer-Brewery Pouring License to be exercised at 876 East Falmouth Highway, East Falmouth.
- Some other Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

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

Michael Renshaw

Town Manager

6/26/2024

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: Bad Martha's Farmer's Brewery, LLC

Address: 876 East Falmouth Highway, East Falmouth

License Type: Farmer Brewery Pouring License

New License _____

Transfer of License _____

Change of License Alteration of Premises

Police No objection

Fire No objection

Building No issues

Health _____

Zoning No comment

Planning Planning Board reviews found outside noise of particular concern of neighbors, see attached Site Plan Review Modification Decision

NOTES:

Bad Martha's Farmer's Brewery, LLC is applying for an Alteration of Premises to obtain a 19H Pouring License to allow service of both brewery products and wine contracted from an outside source. Massachusetts Farmer-Winery License #FW-LIC-000220 has been issued and is included in the application.

The intent is for *“such products (wine) to be stored by the bottle on the premises. No other aspects of the Applicant’s operations will be affected”*. The applicant may provide details of the process.

A new 19B(n) Farmer-Winery Pouring Permit is being applied for in a separate application. See the ABCC Advisory of August 11, 2016, for an explanation of the Pouring Permit process included with the applications.



*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114*

Deborah B. Goldberg
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

**ALCOHOLIC BEVERAGES CONTROL COMMISSION ("ABCC") ADVISORY
REGARDING EXTENSION OF FARMER-SERIES POURING PERMIT PREMISES AND
NEW § 19H POURING PERMIT**

On August 10, 2016, Governor Baker signed into law H4569, "An Act relative to job creation and workforce development." This legislation makes several changes to the Farmer-Series pouring permits.

Farmer-Series Pouring Permit Updates

Farmer-series licensees may now obtain pouring permits issued under § 19B(n) (for farmer-wineries), § 19C(n) (for farmer-breweries), and § 19E(o) (for farmer-distilleries) that permit them to sell for consumption not only on their licensed premises, but also on the farmland or vineyard that operates appurtenant and contiguous, and in conjunction with, the licensed premises. This means that a farmer-winery, for example, may sell its own wine by the glass not only inside its licensed winery, but also on its adjacent vineyard property.

For farmer-series licensees that already have a pouring permit but would like to add their adjacent farmland or vineyards to their pouring permit, please complete an Alteration of Licensed Premises application and submit it to your Local Board.

For farmer-series licensees that do not currently have a pouring permit but would like to obtain one, please complete a Farmer Series Pouring Permit application and submit it to your Local Board.

The New "19H" Pouring Permit

The legislature also created a new type of farmer-series pouring permit under § 19H. Previously, a farmer-series licensee could only sell its own license's products on its premises. This meant, for example, that if a licensee owned a farmer-winery and a farmer-brewery, it was limited to selling its wines on its farmer-winery's premises, and could not sell its brewery's products on the farmer-winery's premises.

Now under § 19H, if a licensee owns more than one type of farmer-series license, it can apply for a § 19H pouring permit that will permit any and all alcohol produced by it (or for it and sold under its brand name) to be sold for on-premises consumption on any of its farmer-series premises and vineyards/farmlands, so long as the licensee's vineyards/farmlands are operated as appurtenant and contiguous to each other. For example, if a licensee owns a § 19B farmer-winery and a § 19C farmer-brewery that are on vineyards/farms adjacent and contiguous to each other, it may obtain a § 19H pouring permit that allows it to sell its winery products on the brewery's premises, and its brewery's products on its winery's premises.

In order to apply for a § 19H pouring permit a licensee must complete the Farmer Series Pouring Permit application. In Section 3(b) of the application, the licensee must check all types of farmer-series licenses for which it seeks to have a § 19H pouring permit. For example, if a licensee has a farmer-winery and a farmer-brewery and would like to sell its winery products on its brewery premises, the licensee must check the boxes for "Farmer Brewery" and "Farmer Winery," but not the "Farmer Distillery" box. Please be aware that if the farmer-series licenses are not on lands appurtenant and contiguous to each other the application for a § 19H pouring permit will be denied.

As with all farmer-series pouring permits, these permits only permit the farmer-series licensees to sell their own products, or products produced for them and sold under their brand name. No other alcoholic beverages may be sold anywhere covered under the pouring permit.

Finally, please be aware that nothing has changed about the prohibition against a licensee owning both a § 12 license and any farmer-series license issued under § 19B, §19C, and § 19E.

As a reminder, all licensees must ensure that they are in compliance with the Laws of the Commonwealth of Massachusetts and that sale of alcoholic beverages take place only as authorized by applicable law.

(Issued August 11, 2016)

Summary of Application for Alteration of Premises

Applicant: Bad Martha Farmer's Brewery, LLC
Filing Date: May 31, 2024
Location: 876 East Falmouth Highway, East Falmouth, MA 02356

Brief Overview: Bad Martha Farmer's Brewery, LLC (the "Applicant") has operated a Farmer-Brewery license located 876 East Falmouth Highway, East Falmouth, MA 02356 for several years. With the application filed on the same date as this Alteration of Premises, the Applicant seeks to add a Farmer-Winery pouring license at the same location. Upon approval of the Farmer-Winery Pouring license, the Applicant therefore seeks to amend its existing Pouring license to include the new Farmer-Winery Pouring license area pursuant to M.G.L. Ch. 138 Section 19H.

The end result of this application is to add wine to the menu of the already-existing tap room. The Applicant will not be producing wine on the premises, as they will be contracting out for such products to be stored by the bottle on the premises. No other aspects of the Applicant's operations will be affected by this application.

Applications: The Applicant currently operates a Farmer-Brewery pouring license, which currently measures approximately 3,200 sq. ft. The Applicant seeks with this application, to add in an additional 1,288 sq. ft. in the basement level, as reflected in the Farmer-Winery pouring license application filed on this same date, to reflect the new 19H that would be composed of the Farmer-Brewery and Farmer-Winery pouring licenses. The new 19H license would therefore total approximately 4,488 sq. ft.

Cost of Project: The up-front cost of the distillery is estimated to be minimal or de minimis and all said funds are being contributed by Bad Martha Farmer's Brewery, LLC, from its business operating account.

Contact Person: John P. Connell, Esq.
Upton Connell & Devlin, LLP
112 Water Street, Suite 201, Boston, MA 02109
Office Phone: 617-227-3277 [REDACTED]
Email: Jconnell@UCDlaw.com



Commonwealth of Massachusetts
Office of the State Treasurer
Alcoholic Beverages Control Commission

FARMER-WINERY LICENSE

M.G.L. c. 138, § 19B

This Farmer-Winery License authorizes the following licensee to produce, rectify, blend, or fortify, keep and expose for sale and to sell wine containing not more than twenty-four percent alcohol by weight:

Bad Martha Farmer's Brewery, LLC DBA Bad Martha Farmer's Brewery

876 East Falmouth Highway
East Falmouth, MA 02536

Approved by the Alcoholic Beverages Control Commission on September 25, 2023

Jean Lorizio, Chairman

Crystal Matthews, Commissioner

Deborah Baglio, Commissioner

License Number: FW-LIC-000220
Record Number: 2023-000006-FW-APP
Capacity: 5K Gallons or Less

THIS LICENSE WILL EXPIRE DECEMBER 31, 2023 UNLESS REVOKED OR CANCELLED DURING THIS PERIOD
THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS PLACE WHERE IT CAN BE EASILY READ



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

AMENDMENT-Change or Alteration of Premises Information

Change of Location

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

Alteration of Premises

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

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Bad Martha Farmer's Brewery, LLC	Falmouth	FB-LIC-000223

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

The applicant has applied for a new G.L. ch. 138 Section 19B(n) Farmer Winery Pouring License with a New License application filed on the same date as this application. The Applicant is therefore applying to alter the licensed premises to include both the existing Section 19C(n) Farmer Brewery Pouring License and the new 19B(n) Farmer Winery Pouring license pursuant to M.G.L. Ch. 138 Section 19H.

APPLICATION CONTACT

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

Name	Title	Email	Phone
John Connell	Attorney	jconnell@ucdlaw.com	6172273277

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

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

The Applicant is applying to alter the licensed premises to include both the existing Farmer Brewery Pouring License and the new Farmer Winery Pouring license pursuant to M.G.L. Ch. 138 Section 19H.

2B. PROPOSED DESCRIPTION OF PREMISES

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

Capacity 94 seasonal seats, 2 entrances, 2 exits, first floor 2,832 sq. ft. and loft 368 sq. ft., 4 rooms on first floor. The lawn area will be used seasonally and will have 8 tables and 32 seats. There will be a reduction of 32 interior seats when the outside area is open. During the off-season-increment weather 32 seats will revert back to the interior. And 1,288 sq. ft. on the basement level and on the stairs from the basement to the first floor.

Total Sq. Footage	4,488	Seating Capacity	94	Occupancy Number	94
Number of Entrances	2	Number of Exits	2	Number of Floors	3

AMENDMENT-Change or Alteration of Premises Information

3. CHANGE OF LOCATION

3A. PREMISES LOCATION

Last-Approved Street Address

Proposed Street Address

3B. DESCRIPTION OF PREMISES

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

Total Sq. Footage	<input type="text"/>	Seating Capacity	<input type="text"/>	Occupancy Number	<input type="text"/>
Number of Entrances	<input type="text"/>	Number of Exits	<input type="text"/>	Number of Floors	<input type="text"/>

3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of Intent)

Please indicate by what means the applicant has to occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

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



Complete prior to applying for:

- New Liquor License
- Transfer of Liquor License
- Alteration of Premises
- Annual Entertainment/Sunday Entertainment License

APPLICANT: BAD MARTHA FARMER'S BREWERY, LLC

ADDRESS: 876 East Falmouth Hwy., East Falmouth, MA 02356

LICENSE APPLIED FOR: New Farmer Winery Pouring; Alteration of 194 Pouring Premises

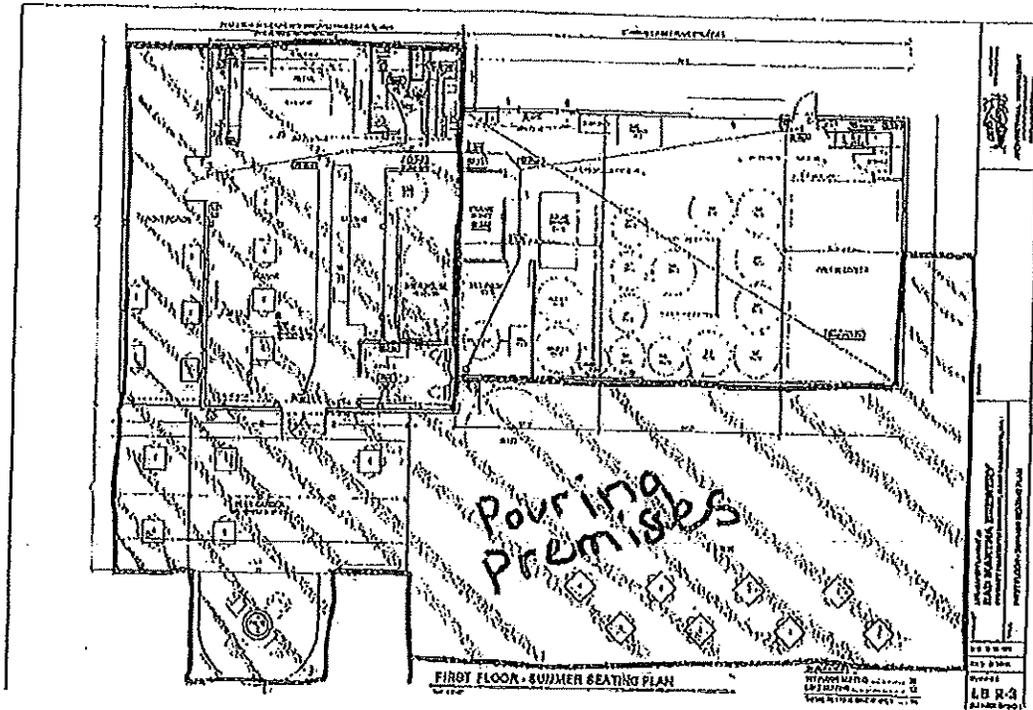
The attached plan or plans described below have been approved by the Building Commissioner's Office as appropriate for this application:

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

NOTES: _____

Building Commissioner: X

DATE: 5-30-24



DRAWINGS REVIEWED BY
 FALMOUTH BUILDING DEPARTMENT
 CONSTRUCTION SUBJECT TO MA
 BUILDING CODE COMPLIANCE
 ONE SET OF STAMPED PLANS SHALL
 BE KEPT AT THE BUILDING SITE

5-30-24
 DATE

[Signature]
 BUILDING OFFICIAL

OPEN SESSION

PUBLIC HEARINGS

4. Approve the application filed by Tap City II, Inc. d/b/a Tap City Grille for a Transfer of an All-Alcoholic Beverages Common Victualler License to be exercised at 285 Main Street, Falmouth



LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Tap City II, Inc. d/b/a Tap City Grille has applied for a Transfer of an All Alcoholic Beverages Restaurant License located at 285 Main Street, Falmouth, MA. An application for a Common Victualler License has also been submitted.

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

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

Publication date: Friday, June 14, 2024; Falmouth Enterprise



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearings 4.

ITEM TITLE: Approve the application filed by Tap City II, Inc. d/b/a Tap City Grille for a Transfer of an All-Alcoholic Beverages Common Victualler License to be exercised at 285 Main Street, Falmouth

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Notice of Liquor License Hearing, publication date June 14, 2024; License Application Review Form; Application for a Transfer of License dated May 14, 2024; Common Victualler & Innholder License Application dated May 22, 2024; Business Certificate (DBA), Tap City Grille

PURPOSE:

The Select Board is conducting a public hearing in accordance with Chapter 138 of the General Laws, as amended, to consider an application filed by Tap City II, Inc. d/b/a Tap City Grille for a Transfer of an All-Alcoholic Beverages Common Victualler License to be exercised at 285 Main Street, Falmouth.

BACKGROUND/SUMMARY:

- The applicant submitted an Application for a Transfer of License on May 14, 2024 (see attached) to request the transfer of license 06952-RS-0390 from Olive Restaurants, Inc. to Tap II, Inc.

- The applicant is also applying for a Common Victualler & Innholder License (dated May 22, 2024- see attached).
- Both the Police Department and Fire Rescue Department have reviewed the applications and have no objections to their approval.

DEPARTMENT RECOMMENDATION:

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

OPTIONS:

- Motion to approve the application filed by Tap City II, Inc. d/b/a Tap City Grille for a Transfer of an All-Alcoholic Beverages Common Victualler License to be exercised at 285 Main Street, Falmouth.
- Motion to deny approval of the application filed by Tap City II, Inc. d/b/a Tap City Grille for a Transfer of an All-Alcoholic Beverages Common Victualler License to be exercised at 285 Main Street, Falmouth.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

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

Michael Renshaw

Town Manager

6/26/2024

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: Tap City II, Inc. dba Tap City Grille

Address: 285 Main Street, Falmouth

License Type: _____

New License Transfer of License

Transfer of License _____

Change of License _____

Police No objection

Fire No objection

Building _____

Health _____

Zoning No comment

Planning _____

DPW _____

NOTES:

The applicant is also applying for a Transfer of License.



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

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

1. TRANSACTION INFORMATION

- Transfer of License
- Alteration of Premises
- Change of Location
- Management/Operating Agreement
- Pledge of Inventory
- Pledge of License
- Pledge of Stock
- Other
- Change of Class
- Change of Category
- Change of License Type
(S12 ONLY, e.g. "club" to "restaurant")

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

2. LICENSE CLASSIFICATION INFORMATION

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

3. BUSINESS ENTITY INFORMATION

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

Current or Seller's License Number FEIN

Entity Name

DBA Manager of Record

Street Address

Phone Email

Add'l Phone Website

4. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

Total Sq. Footage	<input type="text" value="1562"/>	Seating Capacity	<input type="text" value="62"/>	Occupancy Number	<input type="text" value="62"/>
Number of Entrances	<input type="text" value="3"/>	Number of Exits	<input type="text" value="3"/>	Number of Floors	<input type="text" value="1 plus basement"/>

One Floor of approximately 611 Sq. Ft. with bar to the left of the main dining area. Additional, smaller dining area past the bar towards the rear exit. Four rooms on the finished first floor. Full basement consisting of two rooms and a walk-in cooler for prepping ingredients, dish-washing and storage. No outdoor seating being proposed. Bar seating 12 Occupants, Table Seating #1 (front)-6 Occupants, Table Seating #2 (right of entrance)-26 Occupants, Table Seating #3 (left between bar and wine rack)-18 Occupants NOTE. ALL GLASSES OFF TABLES/BAR AND PATRONS OUT BY 1:30 AM

APPLICATION FOR A TRANSFER OF LICENSE

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name By what means is the license being transferred?

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
Elias Gregoriadis	President and Treasurer	100%
Stanislava Gregoriadis	Secretary	0%
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

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

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

Name of Principal Residential Address SSN DOB

Title and or Position Percentage of Ownership Director/ LLC Manager Yes No Yes No Yes No

Name of Principal Residential Address SSN DOB

Title and or Position Percentage of Ownership Director/ LLC Manager Yes No Yes No Yes No

Name of Principal Residential Address SSN DOB

Title and or Position Percentage of Ownership Director/ LLC Manager Yes No Yes No Yes No

Name of Principal Residential Address SSN DOB

Title and or Position Percentage of Ownership Director/ LLC Manager Yes No Yes No Yes No

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Name	License Type	License Name	Municipality
Tap City Grille	General On-Premises All Alcoholic Beverages Annual	Tap City Grille, LLC Benjamin Surro & Christos Kounadis, Managers	Hyannis, MA
Diparma Italian Table	General On-Premises All Alcoholic Beverages Annual	Calamari, Inc. Benjamin Surro & Christos Kounadis, Directors	West Yarmouth, MA
Yarmouth House Restaurant	General On-Premises All Alcoholic Beverages Annual	Kounadis Enterprises, Inc. Christos Kounadis, Director	West Yarmouth, MA
Scally's Irish Ale House	General On-Premises All Alcoholic Beverages Annual	Red Face Jack's, Inc. Benjamin Surro & Christos Kounadis, Directors	West Yarmouth, MA

APPLICATION FOR A TRANSFER OF LICENSE

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

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

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

7. CORPORATE STRUCTURE

Entity Legal Structure Date of Incorporation
 State of Incorporation Is the Corporation publicly traded? Yes No

8. OCCUPANCY OF PREMISES

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

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

Please indicate by what means the applicant will occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

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

9. APPLICATION CONTACT

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

Name:

Phone:

Title:

Email:

12. MANAGER APPLICATION

A. MANAGER INFORMATION

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

Proposed Manager Name Date of Birth

Residential Address

Email Phone

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

B. CITIZENSHIP/BACKGROUND INFORMATION

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

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

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

Start Date	End Date	Position	Employer	Supervisor Name
06/2020	present	Manager Chef	Tap City Grill	Benjamin Surro
09/2019	03/2020	Chef	Fishermans View Restaurant	
02/2017	09/2019	Chef/ Manager	Wimpy's Restaurant	
10/2013	12/2015	Estia Restaurant	Chef	

D. PRIOR DISCIPLINARY ACTION

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

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

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

Manager's Signature Date

CORPORATE VOTE

The Board of Directors or LLC Managers of Entity Name

duly voted to apply to the Licensing Authority of and the
City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

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

"VOTED: To authorize
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

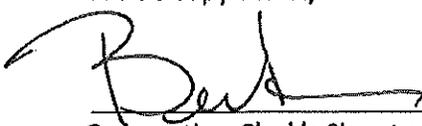
A true copy attest,

Corporate Officer /LLC Manager Signature

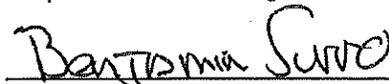
(Print Name)

For Corporations ONLY

A true copy attest,



Corporation Clerk's Signature



(Print Name)

**The Commonwealth of Massachusetts, William Francis Galvin
Corporations Division**

One Ashburton Place - Floor 17, Boston MA 02108-1512 | Phone: 617-727-9640

Articles of Organization

(General Laws, Chapter 156D, Section 2.02; 950 CMR 113.16)

Minimum Filing Fee:
\$250.00

Identification Number: 001794423 (number will be assigned)

ARTICLE I

The exact name of the corporation is:

TAP CITY II, INC.

ARTICLE II

Unless the articles of organization otherwise provide, all corporations formed pursuant to G.L. C156D have the purpose of engaging in any lawful business. Specify if you want a more limited purpose:

ARTICLE III

State the total number of shares and par value, if any, of each class of stock that the corporation is authorized to issue. All corporations must authorize stock. If only one class or series is authorized, it is not necessary to specify any particular designation.

Class of Stock	Par value per share (Enter 0 if no Par)	Total authorized number of shares	Total authorized par value	Total issued and outstanding number of shares
CNP	0	1,000	0	1,000
CNP	0	1,000	0	0

ARTICLE IV

If more than one class of stock is authorized, state a distinguishing designation for each class. Prior to the issuance of any shares of a class, if shares of another class are outstanding, the corporation must provide a description of the preferences, voting powers, qualifications, and special or relative rights or privileges of that class and of each other class of which shares are outstanding and of each series then established within any class.

CLASS A: THE EXISTING 1,000 ISSUED SHARES SHALL BE CLASS A VOTING STOCK.
CLASS B: THE REMAINING 1,000 SHARES AUTHORIZED SHALL BE CLASS B VOTING STOCK.

ARTICLE V

The restrictions, if any, imposed by the articles of organization upon the transfer of shares of stock of any class are:

ALL SHARES OF THE CAPITAL STOCK OF THIS CORPORATION SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS CONTROLLING THE ASSIGNMENT AND TRANSFER THEREOF:

ANY STOCKHOLDER OF THIS CORPORATION (WHICH EXPRESSION SHALL WHENEVER USED IN THESE RESTRICTIONS, BE DEEMED TO INCLUDE THE EXECUTOR, ADMINISTRATOR OR OTHER REPRESENTATIVE OF ANY DECEASED STOCKHOLDER, AND A MORTGAGEE OR PLEDGEE AND A RECEIVER, ASSIGNEE OR TRUSTEE IN BANKRUPTCY OF ANY STOCKHOLDER, AND THE PURCHASER OR ASSIGNEE OF ANY SHARES CALLED UPON EXECUTION) WHO MAY DESIRE TO HAVE TRANSFERRED ANY SHARES, WHETHER BY WAY OF SALE, MORTGAGE, PLEDGE OR OTHERWISE, TO ANY PERSON, FIRM OR CORPORATION OTHER THAN A THAN EXISTING STOCKHOLDER, OR HIS SPOUSE OR ISSUE, OR THE LEGAL REPRESENTATIVE OF ANY TRUST OR ESTATE IN WHICH SUCH STOCKHOLDER, HIS SPOUSE OR ISSUE HAVE THE PRINCIPAL BENEFICIAL INTEREST, SHALL DELIVER TO THE CLERK OF THE CORPORATION A NOTICE IN WRITING SETTING FORTH HIS INTENTION TO MAKE SUCH TRANSFER, THE NUMBER AND CLASS OF SHARES INVOLVED, THE NAME AND ADDRESS OF THE PROPOSED TRANSFEREE AND THE PRICE AT WHICH HE IS WILLING TO SELL HIS SHARES OR OTHER CONSIDERATION FOR SUCH TRANSFER.

THE CORPORATION, ACTING THROUGH ITS BOARD OF DIRECTORS, SHALL HAVE THE EXCLUSIVE OPTION, FOR A PERIOD OF THIRTY (30) DAYS AFTER RECEIPT OF SUCH NOTICE, TO PURCHASE SAID SHARES (I) AT THE PRICE SET FORTH IN SUCH NOTICE, OR (II) AT THE BOOK VALUE OF SAID SHARES AS DETERMINED BY THE INDEPENDENT ACCOUNTANT THEN REPRESENTING THE CORPORATION, OR IF NONE, BY A CERTIFIED PUBLIC ACCOUNTANT APPOINTED BY THE BOARD OF DIRECTORS FOR THAT PURPOSE.

IF THE CORPORATION SHALL NOT EXERCISE ITS OPTION TO PURCHASE SAID SHARES AND TENDER PAYMENT THEREOF TO THE STOCKHOLDER WITHIN THE TIME HEREIN PRESCRIBED, THE CORPORATION'S RIGHTS SHALL BE DEEMED TO BE WAIVED AND THE STOCKHOLDER SHALL BE FREE TO TRANSFER SAID SHARES UPON THE TERMS SPECIFIED IN SUCH NOTICE AND TO THE TRANSFEREE NAMED THEREIN, BUT TO NONE OTHER, PROVIDED, HOWEVER, THAT IF SUCH TRANSFER IS NOT COMPLETED WITHIN NINETY (90) DAYS FROM THE DATE THE ORIGINAL NOTICE WAS RECEIVED BY THE CORPORATION FROM THE STOCKHOLDER, SAID SHARES SHALL AGAIN BE SUBJECT TO THESE RESTRICTIONS.

NO SHARES OF STOCK SHALL BE SOLD OR TRANSFERRED ON THE BOOKS OF THE CORPORATION UNTIL THESE PROVISIONS HAVE BEEN COMPLIED WITH; PROVIDED HOWEVER, THAT THESE PROVISIONS SHALL NOT APPLY TO A TRANSFER TO A THEN EXISTING STOCKHOLDER OF THE CORPORATION, OR TO THE SPOUSE OR ISSUE OF A THEN EXISTING STOCKHOLDER, OR TO THE LEGAL REPRESENTATIVE OF ANY TRUST OR ESTATE IN WHICH A THEN EXISTING STOCKHOLDER, HIS SPOUSE OR ISSUE SHALL HAVE THE PRINCIPAL BENEFICIAL INTEREST, OR TO THE ASSIGNOR OF ANY LEASE TO WHICH THE CORPORATION SHALL BE THE ASSIGNEE; AND PROVIDED FURTHER THAT THE BOARD OF DIRECTORS MAY IN ANY PARTICULAR INSTANCE WAIVE COMPLIANCE WITH THESE PROVISIONS BY WRITTEN NOTICE TO THE TRANSFERRING STOCKHOLDER.

ARTICLE VI

Other lawful provisions, and if there are no provisions, this article may be left blank.

OTHER LAWFUL PROVISIONS FOR THE CONDUCT AND REGULATION OF THE BUSINESS AND AFFAIRS OF THE CORPORATION, FOR ITS VOLUNTARY DISSOLUTION, OR FOR LIMITING, DEFINING OR REGULATING THE POWERS OF THE CORPORATION, OR ITS DIRECTORS STOCKHOLDERS, OR ANY CLASS OF STOCKHOLDERS:

(A) THE DIRECTORS MAY MAKE, AMEND OR REPEAL THE BY-LAWS IN WHOLE OR IN PART PART, EXCEPT WITH RESPECT TO ANY PROVISION THEREOF WHICH BY LAW OR THE BY-LAWS REQUIRES ACTION BY THE STOCKHOLDERS.

(B) MEETINGS OF THE STOCKHOLDERS MAY BE HELD ANYWHERE IN THE UNITED STATES.

(C) THE CORPORATION MAY BE A PARTNER IN ANY BUSINESS ENTERPRISE IT WOULD HAVE POWER TO CONDUCT BY ITSELF.

(D) THE DIRECTORS SHALL HAVE THE POWER TO FIX FROM TIME TO TIME THEIR COMPENSATION. NO PERSON SHALL BE DISQUALIFIED FROM HOLDING ANY OFFICE BY REASON OF ANY INTEREST, PROVIDED SAID PERSON MAKES FULL DISCLOSURE OF THE INTEREST TO THE DIRECTORS PRIOR TO ACCEPTANCE OF THE OFFICE. IN THE ABSENCE OF FRAUD AND AFTER FULL DISCLOSURE TO THE

DIRECTORS, ANY DIRECTOR, OFFICER OR STOCKHOLDER OF THIS CORPORATION INDIVIDUALLY, OR ANY INDIVIDUAL HAVING ANY INTEREST IN ANY CONCERN WHICH IS A STOCKHOLDER OF THIS CORPORATION, OR ANY CONCERN IN WHICH ANY SUCH DIRECTORS, OFFICERS, STOCKHOLDERS OR INDIVIDUALS HAVE ANY INTEREST, MAY BE A PARTY TO, OR MAY BE PECUNIARY OR OTHERWISE INTERESTED IN, ANY CONTRACT, TRANSACTION OR OTHER ACT OF THIS CORPORATION, AND

(1) SUCH CONTRACT, TRANSACTION OR ACT SHALL NOT BE IN ANY WAY INVALIDATED OR OTHERWISE AFFECTED BY THAT FACT;

(2) ANY SUCH DIRECTOR OF THE CORPORATION SHALL BE LIABLE TO THIS CORPORATION OR ITS STOCKHOLDERS FOR MONETARY DAMAGES FOR BREACH OF FIDUCIARY DUTY AS A DIRECTOR, EXCEPT TO THE EXTENT THAT SUCH EXCULPATION FROM LIABILITY IS NOT PERMITTED BY THE MASSACHUSETTS BUSINESS CORPORATION LAW AS THE SAME EXISTS OR MAY BE AMENDED FROM TIME TO TIME. NO AMENDMENT TO OR REPEAL OF THIS PROVISION SHALL APPLY TO OR HAVE ANY EFFECT ON THE LIABILITY OF ANY DIRECTOR FOR OR WITH RESPECT TO ANY ACTS OR OMISSIONS OF SUCH DIRECTOR OCCURRING PRIOR TO SUCH AMENDMENT OR REPEAL; AND

(3) ANY SUCH DIRECTOR OF THIS CORPORATION MAY BE COUNTED IN DETERMINING THE EXISTENCE OF A QUORUM AT ANY MEETING OF THE DIRECTORS OR OF ANY COMMITTEE THEREOF WHICH SHALL AUTHORIZE ANY SUCH CONTRACT, TRANSACTION OR ACT, AND MAY VOTE TO AUTHORIZE THE SAME.

FOR PURPOSE OF THIS PARAGRAPH (D), THE TERM "INTEREST" SHALL MEAN PERSONAL INTEREST AND INTEREST AS A DIRECTOR, OFFICER, STOCKHOLDER, SHAREHOLDER, EMPLOYEE, TRUSTEE, MEMBER OR BENEFICIARY OF ANY CONCERN; AND THE TERM "CONCERN" SHALL MEAN ANY CORPORATION, ASSOCIATION, TRUST, PARTNERSHIP, FIRM, PERSON OR OTHER ENTITY OTHER THAN THIS CORPORATION

ARTICLE VII

The effective date of organization shall be the date and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a later effective date is desired, specify such date, which may not be later than ninety (90) days from the date and time of filing

Later Effective Date (mm/dd/yyyy):

Time (HH:MM)

ARTICLE VIII

The information contained in Article VIII is not a permanent part of the articles of organization.

a,b. The street address of the initial registered office of the corporation in the commonwealth and the name of the initial registered agent at the registered office:

Agent name: CHRISTOS KOUNADIS

Number and street: 335 MAIN STREET

Address 2:

City or town: HYANNIS

State: MA

Zip code: 02673

c. The names and street addresses of the individuals who will serve as the initial directors, president, treasurer and secretary of the corporation (an address need not be specified if the business address of the officer or director is the same as the principal office location):

Title	Individual Name	Address
PRESIDENT	CHRISTOS KOUNADIS	335 MAIN STREET WEST YARMOUTH, MA 02673 USA
TREASURER	CHRISTOS KOUNADIS	335 MAIN STREET WEST YARMOUTH, MA 02673 USA
CLERK	BENJAMIN C. SURRO	586 MAIN STREET HYANNIS, MA 02601 USA

DIRECTOR CHRISTOS KOUNADIS 335 MAIN STREET WEST YARMOUTH, MA
02673 USA

d. The fiscal year end (i.e., tax year) of the corporation:
January 31

e. A brief description of the type of business in which the corporation intends to engage:
OPERATION OF RESTAURANT AND BAR ESTABLISHMENTS.

f. The street address (post office boxes are not acceptable) of the principal office of the corporation:

Number and street: 335 MAIN STREET

Address 2:

City or town: WEST YARMOUTH State: MA Zip code: 02673

Country: UNITED STATES

g. Street address where the records of the corporation required to be kept in the Commonwealth are located (post office boxes are not acceptable):

Number and street: 335 MAIN STREET

Address 2:

City or town: WEST YARMOUTH State: MA Zip code: 02673

Country: UNITED STATES

Which is:

Its principal office an office of its transfer agent

an office of its secretary/assistant secretary Its registered office

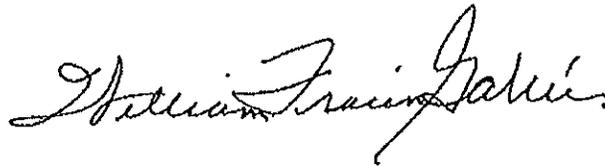
Signed this 9 Day of May, 2024 at 09:05 AM by the Incorporator(s). (If an existing corporation is acting as Incorporator, type in the exact name of the business entity, the state or other jurisdiction where it was incorporated, the name of the person signing on behalf of said business entity and the title he/she holds or other authority by which such action is taken.)

CHRISTOS KOUNADIS

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

May 09, 2024 09:32 AM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive style with a large, prominent initial "W".

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320 • licensing@falmouthma.gov

COMMON VICTUALLER & INNHOLDER LICENSE APPLICATION

CHECK THE APPROPRIATE LICENSE

- Common Victualler Annual License
 Innholder Seasonal License

Required fields are outlined in red:

NAME OF APPLICANT:	Benjamin Surro	TITLE:	Clerk
HOME ADDRESS:	[REDACTED]		
	[REDACTED]	State:	MA Zip code: 02601
BUSINESS NAME	Tap City II, Inc.		
D/B/A if any:	Tap City Grille		
BUSINESS ADDRESS:	285 Main Street		
	Town: Falmouth	State: MA	Zip code: 02540
MAILING ADDRESS (if different):	335 Main Street		
	Town: West Yarmouth	State: MA	Zip code: 02673
FEDERAL ID #:	99-2940389	MANAGER OF RECORD:	Robert Sinins
EMAIL – <i>required</i> :	[REDACTED]		
TELEPHONE – BUSINESS:	774-470-4588	ALTERNATE:	[REDACTED]
DAYS OF OPERATION:	7 days		
HOURS OF OPERATION:	11:30am to 12:30am		

SEATING CAPACITY : 62

APPLICATION MUST BE SIGNED BY OWNER, MANAGER of RECORD, OR AUTHORIZED REPRESENTATIVE

**DATE: 22/05/24

Ben Surro
Ben Surro (May 22, 2024 16:10 EDT)

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



Town of Falmouth BUSINESS CERTIFICATE (DBA)

In conformity with the provisions of Chapter one hundred and ten, Section five of the General Laws of the State of Massachusetts, as amended, the undersigned hereby declare(s) that a business under the title of;

Tap City Grille

(Business Name)

Restaurant

(Type of Business)

Is conducting business at or from the following address in the Town of Falmouth:

285 Main Street, Falmouth, MA

(Address of Business)



(Phone Number)

By the following named person(s):

Owner 1 Tap City II, Inc.

(Full Name)

335 Main St., W. Yarmouth, MA 02673

(Address)

[Signature]

(Signature)

774-353-6724 Benjamin Surro, Clerk

(Phone Number)

Owner 2 _____

(Full Name)

(Address)

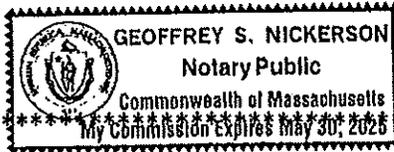
(Signature)

(Phone Number)

Commonwealth of Massachusetts
County of Barnstable

On this 13th day of May, 2024, before me, the undersigned notary public, personally appeared Benjamin Surro, proved to me through satisfactory evidence of identification, to be the person whose name is signed on the preceding or attached document in my presence.

(seal)



[Signature]
Notary Public Signature

A certificate issued in accordance with this section of MGL shall be in force and effect for (4) four years from the date received and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless renewed.

Received Date May 13, 2024

Expiration Date May 13, 2028

[Signature]
Michael Palmer, Town Clerk

**The Commonwealth of Massachusetts, William Francis Galvin
Corporations Division**

One Ashburton Place - Floor 17, Boston MA 02108-1512 | Phone: 617-727-9640

Articles of Organization

(General Laws, Chapter 156D, Section 2.02; 950 CMR 113.16)

Minimum Filing Fee:
\$250.00

Identification Number: 001794423 (number will be assigned)

ARTICLE I
The exact name of the corporation is:

TAP CITY II, INC.

ARTICLE II
Unless the articles of organization otherwise provide, all corporations formed pursuant to G.L. C156D have the purpose of engaging in any lawful business. Specify if you want a more limited purpose:

ARTICLE III
State the total number of shares and par value, if any, of each class of stock that the corporation is authorized to issue. All corporations must authorize stock. If only one class or series is authorized, it is not necessary to specify any particular designation.

Class of Stock	Par value per share (Enter 0 if no Par)	Total authorized number of shares	Total authorized par value	Total issued and outstanding number of shares
CNP	0	1,000	0	1,000
CNP	0	1,000	0	0

ARTICLE IV
If more than one class of stock is authorized, state a distinguishing designation for each class. Prior to the issuance of any shares of a class, if shares of another class are outstanding, the corporation must provide a description of the preferences, voting powers, qualifications, and special or relative rights or privileges of that class and of each other class of which shares are outstanding and of each series then established within any class.

CLASS A: THE EXISTING 1,000 ISSUED SHARES SHALL BE CLASS A VOTING STOCK.
CLASS B: THE REMAINING 1,000 SHARES AUTHORIZED SHALL BE CLASS B VOTING STOCK.

ARTICLE V
The restrictions, if any, imposed by the articles of organization upon the transfer of shares of stock of any class are:

ALL SHARES OF THE CAPITAL STOCK OF THIS CORPORATION SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS CONTROLLING THE ASSIGNMENT AND TRANSFER THEREOF:

ANY STOCKHOLDER OF THIS CORPORATION (WHICH EXPRESSION SHALL WHENEVER USED IN THESE RESTRICTIONS, BE DEEMED TO INCLUDE THE EXECUTOR, ADMINISTRATOR OR OTHER REPRESENTATIVE OF ANY DECEASED STOCKHOLDER, AND A MORTGAGEE OR PLEDGEE AND A RECEIVER, ASSIGNEE OR TRUSTEE IN BANKRUPTCY OF ANY STOCKHOLDER, AND THE PURCHASER OR ASSIGNEE OF ANY SHARES CALLED UPON EXECUTION) WHO MAY DESIRE TO HAVE TRANSFERRED ANY SHARES, WHETHER BY WAY OF SALE, MORTGAGE, PLEDGE OR OTHERWISE, TO ANY PERSON, FIRM OR CORPORATION OTHER THAN A THAN EXISTING STOCKHOLDER, OR HIS SPOUSE OR ISSUE, OR THE LEGAL REPRESENTATIVE OF ANY TRUST OR ESTATE IN WHICH SUCH STOCKHOLDER, HIS SPOUSE OR ISSUE HAVE THE PRINCIPAL BENEFICIAL INTEREST, SHALL DELIVER TO THE CLERK OF THE CORPORATION A NOTICE IN WRITING SETTING FORTH HIS INTENTION TO MAKE SUCH TRANSFER, THE NUMBER AND CLASS OF SHARES INVOLVED, THE NAME AND ADDRESS OF THE PROPOSED TRANSFEREE AND THE PRICE AT WHICH HE IS WILLING TO SELL HIS SHARES OR OTHER CONSIDERATION FOR SUCH TRANSFER.

THE CORPORATION, ACTING THROUGH ITS BOARD OF DIRECTORS, SHALL HAVE THE EXCLUSIVE OPTION, FOR A PERIOD OF THIRTY (30) DAYS AFTER RECEIPT OF SUCH NOTICE, TO PURCHASE SAID SHARES (I) AT THE PRICE SET FORTH IN SUCH NOTICE, OR (II) AT THE BOOK VALUE OF SAID SHARES AS DETERMINED BY THE INDEPENDENT ACCOUNTANT THEN REPRESENTING THE CORPORATION, OR IF NONE, BY A CERTIFIED PUBLIC ACCOUNTANT APPOINTED BY THE BOARD OF DIRECTORS FOR THAT PURPOSE.

IF THE CORPORATION SHALL NOT EXERCISE ITS OPTION TO PURCHASE SAID SHARES AND TENDER PAYMENT THEREOF TO THE STOCKHOLDER WITHIN THE TIME HEREIN PRESCRIBED, THE CORPORATION'S RIGHTS SHALL BE DEEMED TO BE WAIVED AND THE STOCKHOLDER SHALL BE FREE TO TRANSFER SAID SHARES UPON THE TERMS SPECIFIED IN SUCH NOTICE AND TO THE TRANSFEREE NAMED THEREIN, BUT TO NONE OTHER, PROVIDED, HOWEVER, THAT IF SUCH TRANSFER IS NOT COMPLETED WITHIN NINETY (90) DAYS FROM THE DATE THE ORIGINAL NOTICE WAS RECEIVED BY THE CORPORATION FROM THE STOCKHOLDER, SAID SHARES SHALL AGAIN BE SUBJECT TO THESE RESTRICTIONS.

NO SHARES OF STOCK SHALL BE SOLD OR TRANSFERRED ON THE BOOKS OF THE CORPORATION UNTIL THESE PROVISIONS HAVE BEEN COMPLIED WITH; PROVIDED HOWEVER, THAT THESE PROVISIONS SHALL NOT APPLY TO A TRANSFER TO A THEN EXISTING STOCKHOLDER OF THE CORPORATION, OR TO THE SPOUSE OR ISSUE OF A THEN EXISTING STOCKHOLDER, OR TO THE LEGAL REPRESENTATIVE OF ANY TRUST OR ESTATE IN WHICH A THEN EXISTING STOCKHOLDER, HIS SPOUSE OR ISSUE SHALL HAVE THE PRINCIPAL BENEFICIAL INTEREST, OR TO THE ASSIGNOR OF ANY LEASE TO WHICH THE CORPORATION SHALL BE THE ASSIGNEE; AND PROVIDED FURTHER THAT THE BOARD OF DIRECTORS MAY IN ANY PARTICULAR INSTANCE WAIVE COMPLIANCE WITH THESE PROVISIONS BY WRITTEN NOTICE TO THE TRANSFERRING STOCKHOLDER.

ARTICLE VI

Other lawful provisions, and if there are no provisions, this article may be left blank.

OTHER LAWFUL PROVISIONS FOR THE CONDUCT AND REGULATION OF THE BUSINESS AND AFFAIRS OF THE CORPORATION, FOR ITS VOLUNTARY DISSOLUTION, OR FOR LIMITING, DEFINING OR REGULATING THE POWERS OF THE CORPORATION, OR ITS DIRECTORS, STOCKHOLDERS, OR ANY CLASS OF STOCKHOLDERS:

(A) THE DIRECTORS MAY MAKE, AMEND OR REPEAL THE BY-LAWS IN WHOLE OR IN PART PART, EXCEPT WITH RESPECT TO ANY PROVISION THEREOF WHICH BY LAW OR THE BY-LAWS REQUIRES ACTION BY THE STOCKHOLDERS.

(B) MEETINGS OF THE STOCKHOLDERS MAY BE HELD ANYWHERE IN THE UNITED STATES.

(C) THE CORPORATION MAY BE A PARTNER IN ANY BUSINESS ENTERPRISE IT WOULD HAVE POWER TO CONDUCT BY ITSELF.

(D) THE DIRECTORS SHALL HAVE THE POWER TO FIX FROM TIME TO TIME THEIR COMPENSATION. NO PERSON SHALL BE DISQUALIFIED FROM HOLDING ANY OFFICE BY REASON OF ANY INTEREST, PROVIDED SAID PERSON MAKES FULL DISCLOSURE OF THE INTEREST TO THE DIRECTORS PRIOR TO ACCEPTANCE OF THE OFFICE. IN THE ABSENCE OF FRAUD AND AFTER FULL DISCLOSURE TO THE

DIRECTORS, ANY DIRECTOR, OFFICER OR STOCKHOLDER OF THIS CORPORATION INDIVIDUALLY, OR ANY INDIVIDUAL HAVING ANY INTEREST IN ANY CONCERN WHICH IS A STOCKHOLDER OF THIS CORPORATION, OR ANY CONCERN IN WHICH ANY SUCH DIRECTORS, OFFICERS, STOCKHOLDERS OR INDIVIDUALS HAVE ANY INTEREST, MAY BE A PARTY TO, OR MAY BE PECUNIARY OR OTHERWISE INTERESTED IN, ANY CONTRACT, TRANSACTION OR OTHER ACT OF THIS CORPORATION, AND

(1) SUCH CONTRACT, TRANSACTION OR ACT SHALL NOT BE IN ANY WAY INVALIDATED OR OTHERWISE AFFECTED BY THAT FACT;

(2) ANY SUCH DIRECTOR OF THE CORPORATION SHALL BE LIABLE TO THIS CORPORATION OR ITS STOCKHOLDERS FOR MONETARY DAMAGES FOR BREACH OF FIDUCIARY DUTY AS A DIRECTOR, EXCEPT TO THE EXTENT THAT SUCH EXCULPATION FROM LIABILITY IS NOT PERMITTED BY THE MASSACHUSETTS BUSINESS CORPORATION LAW AS THE SAME EXISTS OR MAY BE AMENDED FROM TIME TO TIME. NO AMENDMENT TO OR REPEAL OF THIS PROVISION SHALL APPLY TO OR HAVE ANY EFFECT ON THE LIABILITY OF ANY DIRECTOR FOR OR WITH RESPECT TO ANY ACTS OR OMISSIONS OF SUCH DIRECTOR OCCURRING PRIOR TO SUCH AMENDMENT OR REPEAL; AND

(3) ANY SUCH DIRECTOR OF THIS CORPORATION MAY BE COUNTED IN DETERMINING THE EXISTENCE OF A QUORUM AT ANY MEETING OF THE DIRECTORS OR OF ANY COMMITTEE THEREOF WHICH SHALL AUTHORIZE ANY SUCH CONTRACT, TRANSACTION OR ACT, AND MAY VOTE TO AUTHORIZE THE SAME.

FOR PURPOSE OF THIS PARAGRAPH (D), THE TERM "INTEREST" SHALL MEAN PERSONAL INTEREST AND INTEREST AS A DIRECTOR, OFFICER, STOCKHOLDER, SHAREHOLDER, EMPLOYEE, TRUSTEE, MEMBER OR BENEFICIARY OF ANY CONCERN; AND THE TERM "CONCERN" SHALL MEAN ANY CORPORATION, ASSOCIATION, TRUST, PARTNERSHIP, FIRM, PERSON OR OTHER ENTITY OTHER THAN THIS CORPORATION

ARTICLE VII

The effective date of organization shall be the date and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a later effective date is desired, specify such date, which may not be later than ninety (90) days from the date and time of filing

Later Effective Date (mm/dd/yyyy):

Time (HH:MM)

ARTICLE VIII

The information contained in Article VIII is not a permanent part of the articles of organization.

a,b. The street address of the initial registered office of the corporation in the commonwealth and the name of the initial registered agent at the registered office:

Agent name: CHRISTOS KOUNADIS

Number and street: 335 MAIN STREET

Address 2:

City or town: HYANNIS

State: MA

Zip code: 02673

c. The names and street addresses of the individuals who will serve as the initial directors, president, treasurer and secretary of the corporation (an address need not be specified if the business address of the officer or director is the same as the principal office location):

Title	Individual Name	Address
PRESIDENT	CHRISTOS KOUNADIS	335 MAIN STREET WEST YARMOUTH, MA 02673 USA
TREASURER	CHRISTOS KOUNADIS	335 MAIN STREET WEST YARMOUTH, MA 02673 USA
CLERK	BENJAMIN C. SURRO	586 MAIN STREET HYANNIS, MA 02601 USA

DIRECTOR CHRISTOS KOUNADIS 335 MAIN STREET WEST YARMOUTH, MA
02673 USA

d. The fiscal year end (i.e., tax year) of the corporation:

January 31

e. A brief description of the type of business in which the corporation intends to engage:

OPERATION OF RESTAURANT AND BAR ESTABLISHMENTS.

f. The street address (post office boxes are not acceptable) of the principal office of the corporation:

Number and street: 335 MAIN STREET

Address 2:

City or town: WEST YARMOUTH State: MA Zip code: 02673

Country: UNITED STATES

g. Street address where the records of the corporation required to be kept in the Commonwealth are located (post office boxes are not acceptable):

Number and street: 335 MAIN STREET

Address 2:

City or town: WEST YARMOUTH State: MA Zip code: 02673

Country: UNITED STATES

Which is:

its principal office an office of its transfer agent

an office of its secretary/assistant secretary its registered office

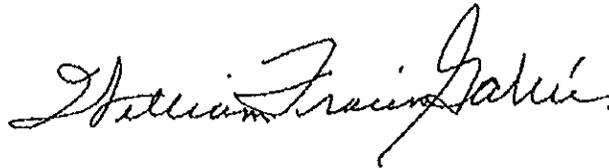
Signed this 9 Day of May, 2024 at 09:05 AM by the Incorporator(s). (If an existing corporation is acting as Incorporator, type in the exact name of the business entity, the state or other jurisdiction where it was incorporated, the name of the person signing on behalf of said business entity and the title he/she holds or other authority by which such action is taken.)

CHRISTOS KOUNADIS

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

May 09, 2024 09:32 AM

A handwritten signature in cursive script, reading "William Francis Galvin". The signature is written in black ink and is centered on the page.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



COPY

Complete prior to applying for:

New Liquor License

Transfer of Liquor License

Alteration of Premises

Annual Entertainment/Sunday Entertainment License

APPLICANT: Tap City II, Inc.

ADDRESS: 285 Main Street, Falmouth, MA 02540

LICENSE APPLIED FOR: All Alcohol Common Victualler's License

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

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

NOTES: _____

Building Commissioner: X *Gary Street*

DATE: 5-24-24

APPETIZERS

BANG BANG SHRIMP	17
crispy fried shrimp sriracha aioli wakame	
BUFFALO CHICKEN DIP	15
cheddar jack cheese jalapenos onions hot sauce warm pita	
CRAB CAKES	17
two pan seared crab cakes sriracha aioli mango salsa	
CRISPY BRUSSEL SPROUTS	11
sweet tea glaze applewood smoked bacon	
GARLIC CHEDDAR CHEESE CURDS	13
beer battered fried cheese curds fig jam	
POUTINE	13
house fries garlic cheese curds house gravy sunny side egg add bacon 2 pulled chicken 4 short rib 5	
STUFFED PRETZEL	17
made to order philly cheese steak pretzel house made cheese sauce	
MUSSELS	16
white wine garlic herbs & red peppers toast points	
WINGS	14
carrots celery bleu cheese dressing thai buffalo & bleu crumbles peach bourbon bbq jamaican jerk garlic parmesan korean bbq hot honey plain	
TENDERS & FRIES	16
boneless chicken house fries	

SOUPS & SALADS

ALE ONION SOUP	10
caramelized onions swiss cheese crouton	
YARMOUTH HOUSE CLAM CHOWDER	10
new england style chopped sea clams yukon gold potatoes bacon cream	
BEEF & BURRATA SALAD	14 GF
roasted beets burrata cheese candied pecans spinach arugula champagne vinaigrette	
CAESAR SALAD	12
romaine lettuce homemade garlic croutons shaved asiago cheese caesar dressing	
HOUSE SALAD	10
mixed greens cherry tomatoes peppers onions carrots homemade garlic croutons white balsamic dressing	
SUMMER SALAD	14 GF
mixed greens arugula pickled red onions goat cheese candied pecans strawberry & poppy seed vinaigrette	
add to any salad - steak tips 11 salmon 11 shrimp skewer 8 chicken 7 lobster salad 22	

SIDES

HOUSE FRIES	6
TRUFFLE FRIES	8
MASHED POTATOES	6
HOUSE RICE	6
SEASONAL VEGETABLES	6

PIZZA

wood fired oven, house made & hand tossed dough topped with our four cheese blend & house made sauces	JALAPENO & BBQ CHICKEN	20	PORKY FIG	20
	bbq sauce base fried chicken jalapenos bacon cheddar jack cheese		applewood smoked bacon fig jam caramelized onions baby arugula pomegranate molasses drizzle	
CHEESE & TRUFFLE	NORTH END	21	BUILD YOUR OWN	14
garlic cream sauce asiago cheese white truffle oil	hot italian sausage pepperoni ricotta fresh mozzarella		add topping 1.50 each pepperoni sausage pulled chicken applewood bacon mushrooms roasted red peppers caramelized onions goat cheese tomato fresh mozzarella truffle oil arugula hot honey 2.	
HONEY ROASTED CHICKEN	MARGHERITA	19		
garlic cream sauce goat cheese caramelized onions pulled chicken spinach honey glaze drizzle	sliced vine ripe tomatoes fresh mozzarella basil			

BURGERS & SANDWICHES

all burgers & sandwiches come with a side of house fries & bear pickles. substitute fries with side house salad or side caesar 2

BELLY BUSTER BURGER 17
angus burger | applewood smoked bacon | lettuce | tomato | raw onion | caramelized onions | cheddar cheese | zip sauce | house fries

BUILD A BURGER 16
angus burger | lettuce | tomato | raw onion | house fries
add cheese 1.50
american | cheddar | swiss | bleu cheese crumbles | fresh mozzarella
add toppings 1.50
mushrooms | roasted red peppers | caramelized onions
applewood smoked bacon 2
sunny side egg 2.50

BBQ FRIED CHICKEN SANDO 16
chicken thighs | applewood smoked bacon | cheddar cheese | agave mustard | bbq sauce | toasted bun | house fries

CHICKEN SOUVLAKI 16
marinated chicken | onions | tomatoes | fries | tzatziki sauce | grilled pita bread

CRAB CAKE SANDWICH 18
pan seared crab cake | bang bang sauce | lemon & pepper dressed arugula | toasted bun | house fries

LOBSTER CLUB 36
maine lobster | mayo | celery | bacon | lettuce | tomato | white bread | house fries

COD SANDWICH 16
beer battered fried cod | lettuce | tomato | house remoulade | house fries
add cheese 1.50
american | cheddar | swiss

CAJUN SHRIMP TACOS 17
grilled or fried shrimp | corn tortilla | mango salsa | sriracha aioli drizzle | house rice

LOBSTER ROLL 36
maine lobster | mayo | celery | toasted roll | house fries

STEAK N' CHEESE 17
shaved sirloin | american cheese | garlic aioli | roasted peppers | onions | house fries

ENTREES

BRAISED SHORT RIB 28 GF
red wine braised short rib | mashed potato | seasonal veggies

CHICKEN POT PIE 17
pulled chicken | baby peas | carrots | pan gravy | mashed potatoes

FARRO BOWL 14
roasted vegetables | toasted farro | house vinaigrette
add chicken 7 | shrimp skewer 8 | steak tips 11 | salmon 11

FISH & CHIPS 23
atlantic cod | house fries | coleslaw | house remoulade

MAC N' CHEESE 16
cavatappi pasta | bread crumbs
add truffle oil 3 | bacon 3 | thai buffalo chicken & bleu crumbles 6 | grilled chicken 7 | short rib 9 | lobster 20

STUFFED COD 27
crab meat stuffing | over miso soup | mussels | udon noodles

LOBSTER RAVIOLI 36
spinach ravioli | lobster meat | sherry cream sauce | spinach | shallots | tomatoes

CHICKEN & WAFFLES 18
chicken thigh | belgium waffle | agave mustard | maple syrup
add hot honey 2

PAN SEARED SALMON 27 GF
roasted veg | house rice | balsamic glaze

OVEN BAKED STUFFED CHICKEN 23
goat cheese | walnuts | honey | roasted beets & carrots | garlic aioli | balsamic glaze

SPICY SHRIMP & SAUSAGE PASTA 24
peppers | onions | angel hair pasta

TAP CITY STEAKS

all steaks served with house or caesar salad | roasted potatoes | compound herb butter

NY STRIP 32

RIBEYE 35

STEAK TIPS 28

ADD

bleu cheese butter 2 | sautéed mushrooms 2 | shrimp skewer 8 | crab cake 8

before placing your order, please inform your server if a person in your party has a food allergy. consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.

OPEN SESSION

PUBLIC HEARINGS

5. Approve the application filed by Markantonis Restaurant Group, Inc. d/b/a Estia for a Change of Manager, Change of Ownership, and a Change of Officers/ Directors of its All-Alcoholic Beverages Restaurant License to be exercised at 117 Main Street, Falmouth



LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Markantonis Restaurant Group, Inc. d/b/a Estia has applied for a Change of Ownership Interest, Change of Officers/Directors, and a Change of Manager to its All Alcoholic Beverages Restaurant License located at 117 Main Street, Falmouth, MA.

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

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

LICENSING BOARD
Nancy Robbins Taylor
Edwin (Scott) P. Zylinski, II
Douglas C. Brown
Robert P. Mascali
Heather M. H. Goldstone

Publication date: Friday, June 14, 2024; Falmouth Enterprise



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearings 5.

ITEM TITLE: Approve the application filed by Markantonis Restaurant Group, Inc. d/b/a Estia for a Change of Manager, Change of Ownership, and a Change of Officers/Directors of its All-Alcoholic Beverages Restaurant License to be executed at 117 Main Street, Falmouth

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Notice of Liquor License hearing published June 14, 2024; License Application Review form; Application for Multiple Amendments; TIPS Certificate; Floor Plan

PURPOSE:

The Select Board is requested to review and approve an application by Markantonis Restaurant Group, Inc. d/b/a Estia for a Change of Manager, Change of Ownership, and a Change of Officers/Directors of its All-Alcoholic Beverages Restaurant License to be executed at 117 Main Street, Falmouth.

BACKGROUND/SUMMARY:

- The applicant submitted the proper ABCC Application for Multiple Amendments.
- The Public Hearing was properly advertised and published in the Falmouth Enterprise on June 14, 2024.

- The Falmouth Police Department and Fire Rescue Department has reviewed the application and has no objection to its approval.
- The Health Department has reviewed the application and has no concerns.

DEPARTMENT RECOMMENDATION:

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

OPTIONS:

- Motion to approve the application filed by Markantonis Restaurant Group, Inc. d/b/a Estia for a Change of Manager, Change of Ownership, and a Change of Officers/Directors of its All-Alcoholic Beverages Restaurant License to be executed at 117 Main Street, Falmouth.
- Motion to deny approval of the application filed by Markantonis Restaurant Group, Inc. d/b/a Estia for a Change of Manager, Change of Ownership, and a Change of Officers/Directors of its All-Alcoholic Beverages Restaurant License.
- Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

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

Michael Renshaw

Town Manager

6/26/2024

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: Markantonis Restaurant Group, Inc. d/b/a Estia

Address: 117 Main Street, Falmouth

License Type: All Alcoholic Beverages Restaurant License

New License _____

Transfer of License _____

Change of License Change of Manager, Change of Ownership, and a Change of Officers/ Directors

Police No objection

No objection

Fire _____

Building _____

Health No concerns

Zoning _____

Planning _____

DPW _____

NOTES:

The proposed manager, the son of the deceased owner Nick Markantonis, has completed the town background check and TIPS certification. He has interacted with the Select Board office on behalf of the restaurant since last Fall.

The proposed new owner Catherine Markantonis has been a 50% stockholder in the restaurant.



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

APPLICATION FOR MULTIPLE AMENDMENTS

1. BUSINESS ENTITY INFORMATION

Entity Name Markantonis Restaurant Group Inc.	Municipality Falmouth	ABCC License Number 04094-RS-0390
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Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

The owner has passed away and his son will renew the license in his own name.

APPLICATION CONTACT

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

Name Demetri Markantonis	Title Managing Director	Email demetri@estiacapecod.com	Phone [REDACTED]
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2. AMENDMENT-Change of License Classification

<input type="checkbox"/> Change of License Category All Alcohol, Wine and Malt, Wine Malt and Cordials	Last-Approved License Category	[Dropdown]
	Requested New License Category	[Dropdown]
<input type="checkbox"/> Change of License Class Seasonal or Annual	Last-Approved License Class	[Dropdown]
	Requested New License Class	[Dropdown]
<input type="checkbox"/> Change of License Type* i.e. Restaurant to Club *Certain License Types CANNOT change once issued*	Last-Approved License Type	[Dropdown]
	Requested New License Type	[Dropdown]

3. AMENDMENT-Change of Business Entity Information

<input type="checkbox"/> Change of Corporate Name	Last-Approved Corporate Name:	[Text Box]
	Requested New Corporate Name:	[Text Box]
<input type="checkbox"/> Change of DBA	Last-Approved DBA:	[Text Box]
	Requested New DBA:	[Text Box]
<input type="checkbox"/> Change of Corporate Structure LLC, Corporation, Sole Proprietor, etc	Last-Approved Corporate Structure	[Dropdown]
	Requested New Corporate Structure	[Dropdown]

4. AMENDMENT-Pledge Information

<input type="checkbox"/> Pledge of License	To whom is the pledge being made:	[Text Box]
<input type="checkbox"/> Pledge of Inventory		
<input type="checkbox"/> Pledge of Stock		

5. AMENDMENT-Change of Manager

Change of License Manager

A. MANAGER INFORMATION

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

Proposed Manager Name Date of Birth

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises Last-Approved License Manager

B. CITIZENSHIP/BACKGROUND INFORMATION

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

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

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

Start Date	End Date	Position	Employer	Supervisor Name
June 2018	Present	Managing Director	Markantonis Restaurant Group	Catherine Markantonis
June 2018	June 2016	Researcher	Harvard University	Tara Bristow

D. PRIOR DISCIPLINARY ACTION

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

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

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

Manager's Signature Date

6. AMENDMENT-Change of Officers, Stock or Ownership Interest

Change of Officers/Directors **Change of Ownership Interest (LLC Managers/LLP Partners, Trustees)** **Change of Stock (E.g. New Stockholder/ Transfer or Issuance of Stock)**

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

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

Name of Principal	Residential Address	SSN	DOB
Catherine Markantonis	17 High Wood Way Mashpee MA	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
President	100	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached? Yes No

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

MANAGEMENT AGREEMENT
 Are you requesting approval to utilize a management company through a management agreement? Please provide a copy of the management agreement. Yes No

ADDITIONAL INFORMATION

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

The Business was previously owned 50/50 by Catherine and Nick Markantonis. The alcohol license was listed under Nick's name who tragically has passed away. The business is reorganized with full ownership interest held by Catherine going forward. Their son, Demetri, runs operations and is applying to have the license transferred in his name.

APPLICANT'S STATEMENT

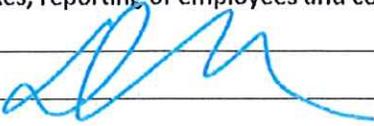
I, the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory
of
Name of the Entity/Corporation

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

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

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

Signature:



Date:

Title:



CERTIFICATE OF COMPLETION

This certifies that

Demetrios Markantonis
is awarded this certificate for

TIPS On-Premise Alcohol Server Training

Hours
3.00

Completion Date
11/27/2023

Expiry Date
11/26/2026

Certificate #
ON-000030361230

Scott Neff
Official Signature

THIS CERTIFICATE IS VOID WITHOUT THE SIGNATURE OF THE ISSUING AGENCY.



Issue Date: 11/27/2023
Certificate #: ON-000030361230

Demetrios Markantonis
3750 W. 10th Street
Medina, MN 55049

CERTIFIED

Expires 11/26/2026



Phone: 800-430-8477
www.gettips.com

This card was issued for successful completion of the TIPS program.

Signature _____



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

APPLICANT: Demetrios J. Markantonis

ADDRESS: 37 Summersea Rd. Mashpee, MA 02649

LICENSE APPLIED FOR: Markantonis Restaurant Group dba Estia Falmouth

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

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

NOTES: _____

Building Commissioner: X [Signature]

DATE: 5-20-24

DRAWINGS REVIEWED BY
 FALMOUTH BUILDING DEPARTMENT
 CONSTRUCTION SUBJECT TO MA
 BUILDING CODE COMPLIANCE
 ONE SET OF STAMPED PLANS SHALL
 BE KEPT AT THE BUILDING SITE

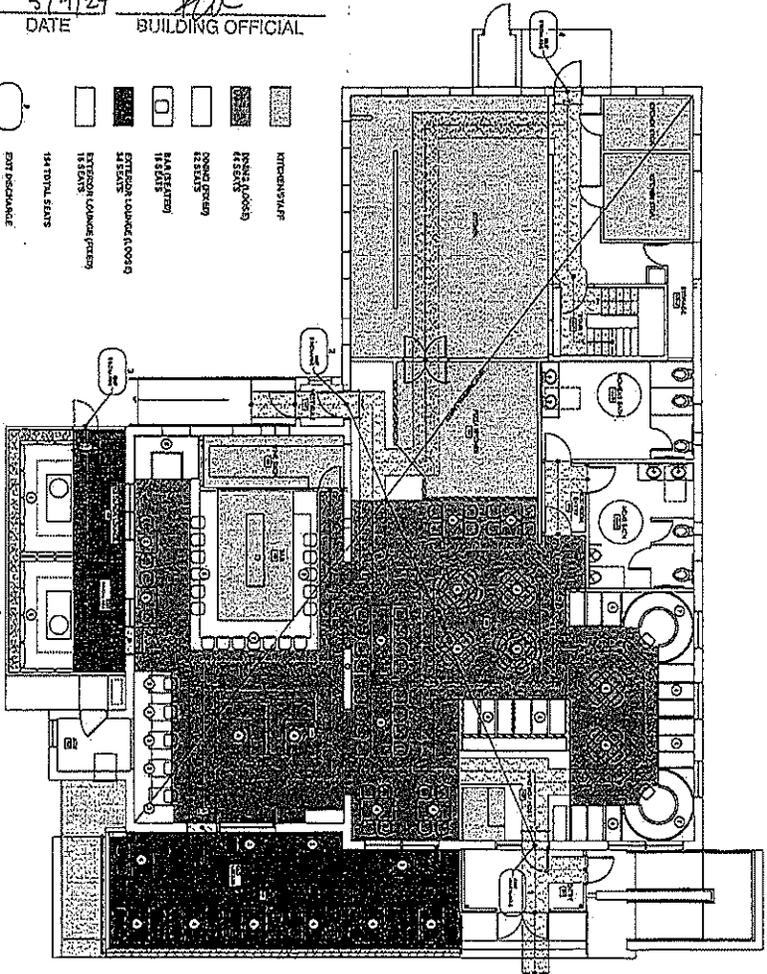
5/9/24

[Signature]

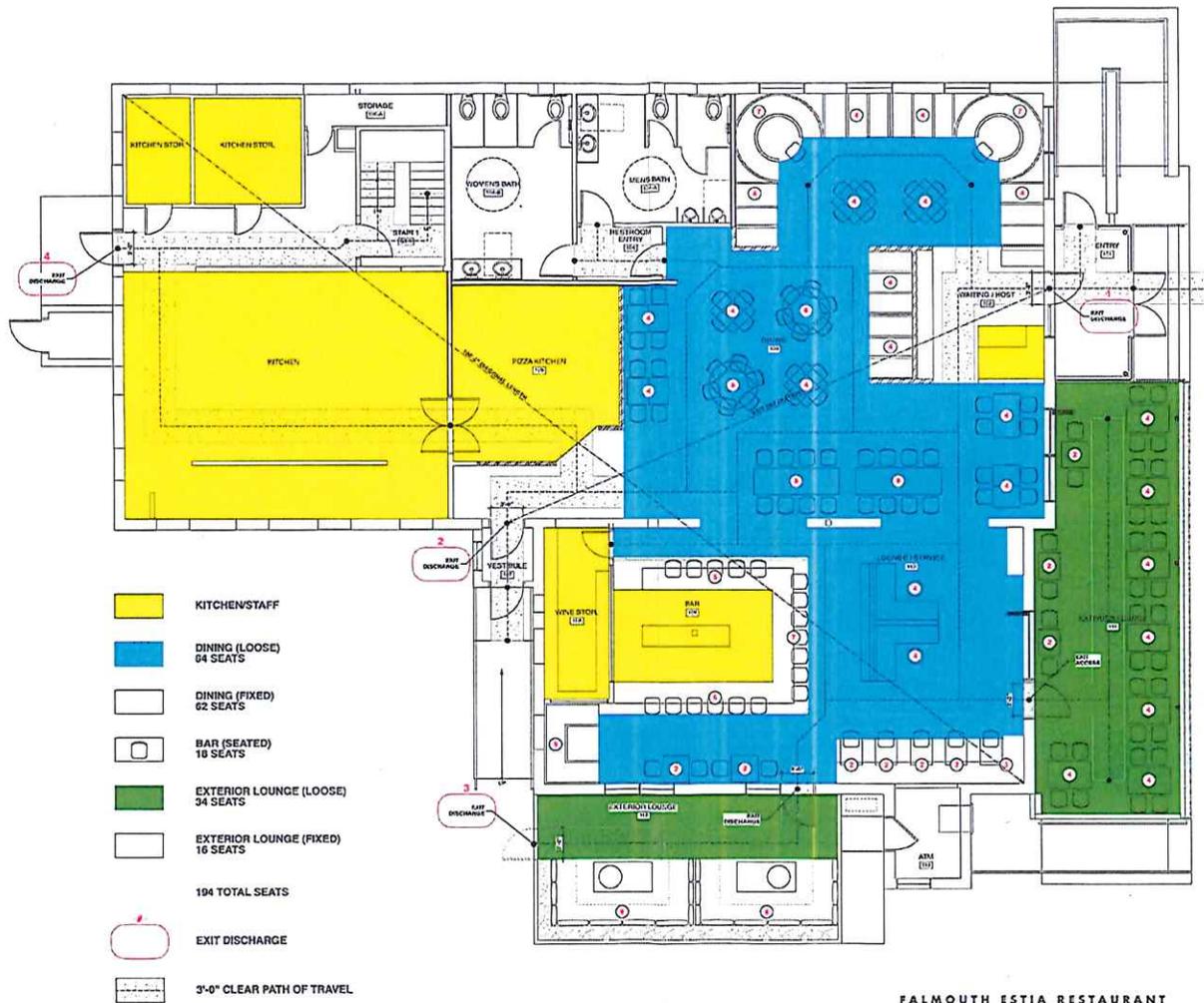
DATE

BUILDING OFFICIAL

-  INTERIORS W/FP
-  FINISH FLOORING
-  FINISH FLOORING
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-  7'0" CLEAR HEIGHT OF TRUCKS
-  EXIT DISCHARGE
-  14 TOTAL SEATS
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FALMOUTH ESTIA RESTAURANT
 SEATING PLAN
 IMAI KELLER MOORE ARCHITECTS
 3/17/24



FALMOUTH ESTIA RESTAURANT
 SEATING PLAN
 IMAI KELLER MOORE ARCHITECTS
 5/7/24

OPEN SESSION

BUSINESS

1. Report – Affordable Housing Committee **(15 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 1.

ITEM TITLE: Report- Affordable Housing Committee

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: None

PURPOSE:

The Select Board will hear and discuss a report from the Affordable Housing Committee.

BACKGROUND/SUMMARY:

- The Falmouth Affordable Housing Committee assists the Select Board in its efforts to provide a full range of housing choices for households of all incomes, ages, and abilities.
- The Committee works to identify our workforce housing needs, to reduce the out-migration of our younger residents, and to minimize the displacement of our elderly on fixed incomes.

DEPARTMENT RECOMMENDATION:

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

OPTIONS:

N/A

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

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

Michael Renshaw

Town Manager

6/25/2024

Date



Town of Falmouth

Affordable Housing Committee

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

Falmouth Affordable Housing Committee Annual Report Town Fiscal Year July 1, 2023 – June 30, 2024

Meetings Held

- Eleven regular monthly meetings held (February meeting canceled due to lack of quorum)
- One joint meeting held with Planning Board to discuss draft Housing Production Plan

Projects Reviewed

Seven projects were reviewed:

- 375 Sandwich Road
- 17 Walker Street
- 805 Gifford Street (Habitat)
- 19 North Falmouth Highway
- 85 Brick Kiln Road
- 0 Acapesket Road
- 419 Waquoit Highway (Falmouth Housing Trust)

Also reviewed: Emerald Properties concept plan

Policy Reviews

- Housing Production Plan
- LIP Review Guidelines
- “Lease to Locals” concept of moving some short-term rentals to long-term rentals

Policy recommendations to the Select Board

- Recommended creation of the full-time position of assistant to the Housing Coordinator
- Recommended that the Town transfer \$2 million from general revenue to Falmouth Affordable Housing Fund
- Recommended that the Select Board and Town Meeting approve a Home Rule Petition authorizing Falmouth to implement a Real Estate Transfer Fee program

Public Outreach

- Presenter at Real Estate Transfer Fee proposal public meeting
- Co-sponsor of public meeting on affordable housing led by Falmouth Housing Partnership

Respectfully submitted,
David Garrison
Chair, Falmouth Affordable Housing Committee
July 1, 2024

OPEN SESSION

BUSINESS

2. Approve the application filed by OSJL Spirits, LLC d/b/a Ocean State Job Lot for a Change of Manager of its Wine & Malt Beverages Package Store License to be exercised at 50 Teaticket Highway, Teaticket **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 2.

ITEM TITLE: Approve the application filed by OSJL Spirits, LLC d/b/a Ocean State Job Lot for a Change of Manager of its Wine and Malt Beverages Package Store License to be executed at 50 Teaticket Highway, Teaticket

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review form; Alcoholic Beverages Control Commission- Amendment Change of Manager Form; Applicant Statement dated May 8, 2024; Entity Vote Form; TIPS Certificate, Christina Ivers

PURPOSE:

The Select Board is requested to review and approve an application filed by OSJL Spirits, LLC d/b/a Ocean State Job Lot for a Change of Manager of its Wine and Malt Beverages Package Store License to be executed at 50 Teaticket Highway, Teaticket.

BACKGROUND/SUMMARY:

- The applicant, OSJL Spirits, LLC d/b/a Ocean State Job Lot, properly completed its Change of Manager amendment form on April 29, 2024 (attached) naming Ms. Christina Ivers as the proposed new manager.

- According to the application, Ms. Ivers has been a Store Team Leader since August 24, 2021.
- The Falmouth Police Department reviewed the application and had no objections to the approval of the application.
- Falmouth Fire Rescue reviewed the application and have no issues or concerns.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the application filed by OSJL Spirits, LLC d/b/a Ocean State Job Lot for a Change of Manager of its Wine and Malt Beverages Package Store License to be executed at 50 Teaticket Highway, Teaticket, as presented.

OPTIONS:

- Motion to approve the application filed by OSJL Spirits, LLC d/b/a Ocean State Job Lot for a Change of Manager of its Wine and Malt Beverages Package Store License to be executed at 50 Teaticket Highway, Teaticket as presented.
- Motion to deny approval of the application filed by OSJL Spirits, LLC d/b/a Ocean State Job Lot for a Change of Manager of its Wine and Malt Beverages Package Store License to be executed at 50 Teaticket Highway, Teaticket.
- Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board approve the application filed by OSJL Spirits, LLC d/b/a Ocean State Job Lot for a Change of Manager of its Wine and Malt Beverages Package Store License to be executed at 50 Teaticket Highway, Teaticket, as presented.

Michael Renshaw

Town Manager

6/27/2024

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: OSJL Spirits, LLC d/b/a Ocean State Job Lots

Address: 50 Teaticket Highway

License Type: Wine & Malt Beverages Package Store License

New License _____

Transfer of License _____

Change of License Change of Manager

Police No objection

No Objection

Fire _____

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

NOTES:

Proposed manager Christina Ivers has completed a Town of Falmouth background check.



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street, Boston, MA 02114
 www.mass.gov/abcc

AMENDMENT-Change of Manager

Change of License Manager

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
OSJL Spirits, LLC	East Falmouth	0213-PK-0390

2. APPLICATION CONTACT

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

Name	Title	Email	Phone
Jennifer Fredette	Licensing Manager	permits@osjl.com	401-443-9755

3A. MANAGER INFORMATION

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

Proposed Manager Name	Date of Birth
Christina Ivers	[REDACTED]
Residential Address	
128 Jame Lane, East Falmouth, MA 02536	
Email	Phone
C.Ivers@osjl.com	508-423-2675
Please indicate how many hours per week you intend to be on the licensed premises	Last-Approved License Manager
45	Paula Leandra-Rio

3B. CITIZENSHIP/BACKGROUND INFORMATION

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

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

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

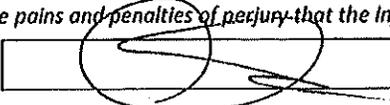
Start Date	End Date	Position	Employer	Supervisor Name
8/24/2021	Present	Store Team Leader	Ocean State Job Lot	Brian Widmer
5/2011	8/19/2021	Store Team Leader	CVS	Kathryn Hope

3D. PRIOR DISCIPLINARY ACTION

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

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

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

Manager's Signature  Date 4/29/24

CORPORATE VOTE

The Board of Directors or LLC Managers of Entity Name

duly voted to apply to the Licensing Authority of City/Town and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on Date of Meeting

For the following transactions (Check all that apply):

Change of Manager

Other

"VOTED: To authorize Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,


Corporate Officer / LLC Manager Signature

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

APPLICANT'S STATEMENT

I, Robert McGrath the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory
of OSJL Spirits, LLC
Name of the Entity/Corporation

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

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

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

Signature:

Robert McGrath

Date:

5/8/24

Title:

LLC Manager



CERTIFICATE OF COMPLETION

This certifies that

Christina Ivers

is awarded this certificate for

TIPS Off-Premise Alcohol Seller Training

Hours
300

Completion Date
04/26/2024

Expiration Date
04/26/2027

Certificate
OFF-000033400830

TRAINING

TM

Official Signature

THIS CERTIFICATE IS NON-TRANSFERABLE

6504 Bridge Point Parkway, Suite 100 | Austin, TX 78730 | www.360training.com

(CUT HERE)

(CUT HERE)



Phone: 800-438-8477
www.gettips.com

This card was issued for successful completion of the TIPS program.

Slorahim

OPEN SESSION

BUSINESS

3. Approve Grant of License to John R. Bowen and Anna A. Bowen to provide the Licensees with the nonexclusive use of certain property within the public way at the intersection of Grand Avenue, a public way, and Montgomery Court, a private way, for the purpose of installing and maintaining a cobblestone apron at said intersection **(15 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 3.

ITEM TITLE: Approve Grant of License to John R. Bowen and Anna A. Bowen to provide the Licensee with the nonexclusive use of certain property within the public way at the intersection of Grand Avenue, a public way, and Montgomery Court, a private way, for the purpose of installing and maintaining a cobblestone apron at said intersection

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Draft Grant of Licenses; Emails thread between staff and applicant's counsel; site plan/illustration showing recommended location for installation and maintenance of cobblestone apron

PURPOSE:

The Select Board will consider the approval of a Grant of License to John R. Bowen and Anna A. Bowen to provide the Licensee with the nonexclusive use of certain property within the public way at the intersection of Grand Avenue, a public way, and Montgomery Court, a private way, for the purpose of installing and maintaining a cobblestone apron at said intersection.

BACKGROUND/SUMMARY:

- The applicant and property owner of 102 Grand Avenue and 102A Grand Avenue has requested a license to install and maintain a cobblestone paver apron at the intersection

of Grand Avenue, a public way, and Montgomery Court, a private way, as illustrated in the attached diagram.

- Originally, the applicant had requested the license to include existing cobblestone pavers at the end of an existing driveway (area shown encircled in red) which had been installed without proper license; the Town Engineer expressed pedestrian safety concerns regarding allowing the licensing of this unauthorized section of cobblestone.
- Town Counsel has prepared the attached Grant of License for Board consideration.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the Grant of License to John R. Bowen and Anna A. Bowen to provide the Licensee with the nonexclusive use of certain property within the public way at the intersection of Grand Avenue, a public way, and Montgomery Court, a private way, for the purpose of installing and maintaining a cobblestone apron at said intersection, as illustrated in the attached diagram, and that all other unlicensed cobblestone pavers be removed.

OPTIONS:

- Motion to approve the Grant of License to John R. Bowen and Anna A. Bowen to provide the Licensee with the nonexclusive use of certain property within the public way at the intersection of Grand Avenue, a public way, and Montgomery Court, a private way, for the purpose of installing and maintaining a cobblestone apron at said intersection, as illustrated in the attached diagram, and that all other unlicensed cobblestone pavers be removed.
- Motion to deny approval of the Grant of License to John R. Bowen and Anna A. Bowen to provide the Licensee with the nonexclusive use of certain property within the public way at the intersection of Grand Avenue, a public way, and Montgomery Court, a private way, for the purpose of installing and maintaining a cobblestone apron at said intersection.
- Some other Board defined alternative motion.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board approve the Grant of License to John R. Bowen and Anna A. Bowen to provide the Licensee with the nonexclusive use of certain property within the public way at the intersection of Grand Avenue, a public way, and Montgomery Court, a private way, for the purpose of installing and maintaining a cobblestone apron at said intersection, as illustrated in the attached diagram, and that all other unlicensed cobblestone pavers be removed.

Michael Renshaw

Town Manager

6/27/2024

Date

GRANT OF LICENSE

The TOWN OF FALMOUTH, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts acting by and through its duly elected Board of Selectmen, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, hereby grants to John R. Bowen and Anna A. Bowen, Trustees of the Bowen Family Trust under Declaration of Trust dated October 11, 2017 (the "Licensees") and as referenced in a Trustee's Certificate filed with the Barnstable County Registry of Deeds at Book 30977, Page 140, the following license to use certain portions of town property located on Grand Avenue adjacent to property known as 102 and 102A Grand Avenue, Falmouth, MA. For Deed reference see Barnstable County Registry of Deeds at Book 30977, Page 144.

The license is given to provide the Licensees with the nonexclusive use of certain property within the public way at the intersection of Grand Avenue, a public way, and Montgomery Court, a private way, as well as certain property within the public way along Grand Avenue, for the purpose of installing and maintaining a cobblestone apron at said intersection and pavers abutting Grand Avenue, as more fully described in a sketch plan of the approved location of the licensed area, attached hereto.

This license is granted upon the following expressed conditions:

- a. The Licensees shall be permitted to install and shall be required to maintain, at their expense, the cobblestone apron at the intersection of Grand Avenue and Montgomery Court abutting the Licensees' property, including any portion that lies within the public way;
- b. The Licensees shall be permitted to install and shall be required to maintain, at their expense, pave stones along Grand Avenue for use as an additional parking space, exempting a portion of land along Grand Avenue from the licensed area where the installation of pavers is expressly prohibited, all as depicted in the attached plan;
- c. Said license is revocable by the Select Board at any time when they deem it appropriate to revoke the same in the best interest of the Town of Falmouth and/or public convenience, safety and needs; the Town may revoke this license by sending a notice to the Licensees, their successors and assigns at the above-referenced property address and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry of Deeds;
- d. Upon such revocation, the Licensees, their successors and assigns shall, if and when directed by the Select Board, remove all encroaching improvements from the Town's road and restore any disturbed area to its original condition;

- e. If the Licensees, and their successors and assigns, fail to remove said encroachment, all the expenses of the Town to do same or have the same done or any expenses arising from the failure to comply with this license, including attorney's fees, costs and expenses and contractor fees shall be paid by the Licensees, and their successors and assigns, to the Town upon demand, and if not so paid, shall, upon the recording of a Notice thereof in the Registry of Deeds or Registered Land Division, constitute a lien on said property, without limiting any other rights of the grantor;
- f. Until such revocation, this License shall continue permissively;
- g. The Licensees and their successors and assigns shall be forever obligated to indemnify, defend and hold harmless the Town of Falmouth, its agents, officers, officials and employees for any and all claims, actions, suits, or demands for personal injury or property damage arising out of the licensed encroachments and the grant of this License.
- h. The terms, conditions, agreements and covenants contained herein shall be binding on the Licensees, their successors and assigns; and
- i. This License shall be recorded at the Registry of Deeds at the expense of Licensees.

IN WITNESS WHEREOF, the seal of the Town of Falmouth is affixed hereto and these presents executed and delivered in its name and behalf by its Select Board of, hereto duly authorized this _____ day of _____, 2024.

SELECT BOARD OF
THE TOWN OF FALMOUTH

Nancy Robbins Taylor, Chair

Edwin (Scott) P. Zylinski II, Vice Chair

Douglas C. Brown

Robert P. Mascali

Heather M. H. Goldstone

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification, which was _____, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public:
My Commission expires:



LOCATION MAP NOT TO SCALE

RECORD OWNER:

PARCEL ID#: 46B-21-036-001
102 GRAND AVENUE

JOHN R. & ANNA A. BOWEN
TRUSTEES OF THE BOWEN FAMILY TRUST
102 GRAND AVENUE
FALMOUTH, MA 02540
DEED BOOK 30977 PAGE 144
LOT 1: PLAN BOOK 25 PAGE 71

NOTES:

- PLAN REFERENCES:
1.1. PLAN ENTITLED "PLOT PLAN OF LAND PREPARED FOR JOHN AND ANNA BOWEN" BY JOHN DOYLE PLS NOT RECORDED.
- TOPOGRAPHIC AND DETAIL INFORMATION SHOWN HEREON IS BASED UPON AN ON THE GROUND SURVEY PERFORMED BY MERRILL ENGINEERS AND LAND SURVEYORS DURING JANUARY OF 2023.
- THIS PLAN IS FOR PERMITTING PURPOSES ONLY. BOUNDARY SHOWN HEREON REPRESENTS THAT SHOWN ON A "PLOT PLAN OF LAND" PREPARED BY JOHN DOYLE, PLS ON MARCH 29, 2021.
- ALL ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988.
- SUBJECT SITE IS IN THE "RC" SINGLE RESIDENCE C DISTRICT, THE WIND BOURNE DEBRIS DISTRICT AND AN MHC INVENTORY AREA AS DEPICTED ON THE TOWN OF FALMOUTH ZONING MAP.
- EXISTING UTILITIES, WHERE SHOWN, HAVE BEEN COMPILED BASED ON OBSERVED ABOVE GROUND EVIDENCE AND AVAILABLE RECORD PLANS AND ARE TO BE CONSIDERED APPROXIMATE. MERRILL ENGINEERS AND LAND SURVEYORS DOES NOT GUARANTEE THE LOCATION OF THE UNDERGROUND UTILITIES SHOWN OR THAT ALL EXISTING UTILITIES AND/OR SUBSURFACE STRUCTURES ARE SHOWN.
- EXISTING SEWER COMPONENTS SHOWN HEREON TAKEN FROM RECORD AS-BUILT PLAN ON FILE WITH THE TOWN OF FALMOUTH SEWER DEPARTMENT.

FLOOD NOTE:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN ZONE AE (EL.13) OF THE FLOOD INSURANCE RATE MAP, AS SHOWN ON COMMUNITY MAP No. 25001C0736J, WHICH BEARS AN EFFECTIVE DATE OF JULY 16, 2014, AND IS IN A SPECIAL FLOOD HAZARD AREA.

ZONING REQUIREMENTS
RESIDENCE C - "RC" DISTRICT

	REQUIRED	EXISTING	PROPOSED
LOT AREA	40,000 SF	3,730 SF	3,730 SF
LOT FRONTAGE	100 FEET	75.61 FEET	75.61 FEET
LOT COVERAGE BY STRUCTURES	20%	41.0%	41.0%
LOT COVERAGE BY STRUCTURES, PAVING & PARKING	40%	59.0%	56.0%

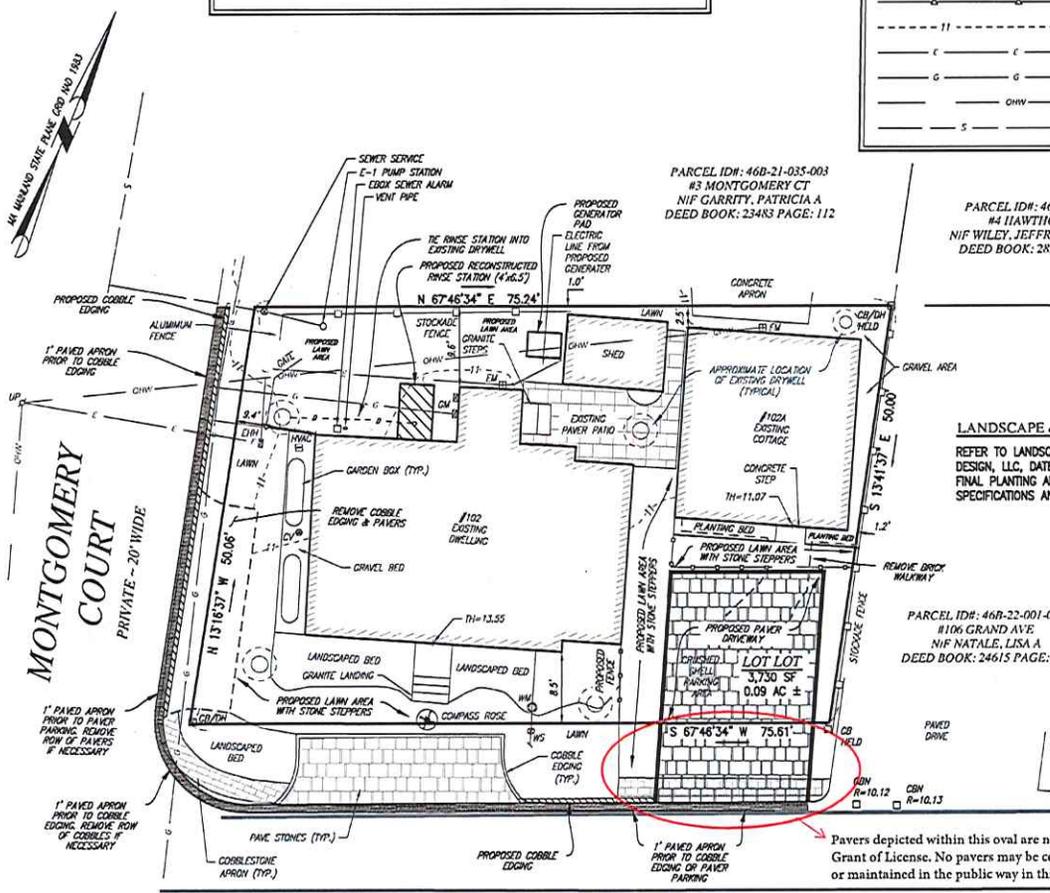
MINIMUM YARDS:

	25 FT	8.5 FT (HOUSE)	8.5 FT (HOUSE)
FRONT YARD			
SIDE YARD	10 FT	1.2 FT (COTTAGE)	1.2 FT (COTTAGE)
REAR YARD	10 FT	2.5 FT (COTTAGE)	2.5 FT (COTTAGE)

ZONING NOTE:
REFER TO THE TOWN OF FALMOUTH ZONING BYLAW AS MINIMUM YARDS MAY VARY DEPENDING ON ZONE AND EXISTING/PROPOSED USE.

LEGEND

□	CB	CONCRETE BOUND FOUND
□	CB/DH	CONCRETE BOUND W/DRILL HOLE
●	ICV	IRRIGATION CONTROL VALVE
⊞	AC	MHC UNIT
-	DH	ELECTRIC HAND HOLE
⊞	EM	ELECTRIC METER
⊞	UP	UTILITY POLE
○	SMH	SEWER MANHOLE
○	WM	WATER METER
⊞	WS	WATER SERVICE
+	TH	THRESHOLD
—○—○—		STOCKADE FENCE
—△—△—		ALUMINUM FENCE
- - - - -	11	CONTOUR LINE
— c — c —		CAS LINE
— G — G —		CAS LINE
— OHV —		OVERHEAD WIRES
— S —		SANITARY SEWER



PARCEL ID#: 46B-22-002-004
#4 HAWTHORNE CT
NIF WILEY, JEFFREY W, TRUSTEE
DEED BOOK: 28317 PAGE: 285

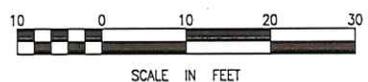
LANDSCAPE & HARDSCAPE NOTES:
REFER TO LANDSCAPE PLAN BY CAPE LAND DESIGN, LLC, DATED MARCH 10, 2023, FOR FINAL PLANTING AND HARDSCAPE MATERIAL SPECIFICATIONS AND LOCATION.

PARCEL ID#: 46B-22-001-002
#106 GRAND AVE
NIF NATALIE, LISA A
DEED BOOK: 24615 PAGE: 264

Pavers depicted within this oval are not licensed under this Grant of License. No pavers may be constructed, installed or maintained in the public way in this location.

GRAND AVENUE
PUBLIC ~ 40' WIDE

BENCHMARK:
MAG NAIL FOUND
EL=10.24 (NAD83)



SCALE IN FEET

REVISIONS:
REUSE PAVES IN FRONT OF COTTAGE AND UPDATE LOT COVERAGE CALCS. 05/10/24
REMOVED PAVERS ALONG MONTGOMERY COURT, UPDATE LOT COVERAGE CALCS. 05/24/23

DRAWN BY: TMS
DESIGNED BY:
CHECKED BY: DB



Merrill
Engineers and Land Surveyors

427 Columbia Road
Haverhill, MA 02339
781-826-9200

40 Court Street, Suite 2A
Plymouth, MA 02360
508-746-6060

Marine Division:
26 Union Street
Plymouth, MA 02360
508-746-6060

687 Main Street
Norwell, MA 02061
781-559-8167

445 N. Falmouth Highway
North Falmouth, MA 02556
508-563-2183

PROJECT # 22-772

PLAN OF
SITE MODIFICATIONS
#102 GRAND AVENUE
FALMOUTH,
MASSACHUSETTS

CLIENT:
JOHN & ANNA BOWEN
102 GRAND AVENUE
FALMOUTH, MA 02540

DRAWING TITLE:
22-772 SP.DWG
DATE:
MARCH 13, 2023

SHEET 1 of 1
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Diane Davidson

From: Maura O'Keefe
Sent: Tuesday, June 25, 2024 11:29 AM
To: Mike Renshaw; Peter Johnson-Staub
Cc: Diane Davidson
Subject: Re: Grant of License First Step-102 Grand Avenue
Attachments: 102 Grand Ave License 6.25.24v2.docx; Plan for License 6.25.24.pdf

How about this?

Maura

From: Mike Renshaw <mike.renshaw@falmouthma.gov>
Sent: Tuesday, June 25, 2024 10:47 AM
To: Maura O'Keefe <maura.okeefe@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Cc: Diane Davidson <diane.davidson@falmouthma.gov>
Subject: RE: Grant of License First Step-102 Grand Avenue

Thanks Maura...and great question on the two small section of paver shown on the diagram. I believe the answer is NO and that these apron areas were installed in the layout without a license and therefore must be removed. The only pavers to be authorized is the section approved June 2022 and the *small section in the corner* representing the new request (he wanted this section due to delivery trucks tearing up his lawn when making right turns).

Mike Renshaw, ICMA-CM, MPA
Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
O: (508) 495-7324
C: (774) 392-1365



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

From: Maura O'Keefe <maura.okeefe@falmouthma.gov>
Sent: Tuesday, June 25, 2024 10:39 AM
To: Mike Renshaw <mike.renshaw@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Cc: Diane Davidson <diane.davidson@falmouthma.gov>
Subject: Re: Grant of License First Step-102 Grand Avenue

Mike,

The question is whether the registry will accept a plan with additional markings on it. I am not certain that they record in color, so that is also a consideration. I think we can try it, and if the registry rejects the plan as approved by the Select Board, the applicant will need to go back to their engineer for a new plan.

I would also want the plan to be marked a little differently and I can compose a new markup. And the license needs to be revised to reflect the plan.

One question: on the ORIGINAL 102 Grand Ave plan showing a blue circle around the unlicensed driveway apron, there is a small rectangle of pavers just to the left of the driveway abutting grand ave and another small rectangle of pavers to the right of the driveway. Are these to be allowed or not?

Maura

From: Mike Renshaw <mike.renshaw@falmouthma.gov>
Sent: Tuesday, June 25, 2024 10:03 AM
To: Maura O'Keefe <maura.okeefe@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Cc: Diane Davidson <diane.davidson@falmouthma.gov>
Subject: FW: Grant of License First Step-102 Grand Avenue

Hi Maura-

Apparently, on June 6, 2022 the Select Board approved a section of cobblestone pavers (see second attachment). The property owner then proceeded to install additional unapproved pavers to the east of the approved area to extend his driveway for more parking.

The exhibit drawing in the attachment titled ORIGINAL 102 Grand Ave License_Bowen depicts (through Peter Johnson-Staub's markups) what I agreed to support (only the corner area, marked in red) and also marks in blue the pavers that the owner installed without permission that must be removed from the public way. Can this exhibit, which was prepared by the applicant and marked up by Peter, be recorded or would you prefer that the applicant obtain a revised plan showing that section of pavers to the east of the driveway removed?

Mike Renshaw, ICMA-CM, MPA
Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
O: (508) 495-7324
C: (774) 392-1365



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

From: Maura O'Keefe <maura.okeefe@falmouthma.gov>
Sent: Tuesday, June 25, 2024 8:18 AM
To: Mike Renshaw <mike.renshaw@falmouthma.gov>

Cc: Diane Davidson <diane.davidson@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Subject: Re: Grant of License First Step-102 Grand Avenue

Mike,

This revision makes it clear in paragraph (b) that pavers along the boundary with Grand ave are not permitted. I would prefer to see a new plan that does not show pavers in this location since the plan will be recorded at the registry.

Let me know if I can provide additional assistance.

Thanks,
Maura

Maura E. O'Keefe
Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800



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

From: Mike Renshaw <mike.renshaw@falmouthma.gov>
Sent: Tuesday, June 25, 2024 7:28 AM
To: Maura O'Keefe <maura.okeefe@falmouthma.gov>
Cc: Diane Davidson <diane.davidson@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Subject: RE: Grant of License First Step-102 Grand Avenue

Thank you, Maura. Phyllis had uncovered a previous license agreement that permitted the cobblestone pavers that added a parking spot in front of the residence off Grand Avenue. As we discussed, I had agreed to support the pavers being placed in the turn/corner of Montgomery/Grand.

Peter can confirm this, however I believe the pavers that were added at the end of the driveway without a license are the ones that must be removed.

Mike Renshaw, ICMA-CM, MPA
Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
O: (508) 495-7324
C: (774) 392-1365



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

From: Maura O'Keefe <maura.okeefe@falmouthma.gov>
Sent: Monday, June 24, 2024 6:08 PM
To: Mike Renshaw <mike.renshaw@falmouthma.gov>
Cc: Diane Davidson <diane.davidson@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Subject: Re: Grant of License First Step-102 Grand Avenue

Mike,

I'll send this over first thing in the morning. I appreciate the reminder.

Thanks,
Maura

Maura E. O'Keefe
Falmouth Town Counsel
157 Locust Street
Falmouth MA 02540
(508) 548-8800

From: Mike Renshaw <mike.renshaw@falmouthma.gov>
Sent: Monday, June 24, 2024 5:09:20 PM
To: Maura O'Keefe <maura.okeefe@falmouthma.gov>
Cc: Diane Davidson <diane.davidson@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Subject: FW: Grant of License First Step-102 Grand Avenue

Hi Maura-

I wanted to follow up with you to see if you have had a chance to re-draft this License based on our conversation on June 13. We currently have the item on our draft agenda for July 1.

Mike Renshaw, ICMA-CM, MPA
Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
O: (508) 495-7324
C: (774) 392-1365



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

From: Mike Renshaw
Sent: Wednesday, June 12, 2024 5:02 PM
To: Maura O'Keefe <maura.okeefe@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Cc: Jim McLoughlin <james.mcloughlin@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Phyllis Downey <phyllis.downey@falmouthma.gov>; Gary Street <gary.street@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>
Subject: FW: Grant of License First Step-102 Grand Avenue
Importance: High

Hi Maura and Peter J-S,

I'm in the process of finalizing the Board packet for Monday. Although the subject item was originally on the draft agenda under Consent, the Chair requested this morning that it be placed on Business section due to likely questions and concerns from one or more Select Board members.

I recall the conversation Peter outlines in his below email to attorney Anthony Tsakalos on April 26 that included a statement that I would support a license to allow the cobblestones to remain at the corner of Montgomery and Grand Avenue (the corner curve), but would not support the existing cobblestones that have been placed along Grand Avenue as shown in the attached illustration.

After reviewing the attached Grant of License and the attached illustration I am concerned that the property owner is being allowed, under section (a) of the License, to "maintain any portion of the cobblestone apron within the layout of Grand Avenue abutting the Licensees' property, at their expense." Peter, my understanding was that the property owner would NOT be allowed to have any cobblestone pavers whatsoever along Grand Avenue (in order for pedestrians to have a "safe harbor" while walking). In short, it has been my understanding that all we were recommending be approved was a license to allow the pavers to remain *at the corner* of Montgomery and Grand Ave. The way the attached License is worded, it appears to me that the owner is being granted permission to maintain those cobblestone pavers along Grand Avenue and that was NOT what I had agreed to.

Please review and let me know if I'm simply missing something obvious, and that in fact this License is only for the pavers along the corner/intersection of Montgomery and Grand Ave. and that all the other pavers must be removed by the owner.

Mike Renshaw, ICMA-CM, MPA
Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
O: (508) 495-7324
C: (774) 392-1365



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

From: Anthony Tsakalos <anthony@amentklauer.com>
Sent: Monday, May 13, 2024 2:58 PM
To: Maura O'Keefe <maura.okeefe@falmouthma.gov>
Cc: Mike Renshaw <mike.renshaw@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Phyllis Downey <phyllis.downey@falmouthma.gov>; Gary Street <gary.street@falmouthma.gov>; Jim McLoughlin <james.mcloughlin@falmouthma.gov>; Kevin Klauer <kevin@amentklauer.com>
Subject: RE: Grant of License First Step-102 Grand Avenue

Hi Maura,

Good afternoon – per Peter Johnson-Staub's email to me below, I am sending you the attached revised license application on behalf of my client, John Bowen of 102 Grand Avenue, requesting the grant of a license to allow the cobblestone apron he had previously installed that is located within the Town's layout of Grand Avenue. The site plan attached to the License Application shows the said cobblestone apron in yellow highlighting, however, I have also attached the site plan as a standalone PDF to the extent same is helpful to Town staff.

At your convenience, please let me know of any comments to the attached and whether the license application may proceed. Thank you.

Best,
Anthony

Anthony J. Tsakalos, Esq.
Ament Klauer LLP
39 Town Hall Square
Falmouth, MA 02540
Phone: (508) 540-6555
Fax: (508) 457-1293
Email: anthony@amentklauer.com
www.amentklauer.com

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Any documents attached hereto are transmitted for discussion purposes only and create no binding obligation. The parties will be bound only if and when copies are signed by and delivered to all parties.

From: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Sent: Friday, April 26, 2024 9:49 AM
To: Anthony Tsakalos <anthony@amentklauer.com>
Cc: Mike Renshaw <mike.renshaw@falmouthma.gov>; Phyllis Downey <phyllis.downey@falmouthma.gov>; Gary Street

<gary.street@falmouthma.gov>; Maura O'Keefe <maura.okeefe@falmouthma.gov>; Jim McLoughlin <james.mcloughlin@falmouthma.gov>

Subject: RE: Grant of License First Step-102 Grand Avenue

Hello Anthony,

After our meeting with John Bowen yesterday, I reviewed your clients' request for additional license agreements with the Town Engineer and Town Manager. The Town Manager will support a license agreement to authorize the installation of pavers at the corner of Grand Ave and Montgomery Court as illustrated in the attached plan. The Town Manager will not approve a license agreement for parking spaces at the base of the driveway on the east end of the parcel. The Town has an interest in maintaining pedestrian access within the Right of Way. The Town Engineer notes that Grand Ave is a narrow road with two way traffic. Maintaining a clear shoulder provides a safe harbor for pedestrians to avoid vehicles. An exception was already made for this property due to the unusual limitations of the parcel. In the case of this additional license request, it appears the Bowens have an option to maintain parking on their private property. Mr. Bowen indicated he does not wish to do locate parking on his property as it would require the parking be located on a permeable surface which is more difficult to maintain and he feels is less pleasing aesthetically.

If you wish to pursue a license agreement only for the pavers at the corner, please send a revised draft license agreement to Town Counsel with a copy to the staff members on this email.

Thank you,
Peter

Peter Johnson-Staub
Assistant Town Manager
Town of Falmouth, MA
O: 508-495-7320

www.falmouthma.gov

Be advised that most emails to, and from, municipal offices and officials are public record. Confidentiality should not be expected.

OPEN SESSION

BUSINESS

4. Discuss and vote to changes to the Freshwater Ponds Advisory Committee member appointments **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 4.

ITEM TITLE: Discuss and vote changes to the Freshwater Ponds Advisory Committee member appointments

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Freshwater Ponds Advisory Committee Mission Statement

PURPOSE:

The Select Board will consider changing two appointments to the Freshwater Pond Advisory Committee.

BACKGROUND/SUMMARY:

- The newly created Freshwater Pond Advisory Committee is comprised of 5 regular members and 2 alternate members. The Committee was set up this way to allow for 7 individuals to participate and maintain a “bench” of individuals who can step in to meet quorum requirements when needed. The alternates also serve as a reserve of future regular members when regular members rotate off the Committee.
- At its first meeting, it became apparent that none of the regular members wished to serve as chair.

- Steve Solbo, who was appointed as an alternate, has expressed a willingness to serve as chair. As alternate, he cannot serve as chair.
- Kim Comart, who was appointed as a regular member, has offered to have his appointment changed from regular member to alternate.

DEPARTMENT RECOMMENDATION:

- The Town Manager recommends the Select Board appoint Kim Comart as an alternate and Steve Solbo as a regular member.

Motions

1. Motion to appoint Kim Comart as an alternate member of the Freshwater Ponds Advisory Committee with a term expiring June 30, 2026.
2. Motion to appoint Steve Solbo as a regular member of the Freshwater Ponds Advisory Committee with a term expiring June 30, 2027.

OPTIONS:

- Motion to approve the re-appointments as proposed.
- Take no action on request for re-appointments.
- Some other Board defined alternative motion.

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:

Town Manager

6/27/2024

Date

**TOWN OF FALMOUTH
FRESHWATER PONDS ADVISORY COMMITTEE
MISSION STATEMENT**

Adopted: February 26, 2024

The purpose of the Freshwater Ponds Advisory Committee is to advise the Select Board and Town Manager on the protection and preservation of Falmouth's freshwater ponds and to recommend goals, strategies, action steps, and measurable outcomes that can be integrated into the Town's overall Strategic Plan.

The Freshwater Ponds Advisory Committee shall be appointed by the Select Board in accordance with relevant provisions of the Falmouth Home Rule Charter and Town bylaws.

The Committee shall consist of five (5) members and two (2) alternates. The Select Board shall seek individuals who possess the following knowledge and skills in recruiting and appointing members to this Committee:

- At least two members with strong understanding of freshwater pond science, including water chemistry and hydrology, and pond management, including knowledge of remediation measures.
- At least one member who is knowledgeable about pond protection issues and relevant health issues associated with freshwater ponds, including familiarity with local, state, regional and federal regulations concerning freshwater ponds.
- At least one member with experience in environmentally-friendly landscaping, including using native plants and installing hardy plant barriers along the shoreline to help limit the amount of nutrients entering ponds.
- At least one member who is knowledgeable about stormwater management.
- At least one member with experience and knowledge of Falmouth Town government structure and politics.

Members shall have a demonstrated ability to work effectively in a group process with volunteers, community members, and public officials. Members are expected to attend public meetings and occasional site visits.

vdb



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

COMMONWEALTH OF MASSACHUSETTS

The Town of Falmouth

Kim Comart
17 Strand Way
Hatchville, MA 02536

We, the Select Board of the Town of Falmouth by virtue of the authority in us vested by the laws of the Commonwealth, do hereby appoint you

MEMBER – FRESHWATER PONDS ADVISORY COMMITTEE

TERM - UNTIL JUNE 30, 2027

Given at FALMOUTH this 22nd day of APRIL, 2024

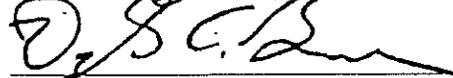
Please present this appointment to the Town Clerk to be sworn into the office of which you have been appointed in order to validate the appointment.



Nancy Robbins Taylor, Chair



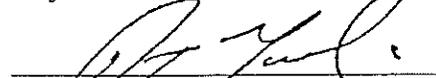
Edwin P. Zylinski II, Vice Chair



Douglas C. Brown



Onjalé Scott Price



Robert P. Mascali

RECORDED _____ 2024

ATTEST _____ TOWN CLERK

✓ db



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

COMMONWEALTH OF MASSACHUSETTS
The Town of Falmouth

Steven Solbo
28 Club Valley Drive
East Falmouth, MA 02536

We, the Select Board of the Town of Falmouth by virtue of the authority in us vested by the laws of the Commonwealth, do hereby appoint you

ALTERNATE MEMBER – FRESHWATER PONDS ADVISORY COMMITTEE

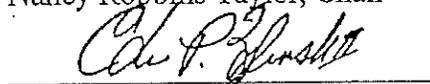
TERM - UNTIL JUNE 30, 2026

Given at FALMOUTH this 22nd day of APRIL, 2024

Please present this appointment to the Town Clerk to be sworn into the office of which you have been appointed in order to validate the appointment.



Nancy Robbins Taylor, Chair



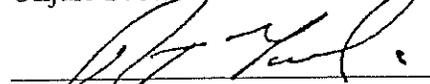
Edwin P. Zylinski II, Vice Chair



Douglas C. Brown



Onjale Scott Price



Robert P. Mascali

RECORDED _____ 2024

ATTEST _____ TOWN CLERK

OPEN SESSION

BUSINESS

5. Discuss and vote changes to the Veterans Council Committee
Veterans Organizations appointments **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 5.

ITEM TITLE: Discuss and vote changes to the Veterans Council Committee Veterans Organizations appointments

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Email from Carissa April of 06/03/2024 and 02/15/2024, Veterans Council Policy, List of Veterans Council appointments,

PURPOSE:

The Select Board will consider changes to the veterans organizations which nominate members of the Falmouth Veterans Council Committee.

BACKGROUND/SUMMARY:

- The Veterans Council Policy adopted by the Select Board calls for 9 members at the discretion of the Board. The Policy identifies 6 veterans organizations each of which is invited to nominate one member to serve on the Council. The other three seats are at-large.
- Two of these organizations did not nominate a member to the Council for the year beginning July 1, 2022 resulting in vacancies for well over a year. Those organizations are:

- Veterans of Foreign War (VFW)
 - Falmouth Military Support Group
- The Town Manager's Office staff solicit nominations from all of these veterans organizations every year. The Veterans Office staff follow up with the appointees and/or organizations to remind them of the need to request reappointment on an annual basis.
 - The DAV seat has been vacant since June 30, 2023. We are told the DAV designee (Ron Nasif) who was appointed for the year ending June 30, 2023 has continued to attend and participate in Council meetings. Staff will send another reminder to the DAV that they need to submit a nomination to fill this vacancy.
 - The Veterans Council has made a determination via unanimous vote that the VFW and Falmouth Military Support Group have vacated their respective appointments citing section 3C. of the Committee Handbook – see 02/15/2024 email from Council Chair Carissa April.
 - The Veterans Council is requesting the Select Board appoint a nominee of the Cape and Islands Veterans Outreach Center – see 06/03/2024 email from Council Chair Carissa April.
 - On 06/04/2024, the Town Managers office received a letter from the VFW nominating Ahmed Mustafa to serve on the Veterans Council.

DEPARTMENT RECOMMENDATION:

- The Town Manager recommends the Select Board modify the composition of the Veterans Council as requested by the Veterans Council by removing the VFW and the DAV from the list of organizations that submit nominations for membership, and, by adding the Cape and Islands Veterans Outreach Center as an organization invited to submit a nomination.

Motion:

- Motion to amend the Veterans Council Policy by removing the VFW and the DAV from the list of organizations that nominate members, and, by adding the Cape and Islands Veterans Outreach Center as an organization that nominates a member.

OPTIONS:

- Motion to approve the amendments to the Veterans Council composition as presented.

- Take no action on requested changes to the Veterans Council.
- Some other Board defined alternative motion.

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:

Town Manager

6/27/2024

Date

Diane Davidson

From: Carissa April [REDACTED]
Sent: Monday, June 3, 2024 6:03 PM
To: Falmouth Selectboard
Cc: Julie Cadogan; Don Lincoln; Paula Smith; Rob Foos [REDACTED]; Elizabeth Sweeney; Ron Nasif [REDACTED]; Brian Hodor; dbranga [REDACTED]
Subject: Re: Falmouth Veterans Council Vacancies

Hi again,

To follow on this email from several weeks ago now, we have spoken with the Cape and Islands Veteran Outreach Center organization to assess their interest in having a representative seat on the Falmouth Veterans Council.

As they serve many towns on Cape Cod and MV, and as they have board members who are Falmouth residents, the Veterans Council feels this organization would be an appropriate one to provide a permanent member.

Please consider this recommendation & let us know how you would like to proceed.

Regardless of the decision to add a seat for CIVOC, our recommendation to remove the seats for FMSG and VFW remains unchanged as they have both been vacant for what is now approaching two years.

Thank you,
Carissa April
Chair, Falmouth Veterans Council

On Thu, Feb 15, 2024 at 4:49 PM Carissa April [REDACTED] wrote:
Greetings, Mr. Zylinski and the Board,

In our recent meeting, we identified two positions in our Council membership that have been vacant for at least 12 months.

As you know, the Handbook (Section 3.C.) defines a member who has missed one-half of the total number of meetings during any twelve-month period or four or more consecutive meetings to be considered vacating the office.

In this case, the vacancies are not members, but the *organizations* who have had permanent seats on the Council: the Falmouth Military Support Group and the Falmouth VFW. Whether because of their own diminishing memberships or lack of alignment with the committee's work, neither organization has been able to identify a representative to serve on the committee, thereby leaving these seats open and ineffective for an extended period of time.

This email is to notify you of our determination (confirmed by unanimous vote) of these vacated positions. We are preparing a proposal for the process to fill these organization-vacancies and will send you our recommendations following our March meeting.

Please reply if you have any questions or guidance in the meantime.
Thank you,

Carissa April
Chair, Falmouth Veterans Council

Diane Davidson

From: Carissa April [REDACTED]
Sent: Thursday, February 15, 2024 4:50 PM
To: Falmouth Selectboard
Cc: Julie Cadogan; Don Lincoln; Paula Smith; Rob Foos [REDACTED]; Elizabeth Sweeney; Ron Nasif [REDACTED]; Brian Hodor; Bill Doherty
Subject: Falmouth Veterans Council Vacancies

Greetings, Mr. Zylinski and the Board,

In our recent meeting, we identified two positions in our Council membership that have been vacant for at least 12 months.

As you know, the Handbook (Section 3.C.) defines a member who has missed one-half of the total number of meetings during any twelve-month period or four or more consecutive meetings to be considered vacating the office.

In this case, the vacancies are not members, but the *organizations* who have had permanent seats on the Council: the Falmouth Military Support Group and the Falmouth VFW. Whether because of their own diminishing memberships or lack of alignment with the committee's work, neither organization has been able to identify a representative to serve on the committee, thereby leaving these seats open and ineffective for an extended period of time.

This email is to notify you of our determination (confirmed by unanimous vote) of these vacated positions. We are preparing a proposal for the process to fill these organization-vacancies and will send you our recommendations following our March meeting.

Please reply if you have any questions or guidance in the meantime.

Thank you,

Carissa April

Chair, Falmouth Veterans Council

Falmouth Select Board
Veterans Council Policy

The Veterans Council is established pursuant to G.L. c. 115, s. 12 and consists of five (5) to fifteen (15) members at the discretion of the Select Board. The Select Board is the appointing authority for the Council. The statute provides no procedure for appointments.

Over the years, the Select Board has deferred to various veterans organizations to nominate members of the Council. These organizations are the Veterans of Foreign Wars (VFW), Joe Q Veteran Coffee Break, Inc., AMVETS, Disabled American Veterans (DAV), the Elks Lodge and the Military Support Group. The statute does not require that a member of the Council be a veteran. It has been the practice of the Select Board to appoint members of the Council nominated by these organizations and not to solicit applications for membership from the community-at-large.

The Falmouth Home Rule Charter contains sections C7 – 1A and C7 - 1B. These sections apply to Committees established or continued by the Charter. As a statutory committee, the Veterans Council is not specifically governed by the Charter. Section C7 – 1A requires the Select Board to publicize vacancies on committees to solicit application and promote diversity on appointed committees. Section C7 – 1B authorizes the Select Board to consult with committees to obtain the names of persons willing to serve.

In an effort to reconcile past practices with the spirit and intent of the Falmouth Home Rule Charter, the Select Board adopts this policy. The Veterans Council shall have nine (9) members at the discretion of the Select Board appointed to one-year terms. Whenever there is a vacancy on the Veterans Council, the Select Board will (a) publish the vacancy in accordance with section C7 – 1A of the Charter and (b) solicit nominations from the veterans' organizations. Each of the above mentioned veterans' organizations may nominate one member of the council to serve at any time. Candidates nominated by a veteran's organization will be appointed unless the Select Board specifically disapproves of a nominee for good cause, under which conditions the nominating organization will be approached for another

nomination. Thereafter, the Select Board will appoint the remaining 3 members of the Council in the same manner it appoints members of other committees.

Preference shall be given to those with a personal interest in the affairs of veterans, such as a Gold Star Parent.

Committee Members

Veterans Council Committee

	<u>Chair</u> Name	Telephone		
<i>At-large</i>	<input type="checkbox"/> Brian Hodor		email:	
	247 Seaward Bend		First appointed:	12/5/2022
	Teaticket	02536	Current expires:	6/30/2024
<i>Joe Q</i>	<input type="checkbox"/> Carissa April - Joe Q Rep		email:	
	448 Woods Hole Rd.		First appointed:	3/8/2021
	Woods Hole	02543	Current expires:	6/30/2024
<i>EIKS</i>	<input type="checkbox"/> Lt. Col. Elizabeth S. Sweeney, El		email:	
	25 Chilmark Dr., Unit G		First appointed:	9/13/2021
	East Falmouth	02536	Current expires:	6/30/2024
<i>At-large</i>	<input type="checkbox"/> Paula T. Smith		email:	
	14 North Hill Drive		First appointed:	12/20/2021
	North Falmouth	02556	Current expires:	6/30/2024
<i>At-large</i>	<input type="checkbox"/> Robert Foos		email:	
	667 N. Falmouth Hwy.		First appointed:	3/16/2015
	North Falmouth	02556	Current expires:	6/30/2024
	<input type="checkbox"/> Vacant - <u>DAV Rep</u>		email:	
			First appointed:	
			Current expires:	6/30/2024

Vacant - Fal Mil Sup Rep

email:

First appointed:

Current expires: 6/30/2024

Vacant - VFW Rep

email:

First appointed:

Current expires: 6/30/2024

Amvets

William Doherty, Amvets Rep

P.O. Box 430

Cataumet 02534

email:

First appointed: 7/26/2021

Current expires: 6/30/2024

OPEN SESSION

BUSINESS

6. Discuss letter from the Cape and Islands Municipal Leaders Association, Inc. regarding the Gulf of Maine wind lease area **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 6.

ITEM TITLE: Discuss letter from the Cape and Islands Municipal Leaders Association, Inc. regarding the Gulf of Maine wind lease area

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Letter from the Cape & Islands Municipal Leaders Association, Inc regarding the Gulf of Maine wind lease sale, dated June 25, 2024; email thread

PURPOSE:

The Select Board will discuss a letter written by the Cape & Islands Municipal Leaders Association, Inc. (CIMLA) regarding the Association's concerns about the Gulf of Maine Lease Sale, and for the possible purpose of directing the Town Manager to draft a comment letter to be sent to the Office of Renewable Energy Programs in support of the CIMLA concerns.

BACKGROUND/SUMMARY:

- On June 25, 2024 the Cape & Islands Municipal Leaders Association, Inc (CIMLA) sent a letter to the Office of Renewable Energy Programs expressing the Association's concerns with the wind lease area within the Gulf of Maine.

- The Association discovered that six of the eight proposed wind lease areas are directly off the coast of Cape Cod, and that approximately 1,000 floating wind turbines would be visible from Wellfleet to Chatham, including the Cape Cod National Seashore.
- The concept of floating wind turbines, which would be anchored to the sea floor by chains or cables, has never been done before at this proposed scale and the potential negative impacts to the local fishing economy would be significant.

DEPARTMENT RECOMMENDATION:

This item is for informational purposes and discussion. Based on the discussion, the Select Board may decide to take action and direct the Town Manager to draft a letter for consideration at a future Board meeting.

OPTIONS:

N/A

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

This item is for informational purposes and discussion. Based on the discussion, the Select Board may decide to take action and direct the Town Manager to draft a letter for consideration at a future Board meeting.

Michael Renshaw

Town Manager

6/27/2024

Date



Cape and Islands Municipal Leaders Association, Inc.

<https://cimla.org/>
Representing 22 Municipalities & 105 Elected Officials

P.O. Box 306
Sagamore Beach, MA 02562-0306

June 25, 2024

Submitted electronically to <https://www.regulations.gov> and by regular U.S. Mail

Mr. Zachary Jylkka
Renewable Energy Program Specialist
Office of Renewable Energy Programs
45600 Woodland Road, Mailstop: VAM-OREP
Sterling, VA 20166

Re: Gulf of Maine Lease Sale PSN Comments (BOEM-2024-0026)
Request 180-day comment period extension

Dear Mr. Jylkka:

The Cape and Islands Municipal Leaders Association, Inc. (CIMLA), membership of 105 elected officials, represents the twenty-two municipalities of Cape Cod, Martha's Vineyard and Nantucket. We thank you for your presentation to our membership at our Annual Meeting held on June 14, 2024, the Lower/Outer Cape Briefing on June 25, and for this opportunity to comment on the Gulf of Maine offshore wind proposed sale notice.

CIMLA members are elected to serve our communities with the highest regard for public process and are committed to working with our federal and state partners who share this obligation as we responsibly transition to clean energy resources.

Our first comment, given this commitment to an informed public process, as further described in our list of concerns below, is that the short comment period currently set to close on July 1, 2024, be extended to July 22, 2024 to coincide with the close of comments due on the draft Environmental Assessment. This comment period extension will allow for additional public meetings to address comments and concerns and provide for a more streamlined permitting, construction and operation of what is likely the most significant investment in energy facilities ever to be made.

CIMLA comments and concerns, not limited to or in priority order, are:

1. Floating offshore wind turbines have never been installed at this scale and in the resources provided to date we are not able to assess the impacts of such deployment, specifically how would a municipality be protected in the event wind turbine debris from a major catastrophic event were to impact the community?
2. Significant gaps were identified in a NOAA Technical Memorandum *Fisheries and Offshore Wind Interactions: Synthesis of Science* (NMFS-NE-291, March, 2023) and we highlight some with more specific questions as follows:
 - a. What is the annual revenue generated from commercial fisheries in the federal waters of BOEM's Gulf of Maine Planning Area?
 - b. How much of the total fisheries revenue in the Gulf of Maine is landed by the multispecies ground fishing fleet?
 - c. Which state is largely associated with the multispecies ground fishing fleet in the Gulf of Maine?
 - d. Why is the groundfish industry important to the economy of Massachusetts?

- e. How might offshore wind development impact small fisheries and small ports in New England, and what are the broader implications for marine fisheries and management decisions that may not show up in the general data report?
 - f. What concerns are raised and addressed regarding the Draft Wind Energy Area near Georges Bank in relation to high valued fisheries and sensitive deep water coral habitat?
 - g. What types of fisheries and habitats could be affected by development near Georges Bank?
 - h. What historic data has been documented in offshore wind development in the Gulf of Maine predicting future fishing activity?
 - i. What safety concerns are highlighted by safety industry experts and US Coast Guard regarding offshore wind development?
 - j. What recommendations are made by the Gulf of Maine commercial fishing industry before identifying and leasing areas for offshore wind development?
 - k. Offshore wind installations that utilize floating turbine moorings may present an entanglement risk for marine creatures (at 17 & 42 of the Technical Memo). What modeling studies have been completed or are being conducted specific to the entanglement risk with moorings of floating marine turbines and the inter-array buoyed cables to marine species in the Gulf of Maine?
3. Gulf of Maine is a seasonally stratified water body and there is the risk that wake effect of currents will cause the waters to mix and be changed irreversibly – what scientific studies have been done in this regard?
 4. The Draft Environmental Impact Assessment covers the work associated with surveying and characterizing the lease areas but does not cover the construction and post-construction period. While the area has been reduced from the DRAFT WEA, there are concerns about the impacts on protected marine species, specifically the North Atlantic Right Whale, with leases located in mapped NMFS critical habitats for the species. Additionally,

there are areas with lease areas where significant right whale densities are reported. This impact cannot be assessed without further details, and while that may be part of the environmental assessment done at a later date once the lessees develop their plans, it is important to note at this time the concerns around this species in particular

<https://www.fisheries.noaa.gov/resource/map/north-atlantic-right-whale-critical-habitat-map-and-gis-data>

5. What role, involvement, comments or concerns to date has the Cape Cod National Seashore and/or the Advisory Commission provided in developing this proposed sale notice?
6. Simulated views have been provided from Highland Light, Marconi Beach and Nauset Beach (the simulations are available here <https://www.boem.gov/renewable-energy/state-activities/gulf-maine-proposed-lease-areas-cape-cod-offshore-wind-visual>
 - a. Please provide simulations of how they would appear at night with the safety lighting at each of the above locations.
7. Is there an integrated permitting scheme of Federal, State and local permitting authorities proposed for the significant transmission lines that will be necessary to come onshore?
8. Will lease sale conditions, especially given the phased approach, include provisions that the multiple developers must work together to design, permit, construct and operate joint-transmission facilities to minimize negative impacts (including avoiding or reducing activity in Stellwagen Bank National Marine Sanctuary)?
9. 15 GW of new energy generation, equivalent to the generating capacity of more than 12 Seabrook Nuclear Power Stations, coming to the potential sites of: Sandwich, Plymouth, Boston, Salem and other interconnections will require significant substation, transmission and likely distribution system

upgrades. Has ISO New England and the local electric distribution companies provided comments to date?

10. BOEM has indicated that offshore power substations will likely be necessary due to the distance involved in bring the power to shore from the offshore wind facilities. Can additional details be provided about such offshore power substations?
11. Will any/all local substation, transmission and distribution system upgrades associated with the interconnections of this new wind energy be borne by the developer(s) and not electric ratepayers?
12. The purpose, funding estimates, allocation, monitoring and reporting of the Fisheries Compensatory Mitigation Fund (FCMF) associated with this project is lacking. If the FCMF is intended to address potential impacts on our fishing industry from offshore wind energy development more specifics need to be provided by BOEM to allow for informed comments.
13. The proposed Gulf of Maine Master Lease includes a provision that the Lessee must remove or decommission all facilities within two years of lease termination (Section 13, Form BOEM-0008 (October 2016)). Is there a decommissioning fund contemplated, how is the value determined, who manages it and would it also be available for facilities that may need to be removed from State or local properties?

Thank you for considering our comments and with these concerns we request the extension of the comment period to July 22, 2024 to also include an outreach action plan for our constituency.

BOEM-2024-0026

June 25, 2024

Page 6

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Doug C Brown". The signature is fluid and cursive, with a long horizontal stroke at the end.

Douglas C. Brown

President, Cape & Islands Municipal Leaders Association, Inc. and
Select Board Member, Town of Falmouth, Massachusetts

cc: Governor Maura Healey
Lieutenant Governor Kim Driscoll
Secretary Rebecca Tepper, EEA
Senator Ed Markey
Senator Elizabeth Warren
Representative Bill Keating
Senator Julian Cyr
Senator Susan L. Moran
Senator Bruce Tarr
Representative Sarah K. Peake
Daniel McKiernan, Director Mass Division of Marine Fisheries
CIMLA membership

Mike Renshaw

From: Doug Brown
Sent: Tuesday, June 25, 2024 6:12 PM
To: Nancy Taylor; Mike Renshaw
Subject: CIMLA comment letter to BOEM
Attachments: Document_2024-06-25_173427.pdf

Hi Nancy and Mike

Are we meeting Monday July 1st? If so, please consider adding a brief agenda item to discuss sending a comment letter to BOEM regarding the Gulf of Maine wind lease area. It has only recently come to our attention at CIMLA that 6 of the 8 proposed lease areas are directly off the coast of Cape Cod. Approximately 1000 turbines will be visible from Wellfleet to Chatham day and night. That includes the Cape Cod National Seashore.

Furthermore the proposed turbines off Cape Cd are proposed to be floating turbines anchored to the sea bed with cables or chains.

This has never been done before on a scale of this magnitude. It is also unclear if the cables will be placed on Stellwagen Bank. The implications for the local fishing community is significant.

I have attached a copy of the comment letter from CIMLA which I just signed and returned for distribution to our members.

Thank You

Doug

508 560 4149

Begin forwarded message:

From: Douglas Brown [REDACTED]
Date: June 25, 2024 at 5:35:29 PM EDT
To: Doug Brown <doug.brown@falmouthma.gov>
Subject: Pdf from Douglas Brown

OPEN SESSION

CONSENT AGENDA

1. Licenses

- a. Approve the application by Falmouth Elks Lodge #2380 B.P.O.E. of U.S.A., Inc. for a Change of Officers/ Directors of a Non-Profit All Alcohol Club License to be exercised at 140 Palmer Avenue, Falmouth



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Licenses 1.a.

ITEM TITLE: Approve the application by Falmouth Elks Lodge #2380 B.P.O.E. of USA, Inc. for a Change of Officers/Directors of a Non-Profit All-Alcohol Club License to be exercised at 140 Palmer Avenue, Falmouth

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review form; ABCC Application for Amendments-Change of Officers; Emails

PURPOSE:

The Select Board is requested to review and approve an application by Falmouth Elks Lodge #2380 B.P.O.E. of USA, Inc. for a Change of Officers/Directors of a Non-Profit All-Alcohol Club License to be exercised at 140 Palmer Avenue, Falmouth.

BACKGROUND/SUMMARY:

- The applicant submitted the proper ABCC Application for Amendment- Non-Profit Club Change of Officers/Directors.
- The Falmouth Police Department has reviewed the application and has no objection to its approval.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board vote to approve the application by Falmouth Elks Lodge #2380 B.P.O.E. of USA, Inc. for a Change of Officers/Directors of a Non-Profit All-Alcohol Club License to be exercised at 140 Palmer Avenue, Falmouth.

OPTIONS:

- Motion to approve the application by Falmouth Elks Lodge #2380 B.P.O.E. of USA, Inc. for a Change of Officers/Directors of a Non-Profit All-Alcohol Club License to be exercised at 140 Palmer Avenue, Falmouth as presented.
- Motion to deny approval of the application by Falmouth Elks Lodge #2380 B.P.O.E. of USA, Inc. for a Change of Officers/Directors of a Non-Profit All-Alcohol Club License to be exercised at 140 Palmer Avenue, Falmouth.
- Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board vote to approve the application by Falmouth Elks Lodge #2380 B.P.O.E. of USA, Inc. for a Change of Officers/Directors of a Non-Profit All-Alcohol Club License to be exercised at 140 Palmer Avenue, Falmouth.

Michael Renshaw

Town Manager

6/27/2024

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: Falmouth Elks Lodge #2380 B.P.O.E. of U.S.A., Inc.

Address: 140 Palmer Avenue, Falmouth

License Type: _____

New License _____

Transfer of License _____

Change of License Change of Officers

Police No objection

Fire _____

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

NOTES:

This application is for a Non-Profit Club. This type of club is not required to submit CORI forms unless the ABCC makes a direct request.



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

APPLICATION FOR AMENDMENT

-Change of Officers, Stock or Ownership Interest

Change of Officers/ Directors/LLC Managers **Change of Stock Interest**

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Officer/Directors Application
- Vote of the Entity
- CORI Authorization
- Business Structure Documents
 - If Sole Proprietor, Business Certificate
 - If partnership, Partnership Agreement
 - If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth

(e.g. New Stockholders or Transfer or Issuance of Stock)

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Stock Application
- Financial Statement
- Vote of the Entity
- CORI Authorization
- Purchase & Sale Agreement
- Supporting Financial Records
- Advertisement
- Business Structure Documents
 - If Sole Proprietor, Business Certificate
 - If partnership, Partnership Agreement
 - If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth

Change of Ownership Interest

(e.g. LLC Members, LLP Partners, Trustees etc.)

- Payment Receipt
- Monetary Transmittal
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Stock Application
- Financial Statement
- Vote of the Entity
- CORI Authorization
- Business Structure Documents
- Purchase & Sale Agreement
- Supporting Financial Records
- Advertisement
 - If Sole Proprietor, Business Certificate
 - If partnership, Partnership Agreement
 - If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth

Non-Profit Club Change of Officers/ Directors

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Officer/Directors Application
- Vote of the club signed by an approved officer
- Business Structure Documents -Articles of Organization from the Secretary of the Commonwealth

Management Agreement

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Vote of Entity
- Management Agreement

**If abutter notification and advertisement are required for transaction, please see the local licensing authority.*

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Falmouth Elks Lodge #2380 B.P.O.E of U.S.A., Inc.	Falmouth	00049-CL-0390

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

Change in Manager and Officers

APPLICATION CONTACT

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

Name	Title	Email	Phone
David M Branga	Secretary	[REDACTED]	[REDACTED]

APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest

2. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

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

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

Name of Principal	Residential Address	SSN	DOB
Kirk Marks	345 Palmer Avenue Falmouth, MA 02540	[REDACTED]	[REDACTED]
Title and or Position Manager	Percentage of Ownership 0	Director/ LLC Manager <input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Yes <input type="radio"/> No
Dennis Souweine	76 E Harbor Dr Teaticket MA 02536	[REDACTED]	[REDACTED]
Title and or Position Exalted Ruler <i>President PMS</i>	Percentage of Ownership 0	Director/ LLC Manager <input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Yes <input type="radio"/> No
Jason Mitchell	21 Buzzards Bay Ave Buzzards Bay MA 02532	[REDACTED]	[REDACTED]
Title and or Position Leading Knight <i>Director PMS</i>	Percentage of Ownership 0	Director/ LLC Manager <input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Yes <input type="radio"/> No
Ann Marie Giempietro	27 Spectacle Pond Dr East Falmouth MA 02536	[REDACTED]	[REDACTED]
Title and or Position Loyal Knight	Percentage of Ownership 0	Director/ LLC Manager <input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Yes <input type="radio"/> No
David M Branga	80 Grace Ct East Falmouth MA 02536	[REDACTED]	[REDACTED]
Title and or Position Secretary <i>CLC PMS</i>	Percentage of Ownership 0	Director/ LLC Manager <input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Yes <input type="radio"/> No
Dana Nielsen	300 John Parker Rd	[REDACTED]	[REDACTED]
Title and or Position Treasurer	Percentage of Ownership 0	Director/ LLC Manager <input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Yes <input type="radio"/> No

Additional pages attached? Yes No

CRIMINAL HISTORY
 Has any individual listed in question 2, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions. Yes No

MANAGEMENT AGREEMENT
 Are you requesting approval to utilize a management company through a management agreement? Please provide a copy of the management agreement. Yes No

APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest

3. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
Kirk Marks	Mgr	0
Name of Principal	Title/Position	Percentage of Ownership
Mike Lynch	Exalted Ruler	0
Name of Principal	Title/Position	Percentage of Ownership
Jason Mitchell	Loyal Knight	0
Name of Principal	Title/Position	Percentage of Ownership
Ann Maire Glempletro	Lecturing Knight	0
Name of Principal	Title/Position	Percentage of Ownership
David M Branga	Secretary	0
Name of Principal	Title/Position	Percentage of Ownership

4. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 2, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

5. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 2, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 4 or 5 ever been suspended, revoked or cancelled? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

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

Phyllis Downey

From: Brian Reid <brian.reid@falmouthpolicema.gov>
Sent: Monday, June 10, 2024 7:22 AM
To: Falmouth Licensing; Jeff Lourie; Ryan Hergt
Subject: Re: Application - Change of Officers

No objection from Police.

Respectfully,

Captain Brian L. Reid
Falmouth Police Department

From: Falmouth Licensing <licensing@falmouthma.gov>
Sent: Friday, June 7, 2024 2:57:22 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>
Subject: Application - Change of Officers

Good afternoon,

Attached please find an application by Falmouth Elks Lodge #2380 B.P.O.E. of U.S.A., Inc. for a Change of Managers. May we please request your recommendations if any to the Select Board by June 21st?

Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540
508.495.7325

When responding, please be aware that most email correspondence to and from municipalities is public record and therefore cannot be kept confidential.

OPEN SESSION

CONSENT AGENDA

1. Licenses

- b. Approve application for Special One-Day All Alcoholic Liquor Licenses – New England Festivals, Inc. – Harbor Light Illumination Concert Series & Night Market – Saturdays, 7/6, 7/13, 7/27, 8/10, 8/17 & 8/24/24



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Licenses 1.b.

ITEM TITLE: Application for a Special One-Day All Alcoholic Liquor Licenses- New England Festivals, Inc. – Harbor Light Illumination Concert Series and Night Market- Saturdays, July 6, July 13, July 27, August 10, August 17, and August 24, 2024

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: One Day Liquor License Application Review Form, Emails from Reviewers, Special Event Permit dated February 14, 2024; Town Manager’s Working Group Review Form; Letter from New England Festivals, Inc.; Site Plan;

PURPOSE:

The Select Board will consider the approval of an application for Special One-Day All Alcoholic Beverages Licenses- New England Festivals, Inc. – Harbor Light Illumination Concert Series and Night Market- Saturdays, July 6, July 13, July 27, August 10, August 17, and August 24, 2024.

BACKGROUND/SUMMARY:

- Applicant Lillian Kazanis, on behalf of New England Festivals, Inc. submitted the Special One-Day License for the Sale of All Alcoholic Beverages on January 17, 2024.

- The event, titled Harbor Light Illumination, will take place each Saturday from July 6 through August 24, 2024 between the hours of 5:00 PM-9:30 PM, and approximately 150 people per night are expected to attend.
- The Police and Fire Rescue Departments have reviewed the application and have no objections or concerns with the event.
- Marine & Environmental Services, Health Department, Recreation Department, and the Department of Public Works have reviewed the application and have no concerns or objections.
- The event was discussed by the Town Manager's Working Group for Special Events at its meeting on January 25, 2024 and the Working Group recommends approval.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the application for a Special One-Day All Alcoholic Liquor Licenses- New England Festivals, Inc. – Harbor Light Illumination Concert Series and Night Market- Saturdays, July 6, July 13, July 27, August 10, August 17, and August 24, 2024 as presented.

OPTIONS:

- Motion to approve the application for a Special One-Day All Alcoholic Beverages License- for a Special One-Day All Alcoholic Liquor Licenses- New England Festivals, Inc. – Harbor Light Illumination Concert Series and Night Market- Saturdays, July 6, July 13, July 27, August 10, August 17, and August 24, 2024.
- Motion to deny approval of a Special One-Day All Alcoholic Beverages License- for a Special One-Day All Alcoholic Liquor Licenses- New England Festivals, Inc. – Harbor Light Illumination Concert Series and Night Market- Saturdays, July 6, July 13, July 27, August 10, August 17, and August 24, 2024.
- Select Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board approve the application for a Special One-Day All Alcoholic Liquor Licenses- New England Festivals, Inc. – Harbor Light Illumination Concert Series and Night Market- Saturdays, July 6, July 13, July 27, August 10, August 17, and August 24, 2024 as presented.

Michael Renshaw

Town Manager

6/27/2024

Date

Date: 7/1/24

ONE-DAY LIQUOR LICENSE APPLICATION REVIEW FORM

Applicant: New England Festivals, Inc., Lillian Kazanis

Event: Harbor Lights Illumination Concert & Night Market

Location: Bandshell, Marina Park, 180 Scranton Ave., Falmouth

Date: Saturdays, 7/6 - 8/24 **Time:** 5:00 p.m. to 9:30 p.m.

License Type: Wine & Malt Beverages or All Alcoholic Beverages

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Police | <u>No objections.</u> |
| <input checked="" type="checkbox"/> Fire | <u>Contact Fire Department to schedule inspections of food truck vendors.</u> |
| <input checked="" type="checkbox"/> Health | <u>Each individual vendor must apply for food permit 30 days in advance.</u> |
| <input checked="" type="checkbox"/> Building | <u>No objections.</u> |
| <input type="checkbox"/> Communications | <u></u> |
| <input checked="" type="checkbox"/> M.E.S. | <u>No objections.</u> |
| <input checked="" type="checkbox"/> DPW | <u>No objections.</u> |
| <input checked="" type="checkbox"/> Recreation | <u>No objections.</u> |
| <input checked="" type="checkbox"/> Beach | <u></u> |
| <input type="checkbox"/> | <u></u> |

NOTES: This event was discussed by the Internal Working Group
for Special Events at its meeting on Thursday, January 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: Lillian Kazanis

ADDRESS OF APPLICANT: P.O. Box 1244

N. Falmouth MA 02556
TOWN STATE ZIP CODE

NAME OF ORGANIZATION: New England Festivals Inc.

MAILING ADDRESS: P.O. Box 1244, N. Falmouth, MA 02556

TELEPHONE #: [REDACTED] EMAIL: lilliankazanis@newenglandfestivals.org

LOCATION TO BE LICENSED-ADDRESS: 180 Scranton Ave.

Falmouth MA 02556
TOWN STATE ZIP CODE

EVENT TITLE: Harbor Light Illumination APPROXIMATE # OF PEOPLE: 150

DATE(S) OF EVENT: Saturdays 7/6-8/24 HOURS OF EVENT: 5:00 pm - 9:30 pm

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Lillian Kazanis

TYPE OF LICENSE:
1. WINE & MALT FOR PROFIT
2. ALL ALCOHOLIC NON-PROFIT ORGANIZATIONS ONLY NON-PROFIT

REQUIREMENTS check list:

- ✓ 1. Submit in a separate note or letter a narrative overview of the event including a description of the premises, food service, and security
- ✓ 2. Certificate of non-profit status (if your organization is non-profit)
- 3. Certificate of liquor liability insurance; 1 MILLION PER OCCURANCE - \$2 MILLION AGGREGATE
- ✓ 4. Certificate of TIPS or other alcohol safety training for all persons handling alcohol
- ✓ 5. Floor plan of area where alcohol will be served, consumed, and securely stored and how this will be separated from public areas (roping, fences, etc.)
- 6. Temporary Food Permit (Health Department)

1/17/24
DATE

Lillian Kazanis
APPLICANT SIGNATURE

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



Dear Select Board members,

New England Festivals Inc. would like to present the third annual Harbor Light Illumination Concert Series & Night Market.

This concert series will feature local as well as regional musicians who have a focus on the Americana, folk, singer-songwriter, bluegrass, jazz and world music genres.

Provided below are additional requests and details so that the event can be as successful, welcoming, and safe as possible.

Requests:

- Use of outlets provided on the band shell stage.
- Permission to utilize a generator or solar-powered battery source for additional lighting on the premises if needed
- Permission to utilize the public restrooms on-site
- Permission to utilize and reserve parking spot or space on the field for potential food trucks or food vendors (TBD)
- Permission to use pop-up tents (10x10) similar in size to those utilized during the farmer's market
- Permission to utilize amplified sound equipment not to exceed maximum decibels of town requirements or standards.
- Permission to post lawn signs along the street pending signage permit approval.

Recycling and Rubbish Removal Plan

- New England Festivals will provide trash and recycling receptacles for patrons to utilize as well as remove said receptacles post-event.
- New England Festivals will remove any waste found on the premises post-event if necessary.

One-Day Liquor License Proposal

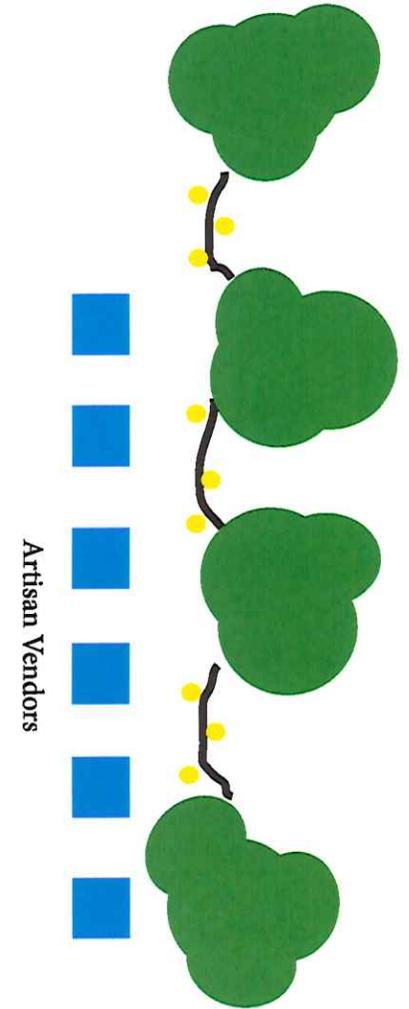
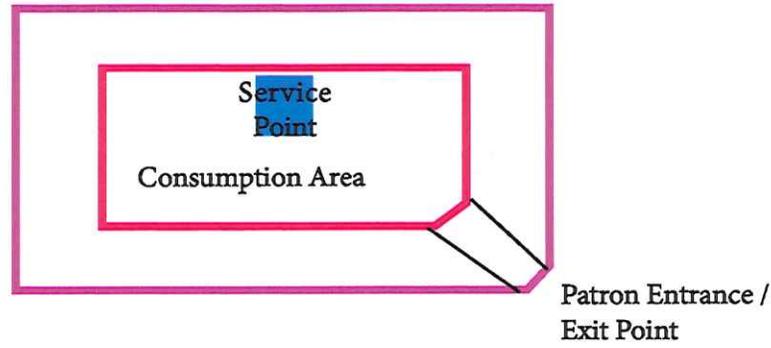
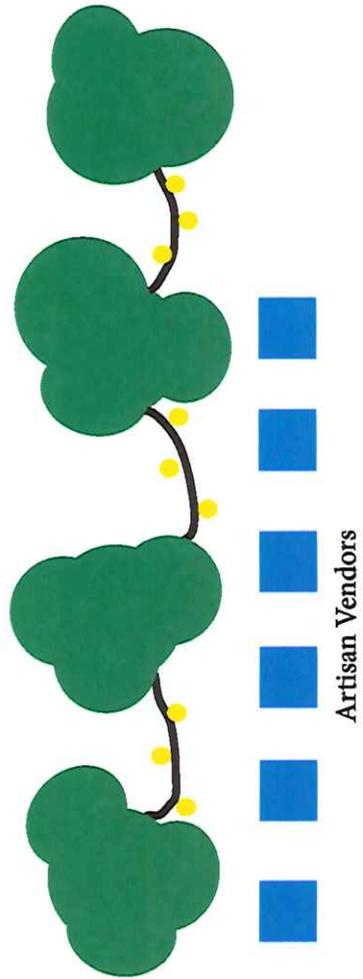
- A double enclosed, secured, fenced-in area meeting town requirements to serve alcoholic beverages pending permit approval will be built in the back center area of the field in front of the town bandshell. Partner/Sponsor establishments will provide certified TIPS staff for the handling of alcohol as well as security to ensure all persons entering libation area are of legal age.

In addition, each concert of the series will be a donation-based event. Proceeds will go toward the New England Festivals Inc., a non-for-profit, being able to support multiple causes that interlink the arts, education and well being for children and families in Falmouth.

I hope that as a lifelong Falmouth resident, this becomes a community event that everyone can look forward to each year.

Sincerely,
Lillian Kazanis

Harbor Light Illumination Site Map



Stage



Town of Falmouth

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

SPECIAL EVENT PERMIT

Event Name	Harbor Light Illumination Concert Series & Night Market
Type of Event	Concert Series and Night Market
Applicant Name	New England Festivals, Inc., Lillian Kazanis
Mailing Address	P.O. Box 1244, North Falmouth, MA 02556
Event Day & Date	Saturdays: July 6, July 13, July 27 and August 10, August 17, August 24, 2024
Rain Date	None.
Event Location	Bandshell/Marina Park
Event Hours	5:00 p.m. – 9:30 p.m.
Set-Up / Break Down	Same day – 12:00 noon. / Same day – 11:00 p.m.
Number of Attendees	100 – 150
Number of Vehicles	50 – 60
Parking Plan	Public parking, surrounding sponsor lots.
Signs	Yes. Lawn signs along Scranton Ave. on day of event.
Tents	Yes. 10 x 10 pop-up at Marina Park for night market.
Food / Beverages	Yes. Food trucks or food vendors. NO parking of food trucks on field.
Alcohol	Yes. Special one-day wine & malt liquor license required.
Entertainment	Yes. Local and regional musicians. Amplified music.
Additional Details	Use of electricity at bandshell.
Standard Conditions	<ol style="list-style-type: none"> Contact the following Town Departments 30 days prior to event: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Police Detail Sergeant for public safety requirements. <input checked="" type="checkbox"/> Fire Department for EMS or fire detail coordination. <input checked="" type="checkbox"/> Fire Department for inspection of food trucks. <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. <input checked="" type="checkbox"/> Inspectional Services for sign permit. <input checked="" type="checkbox"/> Health Department for temporary food permit and to schedule inspection. <input checked="" type="checkbox"/> Recreation Department to reserve field/ball field. <input checked="" type="checkbox"/> Recreation Department Friday before the event to pick up the key to access electricity at band shell. No parking on Marina Park field. Follow the "Recycling Instructions for Special Events", attached. Check the location following the event to clean up any litter or debris.
Special Conditions	<ol style="list-style-type: none"> Harbormaster Office to obtain key to public restrooms. Organizer to lock restrooms after event. No parking at Pier 37 Boathouse parking lot, Windfall Market parking lot, or other neighboring business parking lot, unless a letter is obtained from neighboring business authorizing use of its parking lot.
Insurance Certificate	Naming the Town of Falmouth as additional insured.
Fees	Filing: \$10.00 · Permit: \$1,200.00 · Deposit: \$300.00 (separate check)

APPROVED:

Town Manager

 2/14/2024
Date

Town Manager's Working Group Review Form

Meeting/Review Date: Thursday, January 25, 2024
 Event Name: Harbor Light Illumination Concert Series & Night Market
 Event Description: Concert series and night market
 Applicant: New England Festivals Inc., Lillian Kazanis
 Location: Marina Park and Bandshell
 Date of Event: Saturdays: 7/6, 7/13, 7/27, 8/10, 8/17, 8/24 Time: 5:00 p.m. to 9:30 p.m.
 Rain Date: None.
 Set-up Date: Same day Time: 12:00 p.m. Breakdown Date: Same day Time: 11:00 p.m.
 Number of Attendees: 100 - 150
 Recurrence/# Years at Site: Recurring event. 3 years.
 One-Day Liquor License? Y/N Yes Food/Beverages? Y/N Yes
 Signs: Y/N Yes How Many: _____ Where: Lawn signs along street.
 Tents: Y/N Yes How Many: _____ Size: 10' x 10' Where: Marina Park
 Parking Plan: Public parking, surround sponsor lots.
 Entertainment: live, local and regional musicians - Americana, folk, singer-songwriter, bluegrass, jazz and world music genres.

Reviewers/Sign In:	Name	Comments	Written Referral	
Department of Public Works:	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Parks Department	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Highway Department	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Engineering	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Police Department	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Fire Department	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Emergency Communications	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Recreation Director	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Building Commissioner	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Health Department	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Beach Department	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Marine & Environmental Svcs.	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Zoning Enforcement Officer	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Bicycle & Pedestrian Committee	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Other	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>

Does this Event Meet the Minimum Requirements of the Special Events Policy? – Yes/No

If No, what are the shortfalls of the application that must be addressed?

Yes. _____

Special Events Approved or Requested on this Date or Weekend:

Event	Location	Date
Day of Play	Library Lawn	Saturday, 7/6/24. 11:00 am - 3:00 pm
Falmouth Sprint Triathlon	Surf Drive Beach	Sunday, 7/14/24
Classic Car Show	Marina Park	Sunday, 7/14/24
Falmouth Road Race	Woods Hole to Falmouth Heights	Sunday, 8/18/24

Known Private Events on this Date or Weekend:

Additional Requests:

Narrative and map of event area are attached.

- Use of electricity at bandshell.

- Use of public restrooms at Harbor Master office.

- Permission to reserve parking space on the field for potential food trucks or food vendors.

- One-day liquor license application attached.

Special Consideration – Events Proposed on Main Streets of Villages

What measures/conditions are recommended for the Board to consider to respond to potential parking and traffic congestion in proposed area:

Conditions, comments, recommendations:

- Space between double fencing.

- Contact Health Dept. for food vendors.

Solid Waste & Recycling Plan:

Organizer will provide trash and recycling receptacles for patrons and will remove waste post event.

Correspondence Received:

Initial/Town Manager

Fees:

Fee Waiver Request: Yes/No No.

To Select Board for Approval:

Approved _____ Not Approved _____

If approved, terms:

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- a. Vote to Execute Eversource Electric Service Easement for Wastewater Treatment Facility Site

July 1, 2024



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

ITEM TITLE: Vote to Execute Eversource Electric Service Easement for Wastewater Treatment Facility site

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Amy Lowell, Wastewater Superintendent

ATTACHMENTS: Easement for Electric Service, WO# 11163547 – 154 Blacksmith Shop Rd

PURPOSE:

To request that the Select Board vote to execute the attached EASEMENT FOR ELECTRIC SERVICE at the WWTF site.

BACKGROUND/SUMMARY:

- The attached easement will give Eversource the right (and responsibility) and easements to maintain, repair and replace primary power electrical equipment at the Town's Wastewater Treatment Facility (WWTF) at 154 Blacksmith Shop Road in Falmouth, Massachusetts.
- Before construction of the wind turbines on the WWTF site, the power company (NSTAR at the time) owned the primary power infrastructure at the site: power poles, power cable, transformer and disconnect switch.
- Leading up to the construction of Wind 1 at the WWTF site, an interconnection agreement was signed between the Town and Eversource, under which the Town took over responsibility for the primary power infrastructure on the WWTF site (the pre-

existing primary equipment plus the transformers and disconnect switches installed for the wind turbines).

- The transformers and disconnect switches associated with the wind project were removed as part of the wind turbine demolition project, but the Town is still responsible for the remaining primary electrical equipment on the site.
- The WWTF Improvements Project currently under construction includes replacement of that original primary power equipment (the equipment was due for replacement; it was more than 40 years old).
- The Town's contractor is installing conduit and a transformer pad, and Eversource will provide and install the new pole, the new cable and the new transformer.
- The work was designed to meet Eversource's standards, so that Eversource will take back over responsibility for the operation and maintenance of this equipment after installation.

DEPARTMENT RECOMMENDATION:

Vote to execute the attached easement so that Eversource completes the primary power installation and becomes responsible for maintaining the primary power equipment once installed.

OPTIONS:

- Motion to approve the Electric Service Easement Agreement as presented.
 - Impact: Eversource completes the installation and becomes responsible for maintaining the primary power equipment on the site once installed.
- Motion to deny approval of the Electric Service Easement Agreement.
 - Impact: The Town remains responsible for maintaining the primary power equipment on the site. The Town would need to request credit for the amount paid to Eversource (see below under budget) and execute a change order to have our contractor purchase and install the Eversource portion of the equipment, at a higher cost.
- Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

No funding request is associated with this easement. The cost of the primary power items being installed by the Town’s contractor is covered under the WWTF Improvements Project. The Town has paid Eversource \$3,431.00 from the project budget for installation of their portion of the new primary power service.

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board vote to approve the Electric Service Easement Agreement as presented.

Michael Renshaw

06/25/2024

Town Manager

Date

EASEMENT FOR ELECTRIC SERVICE
WO# 11163547 – 154 Blacksmith Shop Rd, Falmouth
FO Pole#890/7 & UG# 10135, Transformer 10135/020, & Pull Box 10135/010

KNOW ALL MEN BY THESE PRESENTS, that:

THE TOWN OF FALMOUTH acting by and through its Select Board, a Massachusetts municipal corporation, having its principal place of business at 59 Town Hall Square, Falmouth, Massachusetts 02110,

hereinafter referred to as the Grantor, for the nominal consideration of One Dollar (\$1.00), grants to

NSTAR ELECTRIC COMPANY, d/b/a Eversource Energy a Massachusetts corporation, having its principal place of business at 800 Boylston Street, Boston, Massachusetts 02199, its successors, assigns and licensees, hereinafter referred to as the Grantee,

with quitclaim covenants, the right and easements (as more particularly described below) for overhead lines for distribution of electricity, and lines for control, relay and communication purposes over, under, across and upon a certain parcel of land owned by Grantor (the "Premises") located at **154 Blacksmith Shop Road in Falmouth, Massachusetts.**

The Premises are more particularly described in the Deed filed in the Barnstable County District of the Land Court as Document No. 266531, Certificate No. 81906.

The Premises are shown as Lot 12 and Lot 16 on the plan captioned "SUBDIVISION PLAN OF LAND IN FALMOUTH", dated March, 1980, prepared by George Low Jr., Surveyor, recorded at the Barnstable County District of the Land Court as Plan No.31976-D (Sheets 1 & 3).

The easement rights granted herein are more particularly described as the right, from time to time and within the Premises, to install, construct, reconstruct, alter, extend, operate, inspect, maintain, repair, replace and remove (a) 890/7 utility pole and associated overhead wires, cables, insulators, fittings and fixtures, and all necessary cross-arms, guys, braces, foundations, anchors, and other supporting appurtenances deemed necessary by Grantee for the purposes specified above (b) underground wires, cables, conduit, insulators, pull boxes, fittings and fixtures, and other supporting appurtenances deemed necessary by Grantee for the purposes specified above; and (c) pedestals, concrete pads, transformers, switchgear and apparatus cabinets with the necessary wires, cables, terminals, fixtures and appurtenances deemed necessary by Grantee for the purposes specified above (hereinafter (a) (b) and (c) are collectively referred to as "Equipment"), and (d) together with the right and easement to enter upon the Premises, including vehicular access for construction and maintenance purposes, as may be necessary from time to time for all of the foregoing purposes, utilizing existing paved ways and parking areas on the Premises to the extent practicable.

All Equipment shall be installed in conformance with Grantee's "Information & Requirements for Electric Service," as issued by Grantee from time to time. Any Equipment installed by the Grantor shall be maintained by the Grantor, and if Grantor fails to repair or maintain such Equipment, Grantee reserves the right to do so at Grantor's sole cost and expense.

All Equipment shall be installed in locations mutually agreed upon by Grantor and Grantee, and shall initially be approximately as shown on a sketch dated 01/13/2023 which is attached hereto and incorporated herein as Exhibit A. To the extent that no location is determined in advance, the location of the easement shall be fixed by the actual installation of the Equipment, and, unless specified otherwise, shall be 15 feet in width, centered on the Equipment as installed.

Grantor may at any time, at its sole cost and expense, prepare and submit to Grantee for review and approval an "as built" plan of the Equipment in recordable form. Upon approval of such plan, and concurrently with the recording of such plan, the parties shall execute and record an amendment to this instrument, fixing the location of the easements granted hereunder to the locations and dimensions shown on such plan; provided, that Grantee shall have the right of access over the remainder of the Premises for all purposes contemplated by this agreement.

Grantor will not erect or permit any structures or obstructions which in the reasonable judgment of the Grantee might interfere with the safe operation and maintenance of the Equipment. Grantee shall have the right to cut down and keep trimmed all trees, bushes, underbrush and growth as the Grantee may from time to time deem reasonably necessary for the safe operation and maintenance of the Equipment.

All work by Grantor or Grantee under this Easement shall be done in a good and workmanlike manner by competent personnel or contractors, in conformity with all applicable permits, licenses, ordinances, laws and regulations, and free from any liens for labor or materials. The party performing the work shall be responsible for obtaining all applicable permits.

Except in the event of emergency, prior to commencing any work at the Premises, Grantee shall endeavor to provide Grantor with such notice as may be practicable under the circumstances, which may consist of telephone or other verbal notification.

The Grantee shall restore the surface of the Premises (by grading, paving or reseeding) wherever damaged by the Grantee by reason of its work as closely as reasonably practicable to the condition of such surface before such work.

In the conduct of all work, neither party shall unreasonably interfere with the business, operations or access of the other party, its employees, invitees or contractors, or any other person having an interest in the Premises.

Grantee shall have the right to connect the Equipment with its facilities located or which may be placed in private or public ways adjacent to the Premises. Grantee shall have the right to extend the lines from time to time, and the right to use the Equipment, to serve other customers of Grantee who may conveniently be served thereby.

Grantee shall indemnify, defend and hold harmless the Grantor, its successors and assigns, from and against any claim, cost, loss or liability incurred by Grantor for physical damage or injury resulting from the negligence or willful misconduct of the Grantee, its employees, agents and contractors in the conduct of the work at the Premises pursuant to this easement. Nothing herein shall be construed to impose on the Grantee any liability for indirect, consequential, punitive or other special damages.

Grantor may request that Grantee relocate any of the Equipment installed by the Grantee to another location on the Premises acceptable to the Grantee. Such relocation shall be at the sole cost and expense of the Grantor.

Grantor shall have the right to use the Premises, and the right to grant to others the right to use the Premises, for all purposes that do not unreasonably interfere with the rights granted to the Grantee hereby.

All Equipment installed within the Premises pursuant to this easement shall remain the property of the Grantee and Grantee shall pay all taxes assessed thereon.

This easement is executed pursuant to, and shall be subject to, the Grantee's Terms and Conditions of Service, as filed with and approved by the Massachusetts Department of Public Utilities from time to time.

EXECUTED as an instrument under seal this ____ day of _____, 2024.

THE TOWN OF FALMOUTH

NANCY ROBBINS TAYLOR, CHAIR

COMMONWEALTH OF MASSACHUSETTS

On this ____ day of _____, 2024, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

Notary Public Signature

My Commission Expires: _____

Print Notary Public Name

EXECUTED as an instrument under seal this ____ day of _____, 2024.

THE TOWN OF FALMOUTH

EDWIN (SCOTT) P. ZYLINSKI II, VICE CHAIR

COMMONWEALTH OF MASSACHUSETTS

On this ____ day of _____, 2024, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

Notary Public Signature

My Commission Expires: _____

Print Notary Public Name

THE TOWN OF FALMOUTH

DOUGLAS C. BROWN, SELECT BOARD

COMMONWEALTH OF MASSACHUSETTS

On this ____ day of _____, 2024, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

Notary Public Signature

My Commission Expires: _____

Print Notary Public Name

EXECUTED as an instrument under seal this ____ day of _____, 2024.

THE TOWN OF FALMOUTH

ROBERT P. MASCALI, SELECT BOARD

COMMONWEALTH OF MASSACHUSETTS

On this ____ day of _____, 2024, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

Notary Public Signature

My Commission Expires: _____

Print Notary Public Name

THE TOWN OF FALMOUTH

HEATHER H. M. GOLDSTON, SELECT BOARD

COMMONWEALTH OF MASSACHUSETTS

On this ____ day of _____, 2024, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

Notary Public Signature

My Commission Expires: _____

Print Notary Public Name

EXHIBIT A

Eversource to install, own & maintain:
 - (Cut & remove) the existing 3ph OH primary metering & all associated equipment on P890-6.
 - (assume) ownership of private pole 890 P7. **Rebuild** to Eversource standards as needed.
 - (replace) the 3-35T fuses with 3-40T fuses & **make** new 3ph primary riser on P890-7.
 - 1 set of 3-1/0AL 25kV UG primary cable from P890-7 to new pm xfmr as shown.
 - 2 sections, TDL = 510' +/-.
 -> 1500kVA, 3ph, 22.8/13.2kV, 277/480V pm xfmr at new 10135-010.
 - (make) new secondary connections at new pm xfmr (customer to provide connectors).

Eversource to cut & remove the 3ph pm xfmr at private 10135 P010 & 10135 P050.
Customer to cut & remove all private UG equipment, UG services, & UG system from P890 P7 10135 P010 & 10135 P050.

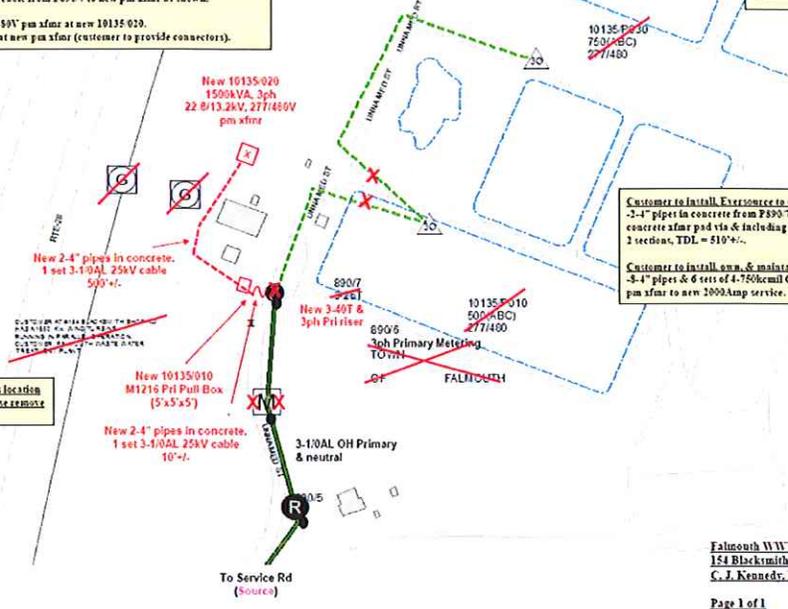
WO #1163547
Primary Engineering Details
Circuit 4-98A-95A, 22.8/13.2kV

Note: Maintain proper distances away from any gas, sewer, & water lines.

Customer to install, Eversource to own & maintain:
 - 2-4" pipes in concrete from P890-7 to & including new 3ph concrete xfmr pad via & including new M1216 primary pull box. 1 section, TDL = 510' +/-.

Customer to install, own, & maintain:
 - 5-4" pipes & 6 sets of 4-750kcmil Cu secondary cables from new pm xfmr to new 2000amp service.

Note: Both wind turbines at this location were removed in late 2022. Please remove from records.



Sketch is not to scale.

10135 Private To Eversource

Falmouth WWT
 154 Blacksmith Shop Rd, Falmouth MA
 C. J. Kennedy, Electrical Engineer - 01/13/2023

11-04-2023 10:40:00 AM 11113547.ppt

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- b. Approve mission statement for the 250th Anniversary Task Force

July 1, 2024



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Approve mission statement for the 250th Anniversary Task Force

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Draft Mission Statement

PURPOSE:

The Select Board is asked to adopt a mission statement for this new task force. Once adopted, the committee member vacancies will be advertised, and a date set for committee member interviews.

BACKGROUND/SUMMARY:

- The Select Board voted to create the 250th Anniversary Task Force at the meeting of June 3, 2024.
- The attached draft mission statement was developed during discussions with the Town Manager and community volunteers including Paul Dreyer, Karen Rinaldo, George Tamsen, and Bob Ripley.
- Once the Select Board has approved a mission statement, staff will submit a display ad to the *Falmouth Enterprise* summarizing the Committee mission and the general qualifications sought for members. The mission statement will also be posted on the Town website where

committee vacancies are listed - <https://www.falmouthma.gov/647/Town-Committees-Commissions-and-Boards>.

- Interviews of candidates for appointment will be scheduled after the posted preference date provided we receive applications from at least 7 candidates.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends approval of the mission statement as submitted.

OPTIONS:

- Motion to approve the mission statement as submitted.
- Motion to approve the mission statement with amendments initiated by the Select Board.
- Defer action on this item.

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 mission statement for the 250th Anniversary Task Force as presented.

Michael Renshaw

Town Manager

6/26/2024

Date

**250th Anniversary Task Force
Falmouth, Massachusetts
MISSION STATEMENT**

Background

The Falmouth 250th Anniversary Task Force shall be appointed by the Select Board in accordance with relevant provisions of the Select Board Committee Appointment Policy. The Task Force shall consist of seven (7) to nine (9) members and two (2) alternate members.

Mission Statement

The 250th Anniversary Task Force will develop activities that encourage, educate, and celebrate the 250th anniversary of the Declaration of Independence in 2026 in Falmouth.

Task Force Activities

The following activities of the Task Force are anticipated:

- Develop a comprehensive plan for celebrating the 250th anniversary in Falmouth,
- Identify funding needs and potential funding sources,
- Participate with the Falmouth School District and local historical societies,
- Oversee “focus groups” for specific tasks of proposed events,
- Coordinate the Town’s events with local, state, regional, and federal levels, and
- Advise the Town Manager on progress on a monthly basis, and
- Provide a Task Force Summary Report to the Select Board.

Selection Criteria

The Select Board shall seek individuals who possess the following knowledge, skills, and characteristics in recruiting and appointing members to this Task Force:

- Interest and knowledge of the history of Falmouth and the United States.
- Represents various geographic areas and employment sectors in Town.
- Possess a demonstrated ability to work effectively in a group process with volunteers, community members, and public officials.
- Includes a diversity of various demographic groups in Town.

Task Force Term:

The Task Force shall be established for a single purpose and will be dissolved on or before December 31, 2026. However, the Select Board may vote to extend the term of the Task Force if additional time is required to complete the proposed activities.

July 1, 2024

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- c. Vote to accept donation in the amount of \$500.00 from David's Old Silver Swim, Inc. c/o Robert & Susan Catalano to the Beach Donations Account, 28-632-5655-4830, to fund the Dr. David Garber "Dare to be Great" Award given to a lifeguard during our annual banquet



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

ITEM TITLE: Beach Dept. – Accept Donation from David’s Old Silver Swim, Inc. for “Dare to Be Great” Award

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Maggie Clayton, Beach Superintendent

ATTACHMENTS: Cover letter (submitted with check)

PURPOSE:

This is a written request to the Select Board for permission to accept a donation of \$500.00 to the Beach Donations Account (28-632-5655-4830) to fund the “Dare to Be Great” award in honor of Dr. David Garber, to be awarded in August 2024.

BACKGROUND/SUMMARY:

- In 2013, an award was created to honor Dr. David Garber, a former Falmouth Lifeguard and lifelong town resident, who passed away this off-season after living with an A.L.S. diagnosis for over a decade. This should be awarded to a lifeguard that exemplifies the ideals of Garber’s mantra “Dare to be Great” through their everyday enthusiasm, spirit on the job, and excellence in lifeguarding.

DEPARTMENT RECOMMENDATION:

That the Town of Falmouth continues its practice of annually accepting this donation and later expending the funds to a deserving employee as chosen by Supervisors in the Beach Dept.

OPTIONS:

- 1) approval of the recommended request;
- 2) denial of the recommended request;
- 3) Select Board-defined alternative

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
DONATIO NS	Beach	28-632- 5655-4830		\$8,071.92	+\$500.00	\$8,571.92

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

TOWN MANAGER COMMENTS:

APPROVE AS PRESENTED



Town Manager

6/26/2024

Date

David's Old Silver Swim, Inc
52 Horseshoe Lane
North Falmouth, MA 02556



An IRS registered 501(c)(3) organization

May 20, 2024

Margaret Clayton
Superintendent Falmouth Beaches
Beach Department
59 Town Hall Square
Falmouth, MA 02540

Subject: David's 14th Annual Old Silver Swim – August 10, 2024

Dear Maggie,

Thank you very much with your past assistance to have the Old Silver Beach town lot opened early (by 7:00 AM) so that Falmouth residents could park there for the David's Old Silver Swim and for providing extra lifeguards for our event. We are requesting the same assistance for the 2024 event.

Dr. David Garber, a former Falmouth Lifeguard and lifelong Falmouth resident passed away in October 2023 from ALS and we will continue the swim as a benefit to raise funds for Compassionate Care ALS of Falmouth run by Ron Hoffman. Compassionate Care ALS is an incredible organization that benefits ALS patients and helps their families cope with this disease.

On behalf of David's Old Silver Swim & Compassionate Care ALS, Susan and I want to make this contribution of \$500 to the Falmouth Beach Committee General Fund for your help and support with Old Silver Beach parking lot. I am hoping that this donation can be used to fund a cash award to one of your deserving lifeguards from the 2024 summer season.

David's mantra is "Dare to be Great", and we are hoping that you can make the "Dare to be Great" award to a lifeguard that embellishes the ideals of "Dare to be Great" through their everyday enthusiasm, spirit on the job, and excellence in life guarding. We will make this a recurring award to honor David Garber for how he lives his life and the spirit of instilling "Dare to be Great" in everyone he meets.

Sincerely,

Robert & Susan Catalano

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- d. Vote to accept donation in the amount of \$850.00 from the Old Stone Dock Association to the Beach Donations Account, 28-632-5655-4830, to fund the planting of window boxes for the Ellen T. Mitchell Bathhouse at 56 Surf Drive



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

ITEM TITLE: Beach Dept. – Accept Donation from Old Stone Dock Association to pay Soares Nursery Invoice

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Maggie Clayton, Beach Superintendent

ATTACHMENTS: Cover letter (submitted with check)

PURPOSE:

This is a written request to the Select Board for permission to accept a donation of \$850.00 to the Beach Donations Account (28-632-5655-4830) from the Old Stone Dock Association.

BACKGROUND/SUMMARY:

- Annually, Old Stone Dock hosts a beach clean-up event at Surf Drive Beach in early June and presents Beach Dept. Admin. with a check to cover the cost of planting the window boxes for the Ellen T. Mitchell Bathhouse at 56 Surf Drive.

DEPARTMENT RECOMMENDATION:

That the Town of Falmouth continues its practice of expending the funds from an accepted donation to cover the invoice for Soares Nursery.

OPTIONS:

- 1) approval of the recommended request;
- 2) denial of the recommended request;
- 3) Select Board-defined alternative

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

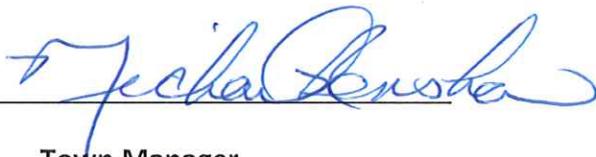
Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
DONATIO NS	Beach	28-632- 5655-4830		\$8,071.92	-\$850.00	\$7,221.92

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

APPROVE AS PRESENTED



Town Manager

6/26/2024

Date

**Old Stone Dock Association
P. O. Box 835
Falmouth, MA 02541**

June 8, 2024

Ms. Maggie Clayton
Beach Superintendent
Falmouth, MA 02540

Dear Maggie:

I've enclosed our Old Stone Dock Association check in the amount of \$850.00 payable to the Town of Falmouth, Beach Donation Account for the flower boxes that we installed on Wednesday, 05/22/24.

I've also enclosed an extra copy of invoice #24-129 dated 05/27/24 from M. R. Soares Co., Inc. for \$850.00 that was E-mailed to the Town of Falmouth, 416 Gifford Street, Falmouth, MA 02540.

Would you do whatever is necessary to have this put on the selectboards agenda and have the town make payment to Soares as soon as possible. Thanks for your help on this.

Sincerely

Theresa M. Saunders

Theresa M. Saunders for OSDA
Secretary / Board of Director (508-930-1428)

File: OSDA / Flower Box Ltr 06-08-24

Via email on 06/07/24 and Hand Delivered Letter and Check on 06/08/24

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- e. Vote to expend those funds from the Old Stone Dock Association donation to the Beach Donations Account to pay the Soares Flower Garden Nursery invoice for window box flowers and planting services at the Ellen T. Mitchell Bathhouse at 56 Surf Drive



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

ITEM TITLE: Beach Dept. – Pay Soares Nursery Invoice from previous Old Stone Dock Association Donation

MEETING DATE: 7/1/2024

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

SUBMITTED BY: Maggie Clayton, Beach Superintendent

ATTACHMENTS: Click or tap here to enter text.

PURPOSE:

This is a written request to the Select Board for permission to expend \$850.00 from the Beach Donations Account (28-632-5655-4830) to reconcile account at Soares Nursery for Surf Drive Window Boxes that were installed the week before Memorial Day 2024.

BACKGROUND/SUMMARY:

- Annually, Old Stone Dock hosts a beach clean-up event at Surf Drive Beach in early June and presents Beach Dept. Admin. with a check to cover the cost of planting the window boxes for the Ellen T. Mitchell Bathhouse at 56 Surf Drive.

DEPARTMENT RECOMMENDATION:

That the Town of Falmouth continues its practice of expending the funds from an accepted donation to cover the invoice for Soares Nursery.

OPTIONS:

- 1) approval of the recommended request;
- 2) denial of the recommended request;
- 3) Select Board-defined alternative

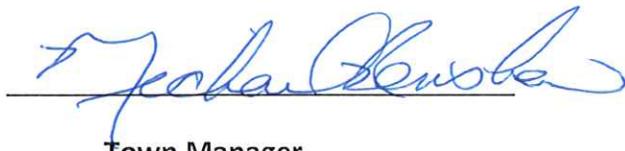
BUDGET INFORMATION: Applicable: Not Applicable: Budgeted: Yes No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
DONATIO NS	Beach	28-632- 5655-4830		\$8,071.92	-\$850.00	\$7,221.92

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

TOWN MANAGER COMMENTS:

APPROVE AS PRESENTED.



Town Manager

6/26/2024

Date

OPEN SESSION

MINUTES

1. Review and vote to approve minutes of meetings
 - a. Public Sessions – May 6, 2024; June 17, 2024

July 1, 2024

TOWN OF FALMOUTH
SELECT BOARD
Open Meeting Minutes - DRAFT
MONDAY, JUNE 17, 2024 – 5:30 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

Select Board:

Present: Nancy Robbins Taylor, Chair; Edwin (Scott) Zylinski II, Vice-Chair; Douglas C. Brown; Robert P. Mascali; Heather M. H. Goldstone

Absent: None

Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Maura O'Keefe, Town Counsel

5:30 p.m. OPEN SESSION

Call to Order: By Chair Nancy Taylor

Chair Taylor called for a motion to go into Executive Session to discuss strategy with respect to collective bargaining – Public Works; discuss strategy with respect to collective bargaining – Police Patrol Federation; discuss strategy with respect to collective bargaining – Police Lieutenants

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

Roll call vote:

Zalinski: Aye

Mascali: Aye

Goldstone: Aye

Brown: Aye

Taylor: Aye

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

5:30 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(3) – Discuss strategy with respect to collective bargaining – Public Works
2. M.G.L. c.30A s.21(a)(3) – Discuss strategy with respect to collective bargaining – Police Patrol Federation
3. M.G.L. c.30A s.21(a)(3) – Discuss strategy with respect to collective bargaining – Police Lieutenants

6:30 p.m. OPEN SESSION

Call to Order: Chair Taylor called to order the open session of the meeting saying that in Executive Session the Board had reached agreements with respect to collective bargaining with Public Works, with respect to collective bargaining with Police Patrol Federation, and with respect to collective bargaining with Police Lieutenants.

Pledge of Allegiance – Led by Select Board

Proclamation – Honoring the service of Rabbi Elias Lieberman

Chair Taylor read out the proclamation honoring Rabbi Elias Lieberman included in the Select Board packet. Rabbi Lieberman offered gracious remarks of thanks to the Falmouth community.

Recognition:

Mr. Mascali recognized Mr. Brown for his being elected president of the Cape and Islands Municipal Leaders Assn. for a one-year term.

Announcements:

Mr. Brown said there are slots available for anyone who has anything to share with local veterans at the Veterans' Center.

Mr. Mascali announced a Juneteenth celebration on June 19th at St. Barnabas Church from 1:00 to 3:00. He also announced a Pride celebration event at Gus Canty Thursday from 5:00 to 7:00.

Ms. Goldstone announced Juneteenth celebrations at Highfield Hall and Gardens at 10:00.

Public Comment:

Joe Netto, Precinct 9 – spoke of the new bridge at Menauhant Beach and the need for the bid specs to include specific plans for traffic mitigation in East Falmouth – said the shore road would be blocked requiring traffic to use Acapesket and Davisville Roads and that mitigation would be needed especially in the mornings and afternoons to alleviate the congestion at the intersections with Rt. 28.

Dan Shearer, Prec. 6 – thanked the performance of the fire station in West Falmouth – said “we need help in West Falmouth” with traffic concerns and noise, especially from motorcycles.

COMMITTEE INTERVIEWS - Interview, vote and appoint committee members

Regulatory boards

Historical Commission – Annie Dean

Motion by Mr. Brown: To reappoint Second: Mr. Zylinski Vote: Yes – 5 No - 0

Zoning Board of Appeals – D. Scott Peterson

Mr. Zylinski said that Mr. Peterson was unable to attend the meeting but is willing and able to serve. Chair Taylor said the interview would be re-scheduled to July 1 because this is a regulatory board.

Non-regulatory boards

Bicycle and Pedestrian Committee – Michael Taylor, Mitchell Flaherty, Stephen Morris

1. Michael Taylor said that he is well suited to bring the needs of the Falmouth running community to the committee.
2. Mitchell Flaherty provided information about the school projects he worked on in Boulder, Colorado. He said he began attending meetings of the committee in February.
3. Stephen Morris – not present.

Chair Taylor said the Board would interview Mr. Morris on July 1 and make a decision at that time.

Council on Aging – Karen Dusini, James Vieira

Ms. Dusini said she has volunteered over 700 hours to date.

Motion by Mr. Mascali: To appoint Second: Mr. Zylinski Vote: Yes – 5 No – 0

James Vieira – **Motion by Mr. Brown: To appoint to a term ending June 30, 2027 Second: Mr. Mascali
Vote: Yes – 4 No – 1 (Chair Taylor)**

Freshwater Ponds Advisory Committee – Angela Tanner

Ms. Tanner said that she is willing to serve as a full member if the situation arose.

**Motion by Ms. Goldstone: To appoint Angela Tanner as an alternate member for the term ending 6/30/2025
Second: Mr. Zylinski Vote: Yes – 5 No - 0**

Water Quality Management Committee – Jonathan Kaufman

Mr. Kaufman said he has been attending the WQMC meetings for about a year and has a good understanding of the issues the committee faces.

**Motion by Mr. Zylinski: To appoint Mr. Kaufman to a term ending June 30, 2027 Second: Mr. Brown
Vote: Yes – 5 No - 0**

Taskforce on Workforce Sustainability – Paul Speer, Paula Stone, Sandra Faiman-Silva, Hannah Vanderscheuren, Nelia Luviano Aparicio, Miranda Vogt, Benjamin Weiss, Max Jans

Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: Public Hearings 1 - *Hearing to determine if there are violations of the Lodging House License issued to Frederick William House located at 594 Palmer Avenue, Falmouth, MA* in the Select Board packet. He also said Town Counsel had prepared a memo that the Board had at their chairs that goes over some of the standards of review, determinations, and outcomes.

Attorney Patrick Cook, representing the owner/operator Jeanette Robinson, was present. He said he was there to listen to what the concerns are, to assure there is a common understanding of what the allegations or concerns are, and to comply. He outlined the situation at the inn and said the word "cottage" could be causing some misunderstanding. It is not the former bicycle shack; the cottage is part of the main house dwelling. He said the owner sought a modification to the comprehensive permit in the past but withdrew it. He said there are more than 5 rooms in the inn, but she has never rented more than 5 rooms or exceeded the capacity of 18 people at a time. He said after receiving the letter from the Town on April 23, she put a note on the website page on May 1 that only 5 rooms are available at one time. She then removed excess rooms from the website to show only 5. To answer a question from Chair Taylor, he explained why the website could show 6 rooms available when the license is for 5, saying that the rooms show available options and features, but that only 5 of them are rented at one time depending upon what people want. Chair Taylor said that was confusing advertising. Atty. Cook said he is present tonight to listen to all concerns and comply.

Mr. Zylinski asked how long the issue has been going on. What followed was a detailed explanation from Atty. Cook of what constitutes a rental (unit vs. room, for example) and if the number of beds is relevant. He again said that the owner never rents more than 5 rooms at a time despite more rooms being advertised on the website. Mr. Zylinski then said that advertising more than the permit allows puts the owner in violation. Atty. Cook said that the owner now understands this and has changed the website to show only 5 rooms. Mr. Zylinski next asked when he first received a complaint from the Town about this issue. Atty. Cook said he first became aware of this issue in 2023 with the attempt to modify the special permit, which, he said, was not well received by the Town and was later withdrawn. He then mentioned that there is on-going litigation with abutters regarding property line disputes, which are not part of this hearing.

Mr. Mascali asked if the word "cottage" is part of the main house. After a lengthy explanation, Atty. Cook said it was physically connected to the main house. Mr. Brown asked where the residents of the property live. Atty. Cook said the residents live in the main house and depending upon space needs, they move where the guests aren't.

At this point, Town Counsel showed an aerial photo of the property. She reviewed the history of the structure(s) on the parcel of land. She said in 2016, the main house and the cottage were two separate buildings. She said the Board of Selectmen at the time did not license the 2 rooms in the cottage but allowed the 5 rooms in the main house. She said the license is only for the 5 rooms in the main house. She said it is not allowable to put guests in a room in the cottage. She said that is a violation of the license.

Mr. Zylinski sought and received clarification from Town Counsel that the two structures, the main house and cottage, are connected with a closed-in breezeway. Mr. Mascali asked when that connection was made; Town Counsel said she was not sure, but some time after 2004. She showed an aerial view of the main house construction around 2005. Atty. Cook then mentioned a site plan review from 2004 that refers to the "main structure and addition" as one building and counts the number of bedrooms and bathrooms in both structures as one.

There followed brief discussion about number of bedrooms available, where they are, how many bedrooms are required for the residents of the dwelling, and what the special permit says. Chair Taylor then said the license that was issued on April 22, 2024, was very clear for a maximum of 5 rooms only in the main house with a maximum of 18 lodgers – maximum 2 adults, 2 children under the age of 12 per room.

Ms. Goldstone asked about the history of the license. Town Counsel provided the minutes of the 2016 Board of Selectmen meeting when the license was approved. The minutes referred to the main house with 5 rooms and the cottage with 2 rooms, although the Board at that time noted that "no other documents talked about the cottage," so the cottage was not included in the application. The Board at the time said no [to the cottage], Town Counsel said, and it's been that way ever since.

Mr. Mascali asked what the owner was seeking in the application that she made and withdrew. Atty. Cook said she was seeking to add the small room in the back as a guest unit, but survey errors from years ago impacted both abutters and the application was withdrawn.

At this point, Mr. Renshaw said he asked the building commissioner how the 5-room determination was arrived at. He said it is defined by the size of the square footage of the parcel itself. Mr. Cook provided additional information about square footage and how many commercial accommodations are allowed at different sizes. He said now, due to different issues with it, the parcel is believed to be between 23,000+ and 24,000+ sq. ft.

Ms. Goldstone asked about the revoked application. There was confusion about how many rooms were being proposed in that application, but in the end, Atty. Cook said that one room was being proposed in that application.

Mr. Zylinski, addressing Town Counsel, returned to the 2016 Board of Selectmen meeting minutes and reiterated what she had read before, especially the words “the house will have 5 rooms, the cottage 2, but the Board of Selectmen noted no other documents talked about the cottage, so the cottage was not included in the application. They will be serving pre-packaged continental breakfast at this time.” He asked if this substantiates what she had explained previously. Town Counsel said yes.

Mr. Mascali asked if a future application for 5 rooms could include room in the cottage, or if that would be a violation of the zoning code. Town Counsel said that would require a modification of the special permit, which has been stymied due to on-going boundary dispute litigation between the owner and abutters on both sides. Mr. Mascali again asked if a license limiting the units to 5 would bar any units from being in the cottage. She said that at some point that could be accomplished but would require amendments of the existing license and special permit. Atty. Cook said they are working on getting an application for a modification submitted, but the boundary issues pose complications for moving forward. He went on to speak about the owner’s willingness to cooperate and comply with all requirements. Mr. Mascali clarified that compliance means that no rooms in the cottage are available for rent until some other action is taken. Atty. Cook said his client understands this. Chair Taylor said the current license for 5 rooms only in the main house (the building closest to the street) runs until April 30, 2025.

Public comment:

Jonathan Stronach (passed out printed materials to the Board), 600 Palmer Ave. – direct abutter – concerned about the lengthy history of this compliance issue – referred to a 2007 enforcement letter from the building commissioner making the owner aware of issues related to renting the cottage – said the response to the letter shows the owner is aware of non-compliance – referred to a 2014 email from the zoning administrator making the owner aware of issues regarding rooms for rent and for living – said despite these issues, the 2016 application includes 5 rooms in the main house and 2 in the cottage – referred to the 2016 license for 5 rooms in the main house only – referred to permission to sell pre-packaged ice cream – referred to a 2023 ZBZ hearing to convert the gift shop into an additional accommodation, making an 8th bedroom – said the applicant was asked to address the concerns raised regarding performance standards and compliance – said there was a cease and desist letter in August 2023, and action that was appealed and withdrawn – said there was a notice of violation regarding the site plan, an issue that remains unresolved – said advertising and renting of the rooms continued – said there is a difference between the mobile version and on-line version of rental process – said this has been very frustrating for him and his wife for the past two years – said he is looking for assurance that meaningful change will result from this action.

Gerald Boissonnault, 582 Palmer Ave. – still in litigation over the property lines – said they are trying to grab some of my land by adverse possession – said he is sick of picking trash up over there

Fiona Marques, Jeanette Robinson’s (owner’s) daughter – said suspending the license for 30 days, especially in the beginning of the summer season, is suspending the way the family, including her mother and 14-year-old brother, survives – said she has seen how the whole process including the litigation has affected her mother - said she hopes the Board will think about how their decision affects them – said the decision is extremely important.

Chair Taylor called for a motion to close the hearing.

Motion by Mr. Zylinski: So. Moved Second: Mr. Mascali Vote: Yes – 5 No – 0

Mr. Brown asked if the Board could add language that the main house means the front building to the street side of the breezeway. Town Counsel said yes but that would mean modifying the license and would require a hearing. Chair Taylor said the Board needed to think about whether the license holder violated the terms of the license by renting rooms outside the main house, and if there is credible evidence to support this. Mr. Zylinski acknowledged that this is a sensitive issue, but there is a track record of this happening and that it has happened repetitively. He said many businesses in town abide by the rules of the license. He said there have been abutters’ concerns prior to

this and it still continues. He said yes, he believes there is credible evidence of violation of the license. He said he feels for the applicant and the family but supports the Town Manager's recommendation. Mr. Zylinski recognized that there are still outstanding issues regarding the boundary dispute litigation. Mr. Mascali said he agreed that there is credible evidence starting in October of 2023 that the owner violated the terms of the license.

Ms. Goldstone asked about the distinction between offering a number of rooms and renting a certain number of rooms, and which one the license allows. Town Counsel said the license allows for 5 rooms to be rented at any one time with a maximum occupancy, and also a limitation on where those rooms are. She said this last point is the biggest bone of contention. She said the licensed premises is clearly defined, and anything being rented that is not defined is not subject to the license and is not allowed to be rented. Mr. Mascali said the Board does not have credible evidence that at any one time the owner rented more than 5 rooms. He said the issue is more where those rooms are located, and there is credible evidence to support that. Mr. Brown made the point that despite the documents indicating a history, this is the first time the issue has come before the Select Board. Town Counsel said that is because a resolution was attempted through zoning, the first line of attack. Coming before the Select Board is a last resort, she said. Chair Taylor added that the Town, then, has tried everything else, and the Select Board is the last governmental body of the Town to do something.

Ms. Goldstone asked if there had been a point in the timeline where it was made explicitly clear to the owner that the main house means the section forward of the breezeway. Town Counsel said, "Repeatedly," and that she didn't find it credible that that was not clear.

The Board then discussed if there was consensus among them that there was credible evidence of violation of the license. After some brief discussion, Chair Taylor returned to the wording of the license, which she said is clear. The license does not allow rooms in the cottage to be rented. It says 5 rooms only in the main house. She said she agrees with Atty. O'Keefe that it's been made clear what the main house is. Mr. Mascali said the word "only" is emphatic. Other Board members offered support for the clarity of the license language.

Motion by Mr. Mascali: That the Board finds that the owners of 594 Palmer Ave. have violated the terms of the license effective May 1, 2024 **Second: Mr. Zylinski** **Vote: Yes – 5 No - 0**

Mr. Mascali asked Town Counsel if there were other options besides what was listed in the Select Board packet under the Town Manager's Recommendation and Options. Atty. O'Keefe said there was the option of a fine of \$500.00 under Chapter 140. She went on to outline the details of the various actions, such as revoking the license, suspending the license, or issuing a conditional warning. Mr. Zylinski said his first inclination is to support the Town Manager's recommendation. (The Town Manager's recommendation as presented in the packet materials is to suspend the license for 30 days.)

Mr. Mascali said he would like the Board to consider a monetary fine and a suspension of less than 30 days. Mr. Zylinski said he thinks that approach would send a bad message to other licensed businesses. Chair Taylor said she was troubled by the history of trying to get compliance at a lower level and that the issue made its way to the Select Board, the last resort. Mr. Mascali asked if the Board believed that the owner hasn't heard how seriously the Board is taking this issue and would take further action if there was unlicensed renting going forward. Chair Taylor said that is exactly her concern and that the history of the issue suggests otherwise. She said she would hope so but it hasn't come across with other boards. Ms. Goldstone asked if any of the previous infractions with other boards involved punitive measures. Town Counsel said the zoning enforcement was curtailed due to extensive litigation. She said the goal is always compliance, but that hasn't been forthcoming, she said. She then outlined various actions available to the Board, including court action and injunctive relief.

Mr. Brown said this is the first lodging house violation he is aware of. He said when there is a liquor license violation, the Board has issued a warning. The Board then engaged in discussing the details of the license violations and what penalty would be appropriate and sufficient to send the right message to the licensee and the community. Mr. Mascali advocated for a monetary fine and a 2-week suspension. Chair Taylor said she did not think 2 weeks was enough.

Motion by Mr. Mascali: Based upon the Board's finding of a violation, the decision of the Select Board is to impose a suspension of 14 days of the current license and a monetary fine of \$500 with a statement that any violation of the terms of the license going forward would empower Town Counsel to seek immediate injunctive relief **Second: Mr. Brown**

Ms. Goldstone asked how the compliance would be determined. Town Counsel said that evidence has been complaint driven, which will continue. She said that the Town has also been keeping an eye on advertising, part of the warning issued in April. She said advertising will serve as evidence.

Chair Taylor called for a roll call vote.

Mascali: Aye
Brown: Aye
Taylor: No
Zylinski: No
Goldstone: Aye

Chair Taylor reiterated that the decision is a 2-week suspension with a \$500 fine.

BUSINESS

Discuss and vote on a site recommendation for the future All-Inclusive Playground

Mr. Renshaw introduced the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 1 - Discuss and vote on a site recommendation for the future All-Inclusive Playground* in the Select Board packet.

Peter McConarty, Director of Public Works, narrated approximately 14 screens, included in the Select Board packet, detailing the process and criteria for the choice of location for the all-inclusive playground. Possible locations were 67 Davisville Rd., Trotting Park, and Goodwill Park. Mr. Renshaw also contributed to the oral presentation. Mr. McConarty said the plan is conceptual at this point. He said the working group unanimously selected Goodwill Park as the best overall site based upon evaluation of the criteria.

Questions from Mr. Brown and Mr. Mascali concerned the life of the 2016 existing playground and how it would factor into the plan for the all-inclusive playground, and the sight lines from the proposed entrance into the park from Palmer Ave. Mr. McConarty provided specific information answering each question. Mr. Brown also asked about parking plans, which Mr. McConarty said would be addressed moving forward in the design phase.

Motion by Mr. Brown: To approve the selection of Goodwill Park as the future sight for the design and construction of an all-inclusive playground facility as presented

Second: Mr. Zylinski

Vote: Yes – 5 No - 0

Report – Commission on Disabilities (to be rescheduled)

Report – Affirmative Action Committee

Dale Kapp, chair of the committee, outlined the report that the committee had submitted to the Town. The digital presentation included information on resources, collaborations, programs, services, and policies providing equitable access for all Town residents, including website accessibility and navigation.

Chair Taylor asked if the committee had contacted the schools regarding serving students with special needs. Ms. Kapp said that Henry St. Julien along with two teachers came to the Resource Center with them and had great interest in it at that time. She said she believes their idea now is for setting up a resource center at what was an old library at the high school. She said she hasn't heard anything about their thoughts on that idea going forward. Mr. Mascali complimented the tables on meeting attendance included in the report.

Discuss and vote to adopt revisions to the LIP Application and Process Guidelines

Mr. Renshaw introduced the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 4 - Discuss and vote to adopt revisions to the LIP Application and Process Guidelines* in the Select Board packet.

Kim Fish, Housing Coordinator, reviewed actions previously taken by the Board on the process regarding the LIP application and guidelines. She went on to explain the situation of having 3 Town Hall staff members on the subcommittee and the potential for inadvertent violation of the Open Meeting Law. She explained the red-line edits of the document and how these edits eliminate the potential for violation.

Mr. Mascali noted that the change involves doing away with a committee and forming a working group. He asked if changing the make-up of the subcommittee from 3 to 2 staff members, which would avoid the quorum issue, was considered. He said he supports keeping the committee and changing its composition.

Town Counsel apologized for having missed the Open Meeting Law component of the guidelines in her earlier review. She said the problem is first to fix the Open Meeting Law problem, and second, to address the situation of the Select Board appointing staff to be on a working group. She said the powers of the Select Board and town manager are separate, and for the Select Board to appoint members of a working group is "a bleeding between the two powers" of policy and administration. She said this amendment as proposed does what the original form was intended to do. She said the working group would be as transparent and open without the constraints of the Open Meeting Law.

Mr. Brown asked how employee participation could violate the Open Meeting Law. Atty. O'Keefe explained how 3 staff members on a subcommittee could never talk about housing without its being considered a meeting requiring a posted notice. Mr. Mascali asked about the composition of the committee when it was originally set up. Ms. Fish said back in 2007, it was the same composition except there was a second Select Board member as part of the committee. There were no Open Meeting Law issues at that time.

Mr. Johnson-Staub then said that the issue isn't so much about the composition of the group as who appoints it and to whom that group submits a recommendation. A group appointed by the Select Board is subject to the Open Meeting Law; a group appointed by the Town Manager is not.

Mr. Brown said that the group would have to be nimble, and not to have to be held to the Open Meeting Law would be advantageous. Ms. Goldstone said she was concerned over the possibility that "staff review" could mean the Town Manager *only* who would be making a recommendation to the Select Board. Atty. O'Keefe said that if you specify the Town Manager and a group, that's a subcommittee. She said you have to designate it to one person and then independently let the Town Manager form the group.

Mr. Brown asked about why the Town Manager couldn't make a recommendation to the Select Board without deliberation with any group. Mr. Mascali said because there are other interested parties in Town, such as the affordable housing committee, to include. He said he understands the situation as explained by Town Counsel but disagrees with how to address it. He said he supports reducing staff to two members but keep the committee.

Ms. Goldstone clarified that the pre-application is reviewed by the Town Manager; the formal application phase is also reviewed by the affordable housing committee.

Motion by Mr. Brown: To approve as is Second: Mr. Zylinski
Vote: Yes – 4 No – 1 (Mr. Mascali)

Update on Hatchville Fire Station construction and Fire Rescue Department staffing

Mr. Renshaw said that Chief Timothy Smith would be narrating an informational 10-11 screen presentation to the Board, which was included in the Select Board packet. Opportunities for questions would follow. Chief Smith said that there have been some delays and still work to be done, but a September-October completion is the goal. Mr. Renshaw added that it currently appears that the project will be delivered under budget.

Peggy Nickerson and George Rogers, members of the building committee, also added comments during the presentation. Their comments included praise for Town staff during the whole construction process. When the presentation focused on personnel/staffing issues, Mr. Renshaw commented that they are looking for creative ways to deal with needed leaves for medical injuries and how to improve the injured-on-duty situation.

Chair Taylor asked the Town Manager a question related to the 6th bullet on the last slide, focusing on the word *may* in this phrase: "...*may* be able to staff 6 stations..." She asked, "If you are not able to staff 6 stations fully by the end of the calendar year 2024, what is the plan?" Mr. Renshaw said he has no intention at this stage to open the Hatchville station "until we're able to man and completely reach that 80 threshold." He said he has no desire or intention to open the station until we can operate all 6 without any negative impact on any other one.

Chair Taylor noted that the station construction is under budget and that they have exceeded the timeline for hiring, two pieces of good news. Mr. Brown thanked the chief for moving the hiring along. Mr. Renshaw said again that manning all the stations is a continuous challenge and that they are addressing that, as he earlier explained. Chair Taylor noted the improvements in that area. Mr. Brown suggested the possibility of breaking the station in slowly using overtime, which Mr. Renshaw said had been considered. He went on to say he favors having the required staffing in place for all 6 stations before opening Hatchville. Mr. Mascali asked Mr. Renshaw to keep the Board apprised of the staffing situation, and thanked Chief Smith for his transparency in providing accurate information.

Approve application for a Change of Hours of an All-Alcoholic Beverages Innholder License – Wagner Hospitality & Management, LLC d/b/a Holiday Inn Falmouth located at 291 Jones Road, Falmouth

Mr. Renshaw introduced the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 6 - Approve application for a Change of Hours of an All-Alcoholic Beverages Innholder License – Wagner Hospitality & Management, LLC d/b/a Holiday Inn Falmouth located at 291 Jones Road, Falmouth* in the Select Board packet.

Motion by Mr. Brown: To approve the application for a Change of Hours Second: Mr. Mascali

Vote: Yes – 5 No - 0

Request for variance to Sign Code §184-18, C. Measurement of Sign Area, and §184-25, B.3. Freestanding Signs: Aldi, 39 Davis Straits, Falmouth

Mr. Renshaw introduced the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 7 - Request for variance to Sign Code §184-18, C. Measurement of Sign Area, and §184-25, B.3. Freestanding Signs: Aldi, 39 Davis Straits, Falmouth* in the Select Board packet.

Russ Hassmann presented the Board with the modifications he made to the signs based upon the Select Board's input from the June 3 meeting. He provided information about the illumination of the signs, how much light they emit per color, and that the illumination can be dimmed if necessary. He described the modifications to the signs that sit atop posts in terms of size, the size of the base, and where they are located related to the road and driveway. Internal illumination can be dimmed on these also. There was brief comment about sight lines regarding the placement of these signs and size of the letters necessary for visibility.

Mr. Mascali asked if the building department has reviewed the submitted modifications. Mr. Renshaw said that he did not ask the building department to review the new information. He said the department's recommendation from June 3 stands on Signs 1 and 2. He said the building department prefers compliance with existing regulations and expressed concerns about possible precedent that this sets.

Mr. Brown said he appreciated the understated size of the wall on the building façade so the Board had given them a little extra in the size of the sign. Mr. Zylinski said his thoughts are still the same about the size of the base of the sign. He said it is a solid piece and presents issues for vehicular and pedestrian traffic right there. He said even though it's shorter, you still have to see over 4 feet. At this point, Richard Derbes said that MADOT is requiring that the curb cut be narrowed at this location, so the distance from the sign to the curb is supposed to increase. Mr. Hassmann said that line-of-sight is important, and he did not feel that the placement of the signs here would create an issue.

Motion by Mr. Brown: To approve with the caveat that if we get complaints we can revisit and request potential dimming of the lights

Second: Mr. Zylinski

Vote: Yes – 5 No - 0

Discuss and vote to sign a Home Rule Petition regarding a Real Estate Transfer Fee

Mr. Renshaw introduced the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 8 - Discuss and vote to sign a Home Rule Petition regarding a Real Estate Transfer Fee* in the Select Board packet.

Chair Taylor allowed Mr. Garrison to speak. He said he had reviewed the draft and cited 5 items that had been present in other petitions that are not in this one. He then read them aloud from his notes:

1. Distribution by trustees of a trust to beneficiaries of such a trust
2. Transfers to the trustees of a trust in exchange for beneficial interest received by the seller of such a trust

3. Transfers made in partition of land and improvements thereto pursuant to Chapter 241
4. Transfers to a mortgage and foreclosure... (long paragraph, he said.)
5. Transfers consisting of the division of marital assets under the provision of Section 34 of Chapter 208 and other provisions of law

Mr. Garrison said the most important of these exclusions is No. 5 regarding the division of marital assets. He also pointed out a typo in Sec. 5, letter e.

Town Counsel said she had received a copy of these edits. She said she had already consolidated some into one of the exceptions on the proposed draft. She said the phrase "pursuant to a court order" encompasses division of assets in a divorce settlement. She also said she purposely deleted the exception for conveyances among trustees because that exception is a clear loophole to paying the fee. She said she simplified the language, and then said that if the petition draft is accepted, additions can be made later, but none can be deleted. Mr. Mascali agreed that with respect to trusts, there can be loopholes to the transfer fees.

Ms. Goldstone asked how transfers between/among family members differ from transfers to trusts. Town Counsel said that it is one of the accepted exemptions found across communities and was in every example of the many petitions submitted.

Motion by Mr. Mascali: To authorize Town Council to take the appropriate action to submit the Home Rule Petition as drafted Second: Chair Taylor Vote: Yes – 5 No - 0

Review of Select Board liaison assignments

Mr. Brown said he had asked Ms. Goldstone if she could take the Beach Committee due to the committee's changing the meeting date. Ms. Goldstone said she would in turn take the Agricultural Commission. Mr. Mascali has expressed an interest in the Golf Advisory Committee, she said, and she would take on Conservation Commission.

Chair Taylor asked that the Town Manager get a draft out to the Board with the recorded changes.

CONSENT AGENDA

1. Licenses
 - a. Approve application for two Special One-Day All Alcoholic Beverages License – Silver Beach Improvement Association to be executed at the tennis courts located at 6 West Avenue, North Falmouth
2. Administrative Orders
 - a. Approve Grant of License to Bank of America for the installation of two freestanding signs on town property at 871 Main Street, Falmouth
 - b. Accept donation from Cape Cod Baptist Church in the amount of \$500.00 to the Police Department donation account
 - c. Approve water main easement that will service the Municipal Police Training facility at 71 Tech Park Drive

Motion by Mr. Zylinski: To move the Consent Agenda Second: Mr. Brown Vote: Yes – 5 No - 0
TOWN MANAGER'S SUPPLEMENTAL REPORT
 No report this evening.

SELECT BOARD REPORTS

Mr. Brown reported on the following:

- Attended the Traffic Advisory Meeting today

Chair Taylor reported on the following:

- Will be requesting two workshops for the Board this summer – 1) training around relationships and responsibilities with the Town Manager, and 2) schedule a strategic planning this summer. She said a new calendar reflecting these additions will be sent out once the dates are confirmed.

ADJOURN

Motion by Mr. Brown: To adjourn

Second: Mr. Zylinski

Vote: Yes – 5 No - 0

Respectfully submitted

Carole Sutherland, Recording Secretary

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
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.

Select Board Present: Edwin (Scott) P. Zylinski, II, Chair; Onjalé Scott Price; Douglas C. Brown; Robert P. Mascali.

Absent: Nancy Robbins Taylor.

Staff Present: Michael Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. Call to Order at 6:30pm by Chair Zylinski.
2. Pledge of Allegiance
3. Proclamations:
 - a. Grace Catrambone – 100th Birthday
Mr. Mascali read the proclamation as a motion. Ms. Scott Price seconded the motion.
Vote: Yes-4. No-0. Absent-1
 - b. Falmouth Chamber of Commerce 2024 Citizen of the Year
Mr. Mascali read the proclamation as a motion. Ms. Scott Price seconded the motion.
Vote: Yes-4. No-0. Absent-1.

Troy B. Clarkson
 - c. May 2024 National Cities, Towns, and Villages Month
Mr. Mascali read the proclamation as a motion. Ms. Scott Price seconded the motion.
Vote: Yes-4. No-0. Absent-1
4. Recognition
Mr. Mascali recognized the Falmouth School District for receiving the green ribbon award for environmentally sustainable practices.
5. Announcements
Mr. Brown announced a 3pm Zoom meeting tomorrow to be held on the Steamship Authority schedule.

Mr. Mascali announced a Military Civilian Council Public Meeting Wed May 8, 5:30pm, Military Civilian Counsel meeting, public meeting.

There is an Affordable Housing event on Thursday, 5/9 at 8:30 pm in the Select Board Meeting Room.
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

Ms. Scott Price reading the hearing notice.

Michael Borselli, Falmouth Engineering, was present representing the applicant. An aerial photo of the location was shared via computer. Chapter 91 License exists for the current dock, which is in disrepair. The plan is to remove the existing structure and make it entirely fixed with no floats. The elevated walkway will provide for public access beneath. The Conservation Commission issued an Order of

Conditions. The new structure represents an improvement over what is in place now, there will be no impacts to navigation, the new structure will not project over the water body more than 25%.

Mr. Mascali asked about enhanced public access, what is that referring to? Mr. Borselli explained that the beach area from mean high water forward is State owned, so structures must be built in a way to not to impair public access along the shoreline. This dock will no longer be prohibited and will allow for public access under it.

Public Comment:

Kristen Dardano, 84 Squibnocket, commented that she was struck that it was a fixed pier and made her worry more about parties on the dock. This is a rental property and very busy late at night. They cannot attach a boat there. Why would they not float it?

Mr. Borselli explained that a fixed structure is preferred, a boat can be tied on it, there is no inability to tie. No moving parts, no need to store floats on the upland, and the float will not ground out at low tide. This is a preferred method to rebuild the dock.

Mr. Brown said that if there is concern about noise, it would be treated as any other noise issue.

According to Mr. Borselli, there is a similar dock design next door that this application is modeled after. Potential environmental effects of a float that is decked is shading the bottom and it could bottom out at low tide. Benefit of a fixed structure include that it does not need to be hauled or stored yearly, nor will it bottom out at low tide. The Conservation Commission prefers fixed structures because of sunlight penetration and bottoming out at low tide.

Mr. Mascali made a motion to close the hearing. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

Mr. Mascali made a motion to approve. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

Mr. Mascali made a motion to reopen the hearing. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

Ms. Dardano, 84 Squibnocket, said the dock will be high and she is concerned about little kids falling off it. She noted it is four feet up and asked if it now requires a railing.

Mr. Borselli stated the deck is 30-36 inches above the water line with one elevated structure higher with a railing, and then back down. The boat that docks here is low.

Mr. Mascali made a motion to close the hearing. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

Mr. Brown made a motion to approve the application of property owners Andrew and Lara Dearman to rebuild the existing licensed ramp ad float into an entirely fixed pier in Eel Pond, located at 41 Madeline Road, East Falmouth as presented. Ms. Scott Price seconded the motion. Vote: Yes-4. No-0. Absent-1.

BUSINESS

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

Kim Fish, Housing Coordinator, requested adopting the guidelines as presented. She described the documents, revisions, and amount per unit increased \$25,000 each, if the project needs it; it is a project by project basis. Local preference was removed, they request that anyway. Many have moved from Falmouth and would love to return. The lack of qualified applicants has limited locals. It is still an option, it is

requested. The Affordable Housing Committee and Falmouth Affordable Housing working group have reviewed.

Mr. Mascali noted inclusive of land acquisition was included because it is important to have the land acquisition as well.

Mr. Johnson-Staub noted they want to know the full cost of the project, they do not typically fund acquisition, it is not routine, so the clarification in the guidelines, when acquisition and construction, if separated, they want to apply the total subsidy for the entire process.

Ms. Scott Price made a motion to approve as presented. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

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

Requesting full waiver of permit fees, it would be 750 total. Mr. Renshaw recommends waiving the fee.

Diane Marshall, President of the Club, reported the club has a membership fee of \$100 per year. You can attend this practice free for a month. Rainy days they are at the Gus Canty, they are also at 241 Fitness space Mon-Fri, and the Falmouth Senior Center one day per week.

Ms. Scott Price motion to approve waiver of the fee. Mr. Brown seconded the motion. Vote: Yes-4. No-1. Absent-1.

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)

Mr. Renshaw stated that in accordance with the standard Select Board practice, it would be \$2000.00 fee. In the past there was a reduction of the permit fee. Mr. Renshaw recommends approving the request.

Mr. Brown made a motion to approve. Ms. Scott Price seconded the motion. Vote: Yes-4. No-0. Absent-1.

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

Mr. Renshaw recommended a reduced permit fee of \$262.50 because a staff person must open and close the gate at this public facility.

Mr. Brown made a motion to approve. Ms. Scott Price seconded the motion. Vote: Yes-4. No-0. Absent-1.

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)

Ms. Scott Price made a motion to approve. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

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

Ms. Scott Price made a motion to approve. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

7. License Renewals – 2024 Seasonal and Spring Annual

POOL TABLE LICENSE

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

Ms. Scott Price made a motion to approve. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

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

Held.

Kevin Lahey, 308 Menhaunt Road, Cape Cod Country Club, hoping approval letter is not issued. This was written, but not supported due to the impact including the community. The letter is significant, there are a number of issues associated with this project that are not positive for the community. There are a large amount of people who play golf and are all impacted; this is a blue collar, fixed income area people can go play golf. The solar project and 500 home to be built needs to be investigated more prior to issuing a letter of support. He is requesting more review, including EPA issues. This is private land, can be run in a profitable manner, there are many who work at the club for free. The plan is not in the interest of anyone in the long term. He feels this is a quality of life issue for many in the community.

Saxon has permission to build a housing project in the same area. Mr. Brown said that this is the plan that the solar array avoids.

Mr. Johnson-Staub said the proposal being brought forward by PureSky does not include any housing. It does include eliminating the club. This is privately owned land, owner decided not to operate a golf course, owner is not looking at a housing development, but a solar array project, which will have less environmental issues.

Mr. Renshaw attended the Advisory Committee meeting this morning, it was not until recently that the Falmouth Country Club started to turn a profit. Golf clubs are very expensive. He cannot

recommend supporting it as a public golf club. There is capital outlay, maintenance, and significant needs involved in running a public.

Mr. Brown reported receiving a letter from Bob Young, the current developer is not the same developer and he would like to know if the approval is in order as it should be.

Mr. Johnson-Staub said there is an LLC specific to this project, they applied to the Cape Cod Commission (CCC), withdrew, and are now reapplying with all the particulars on the table today. The fact the corporate name changed is not material; what is material is the proposal. The Town's interests include environmental, revenue potential, and benefits over the alternative housing development. This is a letter of support to the CCC, will undergo a review by the CCC, then the owner comes back to Town to negotiate the land transfer, which needs to go to Town Meeting, then a lease negotiation. This is a long road for this complicated project.

Mr. Brown noted they lost the piece of land that was going to be donated.

Mr. Mascali appreciated the information provided by the Town staff in a timely manner.

Mr. Renshaw recommend SB approve letter of support as drafted and presented tonight.

Mr. Brown asked if they gave letter of support to Amp Energy; Mr. Johnson-Staub did not recall, but thought it was a memorandum of understanding. In this letter they should note that the letter includes the Town's interest in land.

Mr. Brown motion to amend the letter.

Mr. Johnson-Staub stated this is time sensitive, the applicant hoped to get it a couple weeks ago. Land Use staff group met with the applicant, the applicant said the owner was choosing to retain the property originally planned to donate it. It is there land and they can decide what they sell or don't sell.

Ms. Scott Price noted the letter says it was considered it in this letter.

Mr. Johnson-Staub said there is land included in the parcel to be transferred to the Town as now supposed; with no conservation restriction and would be available for affordable housing. The Town is not paying anything to purchase this land. The highest investment use is housing, from an appraised value. This is a good time for golf, there have been ups and downs in golf interest. Golf courses across the country and in this region have gone out of business, but it is a good thing for the profitability of the other courses.

The property is being sold as land, not as a golf course.

Mr. Brown motion that include they consider including the land as previously agreed.

To support the letter with amendment that the town expresses a strong preference to include the parcel that was previously included, but removed, re: the land previously granted to the town.

Mr. Brown motion that include they consider including the land as previously agreed. Ms. Scott Price seconded the motion. Vote: Yes-3. No-1 (Mr. Zylinski). Absent-1.

The date will be updated to reflect 2024.

Ms. Scott Price made a motion to approve the consent agenda without item 2e. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

TOWN MANAGER'S SUPPLEMENTAL REPORT

Falmouth Municipal Light Plant, Mr. Renshaw sought information regarding the Town processes that would be required. He met with staff, put the information together, sent it on 4/25/24, and has received no reply.

Copy of flyer was provided to the Select Board. Town Planning Department launched two planning projects and are seeking community feedback; parking and wayfinding. Hosting an open house on Thursday, 5/16 10am-12pm and 5-7pm at the Hermann Room in the library.

SELECT BOARD REPORTS

Mr. Mascali

Attended Arbor Day Celebration.

Council on Aging meeting, they are revising some policies and procedures and will forward to Mr. Renshaw.

Appreciates the update of all departments and what they are doing from Mr. Renshaw.

Mr. Brown:

Beach Committee presentation on Surf Drive.

Zoom conference with company on short term rentals.

Ms. Scott Price:

Fire Fighter Appreciation, there was a nice community turn out.

Mr. Mascali made a motion to adjourn at approximately 8 p.m. Ms. Scott Price seconded the motion. Vote: Yes-4. No-0. Absent-1.

Respectfully Submitted,

Jennifer Chaves

Recording Secretary