

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, DECEMBER 2, 2024 – 6:30 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

6:30 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Recognition
4. Announcements
5. Public Comment

6:35 p.m. COMMITTEE INTERVIEWS

1. Interview, vote and consider appointing committee members:
 - a. EDIC – Gregory Baldwin
 - b. Police Station Advisory Committee – Robert G. Zollo, Edward Swartz, James T. Morse, Michael Duffany, Gerald C. Potamis, Boyd DeMello, Michael S. Schmidt, Thomas T. Vose, Alexander Fucillo, George Sherrill, Carissa April, Robert G. Ripley, Jr.

6:45 p.m. PUBLIC HEARINGS

1. Application to transfer Shellfish Aquaculture license #A17-01 for 1.1 acres in Nantucket Sound off Washburn Island from Glen Chamberlain to Robert O. Sargent (10 minutes)
2. Application to transfer Shellfish Aquaculture license #A17-02 for 3 acres in Buzzards Bay off Fiddlers Cove and Nye's Neck from Paula Miller to Cape Cod Oyster Co., Inc. (10 minutes)
3. Application to transfer Shellfish Aquaculture License #A15-06 for 2 acres plus a 20'x8' upweller in Megansett Harbor from Ty Perini to Cape Cod Oyster Co., Inc. (10 minutes)
4. Wetlands/Dock Hearing – Leonard C. Jr. & Patricia A. Bassett, Bassett Family Trust – application to maintain an existing seasonal pier and add an 8' section into Ashumet Pond, located at 465 Currier Road, East Falmouth (10 minutes)

7:25 p.m. BUSINESS

1. Report – Community Preservation Committee (15 minutes)
2. Discuss and consider Falmouth Country Club golf course lease extension (10 minutes)
3. Consider approval of an application for a Second-Hand Dealer's License – Flying Bridge Marina, LLC, 250 Scranton Avenue, Falmouth (5 minutes)
4. Consider approval of an application for a Common Victualler License – Kravings Pizza & Ice Cream, LLC d/b/a Simply Divine Pizza Co., 271 Main Street, Falmouth (5 minutes)
5. Consider approval of an application for a Change of Manager of an All-Alcoholic Beverages Restaurant License – The Cape Club located at 125 Falmouth Woods Road, East Falmouth (5 minutes)
6. Announce April 2025 Annual Town Meeting schedule (5 minutes)
7. Discuss and consider voting the 2025 Select Board meeting calendar dates (5 minutes)

8:15 p.m. CONSENT AGENDA

1. Licenses

- a. Consider approval of the resubmission of an application filed by Woods Hole Golf Club, Inc., 130 Quissett Avenue, Woods Hole, for a Change of Officers/Directors to its All-Alcoholic Beverages Non-Profit Club License

2. Administrative Orders

- a. Consider authorization to apply to Falmouth Road Race for grant to support upgrades to “original” Town skatepark
- b. Consider vote to accept a donation from the Falmouth Running Club in the amount of \$500.00 to the Town of Falmouth Bicycle and Pedestrian Committee for Cape Cod Marathon volunteers
- c. Consider approval of the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install approximately 713’ (feet) of 4-6” conduit under town road, Surf Drive, and install 1 new manhole to be labeled 70000/220. This work is necessary for the Falmouth to Martha’s Vineyard Submarine Cable Project.
- d. Consider approval of the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install approximately 30’ (feet) of 1-3” PVC conduit under town road and install 1 new handhole to be labeled 353/H4. This work is necessary to provide electric service to 63 Bayside Drive.
- e. Consider approval of the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission to install 1 new midspan JO pole to be labeled 549/18-5 approximately 75’ (feet) southwest of existing pole 549/18. This pole location is necessary to provide electric service to #100 Madeline Road.
- f. Consider request to apply for grant funds from the Executive Office of Housing and Livable Communities District Local Technical Assistance (DLTA) program for the development of Design Guidelines for the Planning Board
- g. Consider approval of the first 20-acre North Falmouth Woodlands conservation restriction (48 Benjamin Nyes Lane, Lot 5)

8:20 p.m. MINUTES

- 1. Review and Vote to Approve Minutes of Meetings
 - a. Public Sessions – July 1, 2024; August 24, 2024; November 4, 2024

8:25 p.m. TOWN MANAGER’S SUPPLEMENTAL REPORT

8:30 p.m. SELECT BOARD REPORTS

8:40 p.m. ADJOURN

Nancy Robbins Taylor, Chair
Select Board

OPEN SESSION

COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members:
 - a. EDIC - Gregory Baldwin



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.a. EDIC

ITEM TITLE: Interview, vote and appoint committee member- EDIC- Gregory Baldwin

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: EDIC Vacancy Summary Sheet; Recommendation letter from EDIC dated November 12, 2024; Application form dated September 3, 2024; Gregory Baldwin Resume; Email thread

PURPOSE:

The Select Board will conduct an interview of Mr. Gregory Baldwin and consider his appointment to serve on the EDIC to fill the position that requires low income/affordable housing experience.

This position has an unexpired term through June 30, 2026.

BACKGROUND/SUMMARY:

- The applicant, Gregory Baldwin, submitted his application on September 3, 2024, and stated that his primary interest was in serving on the Falmouth Economic Development & Industrial Corporation.

- The applicant has been a resident of Falmouth since February 2024 and holds a bachelor's degree in economics and is a licensed realtor currently working for Christie's International Real Estate.
- Mr. Baldwin is also a licensed construction supervisor.

DEPARTMENT RECOMMENDATION:

Following the interview, the Town Manager recommends that the Select Board vote to appoint Mr. Gregory Baldwin to the EDIC to fill the vacant position which requires low income/affordable housing experience and has an unexpired term through June 30, 2026.

OPTIONS:

- Motion to appoint Gregory Balwin to the EDIC to fill the vacant position requiring low income/affordable housing experience and to serve the unexpired term through June 30, 2026.
- Motion to deny the appointment of Gregory Balwin to the EDIC to fill the vacant position requiring low income/affordable housing experience and to serve the unexpired term through June 30, 2026.

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 interview, the Town Manager recommends that the Select Board vote to appoint Mr. Gregory Baldwin to the EDIC to fill the vacant position which requires low income/affordable housing experience and has an unexpired term through June 30, 2026.

Michael Renshaw

11/25/2024

Town Manager

Date

Economic Development & Industrial Corp. (EDIC) (7 members) (3-year terms)

One vacancy:

- One position with low income/affordable housing experience with an unexpired term until 6/30/26

One applicant:

- Gregory Baldwin

November 12, 2024

Select Board Chairperson Dr. Nancy Taylor
Falmouth Town Hall
59 Town Hall Square
Falmouth MA 02540

Dear Chairperson Taylor:

As Executive Director of the Falmouth Economic Development & Industrial Corp (EDIC), I have been directed by the Board of Directors of the EDIC to submit a letter of recommendation to the Select Board on the application by Gregory Baldwin for a position on the EDIC Board. Mr. Baldwin appeared at the EDIC's October Board meeting for an interview with the Board.

Mr. Baldwin is active in the real estate field, including owning and operating a construction management firm, which aligns with our anticipated work on the Falmouth Station workforce housing project. The current Board opening includes a designation for representation of lower-income population, including for housing related issues. We understand Mr. Baldwin's background, albeit outside of Falmouth, includes growing up in inner city Baltimore in a predominantly black and lower income neighborhood where he participated in volunteer organizations serving that population. In addition, Mr. Baldwin recently served as an alternate on the Provincetown Planning Board and in 2023/2024 was a member of a study group looking at a town's overlay district. Due to his background and interest in finding solutions to address the housing challenges on the Cape and the diversity he brings to the Board, the Directors voted unanimously to make this recommendation.

I understand Mr. Baldwin will be scheduled to appear before the Select Board soon for an interview. We encourage the Select Board to confirm his application at that time. We suggest that Greg join the EDIC Board as its low-income representative, filling an unexpired term ending in June 2026.

Please feel free to reach out to me if this application raises any questions or concerns for the Select Board.

Thank you.



Wayne Lingafelter
Executive Director
Falmouth EDIC

cc: Town Manager Mike Renshaw
Diane Davidson, Town of Falmouth
Mark Lowenstein, Co-Chair EDIC
Colin Reed, Co-Chair EDIC



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: Gregory Baldwin

Address: 73 Carl Landi Cir Village: E. Falmouth ZIP: 02536

Mailing Address: (Same as above) Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 7 months (date: 2/24) / Taxpayer _____ (date: _____)

Amount of time you are available to give: 20 hrs a week

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

- EDIC
- Building code Board of Appeals
- Planning

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences: Currently work as a Realtor for Christians and General Contractor/owner of construction company

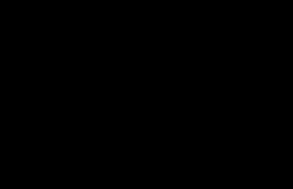
Town offices held in Falmouth or elsewhere and dates of years served: _____

Provincetown Planning board (2022, Alternate), ^{District} Overlay Committee (20

Briefly describe the particular skills you feel you will add to the committee or board: I
am well versed in building code and enjoy
dissecting town bylaws. I look forward to serving
our Falmouth community. Graduated from NYU
(BA-Economics) in 2020.

You may attach a resume to this application.

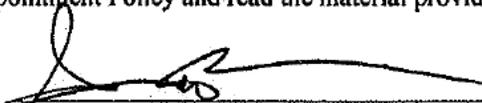
List three (3) references:

| Name | Title | Phone |
|---------------------------|---------------------------------------|--|
| 1. <u>Jonathan Norris</u> | <u>Atty</u> |  |
| 2. <u>Donna Walker</u> | <u>DBI coordinator - Provincetown</u> | |
| 3. <u>Doug Grattan</u> | <u>Broker - Christies</u> | |

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

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

9/3/24
DATE


APPLICANT'S SIGNATURE

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

Gregory Baldwin
73 Carl Landi Cir
Falmouth, MA 02536

“Determine the thing can and shall be done, and we will find a way.”

~ Abraham Lincoln

Professional Experience:

Christie’s International Real Estate Atlantic Brokerage 2022 – Present

Licensed Realtor #9560203

Provincetown – Nantucket

<https://cireab.com/agent/gregory-baldwin>

- Assist buyers and sellers from presale and list planning, market analysis and valuations, off-market property acquisitions, and all aspects of real estate transactions.
- Collaborate with respective attorneys and other client representatives to expedite a seamless transfer of deeds
- Prospect, network, and connect with people interested in real estate transactions

Alluvium Development Companies LLC. 2022 - Present

President

Construction Supervisor Licensed (CS-117052)

www.alluviumcompanies.com

- Assist with pre-construction planning and town board approvals
- Assist owners/developers with onsite construction management and project bidding
- Project consultation and assessment

Heroes Rebellion Athletic Foundation Inc.

2021– 2022

President / Executive Director

www.heroesrebellion.org

The Heroes Rebellion Athletic Foundation is a 501c3 that allowed a collective group of athletes and fitness goers to dedicate their fitness goals to charitable causes.

- Establish bylaws, articles of incorporation, and overall strategy for HRAF.
- Successfully established well-connected board of directors who add diversity of thought and ideas to the Heroes Rebellion collective.
- Develop marketing material, research, and technology initiatives required for launch a success.

Greg Baldwin Fitness

2010 - 2022

Certified Personal Trainer / Owner

www.gregbaldwinfitness.com

- Established a comprehensive team of fitness professionals that specialized in personal training, private yoga instruction, physical therapy, acupuncture, private golf instruction... making the path to overall good health an easier, more convenient transition.
- Successfully implemented marketing campaigns to continuously acquire new clients.
- Monitored, analyzed, and tracked client health and fitness measurements through proprietary "Fitness Portfolio Statements".

JP Morgan Chase

2013 - 2016

(Series 6,7, 63, 66, Life and Health Licensed)

Relationship Banker, Private Client Banker, Financial Advisor

- Provided clients with sophisticated investment and banking solutions for their complex financial needs
- Diligently assessed the marketplace and recommended the most appropriate products and services available while ensuring clients and prospects understood which products best met their needs.
- Partnered with branch colleagues to discover opportunities and expanded client relationships with JP Morgan Chase

- Acquired, retained, deepened full-service banking relationships while delivering a superior service experience.
- Utilized branch partners (mortgage specialist, business bankers, etc.) to ensure clients got access to experts who can help with specialized financial needs.

Merrill Lynch

2007 - 2009

Registered Financial Advisor

(Series 7, 66, Life and Health Licensed)

- Advised clients on financial plans... utilizing knowledge of tax and investment strategies, securities, insurance, pension plans, and real estate.
- Assessed client assets, liabilities, cash flow, insurance coverage, tax status, and financial objectives to establish investment strategies.
- Prepared and interpreted client investment performance reports, financial document summaries, and income projections.
- Coordinated with clients' other advisors, attorneys, accountants, trust officers, and investment advisers, to fully understand their complete financial roadmap.
- Monitored financial market trends to stay current on changes in economic indicators.

Paulson Investment Company

2006 - 2007

Junior Broker

(Series 7 Licensed)

- Successfully made outbound calls to potential investors.
- Gathered and evaluated information from potential investors to determine eligibility for specific investment products.
- Coordinated strategic plans with managing partner on how to transition prospects into clients.

Transtar Executive

2005-2006

Corporate Chauffeur

- Safely transported clientele to and from various destinations while demonstrating effective time management skills.
- Maintained proper corporate attire and communication etiquette.
- Created a warm and friendly customer experience throughout each client interaction.

ADT Security Services

2004 - 2005

Commercial Sales Representative

- Created new market share and penetrate territories.
- Utilized marketing material while presenting complete line of products and services during client presentations.
- Executed proven customer retention strategies to maintain customer base and increase referral ratios

Affiliations:

- Former Alternate Member – Town of Provincetown Planning Board (07/2022 – 12/2022)
- Member – Shank Painter Rd Overlay Committee – Town of Provincetown (03/2023 – 12/2023)
- Member – American Institute of Architects (AIA) (2024 - Present)
- Young Associates – Metropolitan Opera – NY, NY (2012- 2018)
- Member – USA Triathlon (2013 – Present)

Education:

New York University

2015 - 2020

BA Economics

University of Minnesota

1997 - 1998

Intercollegiate Athlete (Football)

Undecided

OPEN SESSION

COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members:

b. Police Station Advisory Committee

- Robert G. Zollo (confirmed)
- Edward Swartz (confirmed)
- James T. Morse (waiting confirmation)
- Michael Duffany (unable to attend on 12/2)
- Gerald C. Potamis (confirmed)
- Boyd DeMello (confirmed)
- Michael S. Schmidt (unable to attend on 12/2)
- Thomas T. Vose (confirmed)
- Alexander Fucillo (waiting confirmation)
- George Sherrill (confirmed)
- Carissa April (confirmed)
- Robert G. Ripley, Jr. (confirmed)

Police Station Advisory Committee (5 members) (term until completion)

5 positions.

12 applicants:

- Robert G. Zollo
- Edward Swartz
- James T. Morse
- Michael Duffany
- Gerald C. Potamis
- Boyd DeMello
- Michael S. Schmidt
- Thomas T. Vose
- Alexander Fucillo
- George Sherrill
- Carissa April
- Robert G. Ripley, Jr.

Term until completion.

**TOWN OF FALMOUTH
POLICE STATION ADVISORY COMMITTEE**

A temporary Police Station 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 who shall serve until the Committee is dissolved. The Board seeks representation from individuals with a background in building design, building construction, civil engineering, and/or police services. In the event that a member resigns prior to the dissolution of the Committee, the Board may elect to appoint a new member.

The mission of the Committee is to advise on architect selection, police station site selection, and design of a new police station based on information provided by staff, the owner's project manager and the architect retained by the Town. The Committee will also solicit input from residents. The Committee is directed to submit a recommendation to the Town Manager regarding architect selection and to submit recommendations to the Select Board regarding potential locations for a new police station. If the funding for design of a new station is approved, the members of this Committee shall advise the Town Manager and Select Board on the design of the new Police Station. If funding is approved for construction, the Committee shall advise the Town Manager on the construction of the new station.

This Committee is to convene meeting at the earliest reasonable time following Select Board appointment. They are to select a Chair, Vice-Chair and Recording Secretary, will select an agreeable meeting date, time and place and will post all Committee meetings, prepare and approve minutes consistent with the Commonwealth Open Meeting Law. It is the intention of the Board to encourage consistent and steady progress to timely reach this final recommendation, as it is in the public safety interest to facilitate moving to closure on this important matter.

The Town Manager, Police Chief and their designees shall serve as staff liaisons to this Committee to provide relevant information and analysis. The Committee may be dissolved by the Select Board if Town Meeting does not approve funding or if the voters do not approve a debt exclusion to fund the project (if a debt exclusion is required). Otherwise, the Committee shall be dissolved when construction of the station reaches substantial completion.

Applications are available on the Town website at <https://www.falmouthma.gov/647/Town-Committees-Commissions-and-Boards>. The preference date to apply is Friday, November 8, 2024 by 4:30 p.m. in the Office of the Select Board, 59 Town Hall Square.

On request of the Falmouth Select Board

Publication date: Friday, October 18, 2024; Falmouth Enterprise.

POLICE STATION ADVISORY COMMITTEE

Approved by Select Board: October 7, 2024

A temporary Police Station 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 who shall serve until the Committee is dissolved. The Board seeks representation from individuals with a background in building design, building construction, civil engineering, and/or police services. In the event that a member resigns prior to the dissolution of the Committee, the Board may elect to appoint a new member.

The mission of the Committee is to advise on architect selection, police station site selection, and design of a new police station based on information provided by staff, the owner's project manager and the architect retained by the Town. The Committee will also solicit input from residents. The Committee is directed to submit a recommendation to the Town Manager regarding architect selection and to submit recommendations to the Select Board regarding potential locations for a new police station. If the funding for design of a new station is approved, the members of this Committee shall advise the Town Manager and Select Board on the design of the new Police Station. If funding is approved for construction, the Committee shall advise the Town Manager on the construction of the new station.

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may be dissolved by the Select Board if Town Meeting does not approve funding or if the voters do not approve a debt exclusion to fund the project (if a debt exclusion is required). Otherwise, the Committee shall be dissolved when construction of the station reaches substantial completion.



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.b. – Robert G. Zollo

ITEM TITLE: Interview, vote, and appoint committee members- Police Station Advisory Committee- Robert G. Zollo

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application of Robert G. Zollo; Police Station Advisory Committee Charge; Committee Appointment Policy; Resume

PURPOSE:

The Select Board will interview and consider the appointment of Robert G. Zollo to serve on the Police Station Advisory Committee.

BACKGROUND/SUMMARY:

- On October 7, 2024 the Select Board voted to approve the establishment of a Police Station Advisory Committee as well as the attached Committee Charge which calls for the Committee to be comprised of five (5) members.
- The Select Board has identified construction of a new police station as a priority. The next steps are to select an architect and then staff will work with the owner's project management, architect and this advisory committee in selecting a site for the new station for consideration by the Select Board.

- The Committee will submit a recommended site to the Select Board, as well as advise and collaborate with the architect in the design of the facility.
- The committee vacancy was advertised in the local paper on October 18, 2024, with an application preference date of November 8, 2024.
- A total of thirteen (13) individuals submitted applications to be considered for appointments, however one individual withdrew; there are a total of 12 individuals to be interviewed.
- Mr. Robert G. Zolo submitted his application (attached) on October 25, 2024.
- Robert G. Zollo has been a resident of Falmouth since June 2022 and possesses 30 years of law enforcement experience (Retired Chief of Police for the Town of Wilbraham, where he participated in the planning of a new 16,000 sq. ft. police station).

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

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:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

Michael Renshaw

Town Manager

11/27/2024

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, or email it to townmanager@falmouthma.gov. 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: Robert G. Zollo

Address: 26 Atwater Street Village: _____ ZIP: 02536

Mailing Address: s/a Village: _____ ZIP: _____

Telephone: [REDACTED] Email [REDACTED]

How long have you been a Resident 2 yrs (date: 06/22) / Taxpayer 12 yrs (date: 10/12)

Amount of time you are available to give: whatever is needed (retired)

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

1. Police Station Advisory 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: _____

30 years as a law enforcement officer

40 + years running family painting business (residential and commercial)

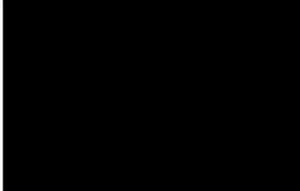
Town offices held in Falmouth or elsewhere and dates of years served: none

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

I have a small working knowledge of construction. I have worked as a law enforcement officer for the Town of Wilbraham for thirty years, most of those were in an 80+ year old police station. During the last ten years of my employment, I helped to plan and observe the construction of a new 16,000 sq ft. \$8 million dollar police station. I have also utilized (Captain) and managed (Chief) the facility, giving me insight into what a well-built functional station should be.

You may attach a resume to this application.

List three (3) references:

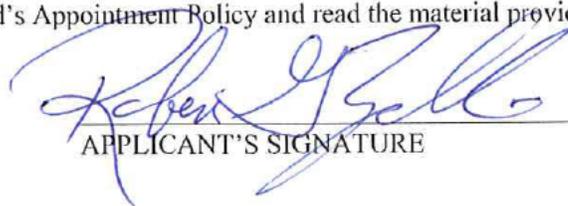
| | <u>Name</u> | <u>Title</u> | <u>Phone</u> |
|----|------------------|---------------|---|
| 1. | Margaret Szuplat | friend |  |
| 2. | Roger Tucker | retired chief | |
| 3. | Cheryl Leahy | friend | |

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

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

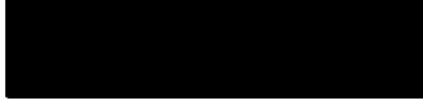
10/25/2024

DATE


APPLICANT'S SIGNATURE

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

Robert G. Zollo
26 Atwater Drive
East Falmouth, MA 02536



OBJECTIVE

I am applying for the position of Police Station Advisory Committee

EXPERIENCE

2018-2022 Retired

Chief of Police, Wilbraham, MA Police Department

- Department head for 27 full time police officers and 14 full time dispatchers
- Responsible for the maintenance and operation of a new a 8.5 million dollar safety complex
- Responsible for a 2.7 million dollar annual budget
- Organized, scheduled and ran monthly staff meetings
- Frequently represented the department and town at civic meetings, town meetings, press conferences, business community meetings, etc.
- Applied for and monitored several federal and state grants
- Interviewed and hired several officers, a Regional Dispatch Supervisor and a Wilbraham Fire Chief
- Represented the town in all police and dispatcher union contract negotiations
- Represented the town in any disciplinary actions of union members.

2013-2018

Captain, Wilbraham, MA Police Department

- Administrative Captain
- Supervised 24 full time officers
- Oversaw all administrative work throughout the department
- Public information Officer (press releases and conferences)
- In charge of officer training, Community Policing events and functions.
- Applied and monitored all federal and state grants awarded
- Responsible for addressing all citizens requests for services
- Received and investigated all citizens complaints on officers
- Scheduled officers for shifts, training and time off

2005-2013

Sergeant, Wilbraham, MA Police Department

- Supervised the midnight shift and afternoon shifts
- Supervised the traffic division

- Processed, filed and approved all firearm applications
- In charge of crime scene management (photos/prints)
- In charge of hiring (interviewing/back grounds) of new officers

1994-2005

Patrol Officer, Wilbraham, MA Police Department

- General patrol assignments
- Community Policing
- Traffic Officer
- Investigated criminal investigations
- D.A.R.E Officer
- Crime Prevention Officer
- School Resource Officer
- Sexual Assault Investigator
- Elder Affairs Officer

1985-Present

Bob Zollo Painting, Owner/ Operator

- Third generation family painting business
- Owned and operated a commercial and residential painting business
- Estimated jobs
- Purchased and ordering materials
- Customer relations
- Payroll
- Hired and supervised employees
- Product knowledge
- Ability to produce a profit while completing a job in an efficient and timely manner

1993-1994

Corrections Officer, Hampden County House Of Corrections

- Secured incarcerated State and County inmates
- Member of the Special Operations Response Team

1985-1989

J.N.R. Associates, Sales and Personnel Manager

- Hired and trained sales personnel
- Supervised forty sales personal in three offices

EDUCATION

1999-2001 Masters degree Criminal Justice, Western New England University, Springfield, MA (3.77GPA)

1996-1998 B.A. Criminal Justice, Western New England University, Springfield, MA (3.54GPA)

1983-1985 Attended Worcester State College, Worcester, MA

INTERESTS & ACTIVITIES

Fishing , Reading, Coaching Youth Sports, Scuba Diving, Camping, Traveling



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.b. – Edward Swartz

ITEM TITLE: Interview, vote, and appoint committee members- Police Station
Advisory Committee- Edward Swartz

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application of Edward Swartz; Police Station Advisory Committee Charge;
Resume

PURPOSE:

The Select Board will interview and consider the appointment of Edward Swartz to serve on the Police Station Advisory Committee.

BACKGROUND/SUMMARY:

- On October 7, 2024 the Select Board voted to approve the establishment of a Police Station Advisory Committee as well as the attached Committee Charge which calls for the Committee to be comprised of five (5) members.
- The Select Board has identified construction of a new police station as a priority. The next steps are to select an architect and then staff will work with the owner's project management, architect and this advisory committee in selecting a site for the new station for consideration by the Select Board.

- The Committee will submit a recommended site to the Select Board, as well as advise and collaborate with the architect in the design of the facility.
- The committee vacancy was advertised in the local paper on October 18, 2024, with an application preference date of November 8, 2024.
- A total of thirteen (13) individuals submitted applications to be considered for appointments, however one individual withdrew; there are a total of 12 individuals to be interviewed.
- Mr. Edward Swartz submitted his application (attached) on October 17, 2024.
- Edward Swartz has been a resident of Falmouth since April 2020 and currently serves as Chairman of the Falmouth Municipal Light Board and is a Town Meeting member; he also served on the Town of Dighton's finance committee.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

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:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

Michael Renshaw

Town Manager

11/27/2024

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, or email it to townmanager@falmouthma.gov. 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: Edward Swartz

Address: 7 Harmony St Village: Teaticket ZIP: 02536

Mailing Address: 7 Harmony St Village: Teaticket ZIP: 02536

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 4 (date: 04/20) / Taxpayer (date:)

Amount of time you are available to give: _____

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

1. Police Station Advisory
2. _____
3. _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences: See Attached

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



Summary

Community-oriented, results-driven leader with more than 25 years of experience in private and public sector operations and sales management. A demonstrated track record of fiscal planning, financial forecasting, strategic planning and relationship building to advance and achieve goals

Municipal Experience

Town of Falmouth MA

Municipal Light Board Member 2023- Present
- Elected to newly established 5 Member Board with the purpose of creating a locally owned fiber optic network

Town Meeting Member- 2021-Present
-Elected as Member after moving to the community within one year

Town of Dighton

Finance Committee- Appointed 19 consecutive year 2002 - 2021

Responsible for leading the financial team in the Town of Dighton, Working collaboratively with the Town Accountant, Treasurer, and Assessor. During my tenure as leader of the Finance Committee, worked collaboratively with more than twenty different Select Board members.

- Served as Chairman for entirety of service.
- 2002- 2017, served as primary financial officer within the town (Town administrator appointed in 2017)
- Financial Liaison to the Regional School district
- Town Finance liaison to building of new Police Station completed in 2019

Dighton Water District

Board of Commissioners 2007-2010, 2013 - 2020
-Served as Chairman 2007-2010, 2013-2018
-Successfully implemented auditing process to reduce cost to rate payers
-Led the Master Plan process culminating 10 year plan of action for Water Line and Plant Upgrades

Taunton Housing Authority 1994 - 2000
- Chairman, 1997 - 2000

City of Taunton -

- Municipal Councilor 1992-1993, 1996-1997
- Council President, 1996
- Key Committee assignments- Finance & Salaries, Fires & Wires, Solid Waste (Chairman), DPW
- Chaired the Solid Waste committee in the largest Public/Private DPW upgrade at the time- Sewer Treatment Plant Upgrade.

Selected Professional Experience

Edward B. Swartz
7 Harmony Street, Teaticket MA 02536

Nasoya Foods USA/Pulmuone Foods USA, Ayer, MA/Fullerton CA

3/17 to Present

Director of Retail Sales- Grocery/Natural

Responsible for managing all facets of the North American Sales Division for Retail Sales for Grocery and Natural Foods. This includes budgeting, forecasting, and long and short-term strategic direction. Manage five regional sales managers throughout the United States. Oversee all major retail accounts and develop top to top relationships at key customers and brokers. Management responsibility includes training, hiring, and developing a strong and stable sales force. Currently responsible for sales revenue of \$100 million.

Nasoya Foods USA/Pulmuone Foods USA (Acquisition May 2016)

Vitasoy USA, Inc. Ayer, MA

4/05 to 2/17

Eastern Sales Manager

Responsible for managing all facets of the Eastern Sales Division, including budgeting, forecasting, and long and short-term strategic direction. Manage East Coast Natural/Mainstream Grocery. Responsible for multiple classes of trade: traditional grocery and produce. Direct responsibility for NE Produce Region via Broker Network. Managed regional sales managers responsible for Southeast and West Produce Divisions, Natural Foods (East Coast Natural Customers Including Whole Foods via Broker Network), and Club (BJ's). Total current combined sales revenue in excess of \$15 million.

Major accomplishments:

- Initiated Distribution Drive of Pasta and Tofu in the Northeast Produce Division resulting in a gain of 2400 distribution points.
- Led development of Trade spending initiative, resulting in Trade spends reduction that increased bottom line profit by 2 points.
- Developed Private Label initiative in Produce Division leading to launch in four major customers.

Power Bar, Inc./Nestle USA Berkeley, CA

12/95 to 4/05

Northeast Region Manager, Taunton, MA

Responsible for managing a network of five brokers and two manufacturers' representatives within the Northeast and Mid-Atlantic Region. National customers have included Ahold Cumberland Farms and BJ's Wholesale Club. Current region generates in excess of \$15.0 million in annual sales with coverage including the grocery (distributor and direct) via broker network and HQ responsibility for BJ's Club stores. Previous responsibility includes convenience store, drug, natural foods, and sports specialty retail trade classes. Managing a trade marketing budget in excess of \$2.0 million.

Major Accomplishments:

- Led customer partnering initiatives with key accounts and developed new programs yielding three-year growth of 157%.
- Increased region ACV from 58% to over 90 % during 3-year period.
- Led development and implementation of customer business plans with all major customers within the region resulting in 42% increase in promotional and display activity.
- Developed and implemented a strategic plan for broker consolidation and transition in the northeast. The results were streamlining operations and continued growth without any short-term losses.
- Selected Vendor of the Year by Star Market/Wild Harvest for "successfully partnering to create true category management between the retailer and the manufacturer" Henry Nasella, president Star Market/Wild Harvest. The results were sales growth of 400% and category growth of 100%.

Morris Alper, Inc., Framingham, MA

3/88 to 11/95

Braud Manager, Perishable Division

10/92 to 11/95

Edward B. Swartz
7 Harmony Street, Teaticket MA 02536

Responsible for development and execution of manufactures programs in the Meat/Deli/Scafood Division to efficiently increase revenues for brands such as OnCor, Ken's, Hebrew National, and assisted on Contadina Fresh Pasta. Responsible for the planning, category analysis and follow-through of all sales issues to the New England Supermarket trade. Headquarter responsibilities included Shaw's and Star Market. Succeeded in taking Ken's Seafood brand from a zero base to 50k plus cases and subsequently doubling the business each year.

Key Account Manager, Perishable Division

2/91 to 10/92

Responsible for the sales and execution of manufacturers programs to achieve sales quotas at key retailers and wholesalers in the New England market. Key accounts included Shaw's, Star Market, and Ferrera Wholesale. Successfully implemented first wholesaler participation in local marketing event (Coupon-o-rama) and achieved sales results by increasing business in each quarter.

Territory Manager, Retail Division

3/88 to 2/91

Responsible for retail execution and item placement to manufacturers standard. Retail execution of retailer's promotions, i.e. displays, additional cases.

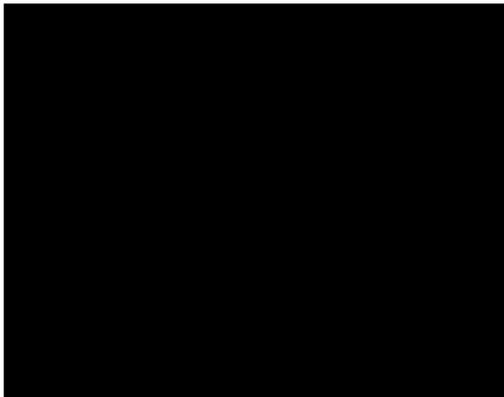
Community Experience

| | |
|--|--------------|
| FalmouthNet- Non Profit organization to bring Municipal Fiber Optic to Falmouth Board of Directors- At large | 2022-present |
| Dighton Youth Baseball and Softball League - Board of Directors - Vice President, 2008 | 2005 - 2011 |
| Dighton-Rehoboth Strikers Youth Soccer, Board of Directors | 2003 - 2011 |

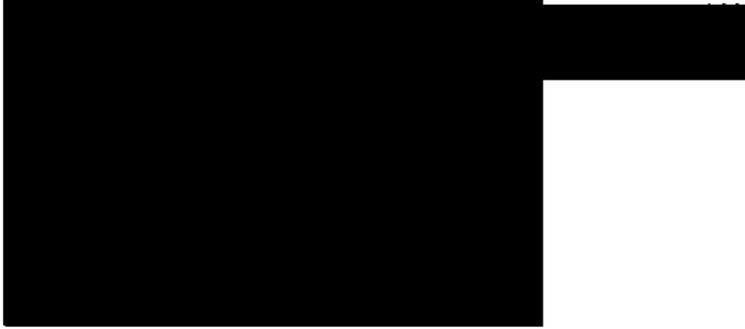
Education

Bridgewater State College, Bridgewater, MA
Bachelor of Science, Management with Minor in Economics, January 1988

References:



Edward B. Swartz
7 Harmony Street, Teaticket MA 02536





AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.b. – James T. Morse

ITEM TITLE: Interview, vote, and appoint committee members- Police Station Advisory Committee- James T. Morse

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application of James T. Morse; Police Station Advisory Committee Charge; Resume

PURPOSE:

The Select Board will interview and consider the appointment of James T. Morse to serve on the Police Station Advisory Committee.

BACKGROUND/SUMMARY:

- On October 7, 2024 the Select Board voted to approve the establishment of a Police Station Advisory Committee as well as the attached Committee Charge which calls for the Committee to be comprised of five (5) members.
- The Select Board has identified construction of a new police station as a priority. The next steps are to select an architect and then staff will work with the owner's project management, architect and this advisory committee in selecting a site for the new station for consideration by the Select Board.

- The Committee will submit a recommended site to the Select Board, as well as advise and collaborate with the architect in the design of the facility.
- The committee vacancy was advertised in the local paper on October 18, 2024, with an application preference date of November 8, 2024.
- A total of thirteen (13) individuals submitted applications to be considered for appointments, however one individual withdrew; there are a total of 12 individuals to be interviewed.
- Mr. James T. Morse submitted his application (attached) on October 28, 2024.
- James T. Morse has been a resident of Falmouth for 14 years and currently serves as Vice Chairman of the Falmouth Zoning Board of Appeals and is a former Town Meeting member; he also is an attorney and served as a police officer, sergeant, detective, and prosecutor with the Oak Bluffs Police Department from 1995-2018.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

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:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

Michael Renshaw

Town Manager

11/27/2024

Date



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION APPLICATION FORM

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Name: James T Morse

Address: 545 W. Falmouth HWY #3 Village: W. Falmouth ZIP:

Mailing Address: Post Office Box 672 Village: Falmouth ZIP: 02540

Telephone: [Redacted] Email: [Redacted]

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

Amount of time you are available to give: As needed

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

- 1. Police Station Advisory Committee
2.
3.

Seeking: Permanent Position [checked] Alternate Position []

Have you attended any meetings of the committee for which you are applying? NA- Not formed yet

Relevant affiliation and work and personal experiences:

Attorney at law with focus in criminal defense. Prior police officer of 24 years.

Experience in reviewing building plans for ZBA hearings and applications.

Extensive experience as law enforcement trainer with MPTC and Mass State Police

Town offices held in Falmouth or elsewhere and dates of years served: Town Meeting member Pct 6

8 Years (Former). Current Zoning Board of Appeals Vice-Chair, past Chair and Clerk 5 Yrs.

Past President Massachusetts Coalition of Police AFL-CIO Local 268 (Oak Bluffs Patrol) 2003-2018

Past President / Clerk Oak Bluffs Firemans Civic Association 2002-2013 Firefighter/EMT Oak Bluffs Vol. Fire Department

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

Ability to chair and conduct meetings in compliance with open meeting law.

Ability to chair and participate on a board with diverse viewpoints and backgrounds.

Extensive knowledge of police procedure, technology, training needs and municipal liability of law enforcement.

Commitment to ensuring that the police department that serves the community in which I reside is properly supported.

You may attach a resume to this application.

List three (3) references:

| | <u>Name</u> | <u>Title</u> | <u>Phone</u> |
|----|---------------------------|------------------------------|--------------|
| 1. | <u>Genevieve Henrique</u> | <u>Attorney</u> | [REDACTED] |
| 2. | <u>Sean Reardon</u> | <u>LT. Mass State Police</u> | [REDACTED] |
| 3. | <u>Wm. DUFFY</u> | <u>NOAA Port Agent</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.

10/18/2024

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.

JAMES T. MORSE , ESQ.

**545 W. FALMOUTH HWY UNIT 3
FALMOUTH MA 02540**

EDUCATION:

| | | |
|--------------------------------------|------|--|
| Diploma | 1993 | The Governor's Academy, Byfield MA |
| B.A. History | 1997 | The College of Wooster, Wooster OH |
| M.S. Criminal Justice Administration | 2001 | Western New England University, Springfield MA |
| J.D. Law | 2005 | New England Law, Boston MA |

PROFESSIONAL LEGAL EXPERIENCE:

Attorney & Counselor at Law, Law Office of James T. Morse LLC, Falmouth MA 02540. 2006-Present

Principal in a law firm with the following focus areas:

- Criminal Defense
- Landlord Tennant
- Civil Litigation
- Estate Planning & Administration
- Business Law & Liability Consulting
- Liquor Licensing
- Negotiations and Alternative Dispute Resolution

Regular appearances in Massachusetts District, Housing & Superior Court and administrative/regulatory bodies such as the Massachusetts Commission Against Discrimination and the Alcoholic Beverage Control Commission. Through knowledge of Massachusetts Rules of Criminal and Civil Procedure. Extensive motions and trial practice. Practice includes acceptance of appointments of indigent clients in District & Superior Court as a Bar Advocate and mentoring of three attorneys in Barnstable County.

Vice-Chair & Member, Zoning Board of Appeals, Town of Falmouth MA 2019-Present

Conduct hearings of a quasi-judicial body on applications for special permits, zoning variances, comprehensive permits under G.L. c. 40A and 40B. Responsible for application of Town zoning By-law, relevant case law and statutory law in formulating key findings and conditions and drafting and reviewing legally defensible written decisions of the board.

Of Counsel - Cini & Miller P.C., Edgartown MA 2006-2007

Employed "Of Counsel" for a civil law firm located in Edgartown MA. Focus Areas included:

- Civil Litigation
- Commercial and Residential Landlord & Tennant
- Estate Planning and Administration
- Liquor Licensing

LEGAL INSTRUCTION EXPERIENCE:

Instructor/ Subject Matter Expert, Massachusetts Municipal Police Training Committee. 2012-2018

- Master Trainer/ Curriculum Steering Committee, Instructor Development Program
- Legal Instructor (Criminal Law, Criminal Procedure, Motor Vehicle Law)
- Courtroom Procedures Instructor
- Fair and Impartial Policing Training of Trainers Instructor
- Search Warrants

Assisted the Massachusetts Municipal Police Training Committee and Force Concepts Inc., as a subject matter expert in reviewing and re-writing parts of the basic police recruit curriculum including revisions to the Constitutional Law, Criminal Law and Investigations blocks of instruction.

Instructor, Massachusetts State Police Academy, New Braintree MA. 2014 to 2018

- Previously contracted to instruct Criminal Law and Criminal Procedure for State Police Municipal ("SPMA") and Special State Police Officer ("SSPO") Recruit Classes.
- Provided legal input and review for other subject areas as needed.
- Developed curriculum, presentations, testing materials for students and other end users.

OTHER EMPLOYMENT

Oak Bluffs Police Department, Town of Oak Bluffs, Massachusetts. 1995-2018.

Prosecutor

- Responsible for all aspects of case management in District and Superior Court including answering discovery motions, assisting in drafting memorandums of law, assisting Assistant District Attorneys with evidentiary hearings, trial preparation and jury selection.
- Presented cases to Clerk-Magistrate or Judge for probable cause determination.
- Represented department during traffic citation hearings and non-criminal appeals.
- Represented the Department at hearings before administrative boards such as the Alcoholic Beverage Control Commission or Board of Selectmen.
- Responsible for training of new police officers in courtroom testimony and procedures

Detective

- Conducted investigations into major crimes occurring in Oak Bluffs.
- Liaison with other local, state and federal law enforcement agencies.
- Point of contact with Cape and Island District Attorney's Office.
- Coordinator for the Drug Recognition Expert Program in Dukes County.
- Provided additional training to patrol officers in the areas of crime scene management, evidence collection, search and seizure, and search warrant writing.
- Coordinated the Oak Bluffs/Edgartown Citizen Police Academy.
- Co-ordinated and Instructed the Martha's Vineyard Law Enforcement Council's Reserve/Intermittent Police Academy.

Sergeant

- Supervised 10 full time and numerous part time police officers in daily duties and ensured compliance with all department policies and procedures.

Police Officer

- Provided foot, bicycle, motorcycle and vehicle patrol of town.
- Handled emergency and non-emergency calls for service and assisted the public as needed.

- Preserved the public peace and protected property.
- Union President/Steward.
- Negotiated 5 collective bargaining agreements between police union and Town.
- Numerous awards and decorations for service.

PROFESSIONAL MEMBERSHIPS

Massachusetts Bar Association
 Barnstable County Bar Association
 Dukes County Bar Association
 Massachusetts L.G..B.T.Q. Bar Association

PUBLIC SERVICE:

Vice-Chair, (former Chair) Zoning Board of Appeals, Town of Falmouth (Term Expires 2026)
 Town Meeting Member, Town of Falmouth (Term expires 2016-2023)
 Director & Clerk, The Fred Harris Daniels Foundation Inc., Worcester MA. (2012-Present)
 Director & Clerk, Gay Officers Action League of New England (2017-2022)
 Past President, Oak Bluffs Fireman's Civic Association
 Past Secretary, Oak Bluffs Fireman's Civic Association
 Past Secretary Oak Bluffs Fireman's Relief Association
 Firefighter/EMT Oak Bluffs Volunteer Fire Department (2000-2018)
 EMT Tisbury Police Ambulance Service (2000-2006)
 Tri-Town Ambulance Service (2000-2006)
 Chair, Tisbury Beer and Wine Exploratory Committee

REFERENCES :

Mr. Martin V. Tommassian Esq., President, Dukes County Bar Association, Edgartown MA
 Mr. Robert Moriarty Esq., McCarron, Murphy & Vukota PC Edgartown MA
 Mr. Joseph Sollitto Esq. Clerk, Dukes County Superior Court (Retired)
 Mrs. Genevieve K. Henrique, Esq., Law Office of Genevieve Henrique, Falmouth MA
 Sgt. Mark Courtois, Former Director of Training, Massachusetts State Police Academy, New Braintree MA
 Mr. Edward Teague Clerk-Magistrate Falmouth District Court, Falmouth MA
 Mrs. Liza Williamson, Clerk-Magistrate, Edgartown District Court. Edgartown MA.

Michael Duffany is unable to attend on 12/2. Invited him to interview on 12/16.

December 2, 2024



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.b. – Michael Duffany

ITEM TITLE: Interview, vote, and appoint committee members- Police Station Advisory Committee- Michael Duffany

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application of Michael Duffany; Email

PURPOSE:

The Select Board will interview and consider the appointment of Michael Duffany to serve on the Police Station Advisory Committee.

BACKGROUND/SUMMARY:

- On October 7, 2024 the Select Board voted to approve the establishment of a Police Station Advisory Committee as well as the attached Committee Charge which calls for the Committee to be comprised of five (5) members.
- The Select Board has identified construction of a new police station as a priority. The next steps are to select an architect and then staff will work with the owner's project management, architect and this advisory committee in selecting a site for the new station for consideration by the Select Board.

- The Committee will submit a recommended site to the Select Board, as well as advise and collaborate with the architect in the design of the facility.
- The committee vacancy was advertised in the local paper on October 18, 2024, with an application preference date of November 8, 2024.
- A total of thirteen (13) individuals submitted applications to be considered for appointments, however one individual withdrew; there are a total of 12 individuals to be interviewed.
- Mr. Michael Duffany submitted his application (attached) on October 29, 2024.
- Michael Duffany has been a resident of Falmouth his entire life and served as a member of the Hatchville Fire Station siting committee and is a Town Meeting member; he also possesses over 52 years of experience in the construction industry and is the founder of the local M. Duffany Builders.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

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:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

Michael Renshaw

Town Manager

11/27/2024

Date

Diane Davidson

From: Michael Duffany [REDACTED]
Sent: Monday, November 25, 2024 11:25 AM
To: Diane Davidson
Cc: Peter Johnson-Staub; Michael Duffany
Subject: [EXTERNAL] - Police Stationsighting committee

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Select Board Chair Taylor,

I write you regarding the upcoming interview process regarding appointment to the sighting committee for the proposed new Police Station in Falmouth. I am scheduled be out of Town from the 30th of Nov. ,thru the 5th of December, which will prevent me from being able to interview on the evening of the 2nd. That said, I have a keen interest in the proper sighting of the newly proposed building. I have been a vocal opponent of spending large sums of money at the current location, which is in harms way during intense ocean storms, and a difficult location to operate from during a major event.

I have experience from sitting on the recent Fire Station location committee, all major school renovations in the past 20 years or so, and have been an active participant at Town Meeting for over 40 years. These experiences and my local knowledge and building insights make me a qualified individual to apply for a slot on this committee.

Please consider my application to this important committee. I apologize I am not able to be there this evening in person, and appreciate your consideration .

Thank you

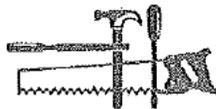
Mike Duffany

Founder

M Duffany Builders

MikeDuffany@DuffanyBuilders.com

[REDACTED]
Office: 508.540.3625



200 Palmer Ave. Falmouth, MA 02540

Tradition Refined

Since 1983



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, or email it to selectboard@falmouthma.gov. 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 Duffany Hatchville
Address: 59 Patten Rd. Village: E. Fal- ZIP: 02536

Mailing Address: same Village: _____ ZIP: _____

Telephone: [redacted] Email: [redacted]

How long have you been a Resident life (date: _____) / Taxpayer 1975 (date: _____)

Amount of time you are available to give: as needed - up to 8 hours/month

- Town Committee, Board or Commission you are interested in serving on:
- Police Station siting committee
 - _____
 - _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences: Sat on siting committee for new Hatchville Fire Station

Town offices held in Falmouth or elsewhere and dates of years served: Town meeting member 40+ years - Chairman - Building Code Board of Appeals - 3 terms

School Building Committees for Morse Pond
Lawrence School, Mullen-Hall, and Fal High School

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

Previous committee experiences
52 years in construction field
40+ years in own business

You may attach a resume to this application.

List three (3) references:

| | <u>Name</u> | <u>Title</u> | <u>Phone</u> |
|----|-----------------------|--------------|--------------|
| 1. | <u>John Scanlon</u> | _____ | _____ |
| 2. | <u>Gary Street</u> | _____ | _____ |
| 3. | <u>Michael Palmer</u> | _____ | _____ |

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

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

Oct. 29, 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.



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.b. – Gerald C. Potamis

ITEM TITLE: Interview, vote, and appoint committee members- Police Station Advisory Committee- Gerald C. Potamis

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application of Gerald C. Potamis

PURPOSE:

The Select Board will interview and consider the appointment of Gerald C. Potamis to serve on the Police Station Advisory Committee.

BACKGROUND/SUMMARY:

- On October 7, 2024 the Select Board voted to approve the establishment of a Police Station Advisory Committee as well as the attached Committee Charge which calls for the Committee to be comprised of five (5) members.
- The Select Board has identified construction of a new police station as a priority. The next steps are to select an architect and then staff will work with the owner's project management, architect and this advisory committee in selecting a site for the new station for consideration by the Select Board.

- The Committee will submit a recommended site to the Select Board, as well as advise and collaborate with the architect in the design of the facility.
- The committee vacancy was advertised in the local paper on October 18, 2024, with an application preference date of November 8, 2024.
- A total of thirteen (13) individuals submitted applications to be considered for appointments, however one individual withdrew; there are a total of 12 individuals to be interviewed.
- Mr. Gerald C. Potamis submitted his application (attached) on November 6, 2024.
- Gerald C. Potamis has been a resident of Falmouth since 2006 and according to his application possesses extensive public works engineering experience with e Town of Falmouth, the U.S. Environmental Protection Agency, and the U.S. Army; he is also a past member of the Zoning Board of Appeals (5 years).

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

OPTIONS:

N/A

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

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
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FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

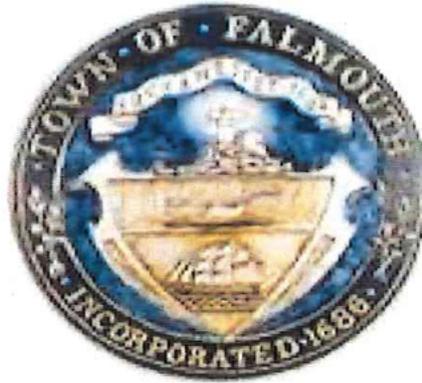
The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

Michael Renshaw

11/27/2024

Town Manager

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 Board of Selectmen, 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.falmouthmass.us.

Name/Address: Gerald C Potamis 13 Amherst Ave Falmouth Ma.02540

Telephone Home: [REDACTED]

How long have you been a Resident: since 2006, Taxpayer since 1977

Amount of time you are available to give: As needed – I am retired

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

- Police Station Advisory Committee

Seeking: Permanent Position Yes or Alternate Position N/A

Relevant affiliation & work & personal experiences

- Extensive public works engineering experience with Town of Falmouth, US Environmental Protection Agency (EPA) and the US Army
- Bachelor and Master Degrees in Civil Engineering
- Registered Professional Engineer
- Retired Colonel US Army
- Retired EPA Senior Manager(GS 15)
- Past visiting Lecture Northeastern University Civil Engineering Department
- Graduate US Army Command & General Staff College, Corps Engineer Advance and Construction Officer courses

- US Co- Chair for the International Joint Commission for the Missisquoi Bay Task Force involving inlet widening to Lake Champlain
- EPA Headquarters committee member tasked with developing public participation regulations
- Chamber of Commerce Holiday Parade Committee 6 years
- Current community activities: Falmouth Men's Club, Falmouth Heights Marivista Neighborhood Association, Falmouth Newcomers/ Encore and volunteer at Falmouth Senior Center

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

- Falmouth Wastewater Superintendent for 8 ½ years retiring on January 9, 2016
- Past member of Zoning Board of Appeals 5 years
- Town Meeting Member (8 years)
- Past Melrose Mass Wetlands Commission 4 years

Briefly describe your particular skills that will add to the committee or board:

Ability to review public work projects in an objective manner. The role of a citizen advisory committee is to actively listen, ask questions and provided recommendation to Selectboard ,Town Manager and the public in a timely manner. I have reviewed the Town procurement documents for this project and the International Association Police Chiefs guidelines for Police station planning and design.

Three (3) References:

| Name | Title | Phone |
|---------------------|---------------------------------------|---|
| 1. Peter McConarty | Public Works Director |  |
| 2. Jennifer Lincoln | Administrator Conservation Commission | |
| 3. Noreen Stockman | Administrator Zoning Board Appeals | |

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 Board of Selectmen's Appointment Policy and read the material provided.

November 6, 2024 *Gerald C Potamis*
 DATE APPLICANT'S SIGNATURE



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.b. – Boyd DeMello

ITEM TITLE: Interview, vote, and appoint committee members- Police Station Advisory Committee- Boyd DeMello

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application of Boyd DeMello

PURPOSE:

The Select Board will interview and consider the appointment of Boyd DeMello to serve on the Police Station Advisory Committee.

BACKGROUND/SUMMARY:

- On October 7, 2024 the Select Board voted to approve the establishment of a Police Station Advisory Committee as well as the attached Committee Charge which calls for the Committee to be comprised of five (5) members.
- The Select Board has identified construction of a new police station as a priority. The next steps are to select an architect and then staff will work with the owner's project management, architect and this advisory committee in selecting a site for the new station for consideration by the Select Board.

- The Committee will submit a recommended site to the Select Board, as well as advise and collaborate with the architect in the design of the facility.
- The committee vacancy was advertised in the local paper on October 18, 2024, with an application preference date of November 8, 2024.
- A total of thirteen (13) individuals submitted applications to be considered for appointments, however one individual withdrew; there are a total of 12 individuals to be interviewed.
- Mr. Boyd DeMello submitted his application (attached) on November 8, 2024.
- Boyd DeMello has been a resident of Falmouth since 1962 and currently serves on the Hatchville Fire Station Building Committee; Boyd has worked for the Falmouth Fire Rescue Department for the past 37 years.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

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:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

Michael Renshaw

Town Manager

11/27/2024

Date

Briefly describe the particular skills you feel you will add to the committee or board: _____
Being a life long resident of the Town and serving 37 years in public safety,
I have a undersatanding of the needs for the Town, with this much
needed new police station. Having served on two other public safety
projects has given me exoeriance into the process of guiding and
shepherding a project of this time towards a sucessful completion.

You may attach a resume to this application.

List three (3) references:

| | <u>Name</u> | <u>Title</u> | <u>Phone</u> |
|----|-------------------------|-----------------------|---|
| 1. | <u>Timothy R. Smith</u> | <u>Fire Chief</u> |  |
| 2. | <u>Gary Street</u> | <u>Building Comm.</u> | |
| 3. | <u>Jeff Lourie</u> | <u>Police Chief</u> | |

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

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

November 8, 2024
DATE

Boyd W. DeMello
APPLICANT'S SIGNATURE

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

Diane Davidson

From: Boyd DeMello [REDACTED]
Sent: Friday, November 8, 2024 7:49 AM
To: Falmouth Town Manager
Subject: [EXTERNAL] - Police Station Committee Application Submission
Attachments: Application Package for Board-Committee-Commission-Fillable_202408121449019962.pdf

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,
I've attached the application for the new Police Station Committee. I'm looking forward to the possibility of an interview. Don't hesitate to get in touch with me if additional information is required.

Boyd W. DeMello

42 Bacon Farm Road

East Falmouth, MA 02536



CONFIDENTIALITY NOTICE: This message is privileged and confidential for the addressee(s) named above. If you are not the intended recipient, you are prohibited from disseminating, using, or copying the contents and should notify the sender immediately that you received this message in error.

Michael Schmidt is unable to attend on 12/2/24. Town Committee application form to come. Invited him to interview on Monday, 12/16.

December 2, 2024



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.b. – Michael Schmidt

ITEM TITLE: Interview, vote, and appoint committee members- Police Station Advisory Committee- Michael Schmidt

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Resume of Michael Schmidt

PURPOSE:

The Select Board will interview and consider the appointment of Michael Schmidt to serve on the Police Station Advisory Committee.

BACKGROUND/SUMMARY:

- On October 7, 2024 the Select Board voted to approve the establishment of a Police Station Advisory Committee as well as the attached Committee Charge which calls for the Committee to be comprised of five (5) members.
- The Select Board has identified construction of a new police station as a priority. The next steps are to select an architect and then staff will work with the owner's project management, architect and this advisory committee in selecting a site for the new station for consideration by the Select Board.

- The Committee will submit a recommended site to the Select Board, as well as advise and collaborate with the architect in the design of the facility.
- The committee vacancy was advertised in the local paper on October 18, 2024, with an application preference date of November 8, 2024.
- A total of thirteen (13) individuals submitted applications to be considered for appointments, however one individual withdrew; there are a total of 12 individuals to be interviewed.
- Mr. Michael Schmidt submitted his resume and application (attached) on October 28, 2024.
- According to his resume, Michael Schmidt possesses over 40 years of experience in residential and commercial construction; he currently serves as the superintendent for New England Construction.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

OPTIONS:

N/A

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

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
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FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

Michael Renshaw

11/27/2024

Town Manager

Date

MICHAEL S. SCHMIDT

P.O. Box 509 | Falmouth, Ma. 02541 | [REDACTED]

SUMMARY

Michael Schmidt has over 40 years of experience in both residential and commercial construction. At a young age, Michael started R.C. Schmidt Construction, became Assistant Superintendent for Spofford Construction specializing in the construction of commercial and chain fast food restaurants in the in the North East, and was a framing subcontractor for a condominium complex. Additionally, Michael has experience in a wide variety of project and site management as well as refined construction skills in commercial, residential, and remodeling and retrofitting. His passion for construction and quality as well as his personable demeanor strategically align with essential management skillsets, strong communication, and teamwork.

SKILLS PROFILE

| | | |
|----------------------------------|-----------------------------|-------------------------------------|
| Plan Interpretation | Project and Site Management | OSHA 30hr Certified |
| Quote Creation | Administrative Management | Licensed MA Construction Supervisor |
| Regulation and Code Requirements | Strong Communication | Residential Construction |
| Arrangement of Contractors | Strong Team-working | Commercial Construction |
| Building Material Logistics | Risk Mitigation | Modular Construction |
| Site Supervision | Quality Assurance | Remodeling and Retrofitting |
| First Aid, CPR, AED, Certified | Raken Daily reporting | PlanGrid |
| Bluebeam | ProCore | |

EMPLOYMENT HISTORY

New England Construction, Superintendent

2016-

Rumford, Rhode Island

- Construction of multi-level wood framed apartment complexes with detailed fire assembly
- Designing and building interiors in commercial structures
- Construction of Capital One Cafes
- Raken Daily Reporting
- PlanGrid, RFIs, Punch, Redline
- Blue Beam
- Procore Daily Reporting
- Pull Planning
- Build rapport with sub-contractors to ensure commitment to schedule and budget.
- Build a team vision with and between Contractor, Engineers, and Architects.
- Plan Owners' meetings to ensure progress, milestones, schedule, and quality.
- Safety---Daily job survey to check all aspects of safety as per OSHA requirements. Procore
- Weekly trades meetings and schedule reviews
- MA Construction Supervisor License #CS85670
- 30-hour OSHA Certified, AHA First Aid CPR AED

General Contractor, Sureline Design 1999 — 2016

Cape Cod, MA

- Construction of residential and modular homes
- Remodeling and retrofitting of residential and commercial structures
- Remodeling of existing homes
- Designing and building interiors in commercial structures
- Modular home installation
- Operator of heavy equipment
- MA Construction Supervisor License #CS85670
- OSHA Certified
- AHA First Aid CPR AED

Director of Sales and Marketing, Roe Transportation 1993 — 1996

Kingston, NY

- Managed national account sales valued over \$48.0 million
- Implemented quality programs to increase market revenue
- Implemented cross docks throughout the United States to improve effectiveness and efficiency of operations
- Shipped high value, high dollar IBM Mainframes internationally

Telecommunications Design/Project Manager, IBM 1984 — 1993

Kingston, NY

- Designed and installed a 15,000 line NEC (Electronic Public Branch Automated Exchange) EPBAX communication system across the IBM Kingston site.
- Managed all communications and media for new construction facilities
- Installed fiber optic tie cables
- Created multiplexing of fiber optics – IP owned by IBM

Superintendent, Spofford Construction 1978 — 1984

Spofford, NH

- Construction of fast food chains in the North East (Burger King; Rockland ME, Brattleboro VT, Ellsworth ME, Claremont NH, Southington CT)
- Scheduled and directed daily activities on site
- Maintained quality assurance
- Ensured project stayed within scope, on-time, and within budget
- Promoted a strong culture of safety and quality

Owner/General Contractor, R.C. Schmidt Construction 1976 —

Present

Kingston, NY

- Construction of residential homes
- Remodeling and retrofitting of residential and commercial structures
- Remodeling of existing homes

- Designing and building interiors in commercial structures

EDUCATION

Alfred State College – Alfred, NY

Alfred, NY

- Building Construction

REFERENCES

- References and testimonials are available upon request



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.b. – Thomas T. Vose

ITEM TITLE: Interview, vote, and appoint committee members- Police Station Advisory Committee- Thomas T. Vose

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application of Thomas T. Vose

PURPOSE:

The Select Board will interview and consider the appointment of Thomas T. Vose to serve on the Police Station Advisory Committee.

BACKGROUND/SUMMARY:

- On October 7, 2024 the Select Board voted to approve the establishment of a Police Station Advisory Committee as well as the attached Committee Charge which calls for the Committee to be comprised of five (5) members.
- The Select Board has identified construction of a new police station as a priority. The next steps are to select an architect and then staff will work with the owner's project management, architect and this advisory committee in selecting a site for the new station for consideration by the Select Board.

- The Committee will submit a recommended site to the Select Board, as well as advise and collaborate with the architect in the design of the facility.
- The committee vacancy was advertised in the local paper on October 18, 2024, with an application preference date of November 8, 2024.
- A total of thirteen (13) individuals submitted applications to be considered for appointments, however one individual withdrew; there are a total of 12 individuals to be interviewed.
- Mr. Thomas T. Vose submitted his application (attached) on November 12, 2024.
- Thomas T. Vose has been a resident of Falmouth since 1985 and according to his application serves on the Woods Hole Foundation and is a Licensed Unrestricted MA Construction Supervisor.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

OPTIONS:

N/A

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

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
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FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

Michael Renshaw

Town Manager

11/27/2024

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, or email it to townmanager@falmouthma.gov. 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: Thomas T Vose

Address: 18 Greenwood RD Village: Teaticket ZIP: 02536

Mailing Address: Post Office Box 11 Village: Woods Hole ZIP: 02543

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 39 (date: 1985) / Taxpayer 11 (date: 2013)

Amount of time you are available to give: 2-5 hrs per week

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

1. Police Station Advisory Committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences: Woods Hole Foundation, October 2024

Licensed Unrestricted MA Construction Supervisor

Good working relationship w/Falmouth Building and Zoning Departments

Approved COMMBUYS contractor, understanding of MA/Falmouth procurement process

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

Conservation commissioner 1.5 years

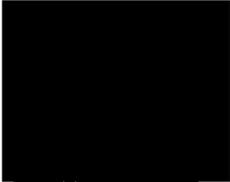
Briefly describe the particular skills you feel you will add to the committee or board: _____

Local knowledge of infrastructure, environmental sensitivities, logistics

and how to successfully complete maintainable construction projects in Falmouth

You may attach a resume to this application.

List three (3) references:

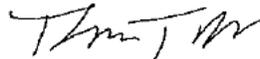
| | <u>Name</u> | <u>Title</u> | <u>Phone</u> |
|----|----------------|--------------|---|
| 1. | Varn Philbrook | PE |  |
| 2. | Jill Neubauer | RA | |
| 3. | Gerrit Frase | RA | |

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.

Nov 11, 2024

DATE



APPLICANT'S SIGNATURE

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



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.b. – Alexander Fucillo

ITEM TITLE: Interview, vote, and appoint committee members- Police Station Advisory Committee- Alexander Fucillo

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application of Alexander Fucillo

PURPOSE:

The Select Board will interview and consider the appointment of Alexander Fucillo to serve on the Police Station Advisory Committee.

BACKGROUND/SUMMARY:

- On October 7, 2024 the Select Board voted to approve the establishment of a Police Station Advisory Committee as well as the attached Committee Charge which calls for the Committee to be comprised of five (5) members.
- The Select Board has identified construction of a new police station as a priority. The next steps are to select an architect and then staff will work with the owner's project management, architect and this advisory committee in selecting a site for the new station for consideration by the Select Board.

- The Committee will submit a recommended site to the Select Board, as well as advise and collaborate with the architect in the design of the facility.
- The committee vacancy was advertised in the local paper on October 18, 2024, with an application preference date of November 8, 2024.
- A total of thirteen (13) individuals submitted applications to be considered for appointments, however one individual withdrew; there are a total of 12 individuals to be interviewed.
- Mr. Alexander Fucillo submitted his application (attached) on November 14, 2024.
- Alexander Fucillo has been a resident of Falmouth his entire life and is the Vice President of DP Fucillo, Inc where he is responsible for daily scheduling and logistics.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

OPTIONS:

N/A

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

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
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FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

Michael Renshaw

Town Manager

11/27/2024

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, or email it to townmanager@falmouthma.gov. 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: Alexander Fuccillo

Address: 59 Starboard Dr Village: EF ZIP: 02536

Mailing Address: same Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident Life (date: 9/91) / Taxpayer 11 (date: 11/13)

Amount of time you are available to give: As much as needed

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

- Police Station Building Committee
- _____
- _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences: I am the VP of DP Fuccillo Inc. I am responsible for daily scheduling and logistics.

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 have lived in Falmouth my entire life and wish to aid in the planning of town
projects to ensure that the community is being represented by the newer taxpaying
generation. I have a wife and 3 kids and want to make sure that local law enforcement
has what they believe is necessary to complete their duties. I believe that I
have a common sense approach to logistics that help to create more effective
working environments. I believe that Falmouth needs younger voices representing
the needs of the community which I can help to express.

You may attach a resume to this application.

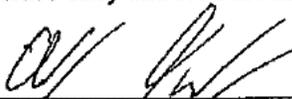
List three (3) references:

| | <u>Name</u> | <u>Title</u> | <u>Phone</u> |
|----|----------------------|--|---|
| 1. | <u>Paul Castonia</u> | <u>Head Football Coach, Plymouth State Univ.</u> |  |
| 2. | <u>Mike Duffany</u> | <u>Owner/M. Duffany Builders</u> | |
| 3. | <u>Derek Almeida</u> | <u>Fairhaven H.S. Head Football Coach</u> | |

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

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

11/13/24
DATE



APPLICANT'S SIGNATURE

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



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.b. – George Sherrill

ITEM TITLE: Interview, vote, and appoint committee members- Police Station Advisory Committee- George Sherrill

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application of George Sherrill; Committee Appointment Policy; Letter to Select Board; Resume

PURPOSE:

The Select Board will interview and consider the appointment of George Sherrill to serve on the Police Station Advisory Committee.

BACKGROUND/SUMMARY:

- On October 7, 2024 the Select Board voted to approve the establishment of a Police Station Advisory Committee as well as the attached Committee Charge which calls for the Committee to be comprised of five (5) members.
- The Select Board has identified construction of a new police station as a priority. The next steps are to select an architect and then staff will work with the owner's project management, architect and this advisory committee in selecting a site for the new station for consideration by the Select Board.

- The Committee will submit a recommended site to the Select Board, as well as advise and collaborate with the architect in the design of the facility.
- The committee vacancy was advertised in the local paper on October 18, 2024, with an application preference date of November 8, 2024.
- A total of thirteen (13) individuals submitted applications to be considered for appointments, however one individual withdrew; there are a total of 12 individuals to be interviewed.
- Mr. George Sherrill submitted his application (attached) on November 18, 2024.
- George Sherrill has been a resident of Falmouth for 10 years and possesses over 40 years of law enforcement experience, including Chief of Police for the Town of Holden where he participated in the planning and construction of the Holden Public Safety Building (see attached information).

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

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:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

Michael Renshaw

Town Manager

11/27/2024

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, or email it to townmanager@falmouthma.gov. 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: George Sherrill

Address: 35 Central Park Ct Village: Falmouth ZIP: 02540

Mailing Address: 25 Deane Ave Village: Holden ZIP: 01520

Telephone: [Redacted] Email: [Redacted]

How long have you been a Resident 24 Yrs (date: 2014) / Taxpayer 42 Yrs (date: 1984)

Amount of time you are available to give: _____

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

1. Police Station Building Comm.
2. _____
3. _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences: See attached

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

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

- 45+ years in law enforcement - 15 as police chief
- completion of public safety building (police + fire) 2010

You may attach a resume to this application.

List three (3) references:

| <u>Name</u> | <u>Title</u> | <u>Phone</u> |
|----------------------------------|---------------------|---|
| 1. Brian Bullock (ret) | Town Manager Holden |  |
| 2. Fred Misilo, Atty, BoS Holden | Former BoS Holden | |
| 3. Judy Magnani | Falmouth FireCom | |

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

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

11/14/24
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.

TO: Falmouth BoS

RE: Paperwork for Police Station Building Comm.

Enclosed please find attached resume and involvement with previous Public Safety Building project.

Please note the following as well:

1. Long time Falmouth resident on Menemhant Rd while father was in USAF/Otis Fighter Interceptor squadron.
2. Upon my retirement in 2014 after 40 years of police service I worked for 5 years at Mass College of Pharmacy Worcester campus in charge of public safety.
3. From 2020 - present: working for Mass HAD/Civil Service testing police/fire applicants for physical agility.
4. Have run in Falmouth Road Race for 47 years.
5. 1995-present Mark Morse consulting. Used in over 100 police promotions.

The Holder project was a 10yr journey taking three town meeting votes to gain final approval. The building was designed with a 50 year outlook on needs and space and in fact the communications room was so robust it now serves 4 towns.

The facility was also the first public safety complex in the state to use geothermal heat.

George R. Sherrill

25 Deane Avenue
Holden, MA 01520

35 Central Park Avenue
Falmouth, MA 02540

Career

Police Chief

Town of Holden, Massachusetts

1998 - present

- 24 officer Civil Service department located in Central Massachusetts
- Annual budget of \$2.1 million
- Administrative and supervisory leadership
- Overall operation of police department servicing community of 19,000 residents
- Development and implementation of policies, rules, regulations and procedures
- Personnel administration
- Budget management
- Grant writing

Police Sergeant

Town of Holden, Massachusetts

1988 - 1998

Police Officer

Town of Holden, Massachusetts

1980 - 1988

Achievements

- Presenter, IACP Conference: Chicago, IL 2011
- Presenter, MMA Conference: Boston MA 2011
- New \$15 million police facility completed on time and under budget 2010
- Recipient, Anna Maria College Outstanding Contributor to the Community Award 2010
- Presenter, IACP Conference: Orlando, FL 2010
- Town of Holden Town Manager Search Committee 2009
- Holden Police Department achieves State Re-Certification status 2008
- Authorship of article published in NESPIN Bulletin 2008
- Successful passage of debt exclusion override of \$15.5M for new facility 2008
- Chairman, New England State Police Information Network: Franklin, MA 2006
- Advisory Member, Commonwealth of Massachusetts Amber Alert Program 2006
- Presenter, IACP Conference: Minneapolis, MN 2002
- Holden Police Department achieves State Certification status 2002
- Recipient, Massachusetts Municipal Association Pickard Innovation Award 2001
- NECP2 New England Community Policing Dept of the Year, St. Anselm College 2001
- Recipient, AAA Silver Community Award for Traffic Safety 2001
- Department of the Year, Worcester Arch Diocese Blue Mass 2000
- Department of the Year, Worcester Arch Diocese Blue Mass 1999
- Wachusett Regional High School Criminal Justice Program – 1st in New England 1999

Affiliations

- Member, Rotary Club International
- Advisory Board Member, Criminal Justice Program, Assumption College
- Advisory Board Member, Mortell Institute, Anna Maria College
- Advisory Board Member, Cooperative Advisory, Northeastern University
- Board Member, Alternatives Inc., Northbridge, MA
- Member, International Association for Identification
- Member, Massachusetts State Police Striders Runners Club
- Board Member, Executive Office of Public Safety Community Policing Review Board
- Member, Massachusetts Chiefs of Police Association
- Member, International Chiefs of Police Association
- Police Executive Research Forum

Education

- | | | |
|-----------------------------------|---|---------------|
| • Master of Public Administration | Clark University | Worcester, MA |
| • Master of Criminal Justice | Anna Maria College | Paxton, MA |
| • Bachelor of Science, Sociology | Suffolk University | Boston, MA |
| • Graduate | FBI Administrative Advanced Latent Fingerprints Class | |

Programs

- Complete in-house wellness program with incentive bonus
- Groundbreaking criminal justice partnership between Wachusett Regional High School, Holden Police Department and local colleges including: Anna Maria College, Northeastern University, Assumption College, and Quinsigamond Community College
- Unique Officer Exchange Program with the Oak Bluffs Police Department in Martha's Vineyard, MA and the Laconia New Hampshire Police Department

References

Available upon request

The Holden Public Safety Building

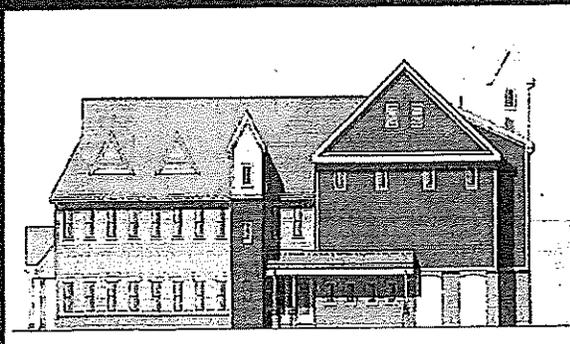
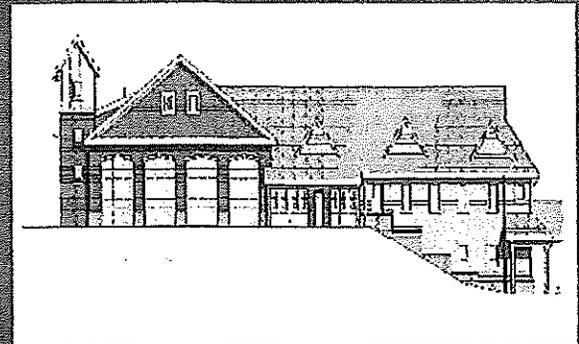
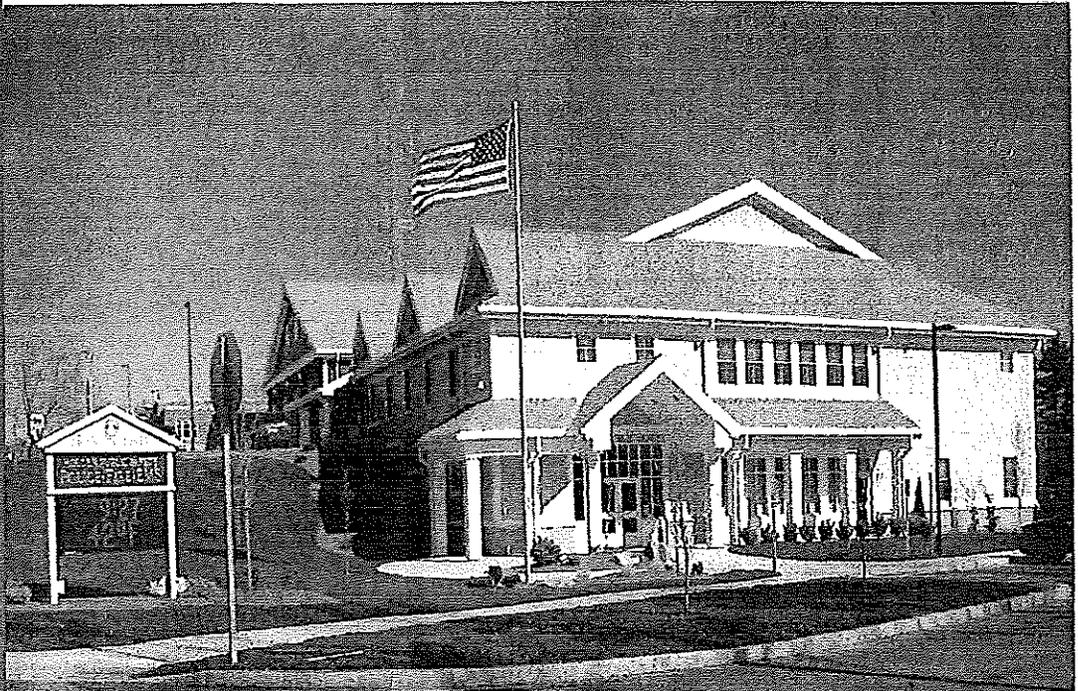


Holden, MA

Chief of Police
George Sherrill

Fire Chief
John Chandler III

Project Manager
Gary Kaczmarek



Composed by Samuel Loretta
Worcester State University

Table of Contents

I. Building Introduction

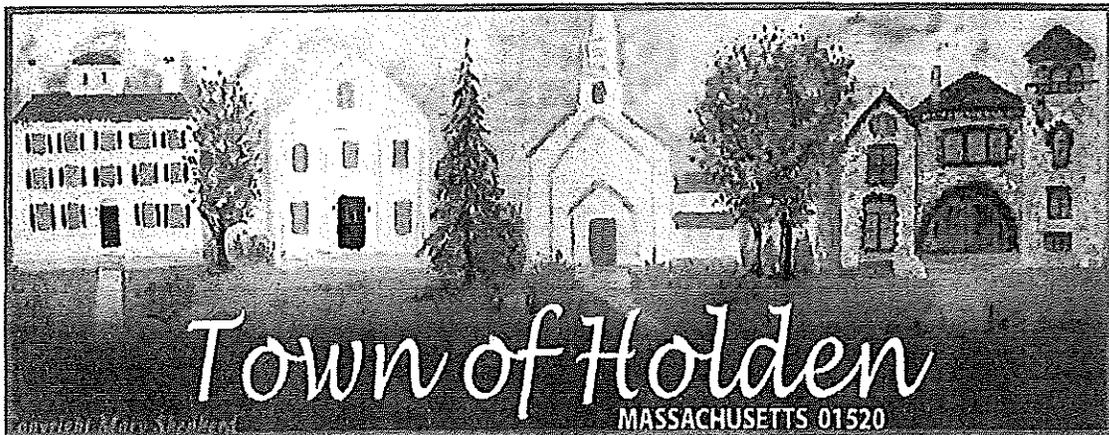
II. H.P.S.B Construction and Building overview.

III. Project Schematic Overview

IV. Police Department Overview.

V. Fire/ EMS Department Overview.

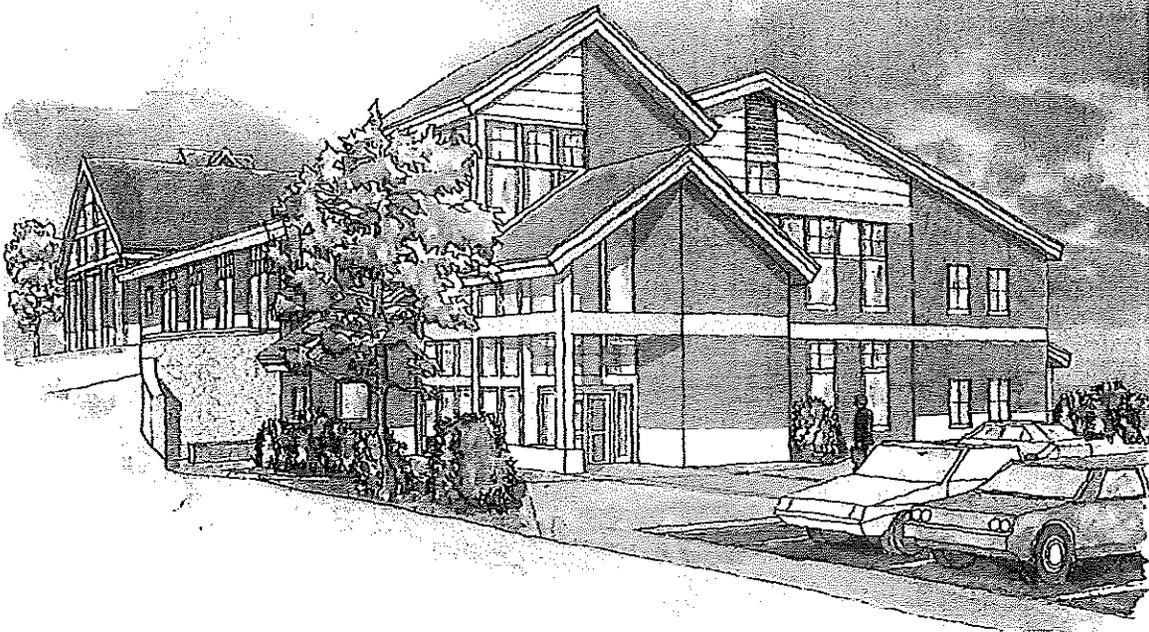
VI. Building Pictures.



Holden Public Safety Building

COMPLETED

December, 2010



Introduction

- ◆ The Holden safety building was designed to combine Police, Fire, EMS, and citizen input to build a proactive and effective emergency service facility.
- ◆ The first floor of the Holden safety building houses the police department, and the second floor contains the fire/ EMS department.
- ◆ The Holden Safety building is located directly across from Wachusett Regional High School.

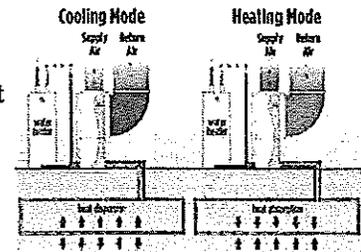
Construction/ Building Overview

Construction Overview

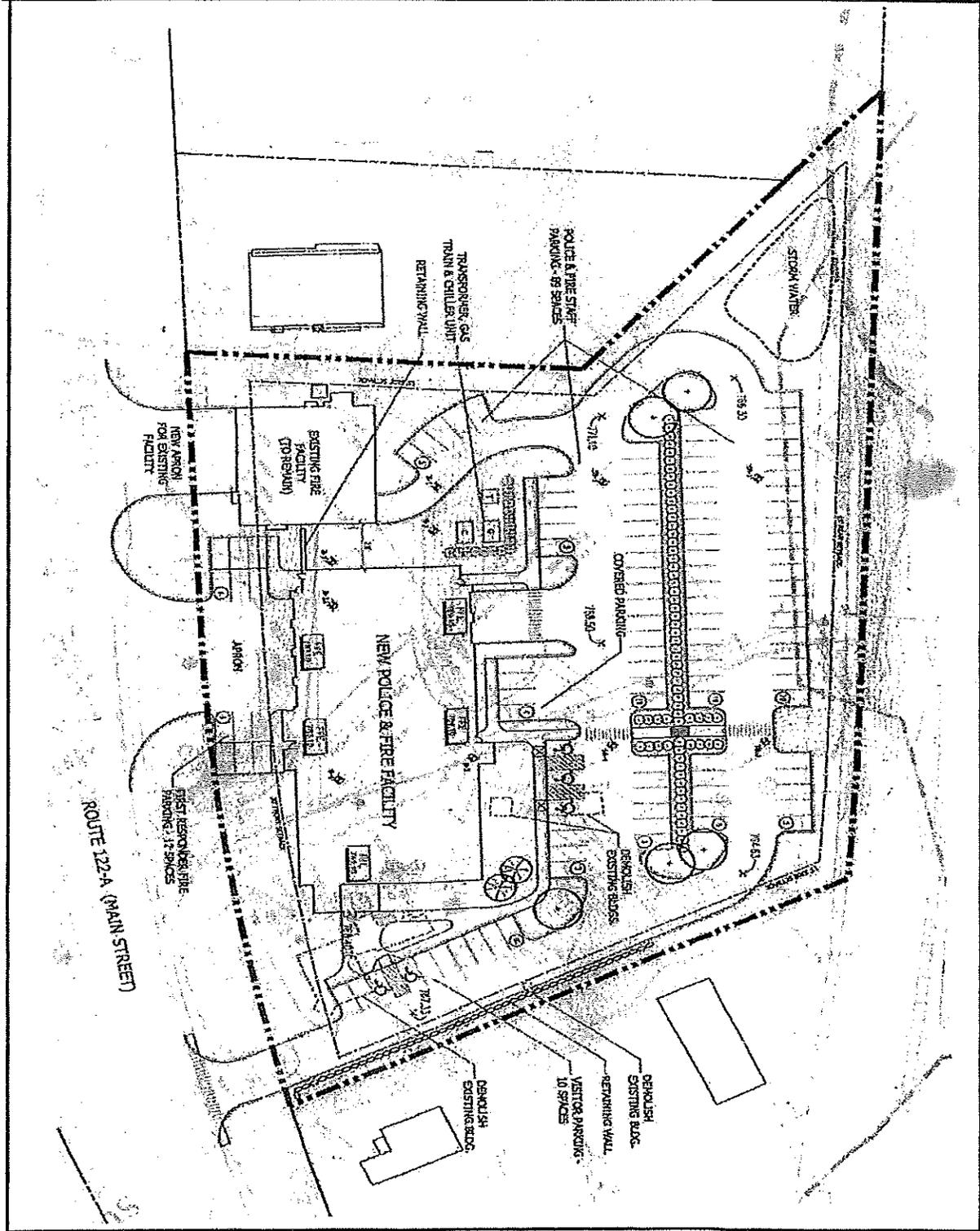
- ◆ The Holden Police Safety Building was completed in December of 2010.
- ◆ The H.P.S.B. was designed by Kaestle Boos Associates Incorporated. www.kba-architects.com.
- ◆ Construction was done by G&R Construction. www.grconstruction.net.
- ◆ Gary Kaczmarek was the Project Director for the H.P.S.B. project and is Holden's Clerk of Works. Mr. Kaczmarek can be reached at (508) 210-5664 for further information.
- ◆ The H.P.S.B. boasts a total building area of 35,790 square feet.
- ◆ Construction costs for the H.P.S.B. ran a total of \$13,500,000 or \$377.20 per square foot.

Building Overview

- ◆ For cooling and heating the H.P.S.B. utilizes a geothermal deep well system. The H.P.S.B. also utilizes a natural gas boiler system to augment heating and to operate as a backup HVAC system. This system allows for minimal to zero need for conventional cooling systems thus minimizes long term costs significantly.
- ◆ For communications the H.P.S.B. maintains a central communications hub. This hub maintains its own back up HVAC system. For data and communication systems the H.P.S.B. utilizes fiber optic technology and cost effective VoIP telephone systems which also run off the fiber optic network. The town of Holden was able to receive \$460,000 in a Federal Communication and Technology grant. The H.B.S.B. also added a new 124 ft. comm. Tower with a Pan/Zoom/Tilt/ camera on top for a 360° view. Dispatch features a central vac system to reduce noise.
- ◆ The H.P.S.B. utilizes a 100% electrical back generator which runs completely off diesel fuel.
- ◆ To maintain the main walk way and Fire entrance/ exit, the H.P.S.B. uses a snow melt ambient heating system which heats the pavement up to 140° F . Ambient heat is also used to maintain proper climate control for the H.P.S.B. sally port.
- ◆ For security the H.P.B.S. uses Kevlar lined walls and bullet resistant glass for both the main police lobby as well as the Fire department lobby. Movement is restricted by electronic locking systems allowing users varying levels of access through a coded key fob, a magnetic encoded card, or a four digit pin. After "normal" business hours the entrance into the H.P.B.S. is restricted to the public, however there is an A-phone located in the main entrance foyer for emergency use.

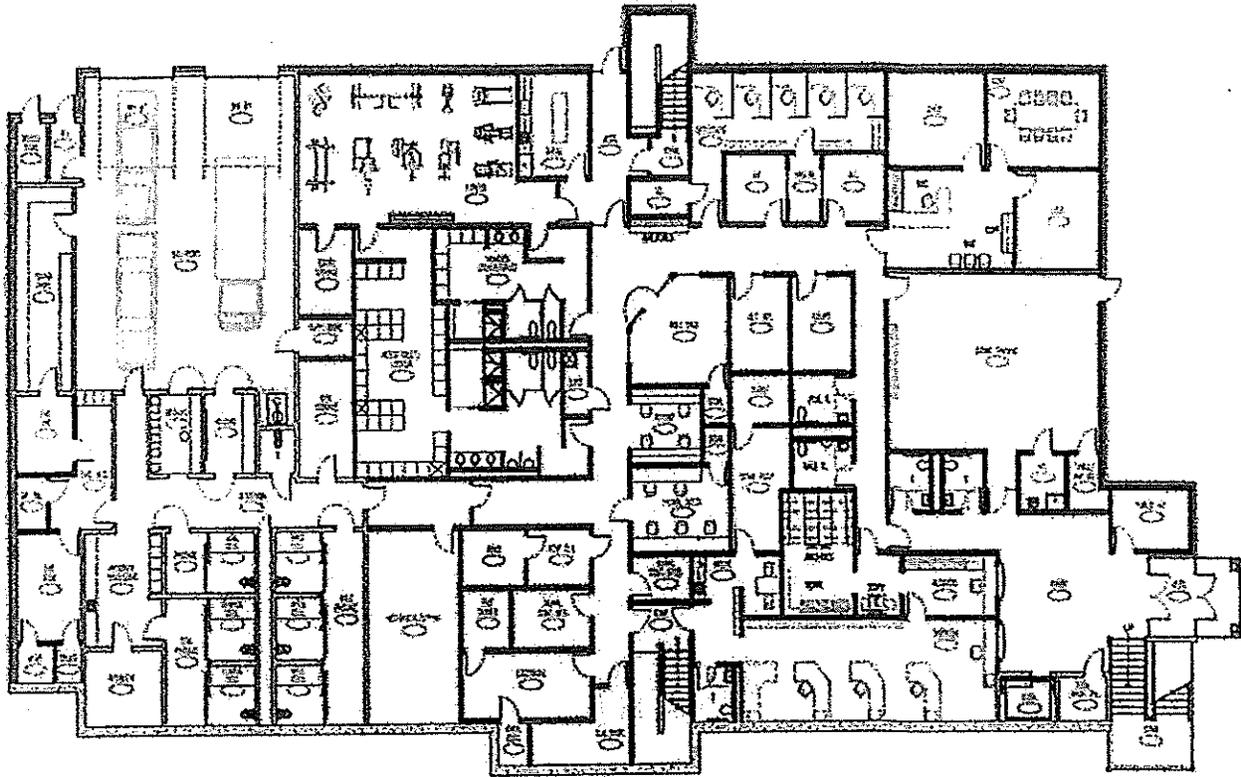


Schematic Overview



Holden Police Department

Lower Level



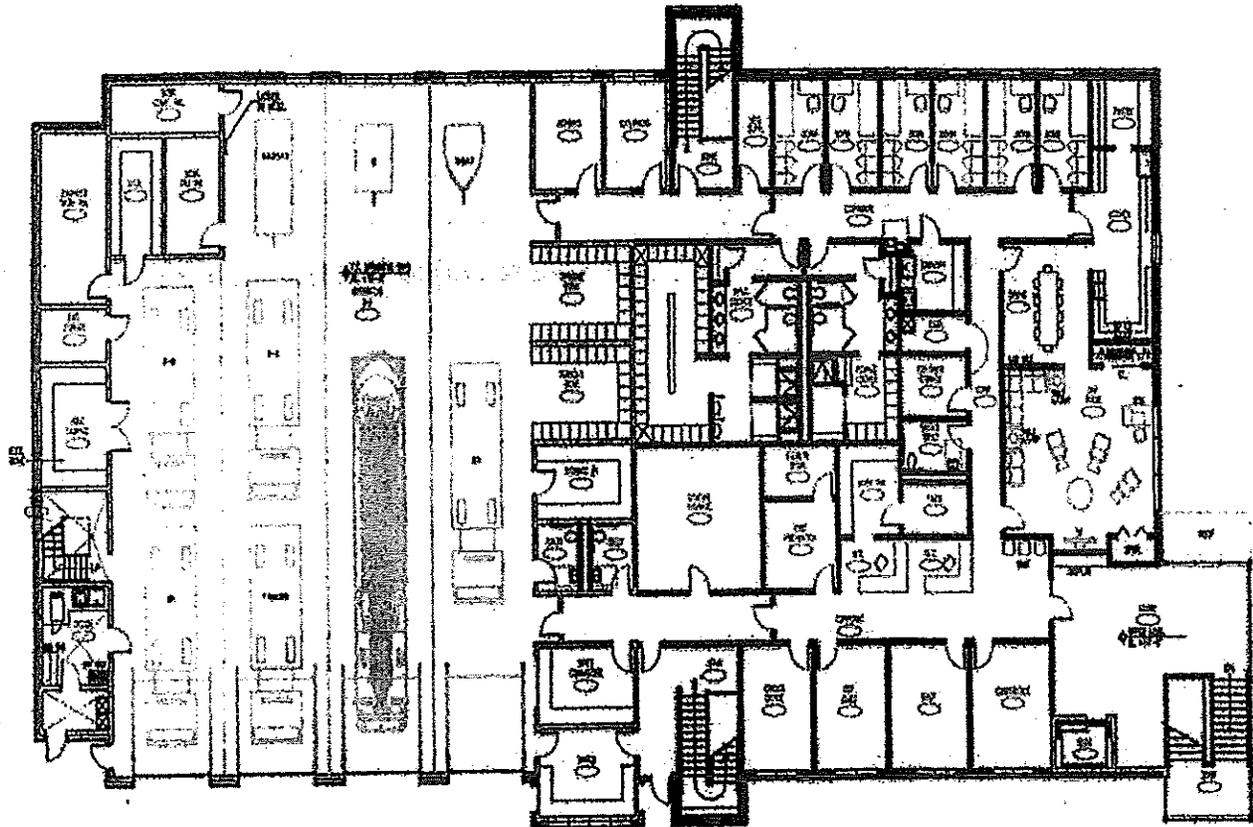
HOLDEN PUBLIC SAFETY
LOWER LEVEL - POLICE

General H.P.D. Overview

- ◆ The Holden Police Department is accessed through the main entrance of the H.P.S.B.
- ◆ The H.P.D. Features a community/ training room. This allows for modern classroom training and also serves as the town emergency operations center.
- ◆ The H.P.D. features six holding cells, three male cells one of which is handicap accessible, two female cells, and one juvenile cell.
- ◆ In addition to these features, the H.P.D. also features an armory, evidence room, and a four vehicle sally port and four vehicle carport.

Fire/EMS Department

Upper Level

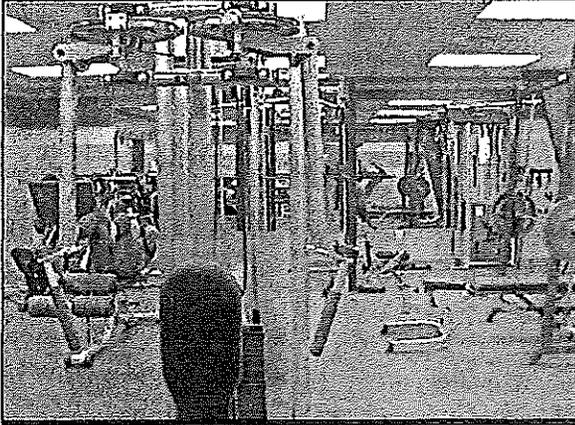


**HOLDEN PUBLIC SAFETY
UPPER LEVEL - FIRE -**

General Fire/ EMS Overview

- ◆ The Fire/ EMS department is accessed by a stairwell in the main H.P.D. Lobby.
- ◆ For a water source the H.P.S.B. has non potable water pumped in to save on costs to fill their water tanks.
- ◆ The Fire/EMS features a large apparatus bay, and a four bay garage.
- ◆ An interesting feature of the H.P.S.B. fire department is a tower connected to the building which allows for fire rescue training. The building contains windows which opens outwards to allow simulated emergency access.

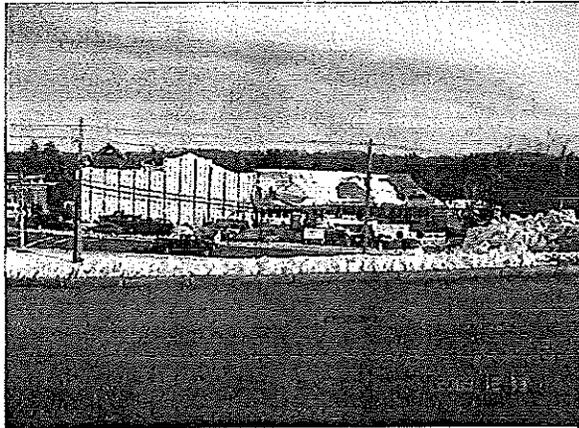
H.P.S.B. Photos



Holden Public Safety Building Gym



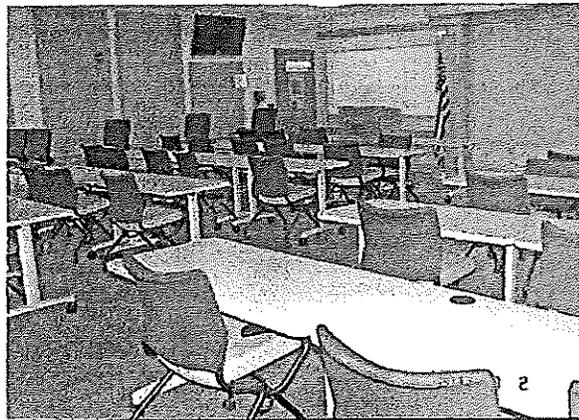
H.P.S.B. Communications center



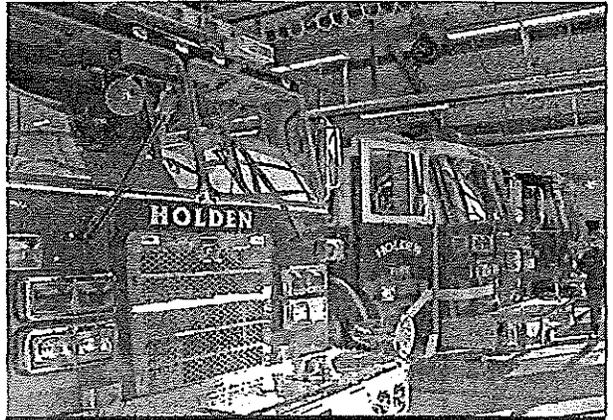
H.P.S.B. Construction



H.P.S.B. Rear Entrance



H.P.S.B. Training Room



H.P.S.B. Fire Trucks



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.b. – Carissa April

ITEM TITLE: Interview, vote, and appoint committee members- Police Station
Advisory Committee- Carissa April

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application of Carissa April; Resume

PURPOSE:

The Select Board will interview and consider the appointment of Carissa April to serve on the Police Station Advisory Committee.

BACKGROUND/SUMMARY:

- On October 7, 2024 the Select Board voted to approve the establishment of a Police Station Advisory Committee as well as the attached Committee Charge which calls for the Committee to be comprised of five (5) members.
- The Select Board has identified construction of a new police station as a priority. The next steps are to select an architect and then staff will work with the owner's project management, architect and this advisory committee in selecting a site for the new station for consideration by the Select Board.

- The Committee will submit a recommended site to the Select Board, as well as advise and collaborate with the architect in the design of the facility.
- The committee vacancy was advertised in the local paper on October 18, 2024, with an application preference date of November 8, 2024.
- A total of thirteen (13) individuals submitted applications to be considered for appointments, however one individual withdrew; there are a total of 12 individuals to be interviewed.
- Ms. Carissa April submitted her application (attached) on November 19, 2024.
- Carissa April has been a resident of Falmouth for 28 years and possesses 23 years of experience in law enforcement as an officer in the U.S. Coast Guard; Carissa is also a Town Meeting member and current chairs the Veterans Council Committee.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

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:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

Michael Renshaw

Town Manager

11/27/2024

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, or email it to townmanager@falmouthma.gov. 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: Carissa April

Address: 448 Woods Hole Rd Woods Hole MA 02543 Enter Address Line 2 Village: Woods Hole ZIP: 02543

Mailing Address: Same Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 28 yrs (date: 8/1996) / Taxpayer 26 yrs (date: 9/1998)

Amount of time you are available to give: depends on schedule, whatever it takes... 5 hrs/week?

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

1. police station site selection and design committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? n/a new committee

Relevant affiliation and work and personal experiences: _____

23-year career as USCG officer, familiarity with law enforcement (boating, fisheries), uniformed service, emergency response, community dynamics. Current president of local nonprofit managing the new community veterans center. Current work in community programming at the MBL.

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

Town Meeting Member x4 years; Veterans Council Committee Member/Chair 3 years

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

I have the perspectives of being a former military/uniformed member, parent of nearly-grown Falmouth-born children; a high school sports coach, and non-profit board member.

I am highly collaborative and especially enjoy working in teams, I (believe I) am good at listening and drawing out clarity when parties are miscommunicating and being misunderstood. I'm creative, pretty good at generating pros and cons, and rational in my decision-making.

You may attach a resume to this application.

List three (3) references:

| | <u>Name</u> | <u>Title</u> | <u>Phone</u> |
|----|----------------------|-------------------------|---|
| 1. | <u>Carole Kenney</u> | <u>VP, JQVCB</u> |  |
| 2. | <u>Jeff Chadburn</u> | <u>Security Officer</u> | |
| 3. | <u>John Duffany</u> | <u>Builder</u> | |

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

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

11/19/24
DATE

Carissa April
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.

CARISSA APRIL

Woods Hole, MA, 02543

LEADERSHIP | COMMUNICATION | TEAMWORK | RESULTS

Insightful and collaborative organizational leader bringing 25+ years of experience carrying out a broad range of U.S. Coast Guard and nonprofit programs; developing and executing strategic plans, planning and monitoring fiscal programs, procurement and logistics in support of operations and events; and supporting and advising senior leaders on a wide array of missions and initiatives. Skilled communicator and mediator. With a lifetime on and near the sea, passionate about and committed to delivering capabilities related to ocean science that informs action for the future.

AREAS OF EXPERTISE

Planning | Logistics | Operations | Leading teams | Organizational performance | Executive communications | Writing and editing | Persuasive public speaking | Local nonprofit operations | Strategy development | Professional development and coaching | Fine dining

PROFESSIONAL EXPERIENCE

Assoc. Director, Events & Community Programming, Boston, MA

Present

Leads event design and execution for the Marine Biological Laboratory's (MBL) development and public outreach operations. Orchestrates annual 8-week science speaker series including all procurement, logistics, and social elements; hosts speaker, arranges and processes compensation and reimbursements. Represents world-renowned, 150-year-old science institution with welcome address during monthly public forum series; collaborates with 6-person committee to curate speaker series list, dates and all related logistics. Serves on Employee Engagement, and Diversity & Inclusion Committees

Commissioned Officer, U.S. Coast Guard, Nationwide

Director, USCG Auxiliary Northern Region, Boston, MA

Inspired and led 2,500 uniformed volunteer members of the USCG Auxiliary from Rhode Island to Maine; set vision for diverse and productive corps to maintain highest possible level of performance. Oversaw operational, safety, and security training for Auxiliary personnel and their integration with active duty and other-agency counterparts.

- Overall management of program including administration, budget, training, personnel performance, security, and injury/property damage claims. Reviewed budgets, cost projections, allocations of Auxiliary funding and division finances; managed \$313K annual operating budget and more than 1,000 travel orders for reimbursement.
- Planned and oversaw 3-day, regional training event for over 300 Auxiliary members
- Oversaw management, maintenance, and use of 100+ Auxiliary facilities throughout four New England states; ensured safety, policy and environmental compliance of air, surface and shore operations.

Chief of Logistics, USCG Sector Southeastern New England, Woods Hole, MA

Directed, planned, and managed the overall administration for the Department of Logistics (60+ personnel) met administrative, personnel and fiscal demands of overall unit and sub-units (~500 personnel) including management of \$2.6M annual operating budget, responsibility for \$2.5M annual facility maintenance and construction contracts, and \$45M annual payroll.

CARISSA APRIL

- Led the commission to complete the transfer of management of waterfront industrial staff and capabilities from the local/operational unit to the regional support components of the Coast Guard in order to align with organizational restructuring; handled politically sensitive elements with patience and optimism.
- Conducted effective risk management and prioritization of vessel and facility repairs, saved more than \$4 million in contracted services and maximized operational readiness.
- Deliberate and predictive planning led to spend down of \$2.5 million annual operating monies and consistently poised unit to execute more than \$100,000 in unplanned year-end funding.

Chief, Interagency Operations Center Program, Washington, D.C.

Led national implementation of Dept of Homeland Security maritime interagency operations capability to improve efficiency and effectiveness of government operations in the maritime domain. Sponsor for \$71M acquisition of software and facility capability; \$3.8M operating funds +\$800K annual program budget.

- Developed national, strategic and master plans that examined federal, state and local partner operational trends and redundancies, information sharing barriers, and opportunities for adoption of collaborative processes in 32 major US ports.
- Directed outreach on behalf of DHS and the Coast Guard; primary point of contact and Agency Lead for Senior Guidance Team composed of multiple DHS Component agencies, developed and promulgated policy, doctrine and standards; provided briefings to Department Assistant Secretaries and their boards, presented program summaries Congressional teams, prepped OMB proposals and responses to inquiries.
- Chaired DHS-directed Information Sharing/Safeguarding Governance Board, an integrated project team of 10 DHS agency members to address legal, policy and cultural barriers to sharing among federal, state, local and private sector partners.

Assistant Chief, USCG Sector New York Command Center, Staten Island, NY

Led and motivated subordinate, peer and senior staff through unit's transition to alignment with the agency's new national policy for command centers including adoption of revised position descriptions, roles, and responsibilities. Directed and managed major changes to the structure and content of the program. Participated in workforce planning and maximized employee potential in meeting the organization's mission and goals.

Chief Cutter Operational Planning, Boston, MA

Conducted strategic planning during major District Staff reorganization; defined and designed new staff functionality of "operational planning" for maritime security and cutter operations; led integration of new staff elements. Conducted coordinated operational and logistical scheduling of the District's 30 cutters to meet program requirements; ensured readiness for execution of multi-mission assignments.

Commanding Officer, USCG Northeast Fisheries Training Center, Bourne, MA

Executive Officer, USCG Cutter Monomoy (WPB-1326), Woods Hole, MA

Operations Officer, USCG Cutter Firebush (WLB-393), Kodiak, AK

CARISSA APRIL

ADDITIONAL EXPERIENCE and SERVICE

President of the Board, Joe Q Veteran Coffee Break

2020–present

Opened a first-ever community Veterans center for the area, entirely with donated labor and materials, design and consulting. Led Steering Committee in the writing and submission of a plan to the Town of Falmouth in response to Request for Proposals for the lease of a town building for the establishment & operation of a municipal Veterans' center. In addition to business & service plans, the 75-page package included over 20 letters of support from area organizations and businesses and led to the awarding of the lease to JQVCB.

Director of the Board, Friends of Nobska Light

2016–present

Planned & carried out engagement events large & small at lighthouse and offsite. Chair, Stewardship Committee, identified needs & opportunities for donor acknowledgement through small gestures (e.g. postcards). Led initiative to increase local awareness of the plans for the historic lighthouse and the launch of a Capital Campaign: designed rolled-out month-long scavenger hunt among 30+ local retailers; reached 2,000 families via public school students, teachers and staff in grades K-6th in addition to hundreds of visitors to Falmouth during June and early July. This creative initiative formed partnerships with local businesses and increased awareness of the plans for Nobska and the Capital Campaign. Key team planner for kick-off event including invitations, catering, entertainment, décor.

Practice Director, Private Medical Practice, Gray, ME/Falmouth, MA

2017–2020

Led the transition of single-practice physician from Maine to Massachusetts via the design and establishment of (then still-novel) telemedicine capability; established office space and operating procedures for remote office functions enabling video-teleconferenced visits between physician and patients separated by over 150 miles. Researched, established and trained physician on use of web-based tools for practice management; established e-prescribing and online laboratory ordering capabilities; prepared and marketed the practice for transition upon physician's retirement, acquired local buyer and sold practice, preserving the private practice and consistency of services provided to patients.

Town Meeting Member, Town of Falmouth

2019–present

Chair, Town of Falmouth Veterans Council

2021–present

EDUCATION

BOISE STATE UNIVERSITY Graduate Certificate in Human Performance, 2010

The study & development of skills diagnosing and solving performance problems in the workplace; practical application of process models, tools, and techniques to workplace performance improvement situations

NATIONAL GRADUATE SCHOOL M.S. in Quality Systems Management, 2006

Holistic focus on the philosophy and methodology of strategic planning, quality systems management and workplace performance

THE COLLEGE OF WOOSTER B.A. with High Honors in English, 1992

Summa Cum Laude, Phi Beta Kappa, Academic All-American

Independent Study Thesis examined the benefits of coaching student writers between drafts student writers between drafts



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.b. – Robert G. Ripley, Jr.

ITEM TITLE: Interview, vote, and appoint committee members- Police Station Advisory Committee- Robert G. Ripley, Jr.

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application of Robert G. Ripley, Jr.

PURPOSE:

The Select Board will interview and consider the appointment of Robert G. Ripley, Jr. to serve on the Police Station Advisory Committee.

BACKGROUND/SUMMARY:

- On October 7, 2024 the Select Board voted to approve the establishment of a Police Station Advisory Committee as well as the attached Committee Charge which calls for the Committee to be comprised of five (5) members.
- The Select Board has identified construction of a new police station as a priority. The next steps are to select an architect and then staff will work with the owner's project management, architect and this advisory committee in selecting a site for the new station for consideration by the Select Board.

- The Committee will submit a recommended site to the Select Board, as well as advise and collaborate with the architect in the design of the facility.
- The committee vacancy was advertised in the local paper on October 18, 2024, with an application preference date of November 8, 2024.
- A total of thirteen (13) individuals submitted applications to be considered for appointments, however one individual withdrew; there are a total of 12 individuals to be interviewed.
- Mr. Robert G. Ripley, Jr submitted his application (attached) on November 20, 2024.
- Robert G. Ripley, Jr. has been a resident of Falmouth for 16 years and currently serves as the Chief Operating Officer of the Concord Museum; he also has served for the Town of Holden as a member of its Finance Committee and Police Building Committee.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

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:

The Town Manager recommends that the Select Board conduct interviews of the twelve applicants and select the five individuals who they feel are best qualified to serve them in an advisory capacity.

Michael Renshaw

Town Manager

11/27/2024

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, or email it to townmanager@falmouthma.gov. 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: Robert G. Ripley, Jr.

Address: 59 Southview Way Village: East Falmouth ZIP: 02536

Mailing Address: Same as Above Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 16 (date: 2008) / Taxpayer 20 (date: 2004)

Amount of time you are available to give: As Needed

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

1. Police Building Committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? N/A

Relevant affiliation and work and personal experiences: _____
Town of Holden - Finance Committee and Police Building Committee
COO, Concord Museum

Town offices held in Falmouth or elsewhere and dates of years served: _____
Falmouth FINCOM - Former Board Chair

Holden FINCOM - Liaison to Police Dept.

Falmouth 250th Committee - Member

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

Served with Chief George Sherrill in Holden as a member of
Town's FINCOM and Police Building Committee.

Currently serve as COO at Concord Museum. Duties include
oversight of all museum facilities, most recently the completion
of a \$16m renovation.

You may attach a resume to this application.

List three (3) references:

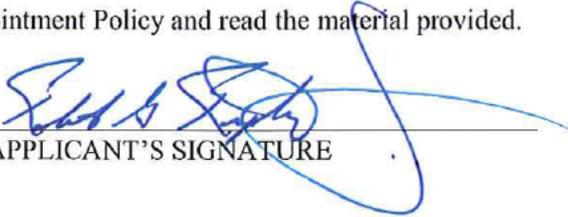
| | <u>Name</u> | <u>Title</u> | <u>Phone</u> |
|----|-------------------|--------------------------------|---|
| 1. | George Sherrill | Former Police Chied, Holden MA |  |
| 2. | Peter McConarty | Falmouth DPW Director | |
| 3. | Michael Kasparian | Falmouth Chamber President | |

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

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

11/20/2024

DATE


APPLICANT'S SIGNATURE

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

OPEN SESSION

PUBLIC HEARINGS

1. Application to transfer Shellfish Aquaculture license #A17-01 for 1.1 acres in Nantucket Sound off Washburn Island from Glen Chamberlain to Robert O. Sargent **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearing 1.

ITEM TITLE: Application to transfer Shellfish Aquaculture License #A17-01 for 1.1 acres in Nantucket Sound from Glen Chamberlain to Robert O. Sargent.

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Public Hearing Notice dated November 22, 2024; Application for Transfer of Shellfish Grant License dated September 23, 2024; Aquaculture License #A17-01, Glenn Chamberlain dated January 22, 2024, email from G Chamberlain dated 11/27/2024

PURPOSE:

The Select Board will conduct a public hearing and consider the approval of an application to transfer Shellfish Aquaculture License #A17-01 for 1.1 acres in Nantucket Sound.

BACKGROUND/SUMMARY:

- Rob Sargent came to the Town Manager/Select Board office to pursue a license transfer. He was provided the application form and asked to provide a narrative describing his business operation but has not provided one.
- An Application for Transfer of a Shellfish Grant License signed by the current holder of the license (Glen Chamberlain) and the applicant (Robert Sargent) dated September 23, 2024 was submitted to this office.

- On November 27, 2024 Glen Chamberlain sent an email confirming his intent to transfer this license to Mr. Sargent.

DEPARTMENT RECOMMENDATION:

Following the public hearing, the Town Manager recommends that the Select Board approve the application to transfer Shellfish Aquaculture License #A17-01 for 1.1 acres in Nantucket Sound from Glen Chamberlain to Robert O. Sargent as presented.

OPTIONS:

- Motion to approve the application to transfer Shellfish License #A17-01 for 1.1 acres in Nantucket Sound from Glen Chamberlain to Robert O. Sargent as presented.
- Motion to deny approval of the application to transfer Shellfish Aquaculture License #A17-01 for 1.1 acres in Nantucket Sound from Glen Chamberlain to Robert O. Sargent.

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

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
|------|-------|----------|--------|---------|-----------|-----------|
| | | | | | | |

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

Following the public hearing, the Town Manager recommends that the Select Board approve the application to transfer Shellfish Aquaculture License #A175-02 for 3 acres in Buzzards Bay off Fiddlers Cove and Nye's Neck from Paula Miller to Cape Cod Oyster Co., Inc. as presented.

Michael Renshaw

Town Manager

11/26/2024

Date

PUBLIC HEARING NOTICE

Notice is hereby given that on September 23, 2024, Robert O. Sargent, 15 Jamie Lane, East Falmouth, MA, applied pursuant to M.G.L. c. 130 §57 - §60 for the transfer of shellfish aquaculture license #A17-01 from Glen Chamberlain. The location, area and description of the sites of this shellfish grant are as follows:

A 1.1-acre parcel roughly 416' from the shore and 110' from the nearest navigation channel, within the Town's waters of Nantucket Sound, with the following geographic coordinates describing the corner boundaries of the project:

N41°33.085" W70°32.786"
N41°33.043" W70°32.790"
N41°33.086" W70°32.756"
N41°33.040" W70°32.751"

The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 §57 on said application for shellfish grant transfer on Monday, December 2, 2024 at 6:45 p.m. in the Select Board Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.

A copy of the aquaculture license application is on file at the Office of the Select Board.

LICENSING BOARD

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

Falmouth Enterprise: Friday, November 22, 2024



TOWN OF FALMOUTH
APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 9-23-24

TO: Board of Selectmen
59 Town Hall Square
Falmouth, MA 02540

I/We hereby request transfer of Shellfish Grant License # A17-01,
from Glen Chamberlain
to Robert O Sargent

Said grant license is located at Nantucket Sound off Washburn Island in Falmouth,
MA, and consisting of 1.1 acres, as shown on a plan prepared by
_____ and dated _____.

Signature

Glen Chamberlain

Name

15 Parkers Rd.

Mailing Address

E. Falmouth, MA, 02526

Telephone Number

TOWN OF FALMOUTH
APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 11/27/24

TO: Select Board
59 Town Hall Square
Falmouth, MA 02540

I/We hereby request transfer of Shellfish Grant License # A17-01,
from Glen Chamberlain
to Robert SARGENT

Said grant license is located at N 41° 33.085' W 70° 32.786" — N 41° 33.043' W 70° 32.790" — N 41° 33.016' W 70° 32.750" — N 41° 33.040' W 70° 32.751", in Falmouth,
MA, and consisting of 1.1 Acres acres, as shown on a plan prepared by
_____ and dated _____.

Robert O. Sargent

Signature

Robert O. Sargent

Name

Business Name (if applicable)
15 Jamie Lane

Mailing Address

E. Falmouth MA 02536

Email

Email

Telephone Number



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

February 22, 2017

Aquaculture License # A17-01

Glenn Chamberlain
Chamberlain Shellfish Farms
15 Durham Road
East Falmouth, MA 02536

J. Michael Hickey, Assistant Director
Shellfish Program Manager
Massachusetts Division of Marine Fisheries
1213 Purchase St., 3rd Floor
New Bedford, MA 02740

Shellfish Aquaculture License General Laws Ch. 130, § 57

Glenn Chamberlain

On February 6, 2017 the Falmouth Board of Selectmen unanimously voted to grant Glenn Chamberlain of East Falmouth, MA a shellfish aquaculture license under the authority of General Laws ch. 130, § 57. An application was filed with the Board of Selectmen on February 19, 2016. In accordance with applicable law a public hearing was noticed for March 21, 2016 at which time a vote was taken and the application approved subject to the terms and conditions set forth herein. The applicant holds an Order of Conditions from the Falmouth Conservation Commission dated January 18, 2017 for the same activity in accordance with the wetlands protection act, G.L. ch. 131, § 40 and the Falmouth Wetlands protection by-law and regulations.

The Board of Selectmen finds that the applicant is sufficiently qualified in terms of knowledge and experience to operate the shellfish aquaculture license in the best interest of the town, its natural resources and its shellfish industry.

In conformity with ch. 130, § 57 the Board of Selectmen hereby grants a shellfish aquaculture license to Glenn Chamberlain of East Falmouth, MA to grow eastern oysters at all times of the year in racks that will sit on the ocean floor within the licensed area. A more complete legal description is as follows:

LEGAL DESCRIPTION

A 1.1 acre parcel roughly 416' from the shore and 110' from the nearest navigation channel, within the Town's waters of Nantucket Sound, with the following geographic coordinates describing the corner boundaries of the project:

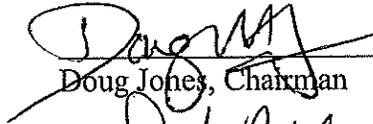
| | |
|---------------|---------------|
| N 41° 33.085" | W 70° 32.786" |
| N 41° 33.043" | W 70° 32.790" |
| N 41° 33.086" | W 70° 32.756" |
| N 41° 33.040" | W 70° 32.751" |

The license is further subject to the following terms and conditions.

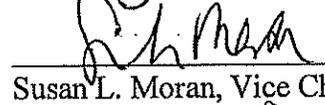
1. Maintenance may be done only during daylight hours.
2. The applicant shall comply with all Town of Falmouth Shellfish Aquaculture rules and regulations.
3. The applicant is not authorized to violate any zoning by-laws of the Town of Falmouth or violate the private property rights of others.
4. The licensed area shall be clearly marked with floats or buoys.
5. All trash, shells, seaweed and other debris must be disposed of in a suitable place.
6. The fee for the license is \$25.00 per acre per year.
7. The term of the license is for ten (10) years beginning with the date of its approval by the Director of the Division of Marine Fisheries.

Date: February 22, 2017

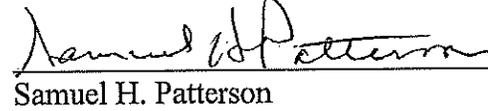
Falmouth Board of Selectmen



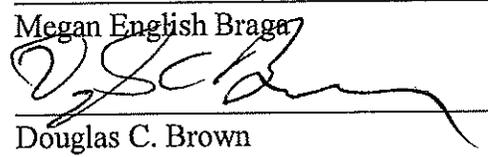
Doug Jones, Chairman



Susan L. Moran, Vice Chairman



Samuel H. Patterson

Megan English Braga


Douglas C. Brown

cc: Falmouth Conservation Commission
Falmouth Marine and Environmental Services

Diane Davidson

From: Glenn Chamberlain [REDACTED]
Sent: Wednesday, November 27, 2024 11:58 AM
To: Diane Davidson
Subject: [EXTERNAL] - Re: Transfer of Aquaculture License #A17-01

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Diana,

Thanks for reaching out, yes, I am interested in transferring the license to Bobby.

Thanks,

Glenn

Steamship Authority Chief Operating Officer To Resign

By DEVIN ANKENY
Another top-level executive at the Steamship Authority is stepping down.

The Authority's first-ever Chief Operating Officer Mark Higgins has announced his resignation. This comes less than two months after Authority general manager Robert B. Davis said he would be leaving his post next fall.

Mr. Higgins was named to the job in April of last year. His tenure lasted only 19 months.

The Authority only began seriously exploring a chief operating officer position in 2022, when legislation was proposed that made the position a requirement. Mr. Higgins, the former director of the Maine State Ferries Service, was hired following a consultancy report detailing positions the Authority should add.



COURTESY STEAMSHIP AUTHORITY
Mark Higgins was named chief operating officer for the Steamship Authority in April 2023. He has been responsible for marine and shore side operations, along with managing other departments.

"On behalf of the entire organization, I want to thank Mark Higgins for his service to the Steamship Authority and wish him well in his future endeavors," General Manager Robert B. Davis wrote in a statement. "I plan to discuss the vacancy with the Board and work with the Members to determine a timeline for next steps regarding the position."

Mr. Higgins' resignation comes during a year of turbulence at the Authority.

The three prospective new ferries have been delayed by many months—with only one of the three on its way—Mr. Davis also tendered his resignation effective next year and the Authority has been plagued with ship cancellations—one of which altered an entire weekend's schedule in August.

Mr. Higgins was not immediately available to comment.

Steamship Authority Makes Rate Hikes Official

By DEVIN ANKENY
Almost all Steamship Authority passengers will be spending more to ride its ferries next year.

The Steamship Authority's board of governors in its meeting on Tuesday, approved the first budget and rate hikes for the 2025 calendar year. Those rate hikes—which are being used to offset what otherwise would be more than \$33 million in expected operating losses—will affect most passengers, vehicles and those parking in Authority lots.

Though the rate hikes passed 3-1, the board did not seem pleased about raising rates for passengers. Those rate hikes do not include raising rates on the excursion fee, which board secretary and Falmouth representative Peter J. Jeffrey said may not be the fastest course going forward.

"At some point, we're going to have to pivot and raise the excursion fare," Mr. Jeffrey said, voting on the rate hikes in the future.

For the Martha's Vineyard ferries, one-way trips will increase by 50 cents for seniors and 25 cents for children. Currently those fares are \$10 for adults and \$5.25 respectively. A 10-ride adult ferry pass will rise from \$98 to \$94 and a 46-ride book would increase from \$174 to \$180.

Though Nantucket's standard passenger prices would not be changed, a trip on the high-speed ferry will jump \$4, from \$42.50 to \$46.50.

Another notable change for Falmouth residents are the increases to annual parking prices at the Woods Hole and Palmer Avenue parking lots. The price for an annual Woods Hole parking permit will be raised by \$200 and the Palmer Avenue lot by \$50—that price is down from an originally-proposed \$100.

Freight truck fares are also going up by 10 percent.

James L. Malkin, the board's vice chairman and Dukes County representative, said these fare hikes will work for the upcoming season, but will need to be changed to ensure equitable rates across the board should the Authority need more hikes.

"At some point, it becomes unsustainable, or you're simply going to have everything subsidized by trucks," Mr. Malkin said, referring also to the lack of excursion fare changes.

"The excursion fare is one that applies to passengers coming from the Vineyard and returning within the month. These fare prices seek to benefit Island residents.

The board also approved the budget for next year, which needed the rate hikes to counteract what would have been millions in losses. These increased expenses come largely from new hire and salary increases, which total about \$7.8 million in new spending.

Collaborative Selects New Director

On Thursday, the Cape Cod Collaborative Board of Directors announced that Hope Hanscom, assistant superintendent of Mashpee Public Schools since 2017, has accepted the position of executive director. She will begin her new role on January 1.

The collaborative is an educational organization providing instructional and support services to the students, parents and public school staff of 19 member districts.

Dr. Hanscom previously served as assistant superintendent and director of special education in West Bridgewater, a principal and

program coordinator at North River Collaborative, and a special education teacher in Brookline.

She earned an undergraduate degree from the College of Holy Cross, a master's degree from Dowling College, a CAGS from Bridgewater State University, and a doctorate in education from Northeastern University.

She received the President's Award from the Massachusetts Association of School Superintendents in May and the Assistant Superintendent Leadership Award in July.

She succeeds Paul Hillon, who is retiring after serving for 14 years.

Town of Falmouth Town Committee Vacancies

The Falmouth Select Board announces the following vacancies on a town committee:

Conservation Commission

2 full-member positions and 3 alternate member positions are now available

Applications are available on the Town website at: <https://www.falmouthma.gov/647/Town-Committees-Commissions-and-Boards-or-can-be-picked-up-in-the-Office-of-the-Town-Manager-and-Select-Board,-Town-Hall,-59-Town-Hall-Square>.

Publication date: Friday, November 22, 2024 and Friday, November 29, 2024; Falmouth Enterprise.

Open Meeting Law Complaint Filed Against School District

By KATIE NELSON
Falmouth parent Michael J. McCarthy has filed a complaint with the town clerk's office and the school committee alleging that the school district violated the Open Meeting Law when forming the building needs committee.

The building needs committee, which is now called the building needs task force, is charged with advising the school committee and Superintendent Lori S. Duerr on the community's path forward for the Navigating the Future Together proposals, which seek to reconfigure several Falmouth schools.

The five proposals range in purpose from creating a universally free early learning center

at Teaticket Elementary School and merging students from East Falmouth and Teaticket into East Falmouth Elementary to closing Morse Pond as a school entirely.

Mr. McCarthy's complaint alleges that the building needs committee was formed in violation of Open Meeting Law because there is no record of a vote by the school committee to form a building needs committee or to approve its members.

Also, he said that since several members on the building needs committee are related to school employees or are employed themselves by the district, Mr. McCarthy said the committee has a limited perspective when it really

needs to represent the entire community.

He also noted that the group has no posted agendas or minutes to the town website, but it has provided a meeting schedule and locations. School committee members and school building needs committee liaison Susan Augusta has been minutes from the group's meetings during school committee meetings.

In his complaint, Mr. McCarthy hopes that the building needs committee be dissolved in favor of a new neutral analysis committee. This new committee would be directed by the school committee and would be composed of new members, "to ensure an open-minded approach

to discussions"

The complaint was filed on November 11.

State law states that the committee has 14 business days to review the complaint and respond. That response must be sent to Mr. McCarthy and to the state Attorney General's Office. If Mr. McCarthy is unsatisfied with the school committee's response, he is able to file the complaint again after 30 days with the Massachusetts Division of Open Government.

The school committee held an executive session during its brief meeting Monday night, to discuss the complaint.

The chairman of the school committee would not comment after the meeting.

Municipal Legal Notices

PUBLIC HEARING NOTICE
Notice is hereby given that on September 23, 2024, Robert O. Sargent, 15 Janis Lane, East Falmouth, MA, applied pursuant to M.G.L. c. 130 §57 - §69 for the transfer of a shellfish aquaculture license #A17-01 from Glen Chamberlain. The location, area and description of the sites of this shellfish grant are as follows:

A1. 1-acre parcel roughly 415' from the shore and 110' from the nearest navigation channel, with the Towns waters of Harborside South, with the following geographic coordinates of the corner boundaries of the project: N41°33'05"W 70°32'16"W N41°33'04"W 70°32'16"W N41°33'05"W 70°32'16"W N41°33'04"W 70°32'16"W

The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 §57 on said application for shellfish grant transfer on Monday, December 2, 2024 at 6:45 p.m. in the Select Board Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.

A copy of the aquaculture license application is on file at the Office of the Select Board.

LICENSING BOARD
Nancy Robbins Taylor, Chair
Edwin P. Zyzanski II, Vice Chair
Douglas C. Brown
Robert P. Mascall
Heather M.H. Goldstone

November 22, 2024

TOWN OF FALMOUTH PLANNING BOARD PUBLIC MEETING NOTICE
Applicant: JJEC Development LLC
Location: 4 Sandwich Rd
Map# 34 92 02D 001A

PROPOSAL: Site Plan Review application to construct a new (11) two-bedroom apartment building (3) one-story structures at the above-referenced property.

DATE & TIME: Tuesday, December 10, 2024 at 6:30pm
PLACE: Falmouth Town Hall
59 Town Hall Sq
Falmouth, MA 02540

Documents may be viewed online at: <https://www.falmouthma.gov/1237/Applications-Currency/Under-Review>

By Order of the Planning Board
Paul Dryer
Chair/Secretary

November 22, 2024

TOWN OF FALMOUTH PLANNING BOARD PUBLIC MEETING NOTICE
Applicant: Lawrence Lynch Realty Corp
Location: 459 Blacksmith Shop Rd
Map# 22 02 009 000

PROPOSAL: Site Plan Review application to construct a solar photovoltaic (PV) carport canopy system over a gravel parking area at 459 Blacksmith Shop Rd. This application is seeking to modify the Planning Board's Site Plan Review application from 2019 to construct a 7,300.5 kW large scale ground mounted solar photovoltaic (PV) and energy storage system at Blacksmith Shop Road and O Leventfield Road.

DATE & TIME: Tuesday, December 10, 2024 at 6:30pm
PLACE: Falmouth Town Hall
59 Town Hall Sq
Falmouth, MA 02540

Documents may be viewed online at: <https://www.falmouthma.gov/1237/Applications-Currency/Under-Review>

By Order of the Planning Board
Paul Dryer
Chair/Secretary

November 22, 2024

THE FALMOUTH CONSERVATION COMMISSION will hold a public hearing under Section 40, Chapter 131 of the general laws of the Commonwealth of Massachusetts (Wetlands Protection Act and the Town

of Falmouth Wetlands Protection Bylaw on Wednesday, December 4, 2024 at 7:00PM.

In accordance with Section 40, Chapter 131 of the laws of 2023, relating to the 2020 novel Coronavirus outbreak, the December 4, 2024, public meeting of the Falmouth Conservation Commission shall be physically cancelled and the public to avoid group congregations.

Alternative public access to the meeting shall be provided in the following manner: 1. The agenda will be provided via Falmouth Community Television. 2. Real-time public comment can be addressed to the Conservation Commission using the Zoom link meeting software for remote access. This application will allow users to view and participate in the meeting. Text comments submitted with the Chair function will be read into the record at the appropriate points in the meeting. A Zoom Login Instructions:

1. Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthma.gov/Conservation>

2. Please plan on 10-15 minutes of preparation time for the meeting. If you have previously used Zoom on the device you will use to access this meeting.

3. Additionally, public comments may be sent in advance of the meeting to conscom@falmouthma.gov at least 48 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted electronically. Submitted comments and documents will be made a part of the meeting record and may be read into the record, summarized, or displayed during the meeting.

4. Applicants, their representatives, and individuals with enforcement matters before the Conservation Commission shall appear at the meeting. Applicants, their representatives, and individuals with enforcement matters before the Conservation Commission may contact the Conservation Department to arrange an advance of the meeting to receive participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted to the Conservation Department at falmouthma.gov so they may be displayed for remote public access viewing.

Complete applications are available by request and will be sent via email.

REQUESTS FOR DETERMINATION OF APPLICABILITY
David P. and Kathy E. Campbell, 5 Middle Street, Falmouth, MA - For permission to install mitigation and restore wetlands in accordance with MA DEP 25-4555.

Chapowick Associates, 0 Chapowick Road (Map Parcel 24-06-008-000), Falmouth, MA - For permission to maintain a guard shack on Chapowick Road.

Island Commuter Corp, 75 Falmouth Heights Road, Falmouth, MA - For permission to repair an existing bulkhead.

Tregal Keating, 67 Lake Shore Drive, Falmouth, MA - For permission to replace a retaining wall and to construct a protective barrier around an existing septic pumping chamber.

William and Elizabeth Scovell, 314 Quisset Avenue, Falmouth, MA - For permission to replace a water main and install a gas main.

Niklymar, LLC, 119 Green Pond Road, Falmouth, MA - For permission to remove and replace an existing dock.

Falmouthers' Cafe, Inc., 56 Water Street, Falmouth, MA - For permission to repair existing pier and foundation.

Douglas H. and Kristin Shearer, 30 Chapowick Road, Falmouth, MA - For permission to install mitigation plantings in accordance with MA DEP 25-3374.

Constellation Properties, LLC, c/o Steve Bowen, 5 Shawnee Pond Lane, Falmouth, MA - For permission to install a new Tide V compliant sewage disposal system and a new drinking water well.

Scott and Michele Posner, 55 Markers Lane, Falmouth, MA - For permission to construct an addition.

REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT
Annalisa and Michael Michalik, 16 Whittemore Avenue, Falmouth, MA - For permission to reconstruct and enlarge the front porch, conduct invasive species removal and restoration, and install site-specific mitigation plantings.

Sarah Reber, Donchik/Reber Family Trust, 13 Oakleaf Lane, Falmouth, MA - For permission to raise an existing single-family dwelling and construct a new single-family dwelling, upgrade the existing sewage disposal system, conduct invasive species removal and restoration, and install mitigation plantings.

Clayton Jones, 100 Grenet Avenue, Falmouth, MA - For permission to reconstruct a deck, install a pool with patio, construct a new deck and retaining wall, reconstruct the front walk and parking area, construct a new set of access stairs, and install mitigation plantings.

59 Meadow Neck LLC, 59 Meadow Neck Road, Falmouth, MA - For permission to raise an existing single-family dwelling with attached garage and deck; upgrade the existing sewage disposal system and install dewatering and mitigation plantings.

Margaret Straloch, Trustee, Straloch Family 2014 Irrevocable Trust, 158 Westwood Road, Falmouth, MA - For permission to raise an existing single-family dwelling and construct a new single-family dwelling with attached garage, deck, and porch; install a pool with patio and retaining wall; upgrade the existing sewage disposal system; repair the damaged retaining wall; install mitigation and restoration plantings.

REQUESTS TO AMEND AN EXISTING ORDER OF CONDITIONS
Dan Sofien, 95 Alamanah Road, Falmouth, MA - Request to amend the Order of Conditions for MA DEP 25-4458 to replace the previously permitted kayak launch with a launch port lot.

Patrick Burke, Trustee, Church Street Trust, 158 Church Street, Falmouth, MA - Urgent removal of vegetation with the buffer to a coastal bank.

John Cook, Trustee, John C. Cook 2009 Trust, 170 Church Street, Falmouth, MA - Urgent removal of vegetation with the buffer to a coastal bank.

By Order of: Janis Mathews, Chairman
Falmouth Conservation Commission

November 22, 2024

PUBLIC HEARING NOTICE
Notice is hereby given that on November 5, 2024, David Ryan, President of Cape Cod Oyster Company, located at 179 Old Falmouth Road, Marston Mills, MA, applied pursuant to M.G.L. c. 130 §57 - §60 for the transfer of shellfish aquaculture license #A15-06 from Ty Parris to Cape Cod Oyster Company. The location, area and description of the sites of this shellfish grant are as follows:

1. An upweller aquaculture site measuring 20' x 8' and fastened to a dock in Meagan's Harbor, with the following geographic coordinates describing the corner boundaries: N41°38'19.27"W 70°37'17.16"W 41°38'19.27"N 70°37'17.02"W

2. A 2-acre parcel 600' offshore, north of Fiddlers Cove entrance and northeast of Randa's Canal entrance in the waters of Meagan's Harbor, with the following geographic coordinates describing the corner boundaries: NW - 70°38'02.64"W, 41°38'18.5432"N, NW - 70°38'23.57"W, 41°38'16.927"N, SW - 70°38'01.63"W, 41°38'12.6952"N, SE - 70°38'45.991"W, 41°38'24.7431"N.

The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 §57 on said application for shellfish grant transfer on Monday, December 2, 2024 at 6:45 p.m. in the Select Board Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.

A copy of the aquaculture license application is on file at the Office of the Select Board.

LICENSING BOARD
Nancy Robbins Taylor, Chair
Edwin P. Zyzanski II, Vice Chair
Douglas C. Brown
Robert P. Mascall
Heather M.H. Goldstone

November 22, 2024

PUBLIC HEARING NOTICE
Notice is hereby given that on November 5, 2024, David Ryan, President of Cape Cod Oyster Company, located at 179 Old

Falmouth Road, Marston Mills, MA, applied pursuant to M.G.L. c. 130 §57 - §60 for the transfer of shellfish aquaculture license #A17-02 from Paula WSB to Cape Cod Oyster Company. The location, area and description of the sites of this shellfish grant are as follows:

A 3-acre parcel with a depth of 12-16' roughly 600' from the shore west-southwest of Fiddlers Cove and northeast of Nya's Neck within the Town's waters of Buzzards Bay, with the following geographic coordinates describing the corner boundaries of the project: 41°39'1.38"N 70°38'30.70"W 41°39'1.77"N 70°38'22.00"W 41°39'1.63"N 70°38'23.00"W 41°39'1.87"N 70°38'30.87"W

The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 §57 on said application for shellfish grant transfer on Monday, December 2, 2024 at 6:45 p.m. in the Select Board Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.

A copy of the aquaculture license application is on file at the Office of the Select Board.

LICENSING BOARD
Nancy Robbins Taylor, Chair
Edwin P. Zyzanski II, Vice Chair
Douglas C. Brown
Robert P. Mascall
Heather M.H. Goldstone

November 22, 2024

Falmouth Kennebec Board of Appeals Public Hearing Notice
December 12, 2024

Notice is hereby given of the following Public Hearing to be held on December 12, 2024 in the Select Board Meeting Room, Town Hall, Falmouth, MA, on **Thursday, December 12, 2024**.

Application #102-24-1484-41 North, LLC, Applied to the Zoning Board of Appeals for a special permit pursuant to sections 240-12 to 240-18 of the Code of Falmouth to construct additions to the existing, nonconforming dwelling a gazebo and a detached, 2-car garage with habitable space above. The subject properties are "0" (lot 085A) Oakwood Avenue and 29 Oakwood Avenue, Falmouth, MA.

Application # 105-24-25 Foster, LLC, Richard and Norman Ackerman, et al. Filed an appeal with the Falmouth Town Clerk pursuant to M.G.L. c. 40A § 8 & 15, 249-12, 4A(1)(c) and 240-8 (A)(3) of the Code of Falmouth appealing the Building Commissioner's determination. The subject property is 30 Foster Road, East Falmouth, MA.

Application # 108-24 Lawrence Lynch Realty Co. Applied to the Zoning Board of Appeals for a special permit pursuant to sections 240-12 to 240-18 of the Code of Falmouth to receive an existing special permit #20-90 for excavation and restoration and to allow the continued use of processing and storage of material. The subject properties are "0" (lot 603) and 160 Thomas B. Landers Road, Hatchville, MA.

Files are available in the Board of Appeals Office at Town Hall for review by interested parties.

November 15, 2024
November 22, 2024

PUBLIC HEARING NOTICE
The Falmouth Select Board will hold a public hearing under Section 240-14-B (Wetlands Regulation) of the Zoning Bylaws of the Town of Falmouth on Monday, December 2, 2024 at 6:45 p.m. in the Select Board Meeting Room, Town Hall, located at 59 Town Hall Square, in the application of Leonard C. Jr. and Patricia A. Bassett for permission to maintain an existing septic system located at 455 Curtis Road, East Falmouth, MA. Area affected is Ashurst Pond. Interested parties may review the file on this application at the Office of the Select Board.

By Order of the Select Board

November 15, 2024
November 22, 2024

PUBLIC HEARING NOTICE
Notice is hereby given that on November 5, 2024, David Ryan, President of Cape Cod Oyster Company, located at 179 Old

OPEN SESSION

PUBLIC HEARINGS

2. Application to transfer Shellfish Aquaculture license #A17-02 for 3 acres in Buzzards Bay off Fiddlers Cove and Nye's Neck from Paula Miller to Cape Cod Oyster Co., Inc. **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearing 2.

ITEM TITLE: Application to transfer Shellfish Aquaculture License #A17-02 for 3 acres in Buzzards Bay off Fiddlers Cove and Nye's Neck from Paula Miller to Cape Cod Oyster Co., Inc.

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Public Hearing Notice dated November 22, 2024; Letter from Cape Cod Oyster dated November 5, 2024; Town of Falmouth Application for Shellfish Grant License dated November 5, 2024; Aquaculture License #A17-02, Paula Miller, dated April 22, 2024

PURPOSE:

The Select Board will conduct a public hearing and consider the approval of an application to transfer Shellfish Aquaculture License #A175-02 for 3 acres in Buzzards Bay off Fiddlers Cove and Nye's Neck from Paula Miller to Cape Cod Oyster Co., Inc.

BACKGROUND/SUMMARY:

- On October 24, 2024, the current holder of Shellfish Aquaculture License #A17-02, Paula Perini-Miller, wrote an email to the Select Board (attached) stating her intent to give up operation of the farm in Buzzards Bay off Fiddlers Cove and Nye's Neck, and to transfer their license to David Ryan of Cape Cod Oysters, Inc. who they highly recommended.

- On November 5, 2024, the president of Cape Cod Oyster Co., Inc. submitted a narrative letter to the Select Board (attached) describing their business operation, and made a formal request that the Select Board approve the transfer of Shellfish Aquaculture License #A017-02 from Paula Miller to Cape Cod Oyster Co., Inc.
- On November 5, 2024, David Ryan of Cape Cod Oyster Co., Inc. also completed and submitted an Application for Shellfish Grant License (attached).
- Mr. Ryan of Cape Cod Oyster Co., Inc. intends to change the farming method from the current use of bottom cages to a floating system, and is scheduled before the Conservation Commission on December 11, 2024, for a Change of the Order of Conditions.

DEPARTMENT RECOMMENDATION:

Following the public hearing, the Town Manager recommends that the Select Board approve the application to transfer Shellfish Aquaculture License #A175-02 for 3 acres in Buzzards Bay off Fiddlers Cove and Nye’s Neck from Paula Miller to Cape Cod Oyster Co., Inc. as presented.

OPTIONS:

- Motion to approve the application to transfer Shellfish Aquaculture License #A175-02 for 3 acres in Buzzards Bay off Fiddlers Cove and Nye’s Neck from Paula Miller to Cape Cod Oyster Co., Inc. as presented.
- Motion to deny approval of the application to transfer Shellfish Aquaculture License #A175-02 for 3 acres in Buzzards Bay off Fiddlers Cove and Nye’s Neck from Paula Miller to Cape Cod Oyster Co., Inc.

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

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
|------|-------|----------|--------|---------|-----------|-----------|
| | | | | | | |

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

Following the public hearing, the Town Manager recommends that the Select Board approve the application to transfer Shellfish Aquaculture License #A175-02 for 3 acres in Buzzards Bay off Fiddlers Cove and Nye's Neck from Paula Miller to Cape Cod Oyster Co., Inc. as presented.

Michael Renshaw

11/26/2024

Town Manager

Date

PUBLIC HEARING NOTICE

Notice is hereby given that on November 5, 2024, David Ryan, President of Cape Cod Oyster Company, located at 179 Old Falmouth Road, Marstons Mills, MA, applied pursuant to M.G.L. c. 130 §57 - §60 for the transfer of shellfish aquaculture license #A17-02 from Paula Miller to Cape Cod Oyster Company. The location, area and description of the sites of this shellfish grant are as follows:

A 3-acre parcel with a depth of 12-16' roughly 600' from the shore west southwest of Fiddlers Cove and northeast of Nye's Neck within the Town's waters of Buzzards Bay, with the following geographic coordinates describing the corner boundaries of the project:

41°39'7.38"N 70°38'30.70"W
41°39'7.77"N 70°38'22.00"W
41°39'4.83"N 70°38'22.63"W
41°39'4.87"N 70°38'30.87"W

The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 §57 on said application for shellfish grant transfer on Monday, December 2, 2024 at 6:45 p.m. in the Select Board Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.

A copy of the aquaculture license application is on file at the Office of the Select Board.

LICENSING BOARD

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

Falmouth Enterprise: Friday, November 22, 2024

Diane Davidson

From: Paula M [REDACTED]
Sent: Thursday, October 24, 2024 11:08 PM
To: Falmouth Town Manager; Diane Davidson
Cc: Jennifer Lincoln; Roy Martinson; Dave Ryan
Subject: [EXTERNAL] - Transfer of Aquaculture Licenses

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Town of Falmouth Select Board,

We are writing in regards to request a transfer of our aquaculture licenses A17-02 and A15-06 to David Ryan, President of Cape Cod Oyster Co, Inc.

We have spent the past 8 years developing the Megansett Oyster brand. Unfortunately, since Co-Vid, we have found it extremely difficult to find experienced farmers to run the day to day operations of our oyster farms. 2024 has been extremely difficult, as we were unable to get any staff, and have been doing all the farming ourselves. We both have full time jobs and so our farming hours have been limited. For these reasons, we realize it is time to give up the farms.

We have known David Ryan for many years. He advised us on some aspects of the farms when we were initially applying for our licenses. We believe David Ryan is the person to take over our farms.

David's knowledge, expertise, integrity and hard work makes him the perfect choice to transfer our licenses to. As you know, he has done a great job in Waquoit Bay along with all of his other farms.

David will also keep the Megansett Oyster Brand going, which we have worked so very hard at developing.

Again, David's expertise in oyster farming will continue the positive environmental impact of our waterways. Also a positive economic impact aspect of adding year round jobs for young people.

Sincerely,
Ty Perini A15-06
Paula Perini-Miller A17-02

TOWN OF PALMOUTH
APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 11/7/2024

TO: Select Board
59 Town Hall Square
Falmouth, MA 02540

I/We hereby request transfer of Shellfish Grant License # A17-02
from Nye's Neck Oyster - Paula Miller
to Cape Cod Oyster - David Ryan

Said grant license is located at 175 Chester St., W. Falmouth, in Falmouth,
MA, and consisting of 3 acres, as shown on a plan prepared by
MA. Division of and dated 4/22/2024
Marine Fisheries

Paula Miller

Signature

Paula Miller

Name

Nye's Neck Oyster

Business Name (if applicable)

175 Chester St.

Mailing Address

No. Falmouth, MA. 02556

[REDACTED]

[REDACTED]

Telephone Number



5 November 2024

Nancy Taylor, Chair
Falmouth Select Board
59 Town hall Square
Falmouth MA 02540

Dear Nancy Taylor,

This communication formally requests the Falmouth Select Board to transfer the aquaculture licenses of Ty Perini, A15-06, and Paula Miller, A17-02 to Cape Cod Oyster Co., Inc.

At the direction of Diane Davidson, also included is page 6 of the of the Town of Falmouth "Application for Shellfish Grant License".

Diane Davidson also asked for a brief narrative about our business.

I, Dave Ryan, partner and president of Cape Cod Oyster, have worked fulltime in the shellfish aquaculture industry for over 30 years. I have served as an officer with the Massachusetts Aquaculture Association, and as an elected County Committee member for the USDA Farm Service Agency as an aquaculture specialist. I have presented many times for various government or industry groups farm planning, food safety, and other topics related to shellfish aquaculture.

Cape Cod Oyster Co. owns or manages 3 oyster farms in the towns of Falmouth and Barnstable. We employ about 16 people full-time, year-round with a generous benefits package including health insurance and a retirement plan. The farms are in Waquoit Bay, Falmouth, Barnstable Harbor, and West Bay in Osterville. We have developed several branded oysters and private label oysters for restaurant groups and wholesale distributors in about 75 cities in the U.S. Our processing and packing facility is in Marstons Mills.

We support other Cape Cod and Falmouth oyster producers by supplying them with seed and purchasing and distribution of market oysters.

The oyster aquaculture industry is challenging in many ways. Our market approach revolves around producing quality market oysters all 52 weeks of the year with a growing season that is about 26 weeks. We are interested in acquiring the Perini/Miller sites to add geographic diversity to our current farms and to help us remain viable throughout the year. Our team of well trained, educated and experienced young people is equipped to take on the challenge of establishing another well-run farm.

I look forward to continuing our efforts in the Town of Falmouth. It has been a pleasure working with both Gregg Fraser and Chuck Martinsen and their staff since 2017. Please do not hesitate to contact me if I can answer any questions.

Respectfully submitted,



Dave Ryan
President
179 Old Falmouth Road
Marstons Mills, MA 02648



TOWN OF FALMOUTH
APPLICATION FOR SHELLFISH GRANT LICENSE

Date: 11-05-2024

This request is being made under Chapter 130, Sections 57 and 59.

Name David J. Ryan

Business Name (if applicable) Cape Cod Oyster Co., INC

Address 179 Old Falmouth Rd

Marston's Mills MA 02648

Telephone  Email dave@capeoysters.com

Please attach a full description of proposed operation, map and resume.

1. Location of proposed grant license area:

Megansett Harbor

2. Map coordinates of proposed grant license area (attach a copy of map):

3. Desired size of proposed grant license area:

4. Proposed species to be raised:

5. Short description of proposed operation and location for legal ad:

6. Previous shellfishing experience:

30 plus years Cape Cod Aquaculture industry.

7. How long have you had a shellfish permit (commercial/non-commercial)?

N/A

8. How long have you lived in Falmouth? N/A

David J. Ryan President
Signature of Applicant Cape Cod Oyster Co.

Signature of Shellfish Constable



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

April 22, 2024

Aquaculture License # A17-02

Paula Miller
Nye's Neck Oyster
175 Chester Street
North Falmouth, MA 02556

Mr. Dan McKiernan, Director
Massachusetts Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, MA 02114

Shellfish Aquaculture License General Laws Ch. 130, § 57

Paula Miller

On April 22, 2024 the Falmouth Select Board unanimously voted to grant Paula Miller, Nye's Neck Oyster, of North Falmouth, MA a shellfish aquaculture license under the authority of General Laws ch. 130, § 57. An application was filed with the Select Board on March 15, 2024. In accordance with applicable law a public hearing was noticed for April 22, 2024 at which time a vote was taken and the application approved subject to the terms and conditions set forth herein. The applicant holds an Order of Conditions from the Falmouth Conservation Commission dated June 1, 2017 for the same activity in accordance with the wetlands protection act, G.L. ch. 131, § 40 and the Falmouth Wetlands protection by-law and regulations.

The Select Board finds that the applicant is sufficiently qualified in terms of knowledge and experience to operate the shellfish aquaculture license in the best interest of the town, its natural resources and its shellfish industry.

In conformity with ch. 130, § 57 the Select Board hereby grants a shellfish aquaculture license to Paula Miller, Nye's Neck Oyster, of North Falmouth, MA to grow eastern oysters at all times of the year in racks that will sit on the ocean floor within the licensed area. A more complete legal description is as follows:

LEGAL DESCRIPTION

A 3 acre parcel with a depth of 12-16' roughly 600' from the shore west southwest of Fiddlers Cove and northeast of Nye's Neck within the Town's waters of Buzzards Bay, with the following geographic coordinates describing the corner boundaries of the project:

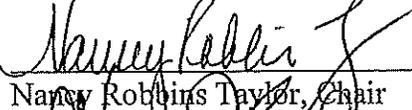
| | |
|--------------|---------------|
| 41°39'7.38"N | 70°38'30.70"W |
| 41°39'7.77"N | 70°38'22.00"W |
| 41°39'4.83"N | 70°38'22.63"W |
| 41°39'4.87"N | 70°38'30.87"W |

The license is further subject to the following terms and conditions.

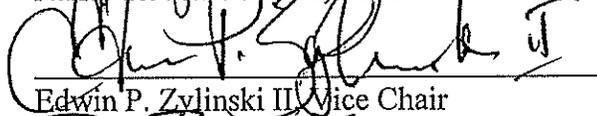
1. Maintenance may be done only during daylight hours.
2. The applicant shall comply with all Town of Falmouth Shellfish Aquaculture rules and regulations.
3. The applicant is not authorized to violate any zoning by-laws of the Town of Falmouth or violate the private property rights of others.
4. The licensed area shall be clearly marked with floats or buoys.
5. All trash, shells, seaweed and other debris must be disposed of in a suitable place.
6. The fee for the license is \$25.00 per acre per year.
7. The term of the license is for five (5) years beginning with the date of its approval by the Director of the Division of Marine Fisheries.

Date: April 22, 2024

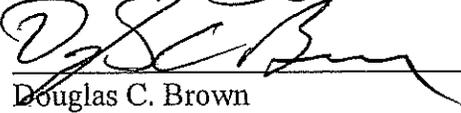
Falmouth Select Board



 Nancy Robbins Taylor, Chair

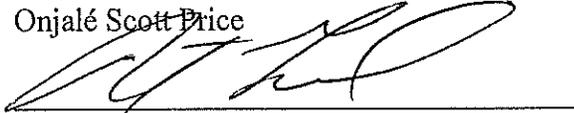


 Edwin P. Zylinski II, Vice Chair



 Douglas C. Brown

Onjalé Scott Price



 Robert P. Mascali

cc: Chuck Martinsen, Shellfish Constable
 Falmouth Conservation Commission
 Chrissy Petitpas, Division of Marine Fisheries
 Alex Boeri, Division of Marine Fisheries
 Gabe Lundgren, Division of Marine Fisheries

Diane Davidson

From: Jerry Callen [REDACTED]
Sent: Wednesday, November 27, 2024 11:37 AM
To: Diane Davidson
Cc: Katy Petersen; Dave Ryan
Subject: [EXTERNAL] - transfer of aquaculture sites in Megansett Harbor to Cape Cod Oyster Company

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings, Diane, and happy Thanksgiving. This note is intended for the Falmouth Select Board.

I am writing (on behalf of my wife, Katy Petersen, and myself) to express support for the transfer of aquaculture sites in Megansett Harbor to Cape Cod Oyster Company. The Company acquired the shellfish grant at the north end of Washburn Island many years ago; this grant is directly across the Seapit River from the house owned by my wife and her brother (John Petersen). We've had many friendly interactions with Dave Ryan and his crew, and have been pleased with their stewardship of the grant. I have no doubt that the care they have shown here in Waquoit Bay will be replicated at Megansett Harbor.

Best regards,

Jerry Callen & Katy Petersen
108 Seapit Road, East Falmouth
[REDACTED]

Diane Davidson

From: Donald Meschisen [REDACTED]
Sent: Sunday, November 24, 2024 8:35 AM
To: Falmouth Selectboard; Nancy Taylor
Subject: [EXTERNAL] - David Ryan/Cape Cod Oyster Company

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Falmouth Board of Selectmen,

My wife and I have had a house on the Seapit River for the past 30 years. In that time there have been numerous people operate the shellfish grant. The current owner, Dave Ryan, and his management of the grant's operations have by far been superior to all his predecessors. He is respectful of all the abutting land owners, considerate to marine traffic which can be very heavy at times and is very responsive to any issues which might arise with the operation of the grant.

We would strongly support his consideration for any additional opportunities in Falmouth.

Sincerely,
Donald Meschisen
Kathleen Meschisen
Sent from my iPhone

Diane Davidson

From: Daniel Gorin [REDACTED]
Sent: Saturday, November 23, 2024 7:36 AM
To: Diane Davidson
Subject: [EXTERNAL] - Cape Cod Oyster Company

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Nancy Taylor, Chair Select Board,

I am writing a letter of support for Dave Ryan and Cape Cod Oyster Company. I am a year round resident of Falmouth and a physician on Cape Cod. I live at 194 Seapit Rd, on the Seapit river overlooking one of Cape Cod Oyster Company's sites. Dave is a great neighbor and an absolute pro. He manages a thriving oyster farm in our backyard, and is a model for how aquaculture should be run. His equipment is organized and well cared for. He and his team are vigilant to ensure that his cages don't become obstacles to navigation in our busy thoroughfare. He has invested in new low profile cages that are a nice esthetic improvement over the older style cages,

Aquaculture, when done by people who are not truly dedicated to doing it full time, has the potential to cause real harm to our waters; with neglected and abandoned equipment washing up on our shores and clogging up our waterways, and leaving our town to bear the expense of oversight and clean up. We could also be saddled with larger companies not based in our community who don't share our commitment to keeping our local land and waters clean and healthy. Dave is a long term Cape Cod resident, who is guided by a love of Cape Cod and its waters.

I strongly urge the board to view his application to acquire two existing aquaculture sites favorably.

As an aside, Dave's oysters are incredibly good. I think it is likely that we will find "Falmouth Oysters" supplanting "Wellfleet Oysters" on menus around the Cape as the best-of-the best on raw bar menus!

Respectfully

Dan Gorin
[REDACTED]

Diane Davidson

From: Anne Petersen [REDACTED]
Sent: Friday, November 22, 2024 6:32 PM
To: Diane Davidson
Subject: [EXTERNAL] -

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

11.22.24

Dear Board of Selectman and Conservation Commission,

I am writing on behalf of Dave Ryan and the Cape Cod Oyster Company.

I understand that they are in the process of acquiring other farm sights in Megansett Harbor. I would recommend them for those sights for the following reasons:

My family has a house on the Seapit River, across from the oyster farm. We have watched as they work and have grown their business. They do a careful and neat business and run a very professional enterprise. They efficiently tend the oyster cages without disrupting the river system or boating and are very unobtrusive. Their new FlipFarm baskets over the oyster cages are an aesthetic improvement from the past. Most importantly, we have noticed a HUGE improvement in the water quality since they have been oyster farming there! The water is much clearer than it used to be, and we appreciate this for swimming and the aesthetics of looking into it from the shore and boats.

I would be very happy to discuss this further and answer any other questions you may have regarding the oyster business on the Seapit River.

Sincerely,

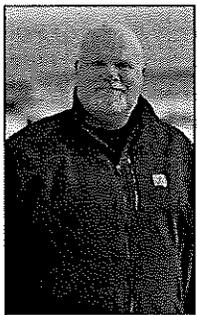
Anne Petersen
[REDACTED]

57 County St Rehoboth MA 02769
108-Seapit Rd E Falmouth MA

rosasharnfarm.com

Steamship Authority Chief Operating Officer To Resign

By DEVIN ANKENY
Another top-level executive at the Steamship Authority is stepping down.
The Authority's first-ever Chief Operating Officer, Mark Higgins, has announced his resignation. This comes less than two months after Authority general manager Robert B. Davis said he would be leaving his post next fall.
Mr. Higgins was named to the job in April of last year. His tenure lasted only 19 months.
The Authority only began seriously exploring a chief operating officer position in 2022, when legislation was proposed that made the position a requirement. Mr. Higgins, the former director of the Maine State Ferries Service, was hired following a consultancy report detailing positions the Authority should add.
"On behalf of the entire organization, I want to thank Mark Higgins for his service to the Steamship Authority and wish him well in his future endeavors," General Manager Robert B. Davis wrote in a statement. "I plan to discuss the vacancy with the Board and work with the Members to determine a timeline for next steps regarding the position."



COURTESY STEAMSHIP AUTHORITY
Mark Higgins was named chief operating officer for the Steamship Authority in April 2023. He has been responsible for marine and shore side operations, along with managing other departments.

Mr. Higgins' resignation comes during a year of turbulence at the Authority.
The three prospective new ferries have been delayed by many months—with only one of the three on its way—Mr. Davis also tendered his resignation effective next year and the Authority has been plagued with ship cancellations—one of which altered an entire weekend's schedule in August.
Mr. Higgins was not immediately available to comment.

Steamship Authority Makes Rate Hikes Official

By DEVIN ANKENY
Almost all Steamship Authority passengers will be spending more to ride its ferries next year.
The Steamship Authority's board of governors in its meeting on Tuesday, approved the final budget and rate hikes for the 2025 calendar year. Those rate hikes—which are being used to offset what would otherwise be more than \$3.3 million in expected operating losses—will affect most passengers, vehicles and those parking in Authority lots.
Though the rate hikes passed 3-1, the board did not seem pleased about raising rates for passengers. Those rate hikes do not include raising rates on the excursion fare, which board secretary and Falmouth representative Peter J. Jeffrey said may not be the fairest course going forward.
"At some point, we're going to have to pivot and raise the excursion fare," Mr. Jeffrey said, voting no as a reminder to discuss adjusting the rate hikes in the future.
For the Martha's Vineyard ferries, one-way trips will increase by 50 cents for seniors and 25 cents for children. Currently those fares are \$10 for adults and \$5.25 respectively. A 10-ride adult ferry pass will rise from \$66 to \$94 and a 46-ride book would increase from \$174 to \$194.50.
Though Martha's Vineyard passenger prices would not be changed, a trip on the high-speed ferry will jump \$4, from \$42.50 to \$46.50.
Another notable change for Falmouth residents are the increases to annual parking prices at the Woods Hole and Palmer Avenue parking lots. The price for an annual Woods Hole parking permit will be raised by \$20 and the Palmer Avenue lot by \$50—that price is down from an original-proposed \$100.
Freight truck fares are also going up by 10 percent.
James M. Malkin, the board's vice chairman and Dukes County representative, said these fare hikes will work for the upcoming season, but will need to be changed to ensure equitable raises across the board should the Authority need more hikes.
"At some point, it becomes unsustainable, or you're simply going to have everything subsidized by trucks," Mr. Malkin said, referring also to the lack of excursion fare changes.
The excursion fare is one that passengers coming from the Vineyard and returning within the month. These fare prices seek to benefit island residents.
The board also approved the budget for next year, which needed the rate hikes to counteract what would otherwise have been millions in losses. Those increased expenses come largely from new hire and salary increases, which total more than \$7.8 million in new spending.

Collaborative Selects New Director

On Thursday, the Cape Cod Collaborative Board of Directors announced that Hope Hanscom, assistant superintendent of Mashpee Public School since 2017, has accepted the position of executive director. She will begin her new role on January 1.
The collaborative is an educational organization providing instructional and support services to the students, parents and public school staff of 19 member districts.
Dr. Hanscom previously served as assistant superintendent and director of special education in West Bridgewater, a principal and program coordinator at North River Collaborative, and a special education teacher in Brookline.
She earned an undergraduate degree from the College of Holy Cross, a master's degree from Dowling College, a CAGS from Bridgewater State University, and a doctorate in education from Northeastern University.
She received the President's Award from the Massachusetts Association of School Superintendents in May and the Assistant Superintendent Leadership Award in July.
She succeeds Paul Hillon, who is retiring after serving for 18 years.

Town of Falmouth Town Committee Vacancies
The Falmouth Select Board announces the following vacancies on a town committee:

Conservation Commission
2 full member positions and 3 alternate member positions are now available
Applications are available on the Town website at: <https://www.falmouthma.gov/647/Town-Committees-Commissions-and-Bodies> or may be picked up in the Office of the Town Manager and Select Board, Town Hall, 59 Town Hall Square.

Publication date: Friday, November 22, 2024 and Friday, November 29, 2024; Falmouth Enterprise.

By KATIE NELSON
Falmouth parent Michael J. McCarthy has filed a complaint with the town clerk's office and the school committee alleging that the school district violated the Open Meeting Law when forming the building needs committee.
The building needs committee, which is now called the building needs task force, is charged with advising the school committee and Superintendent Lori S. Duerr on the community's path forward for the Navigating the Future Together proposals, which seek to reconfigure several Falmouth schools.
The five proposals range in purpose from creating a universally free early learning center

Open Meeting Law Complaint Filed Against School District

at Teaticket Elementary School and merging students from East Falmouth and Teaticket into East Falmouth Elementary to closing Morse Pond as a school entirely.
Mr. McCarthy's complaint alleges that the building needs committee was formed in violation of Open Meeting Law because there is no record of a vote by the school committee to form a building needs committee or to approve its members.
Also, he said that since several members on the building needs committee are related to district employees or are employees themselves by the district, Mr. McCarthy said the committee has a limited perspective when it really

needs to represent the entire community.
He also noted that the group has not posted agendas or minutes to the town website, but it has provided a meeting schedule and locations. School committee member and school building needs committee liaison Susan Augusta has read minutes from the group's meetings during school committee meetings.
In his complaint, Mr. McCarthy hopes that the building needs committee be dissolved in favor of a new "enrollment analysis" committee. This new committee would be directed by the school committee and would be composed of new members, "to ensure an open-minded approach

to discussions."
The complaint was filed on November 11.
State law states that the committee has 14 business days to review the complaint and respond. That response must be sent to Mr. McCarthy and to the state Attorney General's Office. If Mr. McCarthy is unsatisfied with the school committee's response, he is able to file the complaint again after 30 days of the Massachusetts Division of Open Government.
The school committee held an executive session during its brief meeting Monday night, to discuss the complaint.
The chairman of the school committee would not comment after the meeting.

Municipal Legal Notices

PUBLIC HEARING NOTICE
Notice is hereby given that on November 23, 2024, Robert O. Sargent, 18 Janice Lane, East Falmouth, MA, filed pursuant to M.G.L. c. 130 §57, §50 for the transfer of shellfish aquaculture license #A11-01 from Glen Chantrelain. The location, area and description of the sites of this shellfish grant are as follows:
A1: 1-acre parcel roughly 418' from the shore and 110' from the nearest navigational channel, within the Town's waters of Harbortop Sound, with the following geographic coordinates describing the corner boundaries of the project: N41°33'08" W70°32'75" N41°33'04" W70°32'79" N41°33'02" W70°32'75" N41°33'04" W70°32'75"
The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 §57 on said application for shellfish grant transfer on Monday, December 2, 2024 at 6:45 p.m. in the Select Board Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.

Accept of the aquaculture license application is on file at the Office of the Select Board.
LICENSING BOARD
Nancy Robbins Taylor, Chair
Edwin P. Zyzanski II, Vice Chair
Douglas C. Brown
Robert P. Mascari
Heather M.H. Goldstone
November 22, 2024

TOWN OF FALMOUTH PLANNING BOARD PUBLIC MEETING NOTICE
Applicant: JREC Development LLC
Location: 4 Sandwich Rd
Map# 34 02 0220 001A
PROPOSAL: Site Plan Review application to construct eleven (11) two-bedroom apartments in three (3) one-story structures at the above-referenced property.
DATE & TIME: Tuesday, December 10, 2024 at 6:30pm
PLACE: Falmouth Town Hall
59 Town Hall Sq
Falmouth, MA 02540
Documents may be viewed online at: <https://www.falmouthma.gov/1327/Applications-Currently-Under-Review>
By Order of the Planning Board
Paul Dreyer
Clark/Secretary
November 22, 2024

TOWN OF FALMOUTH PLANNING BOARD PUBLIC MEETING NOTICE
Applicant: Lawrence Lynch Realty Corp
Location: 458 Blacksmith Shop Rd
Map# 22 02 009 000
PROPOSAL: Site Plan Review application to construct a solar photovoltaic (PV) carport canopy system over a gravel parking area at 458 Blacksmith Shop Rd. This application is seeking to modify the Planning Board's Site Plan Review approval from 2019 to construct a 7,330.5 Ww large scale ground mounted solar photovoltaic (PV) and energy storage system off Blacksmith Shop Road and 0 Localville Road.
DATE & TIME: Tuesday, December 10, 2024 at 6:30pm
PLACE: Falmouth Town Hall
59 Town Hall Sq
Falmouth, MA 02540
Documents may be viewed online at: <https://www.falmouthma.gov/1327/Applications-Currently-Under-Review>
By Order of the Planning Board
Paul Dreyer
Clark/Secretary
November 22, 2024

THE FALMOUTH CONSERVATION COMMISSION will hold a public hearing under Section 40, Chapter 131 of the general laws of the Commonwealth of Massachusetts Wetlands Protection Act and/or the Town

of Falmouth Wetlands Protection Bylaw on Wednesday, December 4, 2024 at 7:00 PM.
In accordance with Section 40, Chapter 2 of the Acts of 2023, relating to the 2020 revised Commonwealth Wetlands Protection Act, 2024, public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group access to the site.
Alternative public access to this meeting shall be provided in the following manner:
1. The meeting will be televised via Falmouth Wetlands Protection Act.
2. Real-time public comment can be addressed to the Conservation Commission utilizing the Zoom virtual meeting software for remote access. This application will allow users to view and participate in the meeting. Text comments submitted with the Open Meeting will be read into the record at the appropriate time during the meeting.
Zoom Login Instructions:
1. Instructions and the meeting link for this specific meeting can be found at the following web address: <https://www.falmouthma.gov/conservation>
8. Please plan on 10-15 minutes of preparation time to log in though it may be less if you have a good internet connection and you will use to access this meeting.
3. Additionally, public comments may be sent in advance of the meeting to conservation@falmouthma.gov at least 24 hours before the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made part of the meeting record and may be read into the record, summarized, or displayed during the meeting at the discretion of the chair.
4. Applicants, their representatives, and individuals with enforcement matters before the Conservation Commission shall appear remotely. Applicants, their representatives, and individuals with enforcement matters before the Conservation Commission may contact the Conservation Department to arrange a meeting in person at the time of the application or to discuss the virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to conservation@falmouthma.gov so they may be displayed for remote public access viewing.
Complete applications are available by request and will be sent via email.

REQUESTS FOR DETERMINATION OF APPLICABILITY
David P. and Kathy E. Campbell, 5 Middle Street, Falmouth, MA – For permission to reconfigure shellfish aquaculture plantings in accordance with MA DEP# 25-1595.
Chaparral Associates, 0 Chaparral Road, Falmouth, MA 02540 (000), Falmouth, MA – For permission to maintain a grasshark on Chaparral Road.
Island Computer Corp, 25 Falmouth Heights Road, Falmouth, MA – For permission to repair an existing bulkhead.
Turgut Keskin, 87 Lake Shore Drive, Falmouth, MA – For permission to repair a retaining wall and to construct a protective barrier around an existing septic pumping chamber.
William and Elizabeth Scannell, 314 Ouselet Street, Falmouth, MA – For permission to replace a water main and install a gas main.
Nylmar, LLC, 119 Green Pond Road, Falmouth, MA – For permission to license and repair an existing dock.
Falmonger's Café, Inc., 56 Water Street, Falmouth, MA – For permission to repair existing pipes and foundation.
Douglas H. and Kristin Shearer, 30 Chaparral Road, Falmouth, MA – For permission to repair septic pump chambers in accordance with MA DEP# 23-3574.
Construction Properties, LLC, c/o Steve Brown, 8 Shawnee Pond Lane, Falmouth, MA – For permission to install a new Type V compliant sewage disposal system and a new drinking water well.
Scott and Michele Pomeroy, 56 Maritimes Lane, Falmouth, MA – For permission to construct an addition.
REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT
November 22, 2024

Annalisa and Michael Michels, 16 Whittemore Avenue, Falmouth, MA – For permission to reconstruct and enlarge the front porch, conduct invasive species removal and restoration, and install inter-lake-inlet mitigation plantings.
November 22, 2024

PUBLIC HEARING NOTICE
Notice is hereby given that on November 5, 2024, David Ryan, President of Cape Cod Oyster Company, located at 178 Old

Falmouth Road, Warton's Mills, MA, applied pursuant to M.G.L. c. 130 §57 - §50 for the transfer of shellfish aquaculture license #A11-02 from Pauls Mill to Cape Cod Oyster Company. The location, area and description of the sites of this shellfish grant are as follows:
A 3-acre parcel with a depth of 12'-16' roughly 600' from the shore west of Buzzards of Fiddlers Cove and northeast of Ryan Neck within the Town's waters of Buzzards Bay, with the following geographic coordinates describing the corner boundaries of the project: 41°37'38" N 70°38'30" W 41°37'37" N 70°38'22" W 41°37'44" N 70°38'22" W 41°37'44" N 70°38'22" W
The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 §57 on said application for shellfish grant transfer on Monday, December 2, 2024 at 6:45 p.m. in the Select Board Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.
A copy of the aquaculture license application is on file at the Office of the Select Board.
LICENSING BOARD
Nancy Robbins Taylor, Chair
Edwin P. Zyzanski II, Vice Chair
Douglas C. Brown
Robert P. Mascari
Heather M.H. Goldstone
November 22, 2024

REQUESTS TO AMEND AN EXISTING ORDER OF CONDITIONS
Dan Sothen, 95 Alamar Road, Falmouth, MA – Request to amend the Order of Conditions for MA DEP# 25-4630 to replace the previously permitted kayak launch with a launch port.
HEARINGS UNDER AN ENFORCEMENT ORDER
Patrick Burke, Trustee, Church Street Trust, 16 Church Street, Falmouth, MA – Unpermitted removal of vegetation within the buffer to a coastal bank.
John Cook, Trustee, John C. Cook 2009 Trust, 170 Church Street, Falmouth, MA – Unpermitted removal of vegetation within the buffer to a coastal bank.
By Order of: Jamie Matthews, Chairman
Falmouth Conservation Commission
November 22, 2024

PUBLIC HEARING NOTICE
Notice is hereby given that on November 5, 2024, David Ryan, President of Cape Cod Oyster Company, located at 178 Old Falmouth Road, Warton's Mills, MA, applied pursuant to M.G.L. c. 130 §57 - §50 for the transfer of shellfish aquaculture license #A11-06 from Ty Perini to Cape Cod Oyster Company. The location, area and description of the sites of this shellfish grant are as follows:
1. An upriver aquaculture site measuring 20' x 8' and situated to a dock in Magness Harbor, with the following geographic coordinates describing the corner boundaries: 41°35'29" N 70°37'71" W 41°35'29" N 70°37'70" W
2. A 2-acre parcel 600' offshore, north of Fiddlers Cove entrance and northwest of Randa Canal entrance in the waters of Magness Harbor, with the following geographic coordinates describing the corner boundaries: N41° 33' 01.8243" W 70° 38' 18.3431" N W 70° 37' 54.3039" W 41° 33' 19.9276" N SW 70° 38' 01.8243" W 41° 33' 19.9276" N SE 70° 37' 54.3039" W 41° 33' 19.9276" N
The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 §57 on said application for shellfish grant transfer on Monday, December 2, 2024 at 6:45 p.m. in the Select Board Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.
A copy of the aquaculture license application is on file at the Office of the Select Board.
LICENSING BOARD
Nancy Robbins Taylor, Chair
Edwin P. Zyzanski II, Vice Chair
Douglas C. Brown
Robert P. Mascari
Heather M.H. Goldstone
November 22, 2024

PUBLIC HEARING NOTICE
Notice is hereby given that on November 5, 2024, David Ryan, President of Cape Cod Oyster Company, located at 178 Old

FALMOUTH ZONING BOARD OF APPEALS Notice of Public Hearing for December 12, 2024
Notice is hereby given that the following Public Hearing will be held on Monday, December 16, 2024 at 6:00 PM in the Select Board Meeting Room, Town Hall, Falmouth, MA on Thursday, December 12, 2024.
Conditional # 106-24 Pagani / Lammas, 30 Foster Road, East Falmouth
Application # 106-24 Latitude 41 North, LLC. Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A and 240-6.8B of the Code of Falmouth to construct additions to the existing, nonconforming dwelling a garage and a detached, 2-car garage with habitable space below. The subject properties are #101 806A Oakwood Avenue and 29 Oakwood Avenue, Falmouth, MA.
Application # 106-24 25 Foster LLC, Richard and Susan Anderson, et al. Applied an appeal with the Falmouth Town Clerk pursuant to M.G.L. c. 40A § 6 & 15, 240-12.4A(1)(b) and 240-2.3A(3) of the Code of Falmouth to construct additions to the existing, nonconforming special permit #20-90 for excavation and restoration and to allow the continued use of processing and storage of material. The subject properties are #101 806A Oakwood Avenue, B. Landers Road, Hatchville, MA.
Files are available in the Board of Appeals Office at Town Hall for review by interested parties.
November 15, 2024
November 22, 2024

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, December 2, 2024 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Leonard C. Jr. and Patricia A. Bassett for permission to maintain an existing seasonal pool, located at 465 Currier Road, East Falmouth, MA. Fees affected is Ashford Pond. Interested parties may review the file on this application at the Office of the Select Board.
Per Order of the Falmouth Select Board
November 15, 2024
November 22, 2024

PUBLIC HEARING NOTICE
Notice is hereby given that on November 5, 2024, David Ryan, President of Cape Cod Oyster Company, located at 178 Old

OPEN SESSION

PUBLIC HEARINGS

3. Application to transfer Shellfish Aquaculture license #A15-06 for 2 acres plus a 20'x8' upweller in Megansett Harbor from Ty Perini to Cape Cod Oyster Co., Inc. **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearing 3.

ITEM TITLE: Application to transfer Shellfish Aquaculture License #A15-06 for 2 acres plus a 20' X 8' upweller in Megansett Harbor from Ty Perini to Cape Cod Oyster Co., Inc.

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Public Hearing Notice dated November 22, 2024; Letter from Cape Cod Oyster dated November 5, 2024; Town of Falmouth Application for Shellfish Grant License dated November 5, 2024; Aquaculture License #A15-06, Ty Perini, dated April 27, 2015; Email from Ty Perini requesting license transfer to Cape Cod Oyster Co., dated October 24, 2024;

PURPOSE:

The Select Board will conduct a public hearing and consider the approval of an application to transfer Shellfish Aquaculture License #A15-06 for 2 acres plus a 20' X 8' upweller in Megansett Harbor from Ty Perini to Cape Cod Oyster Co., Inc.

BACKGROUND/SUMMARY:

- On October 24, 2024 the current holder of Shellfish Aquaculture License #A15-06, Ty Perini and Paula Perini-Miller, wrote an email to the Select Board (attached) stating their intent to give up operation of their farms, and to transfer their license to David Ryan of Cape Cod Oysters, Inc. who they highly recommended.

- On November 5, 2024, the president of Cape Cod Oyster Co., Inc. submitted a narrative letter to the Select Board (attached) describing their business operation, and made a formal request that the Select Board approve the transfer of Shellfish Aquaculture License #A015-06 from Ty Perini and Paula Perini-Miller to Cape Cod Oyster Co., Inc.
- On November 5, 2024, David Ryan of Cape Cod Oyster Co., Inc. also completed and submitted an Application for Shellfish Grant License (attached).
- Mr. Ryan of Cape Cod Oyster Co., Inc. intends to change the farming method from the current use of bottom cages to a floating system, and is scheduled before the Conservation Commission on December 11, 2024 for a Changing of the Order of Conditions.

DEPARTMENT RECOMMENDATION:

Following the public hearing, the Town Manager recommends that the Select Board approve the application to transfer Shellfish Aquaculture License #A15-06 for 2 acres plus a 20' X 8' upweller in Megansett Harbor from Ty Perini to Cape Cod Oyster Co., Inc as presented.

OPTIONS:

- Motion to approve the application to transfer Shellfish Aquaculture License #A15-06 for 2 acres plus a 20' X 8' upweller in Megansett Harbor from Ty Perini to Cape Cod Oyster Co., Inc as presented.
- Motion to deny approval of the application to transfer Shellfish Aquaculture License #A15-06 for 2 acres plus a 20' X 8' upweller in Megansett Harbor from Ty Perini to Cape Cod Oyster Co., Inc.

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

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
|------|-------|----------|--------|---------|-----------|-----------|
| | | | | | | |

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

Following the public hearing, the Town Manager recommends that the Select Board approve the application to transfer Shellfish Aquaculture License #A15-06 for 2 acres plus a 20' X 8' upweller in Megansett Harbor from Ty Perini to Cape Cod Oyster Co., Inc as presented.

Michael Renshaw

Town Manager

11/26/2024

Date

PUBLIC HEARING NOTICE

Notice is hereby given that on November 5, 2024, David Ryan, President of Cape Cod Oyster Company, located at 179 Old Falmouth Road, Marstons Mills, MA, applied pursuant to M.G.L. c. 130 §57 - §60 for the transfer of shellfish aquaculture license #A15-06 from Ty Perini to Cape Cod Oyster Company. The location, area and description of the sites of this shellfish grant are as follows:

1. An upweller aquaculture site measuring 20' x 8' and fastened to a dock in Megansett Harbor, with the following geographic coordinates describing the corner boundaries:
41*38.799'N. 70*37.716'W. 41*38.799'N. 70*37.702'W.
2. A 2-acre parcel 600' offshore, north of Fiddlers Cove entrance and northwest of Rands Canal entrance in the waters of Megansett Harbor, with the following geographic coordinates describing the corner boundaries:
NW -70 38.01824W, 41 39.188343N. NW -70 37.942303W, 41 30.169276N.
SW -70 38.01683W, 41 39.126985N. SE -70 37.948509W, 41 39.124783N.

The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 §57 on said application for shellfish grant transfer on Monday, December 2, 2024 at 6:45 p.m. in the Select Board Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.

A copy of the aquaculture license application is on file at the Office of the Select Board.

LICENSING BOARD

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

Falmouth Enterprise: Friday, November 22, 2024

Diane Davidson

From: Paula M [REDACTED]
Sent: Thursday, October 24, 2024 11:08 PM
To: Falmouth Town Manager; Diane Davidson
Cc: Jennifer Lincoln; Roy Martinson; Dave Ryan
Subject: [EXTERNAL] - Transfer of Aquaculture Licenses

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Town of Falmouth Select Board,

We are writing in regards to request a transfer of our aquaculture licenses A17-02 and A15-06 to David Ryan, President of Cape Cod Oyster Co, Inc.

We have spent the past 8 years developing the Megansett Oyster brand. Unfortunately, since Co-Vid, we have found it extremely difficult to find experienced farmers to run the day to day operations of our oyster farms. 2024 has been extremely difficult, as we were unable to get any staff, and have been doing all the farming ourselves. We both have full time jobs and so our farming hours have been limited. For these reasons, we realize it is time to give up the farms.

We have known David Ryan for many years. He advised us on some aspects of the farms when we were initially applying for our licenses. We believe David Ryan is the person to take over our farms.

David's knowledge, expertise, integrity and hard work makes him the perfect choice to transfer our licenses to. As you know, he has done a great job in Waquoit Bay along with all of his other farms.

David will also keep the Megansett Oyster Brand going, which we have worked so very hard at developing.

Again, David's expertise in oyster farming will continue the positive environmental impact of our waterways. Also a positive economic impact aspect of adding year round jobs for young people.

Sincerely,
Ty Perini A15-06
Paula Perini-Miller A17-02

TOWN OF FALMOUTH
APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 11/6/2024

TO: Select Board
59 Town Hall Square
Falmouth, MA 02540

I/We hereby request transfer of Shellfish Grant License # A15-06
from Megansett Oyster Company, LLC - Ty Terini + Paula Miller
to Cape Cod Oyster - David & Ryan

Said grant license is located at 175 Chester Street, in Falmouth,
MA, and consisting of 2 acres, as shown on a plan prepared by
MA Division of Marine Fisheries and dated 4/27/2015.

Ty Terini Paula Miller
Signature

Ty Terini Paula Miller
Name

Megansett Oyster Company, LLC
Business Name (if applicable)

175 Chester St.
Mailing Address

No. Falmouth, MA. 02556



Telephone Number



5 November 2024

Nancy Taylor, Chair
Falmouth Select Board
59 Town hall Square
Falmouth MA 02540

Dear Nancy Taylor,

This communication formally requests the Falmouth Select Board to transfer the aquaculture licenses of Ty Perini, A15-06, and Paula Miller, A17-02 to Cape Cod Oyster Co., Inc.

At the direction of Diane Davidson, also included is page 6 of the of the Town of Falmouth "Application for Shellfish Grant License".

Diane Davidson also asked for a brief narrative about our business.

I, Dave Ryan, partner and president of Cape Cod Oyster, have worked fulltime in the shellfish aquaculture industry for over 30 years. I have served as an officer with the Massachusetts Aquaculture Association, and as an elected County Committee member for the USDA Farm Service Agency as an aquaculture specialist. I have presented many times for various government or industry groups farm planning, food safety, and other topics related to shellfish aquaculture.

Cape Cod Oyster Co. owns or manages 3 oyster farms in the towns of Falmouth and Barnstable. We employ about 16 people full-time, year-round with a generous benefits package including health insurance and a retirement plan. The farms are in Waquoit Bay, Falmouth, Barnstable Harbor, and West Bay in Osterville. We have developed several branded oysters and private label oysters for restaurant groups and wholesale distributors in about 75 cities in the U.S. Our processing and packing facility is in Marstons Mills.

We support other Cape Cod and Falmouth oyster producers by supplying them with seed and purchasing and distribution of market oysters.

TOWN OF FALMOUTH
APPLICATION FOR SHELLFISH GRANT LICENSE

Date: 11.05-2024

This request is being made under Chapter 130, Sections 57 and 59.

Name David J. Ryan

Business Name (if applicable) Cape Cod Oyster Co., INC

Address 179 Old Falmouth Rd

Marston's Mills MA 02648

Telephone  Email dave@capeoysters.com

Please attach a full description of proposed operation, map and resume.

1. Location of proposed grant license area:

Megansett Harbor

2. Map coordinates of proposed grant license area (attach a copy of map):

3. Desired size of proposed grant license area:

4. Proposed species to be raised:

5. Short description of proposed operation and location for legal ad:

6. Previous shellfishing experience:

30 plus years Cape Cod aquaculture industry.

7. How long have you had a shellfish permit (commercial/non-commercial)?

n/a

8. How long have you lived in Falmouth? n/a

D. J. Ryan President
Signature of Applicant Cape Cod Oyster Co.

Signature of Shellfish Constable



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

April 27, 2015

Aquaculture License # A15-06

Ty Perini
33 Winthrop Drive
East Falmouth, MA 02536

Paul Diodati, Director
Massachusetts Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, MA 02114

Shellfish Aquaculture License General Laws Ch. 130, § 57

Ty Perini

On April 27, 2015 the Falmouth Board of Selectmen unanimously voted to grant Ty Perini, of East Falmouth, MA a shellfish aquaculture license under the authority of General Laws ch. 130, § 57. An application was filed with the Board of Selectmen on June 4, 2014. In accordance with applicable law a public hearing was noticed for July 14, 2014 at which time a vote was taken and the application approved subject to the terms and conditions set forth herein. The applicant holds an Order of Conditions from the Falmouth Conservation Commission dated March 10, 2015 for the same activity in accordance with the wetlands protection act, G.L. ch. 131, § 40 and the Falmouth Wetlands protection by-law and regulations.

The Board of Selectmen finds that the applicant is sufficiently qualified in terms of knowledge and experience to operate the shellfish aquaculture license in the best interest of the town, its natural resources and its shellfish industry.

In conformity with ch. 130, § 57 the Board of Selectmen hereby grants a shellfish aquaculture license to Ty Perini of East Falmouth, MA to grow eastern oysters at all times of the year in racks that will sit on the ocean floor within the licensed area. A more complete legal description is as follows:

LEGAL DESCRIPTION

An upweller aquaculture site measuring 20' x 8' and fastened to a dock in Megansett Harbor and located at 41°38.799'N, 70°37.716'W, 41°38.799'N, 70°37.702'W.

A 2 acre parcel 600' offshore, north of Fiddlers Cove entrance and northwest of Rands Canal entrance in the waters of Megansett Harbor, shown on a map provided by the applicant, with the following geographic coordinates describing the corner boundaries of the project:

- A. NW -70 38.01824W, 41 39.188343N
- B. NW -70 37.942303W, 41 30.169276N
- C. SW -70 38.01683W, 41 39.126985N
- D. SE -70 37.948509W, 41 39.124783N

The license is further subject to the following terms and conditions.

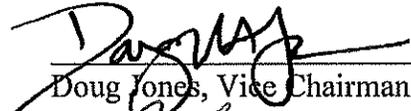
1. Maintenance may be done only during daylight hours.
2. The applicant shall comply with all Town of Falmouth Shellfish Aquaculture rules and regulations.
3. The applicant is not authorized to violate any zoning by-laws of the Town of Falmouth or violate the private property rights of others.
4. The licensed area shall be clearly marked with floats or buoys.
5. All trash, shells, seaweed and other debris must be disposed of in a suitable place.
6. The fee for the license is \$25.00 per acre per year.
7. The term of the license is for ten (10) years beginning with the date of its approval by the Director of the Division of Marine Fisheries.

Date: April 27, 2015

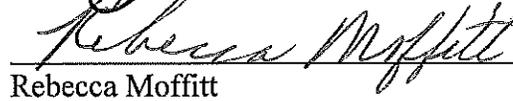
Falmouth Board of Selectmen



Mary Pat Flynn, Chairman



Doug Jones, Vice Chairman



Rebecca Moffitt

Susan Moran



Samuel Patterson

Diane Davidson

From: Paula M [REDACTED]
Sent: Thursday, October 24, 2024 11:08 PM
To: Falmouth Town Manager; Diane Davidson
Cc: Jennifer Lincoln; Roy Martinson; Dave Ryan
Subject: [EXTERNAL] - Transfer of Aquaculture Licenses

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Town of Falmouth Select Board,

We are writing in regards to request a transfer of our aquaculture licenses A17-02 and A15-06 to David Ryan, President of Cape Cod Oyster Co, Inc.

We have spent the past 8 years developing the Megansett Oyster brand. Unfortunately, since Co-Vid, we have found it extremely difficult to find experienced farmers to run the day to day operations of our oyster farms. 2024 has been extremely difficult, as we were unable to get any staff, and have been doing all the farming ourselves. We both have full time jobs and so our farming hours have been limited. For these reasons, we realize it is time to give up the farms.

We have known David Ryan for many years. He advised us on some aspects of the farms when we were initially applying for our licenses. We believe David Ryan is the person to take over our farms.

David's knowledge, expertise, integrity and hard work makes him the perfect choice to transfer our licenses to. As you know, he has done a great job in Waquoit Bay along with all of his other farms.

David will also keep the Megansett Oyster Brand going, which we have worked so very hard at developing.

Again, David's expertise in oyster farming will continue the positive environmental impact of our waterways. Also a positive economic impact aspect of adding year round jobs for young people.

Sincerely,
Ty Perini A15-06
Paula Perini-Miller A17-02

Diane Davidson

From: Jerry Callen [REDACTED]
Sent: Wednesday, November 27, 2024 11:37 AM
To: Diane Davidson
Cc: Katy Petersen; Dave Ryan
Subject: [EXTERNAL] - transfer of aquaculture sites in Megansett Harbor to Cape Cod Oyster Company

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings, Diane, and happy Thanksgiving. This note is intended for the Falmouth Select Board.

I am writing (on behalf of my wife, Katy Petersen, and myself) to express support for the transfer of aquaculture sites in Megansett Harbor to Cape Cod Oyster Company. The Company acquired the shellfish grant at the north end of Washburn Island many years ago; this grant is directly across the Seapit River from the house owned by my wife and her brother (John Petersen). We've had many friendly interactions with Dave Ryan and his crew, and have been pleased with their stewardship of the grant. I have no doubt that the care they have shown here in Waquoit Bay will be replicated at Megansett Harbor.

Best regards,

Jerry Callen & Katy Petersen
108 Seapit Road, East Falmouth
[REDACTED]

Diane Davidson

From: Donald Meschisen [REDACTED]
Sent: Sunday, November 24, 2024 8:35 AM
To: Falmouth Selectboard; Nancy Taylor
Subject: [EXTERNAL] - David Ryan/Cape Cod Oyster Company

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Falmouth Board of Selectmen,

My wife and I have had a house on the Seapit River for the past 30 years. In that time there have been numerous people operate the shellfish grant. The current owner, Dave Ryan, and his management of the grant's operations have by far been superior to all his predecessors. He is respectful of all the abutting land owners, considerate to marine traffic which can be very heavy at times and is very responsive to any issues which might arise with the operation of the grant.

We would strongly support his consideration for any additional opportunities in Falmouth.

Sincerely,
Donald Meschisen
Kathleen Meschisen
Sent from my iPhone

Diane Davidson

From: Daniel Gorin [REDACTED]
Sent: Saturday, November 23, 2024 7:36 AM
To: Diane Davidson
Subject: [EXTERNAL] - Cape Cod Oyster Company

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Nancy Taylor, Chair Select Board,

I am writing a letter of support for Dave Ryan and Cape Cod Oyster Company. I am a year round resident of Falmouth and a physician on Cape Cod. I live at 194 Seapit Rd, on the Seapit river overlooking one of Cape Cod Oyster Company's sites. Dave is a great neighbor and an absolute pro. He manages a thriving oyster farm in our backyard, and is a model for how aquaculture should be run. His equipment is organized and well cared for. He and his team are vigilant to ensure that his cages don't become obstacles to navigation in our busy thoroughfare. He has invested in new low profile cages that are a nice esthetic improvement over the older style cages,

Aquaculture, when done by people who are not truly dedicated to doing it full time, has the potential to cause real harm to our waters; with neglected and abandoned equipment washing up on our shores and clogging up our waterways, and leaving our town to bear the expense of oversight and clean up. We could also be saddled with larger companies not based in our community who don't share our commitment to keeping our local land and waters clean and healthy. Dave is a long term Cape Cod resident, who is guided by a love of Cape Cod and its waters.

I strongly urge the board to view his application to acquire two existing aquaculture sites favorably.

As an aside, Dave's oysters are incredibly good. I think it is likely that we will find "Falmouth Oysters" supplanting "Wellfleet Oysters" on menus around the Cape as the best-of-the best on raw bar menus!

Respectfully

Dan Gorin
[REDACTED]

Diane Davidson

From: Anne Petersen [REDACTED]
Sent: Friday, November 22, 2024 6:32 PM
To: Diane Davidson
Subject: [EXTERNAL] -

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

11.22.24

Dear Board of Selectman and Conservation Commission,

I am writing on behalf of Dave Ryan and the Cape Cod Oyster Company.

I understand that they are in the process of acquiring other farm sights in Megansett Harbor. I would recommend them for those sights for the following reasons:

My family has a house on the Seapit River, across from the oyster farm. We have watched as they work and have grown their business. They do a careful and neat business and run a very professional enterprise. They efficiently tend the oyster cages without disrupting the river system or boating and are very unobtrusive. Their new FlipFarm baskets over the oyster cages are an aesthetic improvement from the past. Most importantly, we have noticed a HUGE improvement in the water quality since they have been oyster farming there! The water is much clearer than it used to be, and we appreciate this for swimming and the aesthetics of looking into it from the shore and boats.

I would be very happy to discuss this further and answer any other questions you may have regarding the oyster business on the Seapit River.

Sincerely,

Anne Petersen

[REDACTED]
57 County St Rehoboth MA 02769
108-Seapit Rd E Falmouth MA

rosasharnfarm.com

Steamship Authority Chief Operating Officer To Resign

By DEVIN ANKENY
Another top-level executive at the Steamship Authority is stepping down.

The Authority's first-ever Chief Operating Officer Mark Higgins has announced his resignation. This comes less than two months after Authority general manager Robert B. Davis said he would be leaving his post next fall.

Mr. Higgins was named to the job in April of last year. His tenure lasted only 19 months. The Authority only began seriously exploring a chief operating officer position in 2022, when legislation was proposed that made the position a requirement. Mr. Higgins, the former director of the Maine State Ferries Service, was hired following a consultancy report detailing positions the Authority should add.

"On behalf of the entire organization, I want to thank Mark Higgins for his service to the Steamship Authority and wish him well in his future endeavors," General Manager Robert B. Davis wrote in a statement. "I plan to discuss the vacancy with the Board and work with the Members to determine a timeline for next steps regarding the position."



COURTESY STEAMSHIP AUTHORITY
Mark Higgins was named chief operating officer for the Steamship Authority in April 2023. He has been responsible for marine and shore side operations, along with managing other departments.

Mr. Higgins' resignation comes during a year of turbulence at the Authority.

The three prospective new ferries have been delayed by many months—with only one of the three on its way—Mr. Davis also tendered his resignation effective next year and the Authority has been plagued with ship cancellations—one of which altered an entire weekend's schedule in August.

Mr. Higgins was not immediately available to comment.

Steamship Authority Makes Rate Hikes Official

By DEVIN ANKENY
Almost all Steamship Authority passengers will be spending more to ride its ferries next year.

The Steamship Authority's board of governors in its meeting on Tuesday, approved the final budget and rate hikes for the 2025 calendar year. Those rate hikes—which are being used to offset what would otherwise be more than \$3.3 million in expected operating losses—will affect most passengers, vehicles and those parking in Authority lots.

Through the rate hikes passed 3:1, the board did not seem pleased about raising rates for passengers. Those rate hikes do not include raising rates on the excursion fee, which board secretary and Falmouth representative Peter J. Jeffrey said may not be the fastest course going forward.

"At some point, we're going to have to pivot and raise the excursion fare," Mr. Jeffrey said, voting no as a reminder to discuss adjusting the rate hikes in the future.

For the Martha's Vineyard ferries, one-way trips will increase by 50 cents for seniors and 25 cents for children. Currently those fares are \$10 for adults and \$5.25 respectively. A 10-ride adult ferry pass will rise from \$88 to \$94 and a 46-ride book would increase from \$174 to \$194.50. Though Nantucket's standard passenger price was not changed, a trip on the high-speed ferry will jump \$4, from \$42.50 to \$46.50.

Another notable change for Falmouth residents are the increases to annual parking prices at the Woods Hole and Palmer Avenue parking lots. The price for an annual Woods Hole parking permit will be raised by \$200 and the Palmer Avenue lot by \$50—that price is down from an originally proposed \$100.

Freight truck fares are also going up by 10 percent. James M. Malkin, the board's vice chairman and Dukes County representative, said these fare hikes will work for the upcoming season, but will need to be changed to ensure equitable raises across the board should the Authority need more hikes.

"At some point, it becomes unsustainable, or you're simply going to have everything subsidized by trucks," Mr. Malkin said, referring also to the lack of excursion fare changes. The excursion fare is one that applies to passengers coming from the Vineyard and returning within the month. There fare prices seek to benefit Island residents.

The board also approved the budget for next year, which needed the rate hikes to counteract what would otherwise have been millions in losses. These increases are expected to largely offset new hire and salary increases, which total more than \$7.8 million in new spending.

Collaborative Selects New Director

On Thursday, the Cape Cod Collaborative Board of Directors announced that Hope Hanson, assistant superintendent of Mashpee Public School since 2017, has accepted the position of executive director. She will begin her new role on January 1.

The collaborative is an educational organization providing instructional and support services to the students, parents and public school staff of 19 member districts. Dr. Hanson previously served as assistant superintendent and director of special education in West Bridgewater, a principal and

program coordinator at North River Collaborative, and a special education teacher in Brookline.

She earned an undergraduate degree from the College of Holy Cross, a master's degree from Dowling College, a CAS from Bridgewater State University, and a doctorate in education from Northeastern University.

She received the President's Award from the Massachusetts Association of School Superintendents in May and the Assistant Superintendent Leadership Award in July. She succeeds Paul Hilton, who is retiring after serving for 14 years.

Town of Falmouth Town Committee Vacancies

The Falmouth Select Board announces the following vacancies on a town committee:

Conservation Commission

2 full-member positions and 3 alternate member positions are now available.

Applications are available on the town website at: <https://www.falmouthma.gov/447/Town-Committees-Commissions-and-Boards> or may be picked up in the Office of the Town Manager and Select Board, Town Hall, 59 Town Hall Square.

Publication date: Friday, November 22, 2024 and Friday, November 29, 2024; Falmouth Enterprise.

Open Meeting Law Complaint Filed Against School District

By KATIE NELSON
Falmouth parent Michael J. McCarthy has filed a complaint with the town clerk's office and the school committee alleging that the school district violated the Open Meeting Law when forming the building needs committee.

The building needs committee, which is now called the building needs task force, is charged with advising the school committee and Superintendent Lori S. Duerr on the community's path forward for the Navigating the Future Together proposals, which seek to reconfigure several Falmouth schools.

The five proposals range in purpose from creating a universally free early learning center

at Teletick Elementary School and merging students from East Falmouth and Teletick into East Falmouth Elementary and closing Merse Pond as a school entirely.

Mr. McCarthy's complaint alleges that the building needs committee was formed in violation of Open Meeting Law because there is no record of a vote by the school committee to form a building needs committee or to approve its members.

Also, he said that since several members on the building needs committee are related to district employees or are employed themselves by the district, Mr. McCarthy said the committee has a limited perspective when it really

needs to represent the entire community.

He also noted that the group has not posted agendas or minutes to the town website, but it has provided a meeting schedule and locations. School committee member and school building needs committee liaison Susan Augusta has read minutes from the group's meetings during school committee meetings.

In his complaint, Mr. McCarthy hopes that the building needs committee be dissolved in favor of a new "enrollment analysis" committee. This new committee would be directed by the school committee and would be composed of new members, "to ensure an open-minded approach

to discussions"

The complaint was filed on November 11.

State law states that the committee has 14 business days to review the complaint and respond. That response must be sent to Mr. McCarthy and to the state Attorney General's Office. If Mr. McCarthy is unsatisfied with the school committee's response, he is able to file the complaint again after 30 days with the Massachusetts Division of Open Government.

The school committee held an executive session during its brief meeting Monday night, to discuss the complaint.

The chairman of the school committee would not comment after the meeting.

Municipal Legal Notices

PUBLIC HEARING NOTICE

Notice is hereby given that on September 23, 2024, Robert O. Sargent, 16 Jamie Lane, East Falmouth, MA, applied pursuant to M.G.L. c. 130 §57 - §60 for the transfer of a shellfish aquaculture license #A17-01 from Gan Chamcharian. The location, area and description of the site of this shellfish grant are as follows:

A1. 1-acre parcel roughly 416' from the shore and 110' from the nearest navigation channel, within the Town's waters of Hanchuel Sound, with the following geographic coordinates describing the corner boundaries of the project: N41°33'05"W 70°32'25"W N41°33'04"W 70°32'27"W N41°33'05"W 70°32'25"W N41°33'04"W 70°32'25"W

The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 §57 on said application for a shellfish grant transfer on Monday, December 2, 2024 at 6:45 p.m. in the Select Board Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.

A copy of the aquaculture license application is on file at the Office of the Select Board.

LICENSING BOARD

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

November 22, 2024

TOWN OF FALMOUTH PLANNING BOARD PUBLIC MEETING NOTICE

Applicant: JIEC Development LLC
Location: 4 Sandwich Rd
Map# 34 02 022Z 601A

PROPOSAL: Site Plan Review application to construct eleven (11) two-bedroom apartments in three (3) one-story structures at the above-referenced property.

DATE & TIME: Tuesday, December 10, 2024 at 6:30pm

PLACE: Falmouth Town Hall, 59 Town Hall Sq, Falmouth, MA 02540

Documents may be viewed online at: <https://www.falmouthma.gov/1327/Applications-Currently-Under-Review>

By Order of the Planning Board
Paul Dreyer
Chair/Secretary

November 22, 2024

TOWN OF FALMOUTH PLANNING BOARD PUBLIC MEETING NOTICE

Applicant: Lawrence Lynch Realty Corp
Location: 459 Blacksmith Shop Rd
Map# 22 02 009 000

PROPOSAL: Site Plan Review application to construct a solar photovoltaic (PV) carport canopy system over a gravel parking area at 459 Blacksmith Shop Rd. This application is seeking to modify the Planning Board's Site Plan Review approval from 2019 to construct a 7,320.5 sq ft large scale ground mounted solar photovoltaic (PV) and energy storage system at Blacksmith Shop Road and 0 Locustfield Road.

DATE & TIME: Tuesday, December 10, 2024 at 6:30pm

PLACE: Falmouth Town Hall, 59 Town Hall Sq, Falmouth, MA 02540

Documents may be viewed online at: <https://www.falmouthma.gov/1327/Applications-Currently-Under-Review>

By Order of the Planning Board
Paul Dreyer
Chair/Secretary

November 22, 2024

TOWN OF FALMOUTH PLANNING BOARD PUBLIC MEETING NOTICE

Applicant: Michael Mighell, 16 White more Avenue, Falmouth, MA - For permission to reconstruct and enlarge the front porch, conduct invasive species removal and restoration, and install after-the-fact mitigation plantings.

Falmouth Wetlands Protection Bylaw on Wednesday, December 4, 2024 at 7:00PM

In accordance with Section 40, Chapter 2 of the Acts of 2023, relating to the 2020 revised Conservation Commission, on December 4, 2024, public meeting of the Falmouth Conservation Commission shall be physically opened to the public to avoid group

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be telecast via Falmouth Town Council Television.

2. Real-time public comment can be addressed to the Conservation Commission using the Zoom virtual meeting software for public access. This application will allow users to view and participate in the meeting. Text comments submitted with the Chat function will be read into the record at the application meeting.

Zoom Login Instructions:

1. Instructions and the meeting link for this specific meeting can be found at the following URL: <https://www.falmouthma.gov/Conservation>

2. Please plan to log in 10-15 minutes of preparation time to log in through it may be less if you have already used Zoom and devices you will use to access this meeting.

3. Additionally, public comments may be sent in advance of the meeting to concerning falmouthma.gov at 15 minutes prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized, or displayed during the meeting at the discretion of the chair.

4. Applicants, their representatives, and individuals with enforcement matters before the Conservation Commission shall appear remotely. Applicants, their representatives, and individuals with enforcement matters before the Conservation Commission may contact the Conservation Department to arrange in advance the means of establishing a physical presence at the meeting.

Complete applications are available by request and will be sent via email.

REQUESTS FOR DETERMINATION OF APPLICABILITY

David P. and Kathy E. Campbell, 5 Millfield Street, Falmouth, MA - For permission to install a new deck and pool, and to replace the existing deck and pool, and to replace the existing deck and pool.

Chaparral Associates, 0 Chaparral Road (Falmouth DEP 25-485), Falmouth, MA - For permission to maintain a guard shack at Chaparral Road.

Island Connector Corp, 75 Falmouth Heights Road, Falmouth, MA - For permission to repair an existing bulkhead.

Targut Kaslin, 47 Lela Shera Drive, Falmouth, MA - For permission to repair a retaining wall and to construct a protective barrier around an existing septic pumping chamber.

William and Elizabeth Scammi, 314 Quisset Avenue, Falmouth, MA - For permission to replace a water main and install a gas main.

Nikymar, LLC, 119 Green Pond Road, Falmouth, MA - For permission to license and repair an existing dock.

Falmouth's Café, Inc., 55 Water Street, Falmouth, MA - For permission to repair existing piers and foundation.

Douglas H. and Kristin Shearer, 33 Chaparral Road, Falmouth, MA - For permission to install a new deck and pool, and to replace the existing deck and pool, and to replace the existing deck and pool.

Consolidation Properties, LLC, c/o Steve Brown, 8 Skowhegan Lane, Falmouth, MA - For permission to install a new T10 V compliant sewage disposal system and a new drinking water well.

Seed and Molese Posner, 66 Marina Lane, Falmouth, MA - For permission to construct an addition.

REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT

Annalisa and Michael Mighell, 16 White more Avenue, Falmouth, MA - For permission to reconstruct and enlarge the front porch, conduct invasive species removal and restoration, and install after-the-fact mitigation plantings.

Sarah Reber, Donalda Reber Family Trust, 13 Criceta Lane, Falmouth, MA - For permission to raze an existing single-family dwelling and construct a new single-family dwelling, upgrade the existing sewage disposal system, conduct invasive species removal and restoration, and install mitigation plantings.

Clayton Jones, 100 Garnet Avenue, Falmouth, MA - For permission to reconstruct a dock, install a pool with patio, construct a front entry and shed, reconfigure the front porch, and to construct a new set of access stairs, and install mitigation plantings.

59 Meadow Neck LLC, 59 Meadow Neck Road, Falmouth, MA - For permission to raze an existing single-family dwelling and construct a new single-family dwelling with attached garage and deck, upgrade the existing sewage disposal system, and install dryers and mitigation plantings.

Margaret Straloch, Trustee, Straloch Family 2014 Irrevocable Trust, 158 Westwood Road, Falmouth, MA - For permission to raze an existing single-family dwelling and construct a new single-family dwelling with attached garage and deck, and to install a pool with patio and retaining wall, upgrade the existing sewage disposal system, repair part of the damaged septic tank, and install mitigation and restoration plantings.

Dan Solen, 95 Altamans Road, Falmouth, MA - Request to amend the Order of Conditions for MA DEP 25-485B to replace the previously permitted kayak launch with a launch port.

Patrick Burke, Trustee, Church Street Trust, 158 Church Street, Falmouth, MA - Unpermitted removal of vegetation with the buffer to a coastal bank.

John Cook, Trustee, John C. Cook 2009 Trust, 170 Church Street, Falmouth, MA - Unpermitted removal of vegetation with the buffer to a coastal bank.

REQUESTS TO AMEND AN EXISTING ORDER OF CONDITIONS

Dan Solen, 95 Altamans Road, Falmouth, MA - Request to amend the Order of Conditions for MA DEP 25-485B to replace the previously permitted kayak launch with a launch port.

HEARINGS UNDER AN ENFORCEMENT ORDER

Patrick Burke, Trustee, Church Street Trust, 158 Church Street, Falmouth, MA - Unpermitted removal of vegetation with the buffer to a coastal bank.

John Cook, Trustee, John C. Cook 2009 Trust, 170 Church Street, Falmouth, MA - Unpermitted removal of vegetation with the buffer to a coastal bank.

Consolidation Properties, LLC, c/o Steve Brown, 8 Skowhegan Lane, Falmouth, MA - For permission to install a new T10 V compliant sewage disposal system and a new drinking water well.

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OPEN SESSION

PUBLIC HEARINGS

4. Wetlands/Dock Hearing – Leonard C. Jr. & Patricia A. Bassett, Bassett Family Trust – application to maintain an existing seasonal pier and add an 8' section into Ashumet Pond, located at 465 Currier Road, East Falmouth **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Public Hearing 4.

ITEM TITLE: Wetlands/Dock Hearing- Leonard C. Jr. & Patricia A. Bassett, Bassett Family Trust- application to maintain an existing seasonal pier and add an 8' section into Ashumet Pond, located at 465 Currier Road, East Falmouth

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Public Hearing Notice (November 15, 2024 and November 22, 2024); Wetland Office Procedure; Request of Certified Abutters List; Application for Permit to Fill, Dredge, or Otherwise Alter Wetlands, dated October 18, 2024; MA DEP WPA Form 5- Order of Conditions 25-4991; Falmouth Conservation Commission Findings, Standard and Special Conditions; Site Plans for Proposed Dock, Falmouth Engineering

PURPOSE:

The Select Board will conduct a Public Hearing for the purpose of considering the approval of an application to maintain an existing seasonal pier and add an 8' section into Ashumet Pond, located at 465 Currier Road, East Falmouth.

BACKGROUND/SUMMARY:

- As required under section 240-77 (Wetlands Regulations) of the Zoning Bylaw, Falmouth Engineering filed an Application for Permit to Dredge, Fill, or Otherwise Alter Wetlands on October 18, 2024, on behalf of the owner Leonard C. Jr. and Patricia A. Bassett, Bassett Family Trust 465 Currier Road in East

Falmouth.

- The application proposes maintaining an existing seasonal pier and adding an additional 8-foot section.
- The pier is constructed of lightweight aluminum and is installed each spring and removed each fall; the structure will connect to the upland with a ramp, and an existing footpath allows for access to the pier.
- The Falmouth Conservation Commission reviewed the application and granted permission, with standard and special conditions (see attached) to install and maintain a 40 foot by 4-foot dock with a ramp in accordance with the plans submitted by Falmouth Engineering.

DEPARTMENT RECOMMENDATION:

Following the public hearing, the Town Manager recommends that the Select Board approve the application submitted by Falmouth Engineering on behalf of Leonard C. Jr. & Patricia A. Bassett, Bassett Family Trust to maintain an existing seasonal pier and add an 8' section into Ashumet Pond, located at 465 Currier Road, East Falmouth, as presented.

OPTIONS:

- Motion to approve the application submitted by Falmouth Engineering on behalf of Leonard C. Jr. & Patricia A. Bassett, Bassett Family Trust to maintain an existing seasonal pier and add an 8' section into Ashumet Pond, located at 465 Currier Road, East Falmouth, as presented.
- Motion to deny approval of the application submitted by Falmouth Engineering on behalf of Leonard C. Jr. & Patricia A. Bassett, Bassett Family Trust to maintain an existing seasonal pier and add an 8' section into Ashumet Pond, located at 465 Currier Road, 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 approve the application submitted by Falmouth Engineering on behalf of Leonard C. Jr. & Patricia A. Bassett, Bassett Family Trust to maintain an existing seasonal pier and add an 8' section into Ashumet Pond, located at 465 Currier Road, East Falmouth, as presented.

Michael Renshaw

Town Manager

11/25/2024

Date

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, December 2, 2024, at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Leonard C. Jr. and Patricia A. Bassett for permission to maintain an existing seasonal pier, located at 465 Currier Road, East Falmouth, MA. Area affected is Ashumet 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, November 15, 2024 and Friday, November 22, 2024; Falmouth Enterprise.

Diane Davidson

From: Alissa Bergeron
Sent: Tuesday, November 12, 2024 12:45 PM
To: Diane Davidson
Cc: Jennifer Lincoln; Fallon Queeney
Subject: RE: Special Permit Application - Wetlands/Dock - Bassett - 465 Currier Road
Attachments: Currier Rd 465 (Bassett) 25-4991 OOC (2).pdf; Currier Rd 465 (Bassett) 25-4991 Plan Ch 91 08 13 2024.pdf

Hi Diane,

The application appears to match the project approved by the Conservation Commission. The OOC and plan of reference are attached for your records.

Alissa Bergeron
Conservation Agent
Town of Falmouth, MA
alissa.bergeron@falmouthma.gov
Office: (508) 495-7492

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Tuesday, November 12, 2024 10:30 AM
To: Falmouth Conservation Commission <concom@falmouthma.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>
Subject: Special Permit Application - Wetlands/Dock - Bassett - 465 Currier Road

To All,

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

Applicant: Leonard and Patricia Bassett
Location: 465 Currier Road, East Falmouth
Proposed Work: To maintain an existing seasonal pier
Body of Water: Ashumet Pond

The applicant has provided a copy of the Order of Conditions. If you have any comments, please send by Friday, November 22, 2024.

The hearing is scheduled at the Select Board meeting on Monday, December 2, 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
(508) 495-7321
diane.davidson@falmouthma.gov



Please note that the Massachusetts Secretary of State has determined that most email correspondence is public record and therefore cannot be kept confidential.



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

TOWN CLERK
NOV 12, 2024 AM 9:38
RECEIVED

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

PERMIT EXISTING DOCK

465 CURRIER ROAD

FALMOUTH, MASSACHUSETTS

Prepared for:

Leonard and Patricia Bassett

Prepared by:



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

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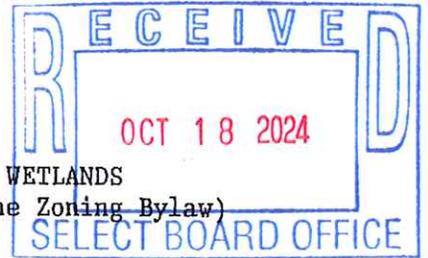
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APPLICATION TO FILL, DREDGE, FILL, OR OTHER ALTER WETLANDS

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

TOWN CLERK

NOV 12, 2024 AM 9:38

Date: October 10, 2024

RECEIVED

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: Leonard C. Jr. & Patricia A. Bassett, Bassett Family Trust 465 Currier Rd. E. Falmouth, MA 02536
(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 09 Section 01 Parcel 004 Lot 179

Street Name and House Number 465 Currier Road

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

3. Description of property and project site: Residential lot containing single family dwelling & associated appurtenances located within a fully developed residential area on Ashumet Pond.

a. Dimensions, Acreage of total parcel: 25,500 S.F. ±

b. Length of water marsh frontage: 200'

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.) Maintain existing seasonal pier, add 8' section.

h. Method (equipment to be used) for proposed work: all work by hand

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 25-4991

8. Remarks _____

9. Project Summary for legal notice: _____

The Applicant is seeking permission to maintain an existing seasonal pier
and add an 8' section.

Owner: Leonard C. Jr. & Patricia A. Bassett

Bassett Family Trust

465 Currier Road East Falmouth, MA 02536

(Name & Address)

TEL #:

Agent: Falmouth Engineering, Inc.

17 Academy Lane, Ste. 200

Falmouth, MA 02540

(Name & Address)

TEL #: 508.495.1225

Applicant: Same as owner

(Name & Address)

TEL #:

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

ATTACHMENT A

PROJECT NARRATIVE

ATTACHMENT A - PROJECT NARRATIVE

Introduction

Falmouth Engineering, Inc. has filed this application on behalf of Leonard and Patricia Bassett (The Applicant). The Applicant is seeking permission to maintain an existing seasonal pier. The proposed work involves activities within 100' of Land Under a Water Body an Inland Bank.

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

Existing Conditions

The project site is located within a residential neighborhood with single family dwellings. (refer to Figure 1 - Project Location Map). The property consists of approximately 25,500 +/- square feet of previously developed land with frontage on Ashumet Pond.

The site is currently occupied by a residential home, lawn, driveway, and landscaped areas.

Regulated Resource Areas

All the resource areas within 100 feet of the proposed construction have been identified and appropriately shown on the plan. Adjacent resource areas include Land Under a Water Body and Inland Bank. The plan attached shows the resource areas.

Natural Heritage and Endangered Species Habitats

Information published by the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (Natural Heritage Atlas, 2008) indicates that the existing dock is within Estimated Habitat of Rare Wetlands Habitat and Priority Habitat, therefore, is subject to review under the Massachusetts Endangered Species Act.



PROJECT LOCATION MAP

**465 CURRIER ROAD
EAST FALMOUTH, MA**

Proposed Project

The applicant requests permission to maintain an existing seasonal pier and add an 8' section. The pier is used for passive recreational purposes. The pier is constructed of lightweight aluminum and is installed each spring and removed each fall.

The structure will connect to the upland with a ramp. An existing footpath allows for access to the pier.

An Order of Conditions has been issued. No Chapter 91 license exists. The Applicant intends to proceed with the Chapter 91 application subsequent to receipt of local approvals. A copy of the Order of Conditions is attached to the application.

The seasonal pier is supported aluminum pipes. No driving or jetting is required.

A profile and typical section are shown on the attached plans.

Public access along the edge of Ashumet Pond will be provided around the landward end of the ramp and in accordance with DEP Division of Wetlands and Waterways standards. Signs will be affixed to the side of the pier to indicate public access.

Applicable Performance Standards

The Massachusetts Wetland Protection Act Regulations provides for the construction of piers, elevated walkways and other boating related structures as limited projects (310 CMR 10.53 (3)(j)). The limited project provisions recognize that certain projects, such as the proposed water-dependant structure, may be inherently unable to satisfy the performance standards normally applied to construction within certain resource areas. Nevertheless, the review and approval of a limited project remains at the discretion of local authority, and as always, the applicant is required to demonstrate that the anticipated impacts have been minimized.

Potential Impacts and Mitigation Measures

Impacts to Resource Areas and Buffer Zone

Installation of the pier requires only temporary minor disturbance within Land Under a Water Body during the placement of the pier. Once installed, no further impacts are anticipated.

Pier sections are able to be installed by hand in sections. The sections are lightweight and can be installed by hand from the upland.

Avoidance, Minimization and Mitigation

The pier is installed from the upland. Each section is installed and work will progress to the end of the walkway.

This pier is similar to other piers reviewed by Conservation Commission and DEP within fresh water ponds.

Summary

The existing wetland resources, potential impacts, and proposed mitigation measures associated with this project have been fully documented in this application. The project satisfies all performance standards applicable under section 240-77 (Wetland Regulations) of the Falmouth Zoning By Law. In light of these considerations, we trust that the Select Board can issue a favorable decision.

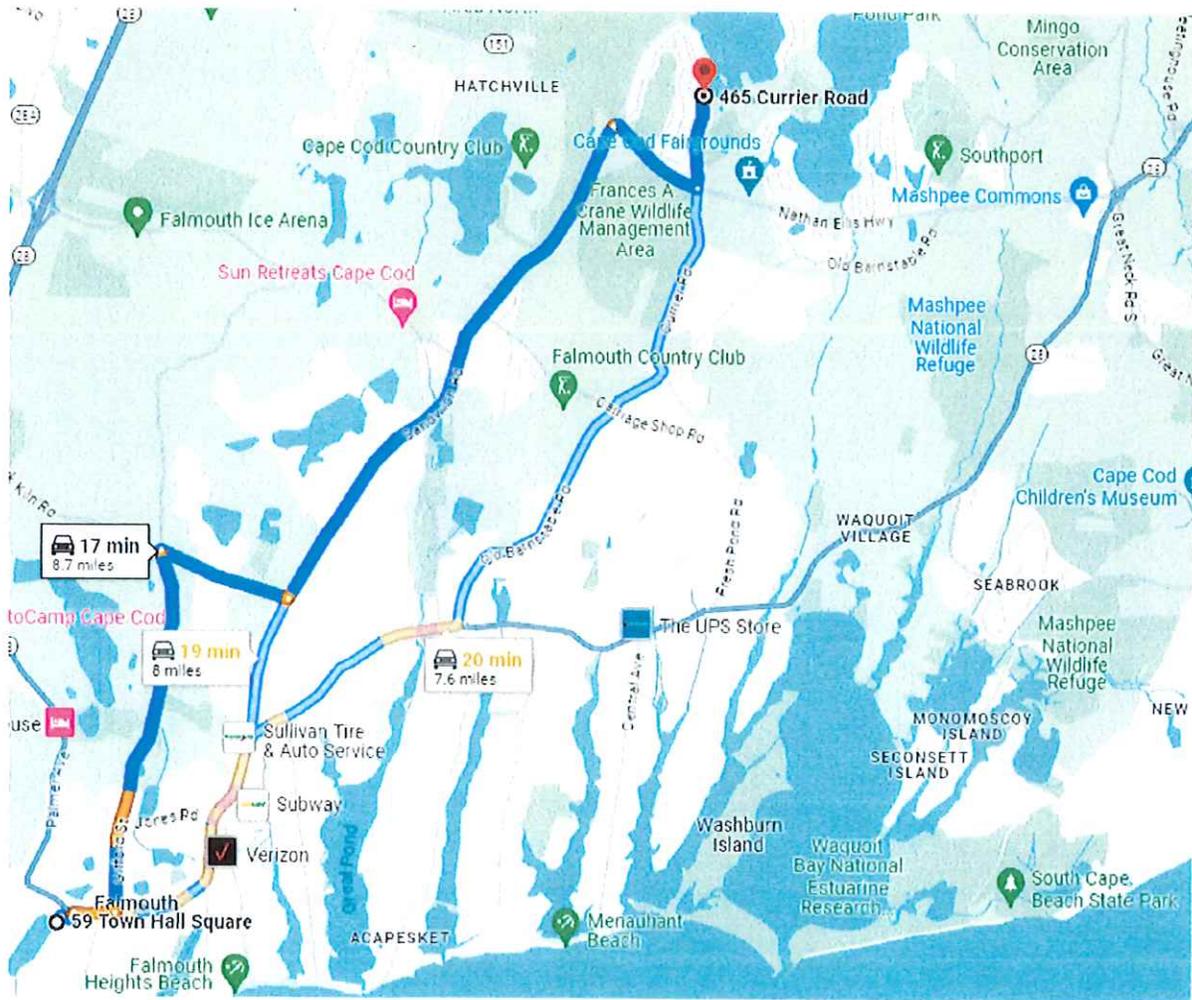
ATTACHMENT B

DRIVING DIRECTIONS TO SITE

Driving Directions to Site

465 Currier Road East Falmouth, MA

From Town Hall, turn right onto Main Street and follow for .3 miles. Turn left onto Gifford St. and follow for 2.4 miles. Turn right onto Brick Kiln Rd. and follow for 1 mile. Turn left onto Sandwich Rd. and follow for 3.5 miles. Turn right onto Rte. 151 and follow for .7 miles. Turn left onto Currier Rd. and follow for .6 miles. Number 465 will be on your right.



ATTACHMENT C

ORDER OF CONDITIONS 25-4991



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:
25-4991
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 | 181512 |
| a. County | b. Certificate Number (if registered land) |
| _____ | _____ |
| c. Book | d. Page |

7. Dates: 6/18/2024 8/21/2024 9/11/2024

| | | |
|--------------------------------|-------------------------------|---------------------|
| 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):

Existing Pier Plan, Profile Plan, Cross Section

| | |
|--------------------------------------|---|
| a. Plan Title | _____ |
| b. Prepared By | Michael J. Borselli, P.E., Gary S. Labrie, P.L.S. |
| 8/13/2024 | various - noted on plan |
| 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 type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input type="checkbox"/> Prevention of Pollution |
| d. <input type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" 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:
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B. Findings (cont.)

Denied because:

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

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

| Resource Area | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|---|---|----------------------|----------------------|-----------------------|
| 4. <input checked="" type="checkbox"/> Bank | <u>4±</u> a. linear feet | _____ | _____ | _____ |
| 5. <input type="checkbox"/> Bordering Vegetated Wetland | _____ | _____ | _____ | _____ |
| 6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways | <u>160±</u> a. square feet e. c/y dredged | _____ | _____ | _____ |
| 7. <input type="checkbox"/> Bordering Land Subject to Flooding | _____ | _____ | _____ | _____ |
| Cubic Feet Flood Storage | _____ | _____ | _____ | _____ |
| 8. <input type="checkbox"/> Isolated Land Subject to Flooding | _____ | _____ | _____ | _____ |
| Cubic Feet Flood Storage | _____ | _____ | _____ | _____ |
| 9. <input type="checkbox"/> Riverfront Area | _____ | _____ | _____ | _____ |
| Sq ft within 100 ft | _____ | _____ | _____ | _____ |
| Sq ft between 100-200 ft | _____ | _____ | _____ | _____ |



Massachusetts Department of Environmental Protection
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B. Findings (cont.)

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

| | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|--|---|-------------------------|-------------------------|--------------------------|
| 10. <input type="checkbox"/> Designated Port Areas | Indicate size under Land Under the Ocean, below | | | |
| 11. <input 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 | _____ | _____ | _____ cu yd | _____ cu yd |
| | a. square feet | b. square feet | c. nourishment | d. nourishment |
| 14. <input type="checkbox"/> Coastal Dunes | _____ | _____ | _____ cu yd | _____ cu yd |
| | a. square feet | b. square feet | c. nourishment | 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

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Falmouth
City/Town

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.



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

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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 25-4991 "
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.



Massachusetts Department of Environmental Protection
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WPA Form 5 – Order of Conditions

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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 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(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.



Massachusetts Department of Environmental Protection
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Falmouth

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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.



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:
25-4991
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

- 1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
- 2. The Falmouth hereby finds (check one that applies):
Conservation Commission
 - 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:

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

See Attached



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4991

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

E. Signatures

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

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

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

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.

9/11/2024

1. Date of Issuance

4

2. Number of Signers

Falmouth Conservation Commission

[Signature]
Signature
[Signature]
Signature
[Signature]
Signature
[Signature]
Signature

Jennifer L. Lincoln, Conservation
Administrator

Jamie Mathews, Chair
Printed Name

Courtney Bird, Vice Chair
Printed Name

Elizabeth Gladfelter
Printed Name

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

9/11/24 Erica Busselle
Date

Date

FALMOUTH ENGINEERING, INC.

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4991
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

F. Appeals

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

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

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



Falmouth Conservation Commission

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

Leonard and Patricia Bassett
465 Currier Rd, Falmouth
DEP # 25-4991

FINDINGS

1. The applicant proposes to install and maintain a 40ft x 4ft seasonal dock with a ramp in Ashumet Pond.
2. A smaller 16ft x 5ft dock had been permitted in 1982, a larger structure was acquired in 2016 and installed without a permit.
3. Resource areas onsite and within 100 feet of the proposed project include Land Under Waterbodies, Inland Bank, Rare Species Habitat, and Resource Area Buffer.

INTERESTS

1. Storm Damage Prevention
2. Flood Control
3. Protection of fisheries
4. Protection of wildlife habitat

STANDARD CONDITIONS

1. Permission is granted to Leonard and Patricia Bassett 465 Currier Rd, Falmouth to install and maintain a 40ft x 4ft seasonal dock with a ramp according to the plans by Falmouth Engineering, Inc., dated June 11, 2024, and revised July 23, 2024 and August 13, 2024, subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes

will require that the applicant first obtain all necessary permits and approvals from the Conservation Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of \$25,000.00 per day.

4. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).
5. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner.
6. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error all work may have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.
7. Issuance of this Order of Conditions does not relieve the applicant from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.
8. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
9. Prior to any work commencing:
 - a. Proof of recording of this Order of Conditions including the plan of reference at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
 - b. At least 10 days advance **written** notification shall be provided to the Conservation Commission.
 - c. The Town of Falmouth Conservation Commission Pier Maintenance or Construction Form for Marine Contractors (which ever applies) must be completed and returned to the Conservation Commission.
 - d. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
 - e. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.
 - f. Photographs shall be taken within 20 feet parallel to both sides of the dock alignment of any areas crossing freshwater wetlands or salt marsh. Post construction photographs shall be taken and submitted to the Conservation Commission. Any areas of wetland that have been damaged or destroyed shall be restored immediately to the satisfaction of the Conservation Commission.

10. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.
11. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation on ground draining into the wetlands or other Resource Areas.
12. All cuttings and debris from permitted clearing of the lot prior to construction shall be removed offsite immediately. No debris can be stored, even temporarily, in a resource area or within 100 feet of any resource area.
13. All fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location more than 100 feet from any resource area.
14. Equipment, vehicles, or other objects are not allowed to be placed or stored on any wetland or resource area at any time.
15. Any additional work, not identified at the time this permit was granted, within the Limit of Work, in a resource area or within 100 feet of any resource area will require that the applicant first obtain all necessary permits from the Conservation Commission before proceeding with such work.
16. All disturbed areas are to be re-vegetated using either native plant species (or drought-tolerant fescues on 8-10 inches of loam). Re-vegetation is to be done immediately following completion of construction.
17. The street number and address and the DEP number of the dock approved by this Order shall be affixed to the seaward face (end) of the dock using three-inch (3") digits of bright contrasting color. This number shall be maintained in clear visible condition throughout the lifetime of the dock.
18. Boats at the dock shall not be allowed to leak oil or other pollutants into the water, nor shall oil or fuel be stored on the dock or pier.
19. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.
20. Photographic evidence of winter storage location of floats or seasonal dock parts on uplands shall be presented to the Conservation Commission within one year of completion of structure.
21. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. A request for a Certificate of Compliance must be accompanied by and "Existing Conditions" plan and Engineers written certification of compliance certifying the dock or pier has been constructed and completed in accordance with the conditions contained herein and notes any deviation from the approved plans.
22. Before work can begin (i.e. clearing or construction) the Town of Falmouth Contractor Form is 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. This document shall be submitted with the ten (10) day start work notification required by Standard Condition #9(b).

SPECIAL CONDITIONS:

1. PVC sleeves shall be installed in Ashumet Pond to insure the dock is installed in the same approved locations each years.

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

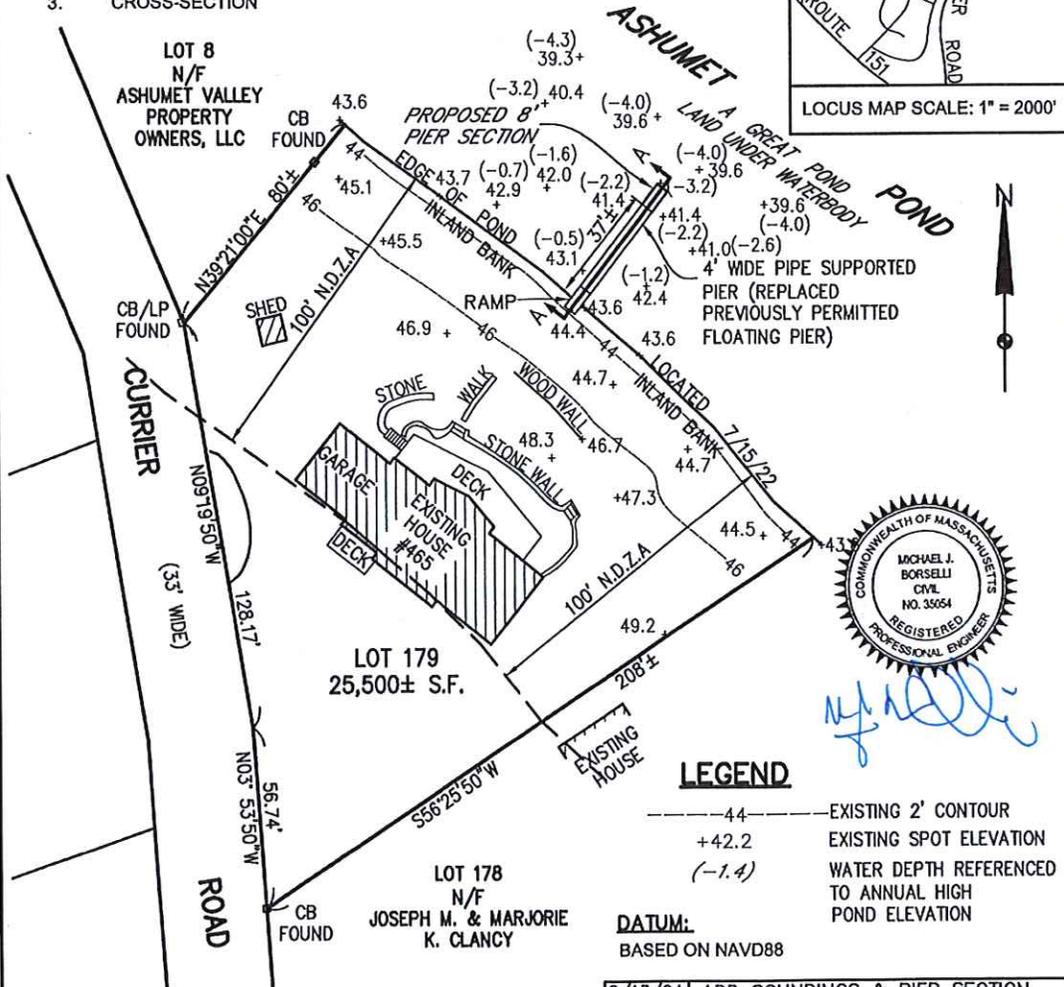
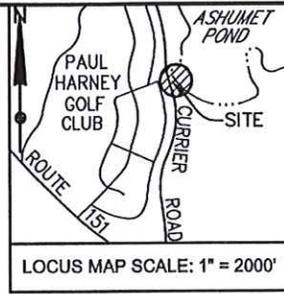
I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

NAME *mf*

DATE 8-13-24

DRAWING INDEX

- | SHEET | TITLE |
|-------|--------------------|
| 1. | EXISTING PIER PLAN |
| 2. | PROFILE PLAN |
| 3. | CROSS-SECTION |

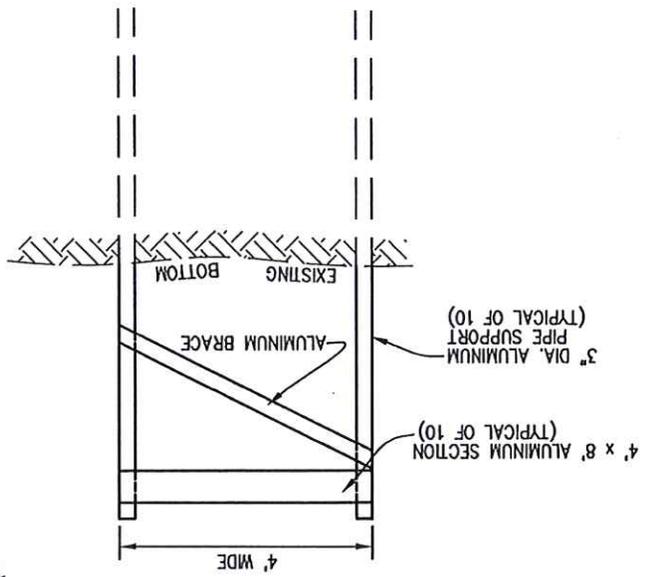


EXISTING PIER PLAN
SHEET 1 OF 3
JUNE 11, 2024

PLAN ACCOMPANYING PETITION OF LEONARD & PATRICIA BASSETT TO LICENSE AN EXISTING PIER WITHIN ASHUMET POND AT #465 CURRIER ROAD, FALMOUTH, BARNSTABLE COUNTY, MASSACHUSETTS

| DATE | REVISION |
|---------|-------------------------------|
| 8/13/24 | ADD SOUNDINGS & PIER SECTION. |
| 7/23/24 | ADD SOUNDINGS. |

PLAN ACCOMPANYING PETITION OF LEONARD & PATRICIA
BASSETT TO LICENSE AN EXISTING PIER WITHIN ASHMET
POND AT #465 CARRIER ROAD, FALMOUTH, BARNSTABLE
COUNTY, MASSACHUSETTS
JUNE 11, 2024
SHEET 3 OF 3
CROSS-SECTION



I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO
THE RULES AND REGULATIONS OF THE REGISTERS OF
DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.
NAME: *[Signature]*
DATE: 8-13-24



RECEIVED

NOV 13 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 09 Section 01 Parcel 004 Lot 179

Lot size of subject property:

Location of subject property: 465 Currier Road, East Falmouth

Check one:

Direct abutters (includes properties across street)

Direct abutters in local Historic District (includes properties across the street) within 100'

Immediate abutters (includes only properties with a common property line)

Immediate abutters plus churches and schools within 500'

X Properties within 300'

Properties within 300' or abutters abutter to abutter whichever is closest

Properties within 100'

Other (specify)

Fee. \$25.00 Total N/A

465 CURRIER RD

CERTIFIED

A handwritten signature in black ink, appearing to be 'BC', is written over a horizontal line.

**Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
November 15, 2024**

Town of Falmouth, MA Abutters Report

**300ft. Abutters of Property 09 01 004 179
at 465 CURRIER RD**

Please be aware that the abutters list reflects mailing address for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements. Property data updated 10/17/2024.

| Property ID | Address | Owner 1 | Owner 2 | Owner Address | Owner City/State/Zip |
|---------------|---------------------|-------------------------------|----------------------------|---------------------|---------------------------------|
| 09 01 004 245 | 136 REGIS RD | SKOWRONSKI FRANK A | SKOWRONSKI BARBARA A | 136 REGIS RD | EAST FALMOUTH, MA 02536 |
| 09 01 004 247 | 146 REGIS RD | GAUDET STEPHEN W | GAUDET MARCIA A | 146 REGIS RD | E FALMOUTH, MA 02536-4250 |
| 09 01 004 248 | 150 REGIS RD | SMITH JR TRUSTEE KENNETH M | SMITH TRUSTEE CHERYL A | 150 REGIS RD | E FALMOUTH, MA 02536-4250 |
| 09 01 004 249 | 158 REGIS RD | BIGELOW TRUSTEE LAWRENCE C | BIGELOW TRUSTEE MARIE C | 158 REGIS RD | E FALMOUTH, MA 02536 |
| 09 01 004 250 | 19 AUSTIN STOKES DR | GAVIN MATTHEW J | GAVIN KRISTIN A | 19 AUSTIN STOKES DR | EAST FALMOUTH, MA 02536-4220 |
| 09 01 004 262 | 161 REGIS RD | PARSONS KATHERINE K | | 161 REGIS RD | E FALMOUTH, MA 02536 |
| 09 01 004 263 | 159 REGIS RD | MANNING KRISTIN | MANNING LINDSAY | 159 REGIS RD | EAST FALMOUTH, MA 02536 |
| 09 01 004 264 | 153 REGIS RD | STEFANSSON ARNAR | UNGER ELIZABETH A | 153 REGIS RD | EAST FALMOUTH, MA 02536 |
| 09 01 004 265 | 149 REGIS RD | BUCCIARELLI JAMES E | BUCCIARELLI LISA S | 149 REGIS RD | EAST FALMOUTH, MA 02536 |
| 09 01 004 266 | 143 REGIS RD | WHITE JR TRUSTEE WARREN F | WHITE TRUSTEE BEVERLY A | 5 SUSAN DR | LYNN, MA 01904 |
| 09 01 004 267 | 135 REGIS RD | KLATTENBERG RONALD P | KLATTENBERG MARCIA M | 135 REGIS RD | E FALMOUTH, MA 02536 |
| 09 01 004 304 | 28 AUSTIN STOKES DR | DOWNEY ROBERT P | DOWNEY BARBARA A | 28 AUSTIN STOKES DR | E FALMOUTH, MA 02536-4266 |

Town of Falmouth, MA Abutters Report

300ft. Abutters of Property 09 01 004 179
at 465 CURRIER RD

Please be aware that the abutters list reflects mailing address for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements. Property data updated 10/17/2024.

| | | | | | |
|---------------|----------------|--------------------------------|------------------------|-----------------------|---------------------------------|
| 09 01 004 314 | 447 CURRIER RD | KLUEVER TRUSTEE JANET M | KLUEVER TRUSTEE ROLF | 447 CURRIER RD | EAST FALMOUTH, MA 02536 |
| 09 01 004 315 | 443 CURRIER RD | ALEXANDER THOMAS E | ALEXANDER ANDREA P | PO BOX 199 | NORTH FALMOUTH, MA 02556 |
| 09 01 004 324 | 0 CURRIER RD | HOLLY SANDS HOMEOWNERS CORP | | 417 CURRIER RD | EAST FALMOUTH, MA 02536 |
| 09 01 004 333 | 451 CURRIER RD | HERRLE TRUSTEE MADONNA M | BEGG JR TRUSTEE JOHN A | 902 SEARLES ESTATE DR | SAINT JOHNS, MI 48879 |
| 09 01 008 007 | 491 CURRIER RD | OVANS DONALD | OVANS ANDREA R | 491 CURRIER RD | EAST FALMOUTH, MA 02536 |
| 09 01 008 008 | 0 CURRIER RD | ASHUMET VALLEY PROPERTY | OWNERS INC | PO BOX 122 | MASHPEE, MA 02649-0122 |
| 09 01 015 178 | 457 CURRIER RD | CLANCY JOSEPH M | CLANCY MARJORIE K | 457 CURRIER RD | EAST FALMOUTH, MA 02536-4208 |



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

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

Geometry updated 09/04/2024
Data updated 10/17/2024

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

SKOWRONSKI FRANK A SKOWRONSKI BARBARA A
136 REGIS RD
EAST FALMOUTH, MA 02536

GAUDET STEPHEN W GAUDET MARCIA A
146 REGIS RD
E FALMOUTH, MA 02536-4250

SMITH JR TRUSTEE KENNETH M SMITH TRUSTEE
CHERYL A
150 REGIS RD
E FALMOUTH, MA 02536-4250

BIGELOW TRUSTEE LAWRENCE C BIGELOW
TRUSTEE MARIE C
158 REGIS RD
E FALMOUTH, MA 02536

GAVIN MATTHEW J GAVIN KRISTIN A
19 AUSTIN STOKES DR
EAST FALMOUTH, MA 02536-4220

PARSONS KATHERINE K
161 REGIS RD
E FALMOUTH, MA 02536

MANNING KRISTIN MANNING LINDSAY
159 REGIS RD
EAST FALMOUTH, MA 02536

STEFANSSON ARNAR UNGER ELIZABETH A
153 REGIS RD
EAST FALMOUTH, MA 02536

BUCCIARELLI JAMES E BUCCIARELLI LISA S
149 REGIS RD
EAST FALMOUTH, MA 02536

WHITE JR TRUSTEE WARREN F WHITE TRUSTEE
BEVERLY A
5 SUSAN DR
LYNN, MA 01904

KLATTENBERG RONALD P KLATTENBERG MARCIA
M
135 REGIS RD
E FALMOUTH, MA 02536

DOWNEY ROBERT P DOWNEY BARBARA A
28 AUSTIN STOKES DR
E FALMOUTH, MA 02536-4266

KLUEVER TRUSTEE JANET M KLUEVER TRUSTEE
ROLF
447 CURRIER RD
EAST FALMOUTH, MA 02536

ALEXANDER THOMAS E ALEXANDER ANDREA P
PO BOX 199
NORTH FALMOUTH, MA 02556

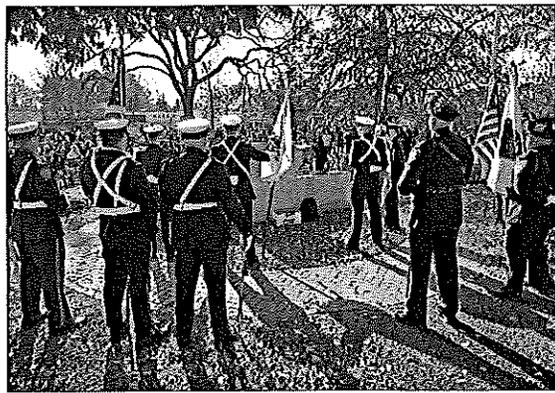
HOLLY SANDS HOMEOWNERS CORP
417 CURRIER RD
EAST FALMOUTH, MA 02536

HERRLE TRUSTEE MADONNA M BEGG JR TRUSTEE
JOHN A
902 SEARLES ESTATE DR
SAINT JOHNS, MI 48879

OVANS DONALD OVANS ANDREA R
491 CURRIER RD
EAST FALMOUTH, MA 02536

ASHUMET VALLEY PROPERTY OWNERS INC
PO BOX 122
MASHPEE, MA 02649-0122

CLANCY JOSEPH M CLANCY MARJORIE K
457 CURRIER RD
EAST FALMOUTH, MA 02536-4208



Veterans' Council Chairwoman Carissa April speaks to the crowd that gathered on the library lawn Monday morning to honor veterans and active duty service members.

Town Honors Its Veterans



Air National Guard Major General Virginia Gaglio was the keynote speaker at this year's event.



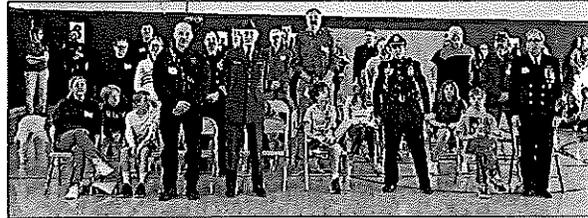
Beagle/bulldog mix, Sergeant Stubby, was also in attendance. The pup is a descendant of the original Sergeant Stubby, the unofficial mascot of the 102nd Infantry Regiment assigned to the 26th (Yankee) Division in World War I.



The crowd applauds as veterans walk past along Memorial Lane.



Coast Guard Auxiliary Commodore Carolyn Belmore and Coast Guard Auxiliary Commodore and Navy veteran Dennis DeGabriele were in attendance.



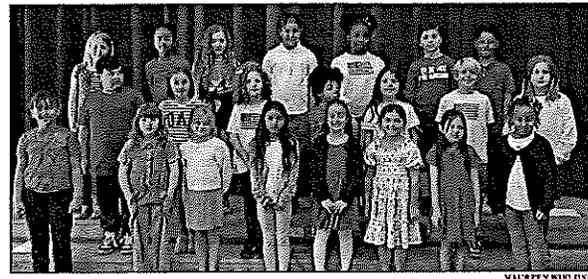
Veterans stand to be recognized during a ceremony held in the Morse Pond School gymnasium last Friday morning.



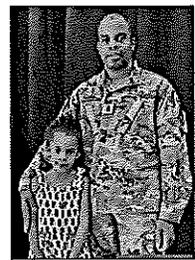
Falmouth Police Officer Julia Massi stands with her cousin, Braelynn White. Officer Massi, who served in the Air National Guard and was deployed to Iraq and Afghanistan, was the morning's guest speaker.



Retired Air Force Lieutenant Colonel Richard Sherman poses with his grandson, 5th grader Theodore Fauth at the event.



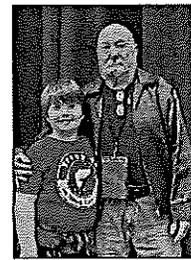
The Teaticket School chorus joined fellow students and staff to honor veterans and active duty military service members on Friday. Parents and grandparents of Teaticket students representing all branches of the military, both active duty and retired, were invited to attend the event.



Among the honored guests was US Air Force active duty member Henckel Miranda, shown here with his daughter, Eliana.



US Coast Guard Lieutenant Jeff Wecal and his daughter, Lila



US Army veteran Earl Berry with his grandson, Declan McSweeney

Changes Eyed For Nitrogen Control Bylaw

By KATIE NELSON
The freshwater ponds advisory committee met with members of the town's marine and environmental services department (MES) on November 7 to discuss possible changes to the town's nitrogen control bylaw. Falmouth harbormaster Gregg Fraser and deputy director Chuck Martinson attended the meeting via Zoom. The nitrogen control bylaw aims to reduce the amount of nitrogen that enters salt and fresh water bodies, primarily through restrictions on the use of fertilizers. The bylaw regulates where, when and how much fertilizer can be applied. Under the bylaw, nitrogen cannot be applied between October 16 and April 14, or before or during a heavy rainfall. Nitrogen cannot be applied to nonporous surfaces, like pavement, or within 100 feet of land protected under the Wetlands Protection Act. Under the bylaw, a maximum of 0.5 pounds of nitrogen in 1,000 square feet can be applied in one application. One of the biggest issues the marine and environmental services department faces in enforcement is a lack of public awareness of the nitrogen bylaw. Mr. Martinson said. The MES department also needs to have evidence of a violation to enforce any corrective action.

A first offense results in a warning and a distribution of educational materials. Subsequent offenses can result in fines, which are usually \$50 per offense. As reporting is mostly complaint driven, the committee suggested that pond neighbors organize to form groups to monitor and report on ponds they visit frequently or live near. "The most important pond is the one you live on," committee member George Heufelder said. After the conversation with Mr. Martinson and Mr. Fraser, the board discussed potential amendments to the bylaw and potential regulations to recommend to the town. The current bylaw only monitors and regulates nitrogen. For freshwater ponds, phosphorus is a prime environmental concern as well. Mr. Heufelder suggested drafting an amendment to the bylaw to include phosphorus. Committee members suggested an alignment with the town's IT department to consider digital tracking of fertilizer applications. Companies and individual homeowners who apply fertilizer would need to report where, when and what variety of fertilizer is being applied. Failure to comply with those regulations could result in a fine, Mr. Heufelder said. The ponds assessment subcommittee also presented a draft



Members (left to right) Angela Tanner, William Mebane, Steven Solbo and George Heufelder of the Freshwater Ponds Advisory Committee discuss updates to the town's nitrogen control bylaw with representatives of the town's marine and environmental services department.

of an evaluating-and-ranking system to assist in making recommendations as to how and where public funds should be allocated for pond protection or restoration. There are 25 to 27 ponds in Falmouth that are 10 acres or larger. Their health will be evaluated and ranked once the metrics for the system are finalized by the committee. Once ranking and evaluation are complete, the ponds will either be evaluated by an independent outside consultant or a group of local volunteers. The task of evaluating and ranking ponds could also be assigned to the conservation commission. Updates and discussion will continue at the freshwater pond advisory committee's next meeting on Thursday, December 5.

Municipal Legal Notices

PUBLIC HEARING NOTICE
The Falmouth Select Board will hold a public hearing under Section 240-14-B (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, December 2, 2024 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 56 Town Hall Square on the application of Leonard G. Jr. and Patricia A. Bassett for permission to maintain an existing seasonal pier, located at 465 Currier Road, East Falmouth, MA. Area affected is Falmouth. Interested parties may review the file on this application at the Office of the Select Board.
By Order of the Falmouth Select Board
November 15, 2024
November 22, 2024

Falmouth Zoning Board of Appeals
Notice is hereby given of the following Public Hearing, 10:00 AM and Open Meeting in the Select Board's Meeting Room, Town Hall, Falmouth, MA, on **Thursday, December 12, 2024**
Continuation(s):
6077-24 Pagar/Lammers, 30 Foster Road, East Falmouth
Application # 104-211 with 20-41 North LLC. Applied to the Zoning Board of Appeals for a special permit pursuant to section (a) 240-10.2A and 240-6.6B of the Code of Falmouth to construct additions to the existing nonconforming dwelling a garage and a detached, 2-car garage with habitable space above. The subject properties are "0" (lot 605A) Oakwood Avenue and 29 Oakwood Avenue, Falmouth, MA.
Application # 105-24 Foster LLC. Noted and approved by the Zoning Board of Appeals with the Falmouth Town Clerk pursuant to M.G.L. c.40A § 8 & 15, 240-12.4A(1)(b) and 240-2.3(A)(3) of the Code of Falmouth appealing the Building Commissioner's decision. The subject property is 30 Foster Road, East Falmouth, MA.
Application # 105-24 Westbrook Lynch Realty Corp. Applied to the Zoning Board of Appeals for a special permit pursuant to section (a) 240-12.1 of the Code of Falmouth to renew existing special permit #02-03 for excavation and restoration and to allow the continued use of processing and storage of material. The subject properties are "P" (lot 003) and 100 Thomas B. Landers Road, Harwich, MA.
File are available in the Board of Appeals Office in Town Hall for review by interested parties.
November 15, 2024
November 22, 2024

Steamship Authority Chief Operating Officer To Resign

By DEVIN ANKENY
Another top-level executive at the Steamship Authority is stepping down.

The Authority's first-ever Chief Operating Officer Mark Higgins has announced his resignation. This comes less than two months after Authority general manager Robert B. Davis said he would be leaving his post next fall.

Mr. Higgins was named to the job in April of last year. His tenure lasted only 19 months. The Authority only began seriously exploring a chief operating officer position in 2022, when legislation was proposed that made the position a requirement. Mr. Higgins, the former director of the Maine State Ferries Service, was hired following a consultancy report detailing positions the Authority should add.

"On behalf of the entire organization, I want to thank Mark Higgins for his service to the Steamship Authority and wish him well in his future endeavors," General Manager Robert B. Davis wrote in a statement. "I plan to discuss the vacancy with the Board and work with the Members to determine a timeline for next steps regarding the position."



COURTESY STEAMSHIP AUTHORITY
Mark Higgins was named chief operating officer for the Steamship Authority in April 2023. He has been responsible for marine and shore side operations, along with managing other departments.

Mr. Higgins' resignation comes during a year of turbulence at the Authority.

The three prospective new ferries have been delayed by many months—with only one of the three on its way—Mr. Davis also tendered his resignation effective next year and the Authority has been plagued with ship cancellations—one of which altered an entire weekend's schedule in August.

Mr. Higgins was not immediately available to comment.

Steamship Authority Makes Rate Hikes Official

By DEVIN ANKENY
Almost all Steamship Authority passengers will be spending more to ride its ferries next year.

The Steamship Authority's board of governors in its meeting on Tuesday, approved the final budget and rate hikes for the 2025 calendar year. Those rate hikes—which are being used to offset what otherwise be more than \$3.2 million in expected operating losses—will affect most passengers, vehicles and those parking in Authority lots.

Though the rate hikes passed 3-1, the board did not seem pleased about raising rates for passengers. Those rate hikes do not include raising rates on the excursion fare, which board secretary and Falmouth representative Peter J. Jeffrey said may not be the fairest course going forward.

"At some point, we're going to have to pivot and raise the excursion fare," Mr. Jeffrey said, voting no as a reminder to discuss adopting the rate hikes in the future.

For the Martha's Vineyard ferries, one-way trips will increase by 56 cents for seniors and 25 cents for children. Currently those fares are \$10 for adults and \$5.25 respectively. A 10-ride adult ferry pass will rise from \$58 to \$94 and a 46-ride book would increase from \$174 to \$194.50.

Though Nantucket's standard passenger prices would not change, a trip on the high-speed ferry will jump \$4, from \$42.50 to

\$46.50.

Another notable change for Falmouth residents are the increases to annual parking prices at the Woods Hole and Palmer Avenue parking lots. The price for an annual Woods Hole parking permit will be raised by \$200 and the Palmer Avenue lot by \$50—that price is down from an originally-proposed \$100.

Freight truck fares are also going up by 10 percent.

James M. Malin, the board's vice chairman and Dukes County representative, said these fare hikes will work for the upcoming season, but will need to be changed to ensure equitable raises across the board should the Authority need more hikes.

"At some point, it becomes unsustainable, or you're simply going to have everything subsidized by trucks," Mr. Malin said, referring also to the lack of excursion fare changes.

The excursion fare is one that applies to passengers coming from the Vineyard and returning within the month. These fare prices seek to benefit island residents.

The board also approved the budget for next year, which needed the rate hikes to counteract what would otherwise have been millions in losses. These increased expenses come largely from new hire and salary increases, which total more than \$7.8 million in new spending.

Collaborative Selects New Director

On Thursday, the Cape Cod Collaborative Board of Directors announced that Hope Hanson, assistant superintendent of Mashpee Public School since 2017, has accepted the position of executive director. She will begin her new role on January 1.

The collaborative is an educational organization providing instructional and support services to the students, parents and public school staff of 19 member districts.

Mr. Hanson previously served as assistant superintendent and director of special education in West Bridgewater, a principal and

program coordinator at North River Collaborative, and a special education teacher in Brookline.

She earned an undergraduate degree from the College of Holy Cross, a master's degree from Dowling College, a CAS from Bridgewater State University, and a doctorate in education from Northeastern University.

She received the President's Award from the Massachusetts Association of School Superintendents in May and the Assistant Superintendent Leadership Award in July.

She succeeds Paul Hillon, who is retiring after serving for 14 years.

Town of Falmouth Town Committee Vacancies

The Falmouth Select Board announces the following vacancies on a town committee:

Conservation Commission

2 full-member positions and 3 alternate member positions are now available

Applications are available on the town website at <https://www.falmouthma.gov/6477/town-committee-commission-and-board> or may be picked up in the Office of the Town Manager and Select Board, Town Hall, 59 Town Hall Square.

Publication date: Friday, November 22, 2024 and Friday, November 29, 2024; Falmouth Enterprise.

Open Meeting Law Complaint Filed Against School District

By KATIE NELSON
Falmouth parent Michael J. McCarthy has filed a complaint with the town clerk's office and the school committee alleging that the school district violated the Open Meeting Law when forming the building needs committee.

The building needs committee, which is now called the building needs task force, is charged with advising the school committee and Superintendent Lori S. Duerr on the community's path forward for the Navigating the Future Together proposals, which seek to reconfigure several Falmouth schools.

The five proposals range in purpose from creating a unified, salary free early learning center

at Teaticket Elementary School and merging students from East Falmouth and Teaticket into East Falmouth Elementary at closing Morse Pond as a school entirely.

Mr. McCarthy's complaint alleges that the building needs committee was formed in violation of Open Meeting Law because there is no record of a vote by the school committee to form a building needs committee or to approve its members.

Also, he said that since several members on the building needs committee are related to district employees or are employed themselves by the district, Mr. McCarthy said the committee has a limited perspective when it really

needs to represent the entire community.

He also noted that the group has not posted agendas or minutes to the town website, but it has provided a meeting schedule and locations. School committee member and school building needs committee liaison Susan Augustus has said minutes from the group's meetings during school committee meetings.

In his complaint, Mr. McCarthy hopes that the building needs committee be dissolved in favor of a new "enrollment analysis" committee. This new committee would be directed by the school committee and would be composed of new members, "to ensure an open-minded approach

to discussions"

The complaint was filed on November 11.

State law states that the committee has 14 business days to review the complaint and respond. That response must be sent to Mr. McCarthy and to the state Attorney General's Office. If Mr. McCarthy is unsatisfied with the school committee's response, he is able to file the complaint again after 30 days with the Massachusetts Division of Open Government.

The school committee held an executive session during its brief meeting Monday night, to discuss the complaint.

The chairman of the school committee would not comment after the meeting.

Municipal Legal Notices

PUBLIC HEARING NOTICE

Notice is hereby given that on September 23, 2024, Robert O. Sargent, 15 Jamie Lane, East Falmouth, MA, applied pursuant to M.G.L. c. 130 §57 - §50 for the transfer of a shellfish aquaculture license #A17-01 from Glen Chamberlain. The location, area and description of the site of this shellfish grant are as follows:

A1: 1-acre parcel roughly 41ft from the shore and 110 from the nearest navigation channel, within the Town's waters of Starbuck Sound, with the following geographic coordinates describing the corner boundaries of the project: N41°33'03" W70°32'76" N41°33'04" W70°32'76" N41°33'05" W70°32'76" N41°33'04" W70°32'76"

The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 §57 on said application for shellfish grant transfer on Monday, December 2, 2024 at 6:45 pm, in the Select Board Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.

Accept of the aquaculture license application is on file at the Office of the Select Board.

LICENSING BOARD

Nancy Robbins Taylor, Chair
Edwin P. Zyzanski II, Vice Chair
Douglas C. Brown
Robert P. Mascali
Heather M.H. Goldstone

November 22, 2024

TOWN OF FALMOUTH PLANNING BOARD PUBLIC MEETING NOTICE

Applicant: JJEC Development LLC

Location: 4 Sandwich Rd
Map# 34 02 0226 001A

PROPOSAL: Site Plan Review application to construct eleven (11) two-bedroom apartments in three (3) one-story structures at the above-referenced property.

DATE & TIME: Tuesday, December 10, 2024 at 6:30pm

PLACE: Falmouth Town Hall
59 Town Hall Sq
Falmouth, MA 02540

Documents may be viewed online at: <https://www.falmouthma.gov/1327/Applications-Currently-Under-Review>

By Order of the Planning Board

Paul Dreyer
Chair/Secretary

November 22, 2024

TOWN OF FALMOUTH PLANNING BOARD PUBLIC MEETING NOTICE

Applicant: Lawrence Lynch Realty Corp

Location: 459 Blacksmith Shop Rd
Map# 22 02 093 000

PROPOSAL: Site Plan Review application to construct a solar photovoltaic (PV) carport canopy system over a gravel parking area at 459 Blacksmith Shop Rd. This application is seeking to modify the Planning Board's Site Plan Review approval from 2018 to construct a 7,330.5 sq ft large scale ground mounted solar photovoltaic (PV) and energy storage system at Blacksmith Shop Road and 0 Locustfield Road.

DATE & TIME: Tuesday, December 10, 2024 at 6:30pm

PLACE: Falmouth Town Hall
59 Town Hall Sq
Falmouth, MA 02540

Documents may be viewed online at: <https://www.falmouthma.gov/1327/Applications-Currently-Under-Review>

By Order of the Planning Board

Paul Dreyer
Chair/Secretary

November 22, 2024

THE FALMOUTH CONSERVATION COMMISSION WILL HOLD A PUBLIC HEARING UNDER SECTION 40, CHAPTER 131 OF THE GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS WETLANDS PROTECTION ACT AND/OR THE TOWN

of Falmouth Wetlands Protection Bylaw on Wednesday, December 11, 2024 at 7:00 PM.

In accordance with Section 40, Chapter 2 of the Acts of 2023, relating to the 2020 revised Conservation outdoor, the December 4, 2024, public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group photo opportunities.

Alternative public access to this meeting shall be provided in the following manner:
1. The meeting will be held via Zoom Virtual Meeting.
2. Real-time public comment can be addressed to the Conservation Commission using the Zoom virtual meeting software for remote access. This application will allow users to view and participate in the meeting. Text comments submitted with the Chat function will be read into the record at the appropriate point in the meeting.
3. Zoom Login Instructions:
1. Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthma.gov/Conservation>

2. Please plan on 10-15 minutes of preparation time to log in through it may be less if you have already used Zoom on your computer. You will use to access this meeting.
3. Additionally, public comments may be sent in advance of the meeting to concerning parties who prefer to do so at the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be read into the record, summarized, or displayed during the meeting at the discretion of the chair.
4. Attendees, presenters, and individuals with enforcement matters before the Conservation Commission shall appear remotely. Applicants, their representatives, and individuals with enforcement matters before the Conservation Commission may contact the Conservation Department to arrange an alternative means of real-time and remote access to the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to concerning parties who prefer to do so at the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be read into the record, summarized, or displayed during the meeting at the discretion of the chair.

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Sarah Rebo, Dendrich Reber Family Trust, 13 Cridale Lane, Falmouth, MA - For permission to raise an existing single-family dwelling and construct a new single-family dwelling, including the existing sewage disposal system, conduct invasive species removal and restoration, and install mitigation plantings.

Clayton Jones, 100 Garnet Avenue, Falmouth, MA - For permission to round out a deck, install a pool with patio, construct a front entry, and shed, reconfigure the front porch, and install mitigation plantings.

99 Meadow Neck LLC, 99 Meadow Neck Road, Falmouth, MA - For permission to raise an existing single-family dwelling and construct a new single-family dwelling with attached garage and deck, upgrade the existing sewage disposal system, and install drywells and mitigation plantings.

Margaret Straloch, Trustee, Straloch Family 2014 Irrevocable Trust, 155 Westwood Road, Falmouth, MA - For permission to raise an existing single-family dwelling and construct a new single-family dwelling with attached garage, deck, and pool; install a pool with patio and retaining wall, upgrade the existing sewage disposal system, repair part of the damaged driveway, and install mitigation and restoration plantings.

Dan Solan, 95 Alameda Road, Falmouth, MA - Request to amend the Order of Conditions for MA DEP# 25-4558 to replace the previously submitted kayak launch with a launch port.

Patrick Burke, Trustee, Church Street Trust, 158 Church Street, Falmouth, MA - Unpermitted removal of vegetation with the buffer to a coastal bank.

John Cook, Trustee, John C. Cook 2099 Trust, 170 Church Street, Falmouth, MA - Unpermitted removal of vegetation with the buffer to a coastal bank.

By Order of Jamie Mathews, Chairman
Falmouth Conservation Commission

November 22, 2024

PUBLIC HEARING NOTICE

Notice is hereby given that on November 5, 2024, David Ryan, President of Cape Cod Oyster Company, located at 179 Old Falmouth Road, Marston Mills, MA, applied pursuant to M.G.L. c. 130 §57 - §50 for the transfer of shellfish aquaculture license #A15-06 from Ty Paine to Cape Cod Oyster Company. The location, area and description of the site of this shellfish grant are as follows:

1. A 1-acre aquaculture site measuring 20' x 8' and bordered to a dock in Margaret Harbor, with the following geographic coordinates describing the corner boundaries: 41°38'32"N, 70°37'16"W, 41°38'39"N, 70°37'16"W.

2. A 2-acre parcel 600' offshore, north of Falmouth Harbor, with the following geographic coordinates describing the corner boundaries: NW 70°38'01"W, 41°38'16"N, NE 70°37'54"W, 41°38'16"N, SW 70°38'01"W, 41°38'16"N, SE 70°37'54"W, 41°38'16"N.

The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 §57 on said application for shellfish grant transfer on Monday, December 2, 2024 at 6:45 pm, in the Select Board Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.

Accept of the aquaculture license application is on file at the Office of the Select Board.

LICENSING BOARD

Nancy Robbins Taylor, Chair
Edwin P. Zyzanski II, Vice Chair
Douglas C. Brown
Robert P. Mascali
Heather M.H. Goldstone

November 22, 2024

PUBLIC HEARING NOTICE

Notice is hereby given that on November 5, 2024, David Ryan, President of Cape Cod Oyster Company, located at 179 Old

Falmouth Road, Marston Mills, MA, applied pursuant to M.G.L. c. 130 §57 - §50 for the transfer of shellfish aquaculture license #A17-02 from Paul Miller to Cape Cod Oyster Company. The location, area and description of the site of this shellfish grant are as follows:

A 3-acre parcel with a depth of 16'-18' roughly 600' from the shore west/northwest of Fishers Cove and northeast of Nye's Neck within the Town's waters of Buzzards Bay, with the following geographic coordinates describing the corner boundaries of the project: 41°38'37"N 70°38'30"W 41°38'37"N 70°38'22"W 41°38'37"N 70°38'22"W 41°38'37"N 70°38'30"W

The Falmouth Select Board will hold a public hearing under M.G.L. c. 130 §57 on said application for shellfish grant transfer on Monday, December 2, 2024 at 6:45 pm, in the Select Board Meeting Room, Town Hall, located at 59 Town Hall Square, Falmouth, MA.

Accept of the aquaculture license application is on file at the Office of the Select Board.

LICENSING BOARD

Nancy Robbins Taylor, Chair
Edwin P. Zyzanski II, Vice Chair
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Robert P. Mascali
Heather M.H. Goldstone

November 22, 2024

Falmouth Zoning Board of Appeals Notice of Public Hearing for December 12, 2024

Notice is hereby given of the following Public Hearings to be held on December 12, 2024 at 7:00 AM in the Select Board Meeting Room, Town Hall, Falmouth, MA on Thursday, December 12, 2024

Conditional Use #077-24 Pagnini / Lemmers, 30 Foster Road, East Falmouth.

Application # 104-24 Lot 46-41 North LLC Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 24D-10.2A and 24D-8.5B of the Code of Falmouth to construct additions to the existing, nonconforming dwelling a gate and a detached 2-car garage with habitable space above. The subject properties are 78 (Lot 46) and 80 (Lot 41) Oakwood Avenue and 29 Oakwood Avenue, Falmouth, MA.

Application # 105-24 22 Farris, LLC Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 24D-12.1 of the Code of Falmouth to raise an existing special permit #2D-80 for excavation and restoration and to allow the continued use of processing and storage of material. The subject properties are 78 (Lot 693) and 165 Thomas B. Landers Road, Hattisville, MA.

Files are available in the Board of Appeals Office at Town Hall for review by interested parties.

November 15, 2024
November 22, 2024

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 24D-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, December 2, 2024 at 6:45 pm, in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square in Falmouth, MA. The subject application is for a special permit pursuant to section(s) 24D-12.1 of the Code of Falmouth to raise an existing special permit #2D-80 for excavation and restoration and to allow the continued use of processing and storage of material. The subject properties are 78 (Lot 693) and 165 Thomas B. Landers Road, Hattisville, MA.

Files are available in the Board of Appeals Office at Town Hall for review by interested parties.

November 15, 2024
November 22, 2024

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 24D-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, December 2, 2024 at 6:45 pm, in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square in Falmouth, MA. The subject application is for a special permit pursuant to section(s) 24D-12.1 of the Code of Falmouth to raise an existing special permit #2D-80 for excavation and restoration and to allow the continued use of processing and storage of material. The subject properties are 78 (Lot 693) and 165 Thomas B. Landers Road, Hattisville, MA.

Files are available in the Board of Appeals Office at Town Hall for review by interested parties.

November 15, 2024
November 22, 2024

OPEN SESSION

BUSINESS

1. Report – Community Preservation Committee **(15 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 1.

ITEM TITLE: Report- Community Preservation Committee

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: PowerPoint Presentation

PURPOSE:

The Community Preservation Committee will present its annual report to the Select Board.

BACKGROUND/SUMMARY:

- In the spring of 2005, Falmouth adopted the Community Preservation Act, M.G.L. Ch. 44B, establishing a special fund of monies, the Community Preservation Fund, to be appropriated and spent for certain open space, historic resources, and affordable housing purposes.
- In 2012, recreation was included in this list of categories of allowable expenditures.
- In accordance with the statute, the Falmouth Community Preservation Committee (CPC) was formed for the purpose of considering projects and making recommendations to Town Meeting for appropriations from the Community Preservation Fund.

- The CPC meets regularly, primarily to review applications for projects in the four funding areas, but also to conduct other necessary business as part of its function as steward of the Falmouth Community Preservation Fund.

DEPARTMENT RECOMMENDATION:

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

OPTIONS:

N/A

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

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
|------|-------|----------|--------|---------|-----------|-----------|
| | | | | | | |

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

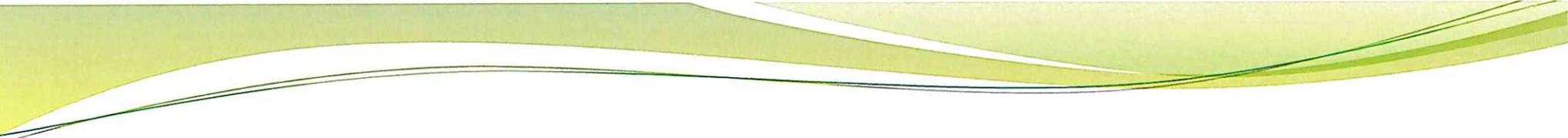
This report is being provided for informational purposes only; no formal action is requested.

Michael Renshaw

Town Manager

11/25/2024

Date



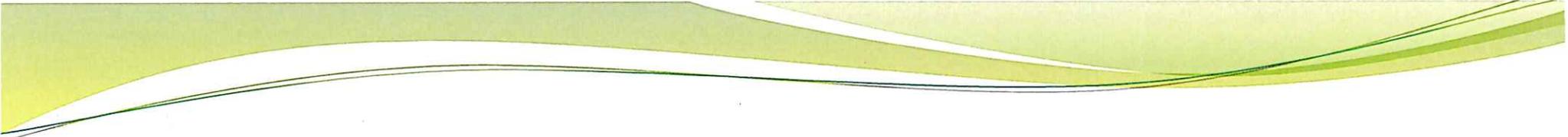
CPC Report to Select Board

FALMOUTH
CPFund

Preserving Our Community

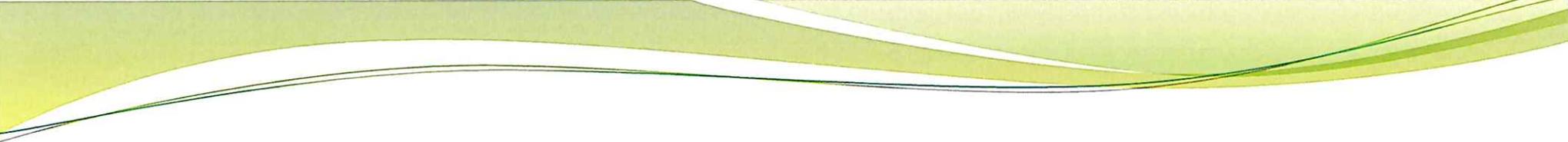
December 2, 2024





Current CPC Members

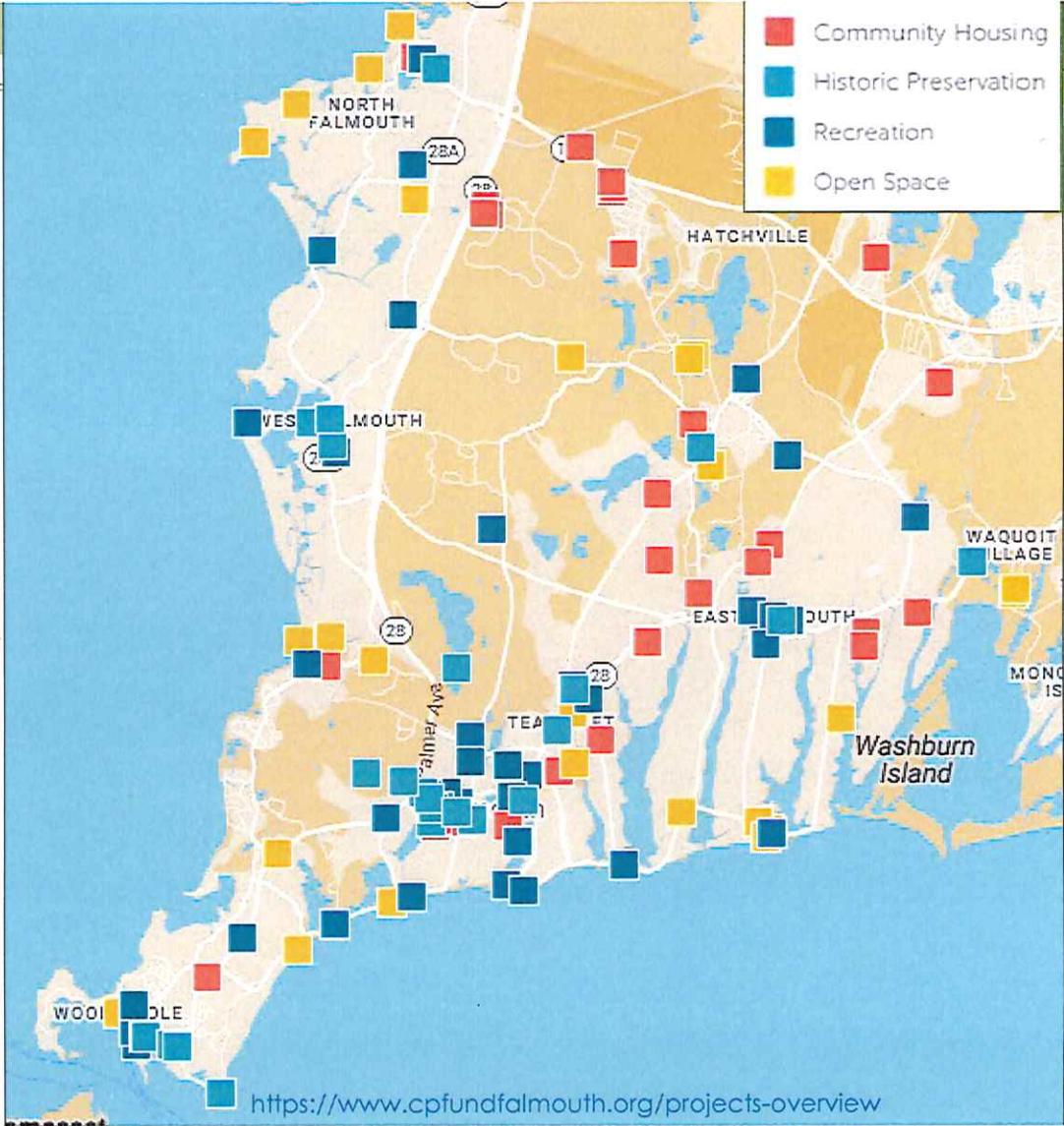
- Sandra Cuny, Chair (At Large)
- Robert Brown, Vice Chair (Recreation Committee Rep.)
- Stephen Patton, Clerk (Housing Authority Rep.)
- Thomas Crane, Financial Officer (At Large)
- Michael Stone (At Large)
- Ralph Herbst (At Large)
- Elizabeth Gladfelter (Conservation Commission Rep.)
- Tamsen George (Historical Commission Rep.)
- Vacancy (Planning Board Rep.)



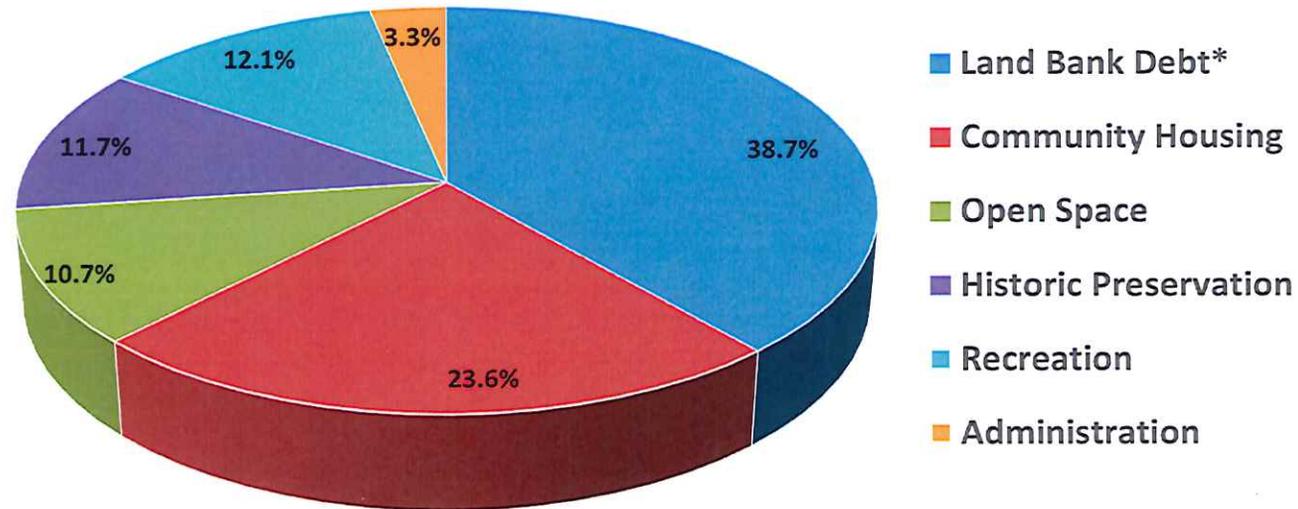
Falmouth CP Fund Revenues FY2005-FY2025

| | LOCAL SURCHARGE | CPA TRUST FUND DISTRIBUTION | CPA TRUST FUND PERCENTAGE | TOTAL REVENUE (Local Surcharge + Trust Fund) |
|--------------|----------------------------|--|--|---|
| TOTAL | \$52,685,074 | \$19,795,484 | 37.57% | \$72,480,558 |

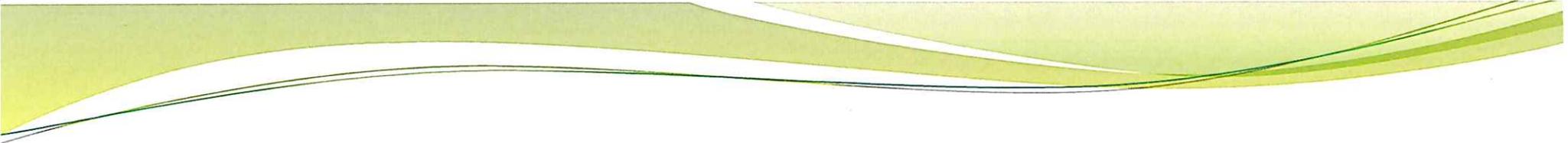
CP Fund Accomplishments



Use of CPA Funds FY2006 – FY2025



*The Land Bank Debt refers to debt encumbered for the purpose of acquiring land and interests in land for the protection of public drinking water supplies, open space, and conservation land, the creation of walking and bicycling trails, and the creation of recreational areas. In 2005, the Land Bank Fund was replaced by the CPA which assumed responsibility for retiring the Land Bank Debt.



Use of CPA Funds by Category FY2006 – FY2025

| CATEGORY | TOTAL FUNDS | PERCENTAGE OF TOTAL |
|-----------------------|--------------------|----------------------------|
| Land Bank | \$28,903,655 | 38.7% |
| Community Housing | \$17,606,370 | 23.6% |
| Recreation | \$9,027,748 | 12.1% |
| Historic Preservation | \$8,704,842 | 11.7% |
| Open Space | \$7,953,975 | 10.7% |
| Administration | \$2,428,046 | 3.3% |

April 2024 CP Fund Projects

- North Falmouth Woodlands - \$3,000,000
- Old Skate Park Rehabilitation - \$500,000

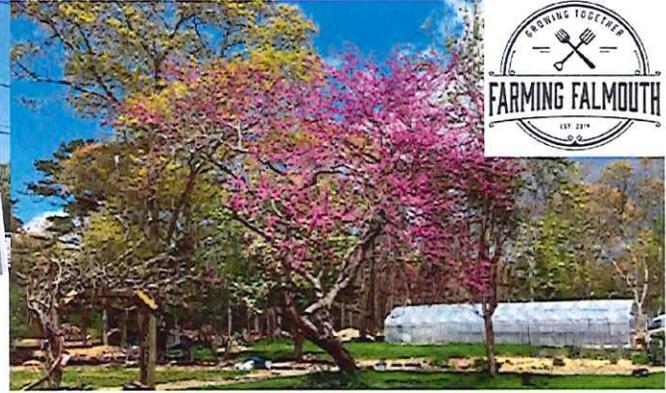
Other CP Fund Uses

- Falmouth Affordable Housing Fund - \$2,000,000
- CPC Admin - \$139,700

November 2024 CP Fund Projects

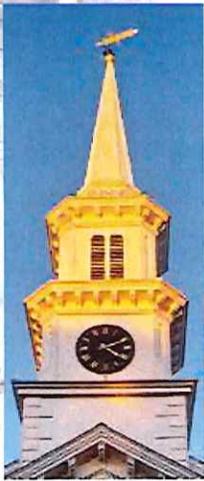
- Bell Tower Tennis Courts - \$82,000
- Community Play Space - \$24,500
- Falmouth Station HVAC - \$32,460
- Highfield Hall Exterior Rehab - \$415,500
- Shiverick's Pond Public Access Improvements - \$103,000





April 2025 CP Fund Projects

- John Neill FYB Fields Phase II - \$2,000,000
- Falmouth Community Play Space - \$50,000
- YMCA Outdoor Community Recreation Spaces - \$787,000*
- Bikeway Access to/from Church Street - \$218,845
- Mullen Hall School Playground Renovation - \$250,000
- The Patch at Falmouth – Farm Retention Project - \$320,000
- Long Pond Watershed Protection Project - \$323,750
- Old Burying Ground Assessment/Phase I Conservation - \$35,400
- Lawrence Academy Rehabilitation - \$498,490
- North Falmouth Village Junction Exterior Rehabilitation - \$450,555
- First Congregational Church of Falmouth Steeple Rehab Design - \$45,000



April 2025 CP Fund Projects

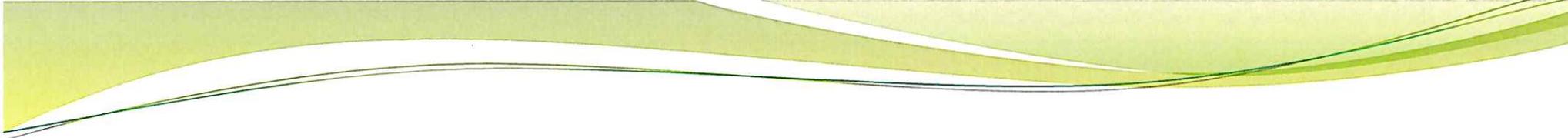
- Penikese Island School HSR & New Windows - \$160,846
- Dr. Francis Wicks House Rehab Phase III - \$107,340
- College Light Opera Company Inn Window Rehab Project - \$150,000
- FORWARD at the Rock Phase II - \$100,000



Other CP Fund Uses

- Falmouth Affordable Housing Fund - \$1,500,000
- CPC Admin - \$139,700





Funding Rounds

- Next Funding Round Application Deadlines Announced in January 2025
- Time-Urgent Projects* for November Town Meeting
 - Deadline in mid-April
 - * Time-Urgent Criteria:
 1. Risk of significant loss of funding
 2. Risk to public safety or risk of damage to or loss of a Town asset
 3. Unforeseen necessity, uncovered during implementation of a previously funded project, or expansion of the project's scope of work
- All Other Projects for April Town Meeting
 - Deadline in mid-August

The Preservation and Rehabilitation of Nobska Tower & Keeper's House Made Possible by the People of Falmouth through the Community Preservation Fund.

Nobska



Lighthouse
& Maritime Museum
FriendsOfNobska.org

Thank You!

FALMOUTH CPFund

Preserving Our Community



OPEN SESSION

BUSINESS

2. Discuss and consider Falmouth Country Club golf course lease extension **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 2.

ITEM TITLE: Discuss and consider the approval of Falmouth Country Club golf course lease extension

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Peter Johnson-Staub, Assistant Town Manager

ATTACHMENTS: Troon Lease Extension Proposal

PURPOSE:

The Select Board is asked to consider a proposal to extend the existing lease of the Falmouth Country Club to the current operator Troon/Indigo Sports by one year.

BACKGROUND/SUMMARY:

- No responses were received from golf course management companies in response to the request for proposals (RFP) issued with an initial submission deadline of November 4, 2024.
- We received feedback from two interested firms that the reason they did not submit a proposal is that the minimum financial requirements did not allow the firms to earn a sufficient profit.
- The current lease expires at the end of calendar year 2024. The request for proposals issued in 2014 under which this lease was awarded allowed for proposals of up to 15 years, including renewal terms. The lease awarded was for 5 years with

one 5-year extension. It is not known why the Town and operator chose not to enter a 15-year lease when the initial lease was negotiated.

- Town Counsel has advised that the existing lease can be extended with the current operator for one year with some amendments to the financial provisions given present circumstances.
- Staff propose to negotiate a one-year extension of the existing lease with Troon/Indigo Sports and issue a new RFP, with a 25-year term, beginning January 1, 2026.
- The Town has received a proposal for a one-year extension from Troon/Indigo Sports which meets the Town's revenue requirements for covering debt service with an anticipated surplus for capital investment.
- The Troon proposal is outlined in the attached document titled: 'Falmouth Extension Terms'. Based on revenue estimates submitted by Troon, the Town would receive \$773,376 under the terms of the proposed lease extension. For reference, the debt service for FY2026 is \$617,084.
- Staff propose to negotiate some changes to the tax and capital contribution provisions of the lease extension proposed by the current operator and seek Select Board input on same.
 - Staff recommend the proposed \$25,000 payment in lieu of taxes be replaced with payment of full real estate and personal property taxes for the assessed value of the leased premises per general law. The estimated tax would be over \$52,000.
 - Staff seek to eliminate the Town contribution of \$50,000 for capital equipment in light of the fact that \$195,000 has been approved by Town Meeting for replacement of a gasoline storage tank and purchase of a pesticide storage container.
- Troon/Indigo Sports expressed interest in a 5-year lease extension, but it is apparent they would require amendments to the financial provisions of the lease similar to what they proposed for the one-year lease extension.
- Staff do not recommend a 5-year extension with new financial provisions absent a competitive RFP process for several reasons:
 - A 5-year extension with new financial terms would not meet the spirit of state procurement law and may not represent the best value for the Town.

- A 5-year lease is not long enough for Troon to pay for capital improvements and secure a return on investment during the term of its lease.
 - The Town has limited staff capacity to oversee capital projects in light of the scope of the \$740+ million in needs identified on the 10-year capital improvement plan. For this reason, it is not in the Town's interest to oversee capital improvements at the golf course.
- The only alternative to negotiating an extension of the existing lease would require closing the Falmouth Country Club for several months or more.
 - The submission deadline for the existing RFP was extended to December 20, 2024. An addendum to the RFP could be issued with changes to the minimum financial requirements that are more attractive to potential bidders. It is estimated that the time required to: amend the RFP; allow time for firms to respond; evaluate responses; negotiate a lease; and have the operator assemble personnel and equipment; would take a minimum of 4 months and likely more.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends the Board consider authorizing a one-year lease extension with some adjustments to the terms proposed by the current operator. A Select Board vote will be requested at the December 16th meeting.

OPTIONS:

- Motion to negotiate a one-year lease extension to be voted by the Select Board December 16, 2024, and issue a new RFP in the first half of 2025.
- Motion to close the Falmouth Country Club effective January 1, 2025, and issue a revised RFP to secure a new lease with a start date sometime after April 1, 2025.
- Board defined alternative.

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

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
|------|-------|----------|--------|---------|-----------|-----------|
| | | | | | | |

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends the Select Board consider authorizing a one-year lease extension with some adjustments to the terms proposed by the current operator. A Select Board vote will be requested at the December 16th meeting.

Michael Renshaw

Town Manager

11/27/2024

Date

Submitted 11/26/2024 by Alex Elmore, Troon

FALMOUTH EXTENSION TERMS

Troon shall continue to provide complete turn-key management including, golf operations, F&B operations, golf course and facility maintenance, marketing and promotion, general and administrative functions, operating budgeting, employee hiring and training, capital project recommendations/execution, and financial management and reporting for Falmouth Country Club ("Falmouth"). All employees will remain employees of Troon. Troon shall pay the Landlord a Base Rent and a Revenues Share (based upon percentages of Golf, F&B / Shop Revenues over defined thresholds).

RENEWAL TERM (Article 3)

One (1) Full Fiscal Year, beginning January 1, 2025, and terminating December 31, 2025.

GOLF CARTS (Article 7, Specifications B)

Troon entered a five-year golf cart lease which expires on December 31, 2024, co-terminus with the current lease term. Troon shall enter a new five-year golf cart lease effective no later than March 1, 2025. If for any reason, Troon is not awarded and under contract with the Landlord for the continued Lease and Operation of Falmouth past December 31, 2025 and at a minimum, through December 31, 2029, Landlord shall assume the golf cart lease or buy out the remaining payments on the golf cart lease in a manner acceptable to the golf cart lessor no later than December 31, 2025 and Troon shall have no further obligations for the leased golf carts.

BASE RENT / FOOD & BEVERAGE / SHOP RENT (Article 18A)

Troon will pay the Landlord an Annual Base Fee of \$400,000 inclusive of Base Rent, Pro Shop Rent and Food & Beverage Rent. The payment schedule shall remain unchanged from previous Agreement and Amendments.

REVENUE SHARE (Article 18B)

Troon shall pay to the Landlord a Revenue Share calculated on Golf Revenues, and a separate Revenue Share calculated on Food/Beverage and Shop Revenues, combined, (as defined below) equal to a defined percentage that exceed set Annual Thresholds for the 2025 Calendar Year Revenues as described below:

- **Golf Revenues** – 35% of Gross Golf Revenue that exceeds a First Annual Threshold of \$2,000,000 but are less than or equal to \$2,249,999 and 50% of Gross Golf Revenue that exceed a Second Annual Threshold of \$2,500,000. "Gross Golf Revenue" shall mean gross receipts from green fees, cart fees, range fees, activity cards, membership fees, rental clubs and handicap fees for calendar year 2025. The Revenue Share on Golf Revenues shall be paid on March 1, 2026.
- **Food & Beverage / Shop Revenues** – 10% of Gross Food & Beverage / Shop Revenue (combined) that exceeds an Annual Threshold of \$200,000. "Food & Beverage / Shop Revenue"

means revenue generated from food & beverage retail sales to include room rental fees, food sales, beverage and alcohol sales, and revenue generated from pro shop sales, less rental clubs and handicap fees. The Revenue Share on Food & Beverage / Shop Revenues shall be paid on March 1, 2026.

- **Instruction** - There will be no percentage rent paid on golf instruction, camps or lessons.

MAINTENANCE EQUIPMENT (Article 19C)

Landlord shall provide \$50,000 for Maintenance Equipment prior to May 1, 2025.

TAXES (Article 23)

Troon shall pay Landlord \$25,000 in lieu of taxes prior to May 1, 2025, and Language regarding Taxes shall remain unchanged.

OPEN SESSION

BUSINESS

3. Consider approval of an application for a Second-Hand Dealer's License – Flying Bridge Marina, LLC, 250 Scranton Avenue, Falmouth **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 3.

ITEM TITLE: Consider approval of an application for a Second-Hand Dealer License- Flying Bridge Marina, LLC, 250 Scranton Avenue, Falmouth

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form; Application for Second-Hand Dealer License dated November 5, 2024; Lease; Business Entity Summary; Staff review email thread

PURPOSE:

The applicant, Mr. Mark Bogosian, listed as the owner of Flying Bridge Marina, LLC., is requesting that the Select Board approve an application for a Second-Hand Dealer's License for Flying Bridge Marina located at 250 Scranton Avenue, Falmouth.

BACKGROUND/SUMMARY:

- The applicant, Mark Bogosian, who is listed as the owner of Flying Bridge Marina, LLC, submitted the attached Second-Hand Dealer License application on November 5, 2024.
- The application lists the type of goods sold as motorboat vehicles.
- The Falmouth Police Department has reviewed the application and has no objection or concerns with the license approval.

- The Fire Rescue Department reviewed the application and had no objections.
- The Harbormaster has reviewed the application and has no issues or objections to its approval, however stated a reminder to the applicant to display valid registration.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the issuance of a Second-Hand Dealer License for Flying Bridge Marina, LLC, 250 Scranton Avenue, Falmouth, as presented.

OPTIONS:

- Motion to approve the issuance of a Second-Hand Dealer License for Flying Bridge Marina, LLC, 250 Scranton Avenue, Falmouth, as presented.
- Motion to deny approval of a Second-Hand Dealer License for Flying Bridge Marina, LLC, 250 Scranton Avenue, 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:

The Town Manager recommends that the Select Board approve the issuance of a Second-Hand Dealer License for Flying Bridge Marina, LLC, 250 Scranton Avenue, Falmouth, as presented.

Michael Renshaw

Town Manager

11/26/2024
Date

LICENSE APPLICATION REVIEW

Restaurant/Business: Flying Bridge Marina, LLC dba Flying Bridge Marina

Address: 250 Scranton Avenue, Falmouth

License Type: Second-Hand Dealer's License

New License _____

Transfer of License _____

Change of License _____

Police No concerns

Fire No objections

Harbormaster No issues, reminder to display valid registration

Health _____

Zoning _____

Planning _____

DPW _____

NOTES:

A Town background check is scheduled for December 5th at the Central Records Office.

The Harbormaster reminds the applicant that a current registration or valid dealer registration placard is required when vessels are on the water.



TOWN OF FALMOUTH
APPLICATION for SECOND HAND DEALER LICENSE

LICENSE TO SELL, TRADE OR BARTER JUNK, OLD METALS OR SECOND-HAND ARTICLES
 CODE OF FALMOUTH CH. 136

Required fields are outlined in RED

NAME OF OWNER: Mark Bogosian

HOME ADDRESS: 33 Waterside Avenue

TOWN: Falmouth STATE: MA ZIP CODE: 02540

BUSINESS NAME: Flying Bridge Marina LLC.

D/B/A - if any: Flying Bridge Marina

BUSINESS ADDRESS: 250 Scranton Avenue

TOWN: Falmouth STATE: MA ZIP CODE: 02540

MAILING ADDRESS (if different): 850 Main Street Falmouth MA 02540

MANAGER - if any: Mark Bogosian

FEDERAL ID #: [REDACTED]

EMAIL required: info@flyingbridgemarkine.com

TELEPHONE BUSINESS: [REDACTED]

HOME:

MOTOR VEHICLES -- list year, make and license number of each vehicle:

TYPE OF GOODS SOLD: motor Boat vehicles

TAX ATTESTATION: I certify under the penalties of perjury that the information provided in this application is true and that, to my best knowledge, I have filed all state tax returns and paid all state and local taxes as required under law. I understand that licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation:

11/5/2024
DATE

President
OWNER / MANAGER / AUTHORIZED AGENT

A Background Check for the Owner of the establishment must be performed annually at the Falmouth Police, Central Records Office within 10 days of submitting this application, call 774-255-4527 for hours & fee details.

Total License fee payable to Town of Falmouth: \$65.00

LEASE

1. PARTIES

Flying Bridge Restaurant Corp., a Massachusetts Corporation with a principal office located at 12 Washington Street, Wellesley, MA 02481 and William C. Roberts, Trustee of the Falco Nominee Trust, of 12 Washington Street, Wellesley, MA 02481, which expression shall include heirs, successors, and assigns where the context so admits (*collectively the "Landlord"*), does hereby lease to Flying Bridge Marina LLC, a Massachusetts Limited Liability Company having a principal office located at 367 Main Street, Falmouth, MA 02540 (*the "Tenant"*), which expression shall include successors, executors, administrators, and assigns where the context so admits.

The Landlord by this instrument ("*Lease*") hereby leases to Tenant the following described premises:

2. PREMISES

The Premises consist of the following parcels of real estate and the buildings and structures hereon:

Parcel One:

220 Scranton Avenue, Falmouth, Massachusetts, being the property shown as Lot 4 on a plan recorded at the Barnstable County Registry of Deeds in Plan Book 352, Page 50, being the premises conveyed in a deed recorded at said Registry in Book 8328, Page 135.

and

Parcel Two:

250 Scranton Avenue, Falmouth, Massachusetts, being the property shown as Lot 5 on a plan recorded at Barnstable Registry of Deeds in Plan Book 358, Page 25, and being a portion of the premises conveyed in a deed recorded at Said Registry in Book 8748, Page 177.

The Premises include the buildings, structures, and improvements now thereon and the existing appurtenant licenses as may now or hereinafter exist, and the fixtures belonging to the SELLER and used in connection therewith.



Secretary of the Commonwealth of Massachusetts
 William Francis Galvin

Business Entity Summary

ID Number: 001545565

[Request certificate](#)

[New search](#)

Summary for: FLYING BRIDGE MARINA LLC

| | | |
|--|------------------------|--|
| The exact name of the Domestic Limited Liability Company (LLC): FLYING BRIDGE MARINA LLC | | |
| Entity type: Domestic Limited Liability Company (LLC) | | |
| Identification Number: 001545565 | | |
| Date of Organization in Massachusetts: 11-22-2021 | | |
| Last date certain: | | |
| The location or address where the records are maintained (A PO box is not a valid location or address): | | |
| Address: 367 MAIN STREET City or town, State, Zip code, FALMOUTH, MA 02540 USA Country: | | |
| The name and address of the Resident Agent: | | |
| Name: MARK BOGOSIAN Address: 367 MAIN STREET City or town, State, Zip code, FALMOUTH, MA 02540 USA Country: | | |
| The name and business address of each Manager: | | |
| Title | Individual name | Address |
| MANAGER | MARK BOGOSIAN | 367 MAIN STREET FALMOUTH, MA 02540 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 | MARK BOGOSIAN | 367 MAIN STREET FALMOUTH, MA 02540 US | |
| 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 Incorporation | | | |
| <input type="button" value="View filings"/> | | | |
| Comments or notes associated with this business entity: | | | |
| | | | |

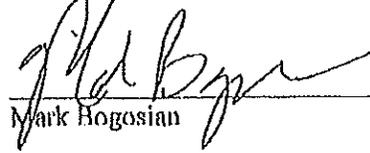
FLYING BRIDGE MARINA LLC
CERTIFICATE OF ORGANIZATION

Pursuant to the provisions of the Massachusetts Limited Liability Company Act (the "Act"), the undersigned hereby certifies as follows:

1. **Federal Employer Identification Number.** The Federal Employer Identification Number for the limited liability company organized hereby is _____.
2. **Name of the Limited Liability Company.** The name of the limited liability company formed hereby (the "LLC") is Flying Bridge Marina LLC
3. **Office of the Limited Liability Company.** The address of the office of the LLC in the Commonwealth required to be maintained by Section 5 of the Act is 367 Main Street, Falmouth, MA 02536.
4. **Business of the LLC.** The general character of the business of the LLC is to engage in investment in, leasing of, ownership and development of real estate and interests therein, including buying, acquiring, owning, operating, selling, financing, refinancing, leasing, renting, disposing of and otherwise dealing with interests in real estate, directly or indirectly through joint ventures, partnerships or other entities; and to engage in any activities directly or indirectly related or incidental thereto.
5. **Date of Dissolution.** The LLC is to have no specific date of dissolution.
6. **Agent for Services of Process.** The name and address of the resident agent for service of process for the LLC is Mark Bogosian, having a mailing address of 367 Main Street, Falmouth, MA 02540.
7. **Manager.** At the time of formation the LLC has one manager, whose name and address is as follows:

Mark Bogosian
367 Main Street
Falmouth, MA 02540
8. **Execution of Documents (Secretary of the Commonwealth).** Any manager of the LLC is authorized to execute on behalf of the LLC any documents to be filed with the Secretary of State of the Commonwealth of Massachusetts.
9. **Execution of Recordable Instruments.** Any manager of the LLC is authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property.

IN WITNESS WHEREOF, the undersigned hereby affirms under the penalties of perjury that the facts stated herein are true, this 22 day of November, 2022.



Mark Hogosian

Phyllis Downey

From: Brian Reid <brian.reid@falmouthpolicema.gov>
Sent: Tuesday, November 12, 2024 3:27 PM
To: Falmouth Licensing; Gregg Fraser; Craig O'Malley; Boyd Demello; Ryan Hergt; Jeff Lourie; Sean Doyle
Subject: Re: Second Hand Dealer License-Flying Bridge Marina

No concerns form Police.

Respectfully,



Brian L. Reid
Captain of Operations
Falmouth Police Department
774-255-4527 ext. 4502

From:

Falmouth Licensing <licensing@falmouthma.gov>
Sent: Wednesday, November 6, 2024 11:53 AM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>
Subject: Second Hand Dealer License-Flying Bridge Marina

Good morning all,

Attached please find the application by Flying Bridge Marina for a Second Hand Dealer License to be executed at 250 Scranton Avenue, Falmouth. Previously this business held a Class I Motor Vehicles License for the sale of used motor vehicles to allow for the sale of used motor boats.

However, the Town Manager and Town Counsel reviewed this practice and found that in Falmouth boats are regulated property under the Code of the Town of Falmouth, Ch. 136 Second Hand Dealers and Second Hand Collectors therefore requiring a Second Hand Dealer License, not a license to sell used motor vehicles, please see the bylaw attached. The purpose of the application is to license the existing business under the appropriate license type.

We have been advised that the owner Mark Bogosian has scheduled a fingerprint based background check on December 5th. May I please request your recommendations to the Select Board by Friday, November 22nd?

Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540
508-495-7325

Phyllis Downey

From: Boyd Demello <boyd.demello@falmouthfirema.gov>
Sent: Tuesday, November 12, 2024 4:05 PM
To: Falmouth Licensing; Brian Reid; Gregg Fraser; Craig O'Malley; Ryan Hergt; Jeff Lourie; Sean Doyle
Subject: RE: Second Hand Dealer License-Flying Bridge Marina

Fire Rescue has no objections

Boyd W. DeMello
Fire Prevention Inspector
Falmouth Fire Rescue Department
boyd.demello@falmouthfirema.gov
508-495-2534 - Office
774-836-2436 - Cell Phone

CONFIDENTIALITY NOTICE: This message is privileged and confidential for the addressee(s) named above. If you are not the intended recipient, you are prohibited from disseminating, using, or copying the contents and should notify the sender immediately that you received this message in error.

From: Falmouth Licensing <licensing@falmouthma.gov>
Sent: Wednesday, November 6, 2024 11:53
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>
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Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square

Phyllis Downey

From: Gregg Fraser
Sent: Wednesday, November 13, 2024 8:07 AM
To: Phyllis Downey
Subject: RE: Second Hand Dealer License-Flying Bridge Marina

Hello Phyllis,

I have no issues with this application. I would like to remind the applicant vessels for sale on the water must either be currently registered or documented or display a valid dealer registration placard while being operated.

Thank you,
Gregg

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Tuesday, November 12, 2024 4:30 PM
To: Gregg Fraser <gregg.fraser@falmouthma.gov>
Subject: FW: Second Hand Dealer License-Flying Bridge Marina

Hello Gregg,

The Select Board is likely to ask for MES's comments on this application. Did you want to provide a brief recommendation to the Board?

Thank you,
Phyllis

Phyllis Downey

508-495-7325

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

From: Falmouth Licensing
Sent: Tuesday, November 12, 2024 3:54 PM
To: 'Brian Reid' <brian.reid@falmouthpolicema.gov>
Subject: RE: Second Hand Dealer License-Flying Bridge Marina

Thank you!

Phyllis Downey

508-495-7325

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

From: Brian Reid <brian.reid@falmouthpolicema.gov>
Sent: Tuesday, November 12, 2024 3:27 PM

To: Falmouth Licensing <licensing@falmouthma.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>

Subject: Re: Second Hand Dealer License-Flying Bridge Marina

No concerns form Police.

Respectfully,



Brian L. Reid

Captain of Operations

Falmouth Police Department

774-255-4527 ext. 4502

From:

Falmouth Licensing <licensing@falmouthma.gov>

Sent: Wednesday, November 6, 2024 11:53 AM

To: Brian Reid <brian.reid@falmouthpolicema.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>

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Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540

OPEN SESSION

BUSINESS

4. Consider approval of an application for a Common Victualler License – Kravings Pizza & Ice Cream, LLC d/b/a Simply Divine Pizza Co., 271 Main Street, Falmouth **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 4.

ITEM TITLE: Consider the approval of an application for a Common Victualler license-
Kravings Pizza & Ice Cream, LLC d/b/a Simply Divine Pizza Co., 271 Main Street, Falmouth

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form; Common Victualler & Innholder License Application dated October 30, 2024; Menu; Copy of Lease (Article 1); Emails from staff reviewers; Floor Plan

PURPOSE:

The Select Board will consider the approval of an application for a Common Victualler license-
Kravings Pizza & Ice Cream, LLC d/b/a Simply Divine Pizza Co., 271 Main Street, Falmouth.

BACKGROUND/SUMMARY:

- The applicant and Managing Partner, Leah Lombardi, submitted a completed Common Victualler & Innholder License Application form on October 30, 2024.
- A closing on the sale of the property will be scheduled upon approval of this Common Victualler License, and a fully executed lease agreement will be made available.

- The applicant intends to apply for an All Alcoholic Beverages Restaurant License.
- A health inspection is currently pending.
- The Police Department and Fire Rescue Department have reviewed the application and have no objections to its approval.
- The Health Department has reviewed the application and has no issues or objections (pending the health inspection and permit).

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the application for a Common Victualler license- Kravings Pizza & Ice Cream, LLC d/b/a Simply Divine Pizza Co., 271 Main Street, Falmouth as presented.

OPTIONS:

- Motion to approve the application for a Common Victualler license- Kravings Pizza & Ice Cream, LLC d/b/a Simply Divine Pizza Co., 271 Main Street, Falmouth as presented.
- Motion to deny approval of the application for a Common Victualler license- Kravings Pizza & Ice Cream, LLC d/b/a Simply Divine Pizza Co., 271 Main Street, 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:

The Town Manager recommends that the Select Board approve the application for a Common Victualler license- Kravings Pizza & Ice Cream, LLC d/b/a Simply Divine Pizza Co., 271 Main Street, Falmouth as presented.

Michael Renshaw

11/25/2024

Town Manager

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: **Kravings Pizza & Ice Crean, LLC d/b/a Simply Divine**
 Pizza, Co.

Address: **271 Main Street**

License Type: _____

New License **Common Victualler License**

Transfer of License _____

Change of License _____

Police **No Objection**

Fire **No objection**

Building _____

Health **No issues pending completion of inspection**

Zoning _____

Planning _____

DPW _____

NOTES:

Upon approval of the Common Victualler License closing on sale of the business will be scheduled and a fully executed lease will become available.

The applicant will apply for an All Alcoholic Beverages Restaurant License soon.

The Common Victualler License will be issued upon completion of the anticipated transfer of the All Alcoholic Beverages Restaurant License to the applicant.



TOWN OF FALMOUTH

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

COMMON VICTUALLER & INNHOLDER LICENSE APPLICATION

CHECK THE APPROPRIATE LICENSE

- Common Victualler Annual License
 Innholder Seasonal License

Required fields are outlined in red:

NAME OF APPLICANT: **Leah Lombardi** TITLE: **Managing Partner**

HOME ADDRESS: **683 E 2nd Street**
Town: **South Boston** State: **MA** Zip code: **02127**

BUSINESS NAME: **KRAVINGS PIZZA & ICE CREAM LLC**

D/B/A if any: **Simply DiVine Pizza Co** *Simply Divine Pizza Co* *JK*

BUSINESS ADDRESS: **271 Main Street**
Town: **Falmouth** State: **MA** Zip code: **02540**

MAILING ADDRESS (if different):
Town: State: Zip code:

FEDERAL ID #: **[REDACTED]** MANAGER OF RECORD: **Leah Lombardi**

EMAIL -- required: **[REDACTED]**

TELEPHONE -- BUSINESS: **4015855207** ALTERNATE: **[REDACTED]**

DAYS OF OPERATION: **7 DAYS**

HOURS OF OPERATION: **SUN-THURS: 11AM-9PM FRI-SAT: 11AM -10PM**

SEATING CAPACITY :

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

**DATE:



Signature: OWNER or MANAGER of RECORD

APPLICATION REQUIREMENTS :

- Food Service Establishment Permit – Health Department
- Filing Fee \$10.00 due with application
- License Fee \$60.00 due upon issue
- Business Structure Documents:
 - a. Copy of Articles of Organization (*if corporation*)
 - b. Copy of LLC Agreement (*if limited liability company*)
 - c. Copy of Partnership Agreement (*if partnership*)
 - d. Copy of Certificate of Doing Business (*if sole proprietorship*)
- Copy of lease or deed
- Copy of special zoning permits, *if any*
- Copy of Floor Plan
- Copy of Menu
- Attend a hearing before the Board of Selectmen at a time and date designated

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease") is made and entered into as of the day of September, 2024, between SALINE HOLDINGS, LLC a Massachusetts Company, having a mailing address at P.O. Box 223, Falmouth, Massachusetts 02541 (the "Landlord") and Kravings Pizza and Ice Cream LLC having a principal address at 83 Silver Hill Road, Sudbury, MA 01776 (the "Tenant").

WITNESSETH:

ARTICLE I

Premises

Section 1.1 - Description. The Landlord hereby leases to the Tenant, and the Tenant hereby leases from the Landlord, upon and subject to the terms and provisions of this Lease, that property (which is hereinafter referred to as the "Leased Premises") consisting of: (a) that certain portion of the first floor of the building, containing approximately 2,890 square feet, located and being a portion of certain property owned by Landlord situated at 261-A Main Street, Falmouth, Massachusetts ("Property"), and (b) all fixtures, installations, equipment affixed to walls, ceiling, roofs and flooring, mechanical systems, and all connections which are located within or service the Leased Premises.

Section 1.2 - Appurtenant Rights. Tenant shall have, as appurtenant to the Leased Premises, the right to use in common with others, subject to such reasonable rules and regulations as may be from time to time promulgated by Landlord, the following: (a) the common roadways and approaches necessary for access to the Leased Premises; (b) the roadways and approaches to the Property; and (c) the parking facilities of the Property.

Section 1.3 - Exclusions and Reservations. Subject at all times to the terms and conditions set forth in Section 8.1 below, the Landlord reserves unto themselves, their successors and assigns, the use of the Leased Premises, together with the right to install, maintain, use, repair and replace utility services located on the Leased Premises for the benefit of the Leased Premises and/or the Property, and the right of access to and through the Leased Premises for the purpose of the operation, maintenance, and repair of same and the Property.

Section 1.4 - Alteration of Leased Property. Landlord reserves the right to change the size, location, and dimensions of the structures and improvements on the Property, the number and locations of future expansions areas, and areas reserved for future development, the number of floors in the building, store dimensions, identity and type of other stores and tenancies, and the common areas and common facilities of the Property, provided, however, that in exercising any rights reserved by Landlord, Landlord shall use commercially reasonable efforts to not such interfere with Tenant and the operation of its business.

The Commonwealth of Massachusetts, William Francis Galvin
Corporations Division

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

Certificate of Organization

(General Laws, Chapter 156C, Section 12)

Filing Fee: \$500.00

| | | |
|--|-----------|---------------------------|
| Identification Number: | 001812859 | (number will be assigned) |
| 1. The exact name of the limited liability company is: KRAVINGS PIZZA & ICE CREAM, LLC | | |
| 2. The address in the Commonwealth where the records will be maintained: Number and street: 83 SILVER HILL ROAD Address 2: City or town: SUDBURY State: MA Zip code: 01776 Country: UNITED STATES | | |
| 3. The general character of business (if the limited liability company is organized to render professional service, this form must be filed by fax, mail or in person): TO OWN, MANAGE, AND OPERATE A RESTAURANT; TO ENGAGE IN ANY ACTIVITIES DIRECTLY OR INDIRECTLY RELATED OR INCIDENTAL THERETO; AND TO ENGAGE IN ANY OTHER ACTIVITY IN WHICH A LIMITED LIABILITY COMPANY ORGANIZED UNDER THE LAWS OF THE COMMONWEALTH OF MASSACHUSETTS MAY LAWFULLY ENGAGE. | | |
| 4. The latest date of dissolution, if specified: (mm/dd/yyyy) | | |
| 5. The name and address of the Resident Agent: Agent name: JOSE CARLOS MAGALHAES Number and street: 83 SILVER HILL ROAD Address 2: City or town: SUDBURY State: MA Zip code: 01776 | | |
| I JOSE CARLOS MAGALHAES, resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12. | | |
| 6. The name and business address of each manager, if any: | | |
| Title | Name | Address |

| | | |
|---------|-----------------------|--|
| MANAGER | JOSE CARLOS MAGALHAES | 979 MAIN STREET UNIT 1-3 MILLIS, MA 02054 USA |
| MANAGER | LEAH LOMBARDI | 979 MAIN STREET UNIT 1-3 MILLIS, MA 02054 USA |

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

| Title | Name | Address |
|---------------|-----------------------|--|
| SOC SIGNATORY | JOSE CARLOS MAGALHAES | 979 MAIN STREET UNIT 1-3 MILLIS, MA 02054 USA |
| SOC SIGNATORY | LEAH LOMBARDI | 979 MAIN STREET UNIT 1-3 MILLIS, MA 02054 USA |

8. 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 | Name | Address |
|---------------|-----------------------|--|
| REAL PROPERTY | JOSE CARLOS MAGALHAES | 979 MAIN STREET UNIT 1-3 MILLIS, MA 02054 USA |
| REAL PROPERTY | LEAH LOMBARDI | 979 MAIN STREET UNIT 1-3 MILLIS, MA 02054 USA |

9. Additional matters:

10. This certificate is effective at the time and on the date approved by the Division, unless a later effective date not more than ninety (90) days from the date of filing is specified:

Later Effective Date (mm/dd/yyyy): 07/01/2024 Time (HH:MM) 12:00 PM

SIGNED UNDER THE PENALTIES OF PERJURY, this 21 Day of June, 2024,

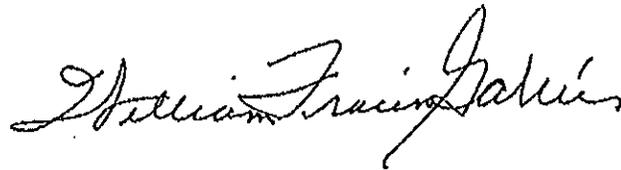
JOSE CARLOS MAGALHAES

, Signature of Authorized Signatory.

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:

June 21, 2024 02:48 PM

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



Complete prior to applying for:

- Common Victualler License
- Lodging House License
- Innholder License

CI application 247983
COU 249940

APPLICANT: Kravings Pizza & Ice Cream LLC dba Simply Divine Pizza Co

ADDRESS: 271 Main St., Falmouth, MA 02540

Leah Lombardi

LICENSE APPLIED FOR: Common Victualler

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

- a. For Common Victualler Licenses submit a Floor Plan completed by a Design Professional showing exits/entrances, distances, and all seats.
- b. For Lodging House Licenses submit a Floor Plan completed by a Design Professional showing exits/entrances, distances, and the occupancy load of each room.
- c. For Innholder Licenses submit a Floor Plan completed by a Design Professional showing exits/entrances, distances, each seat in the dining areas, and the occupancy load of each room.

NOTES: _____

Building Commissioner: _____

[Handwritten Signature]

DATE: 10-30-24



KEENAN + KENNY ARCHITECTS, LTD.

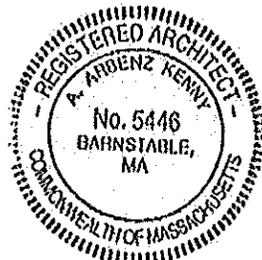
Simply Divine Occupancy Load Calculation: 03/14/2023

Based on the MA 780 CMR and referenced 2015 IBC and as per the attached EX1.1 Existing Floor Plan, the Occupancy Load for Simply Divine's Public seating Dining Area is calculated as follows:

1. Section 303.3: Restaurants are Use Group 'Assembly Group A-2'.
2. The Dining Area as shown on the attached Floor Plan A1.0 is a combination of tables and chairs, bar seats and fixed bench seating and outdoor seating.
3. As per Table 1004.1.2 of the 2015 IBC:
 - a. Assembly without fixed Seats – Unconcentrated (tables and chairs):
Occupant Load Factor (Floor area in square feet per occupant) is 15 net.
For the Inside Dining Area SF of 625.7 SF divided by 15 net SF/occupant equals 42 persons.
 - b. Assembly with fixed Seats – Section 1004.4:
For fixed seating without dividing arms, the occupant load shall be based on one person for each 18 inches of seating length.
The fixed seating is approx. 55 Lineal Feet total, divided by 18"/occupant equals 37 persons.
4. Total seating as per the numbers above equals:
 - a. Inside at tables: $42 + 37 = 79$
 - b. Inside at bar: 14
 - c. Outside seating: 9
 - d. Total seating: 102

Submitted by:

Antonia Kenny
 Antonia A. Kenny, R.A.



189 Main Street
 Falmouth, MA 02540
 508•540•0075 TEL
 office@kandkarchitects.com

Phyllis Downey

From: Brian Reid <brian.reid@falmouthpolicema.gov>
Sent: Friday, November 1, 2024 9:17 AM
To: Falmouth Licensing; Boyd Demello; Ryan Hergt; Sean Doyle; Jeff Lourie; Craig O'Malley; Gary Street; Falmouth Health Department
Cc: Paula Gerry; Pam Marshall; Jodie Zinna
Subject: Re: Common Victualler License-Simply Divine Pizza Co.

No objections from Police.

Respectfully,



Brian L. Reid
Captain of Operations
Falmouth Police Department
774-255-4527 ext. 4502

From:

Falmouth Licensing <licensing@falmouthma.gov>
Sent: Thursday, October 31, 2024 1:40 PM
To: Boyd Demello <boyd.demello@falmouthfirema.gov>; Falmouth Licensing <licensing@falmouthma.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Gary Street <gary.street@falmouthma.gov>; Falmouth Health Department <health@falmouthma.gov>
Cc: Paula Gerry <paula.gerry@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Jodie Zinna <jodie.zinna@falmouthma.gov>
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Thank you, Boyd!

Phyllis Downey

508-495-7325

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Subject: RE: Common Victualler License-Simply Divine Pizza Co.

Phyllis Downey

From: Morgan Cardoso
Sent: Thursday, October 31, 2024 12:40 PM
To: Falmouth Licensing
Cc: Scott McGann; Katie Pierias
Subject: RE: Common Victualler License-Simply Divine Pizza Co.

No issues from Health. We have received the application and pending issuing the permit until an inspection is done.



Morgan Cardoso
Health Inspector
(508) 495-7486 | morgan.cardoso@falmouthma.gov
Town of Falmouth Health Department
59 Town Hall Square, Falmouth, MA 02540

Please Note:

The Town of Falmouth Health Department has rolled out PermitEyes (online permitting system). Please see the links below to register, apply or for Public View.

Applicant Registration Page : <https://permiteyes.us/falmouth/userregistration.php>

Applicant Side Login Page : <https://permiteyes.us/falmouth/loginuser.php>

Public View Site (no login required): <https://permiteyes.us/falmouth/publicview.php>

From: Falmouth Licensing <licensing@falmouthma.gov>
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Subject: Common Victualler License-Simply Divine Pizza Co.

Good afternoon,

Attached please find an application for a new Common Victualler License by Kravings Pizza & Ice Cream, LLC d/b/a Simply Divine Pizza Co. located at 271 Main Street. The applicant intends to apply for a Transfer of an All Alcoholic Beverages Restaurant License soon.

The Building Commissioner has approved the floor plans for a Common Victualler License and the application. May we please request your recommendations to the Select Board by Friday, November 12th?

Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office

Phyllis Downey

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Cc: Paula Gerry; Pam Marshall; Jodie Zinna
Subject: RE: Common Victualler License-Simply Divine Pizza Co.

Fire Rescue has no objections

Boyd W. DeMello
Fire Prevention Inspector
Falmouth Fire Rescue Department
boyd.demello@falmouthfirema.gov
508-495-2534 - Office
774-836-2436 - Cell Phone

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From: Falmouth Licensing <licensing@falmouthma.gov>
Sent: Wednesday, October 30, 2024 15:44
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Gary Street <gary.street@falmouthma.gov>; Falmouth Health Department <health@falmouthma.gov>
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Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540
508-495-7325

STARTERS

WILD CAUGHT CRAB CAKES 17.45

2 Blue Swimming crab cakes served with tartar sauce on a bed of spring greens

SHRIMP COCKTAIL 11.95

6 chilled jumbo white shrimp served with spicy cocktail sauce

BACON WRAPPED SCALLOPS 14.75

4 wild-caught sea scallops wrapped in applewood-smoked bacon
Served with dijon-mayonaise sauce

SPINACH ARTICHOKE DIP 15.25

local favorite house-made
Served with warm seasoned pita bread

CHICKEN QUESADILLA 15.45

large flour tortilla stuffed with seasoned chicken and cheese.
Served with salsa and sour cream

SIMPLY DIVINE WINGS 16.95

chicken wings tossed in a house lemon-pepper parmesan sauce

Wings also available as:

Buffalo, BBQ, Jack Daniels®, Sweet & Spicy, Ginger Teriyaki

ANTIPASTI PLATE 15.95

FAMILY STYLE 20.95

salami, prosciutto wrapped goat cheese, spring mix, kalamata olives, roasted peppers, roasted eggplant, grape tomatoes, provolone cheese, balsamic drizzle

Warning: Kalamata Olives may contain pit fragments

HUMMUS SPREAD 12.45

house-made hummus, kalamata olives, shredded carrots, cucumber.

Served with pita bread

Warning: Kalamata Olives may contain pit fragments

SOUPS

CLASSIC NEW ENGLAND CLAM CHOWDER

CUP
7.45

BOWL
8.95



SOUP OF THE DAY

ask your server for today's selection!

Prices may vary

SALADS

BABY SPINACH & GORGONZOLA 17.99

scallions, tomatoes, roasted peppers, red onions, dried cranberries, kalamata olives, and finished with aged parmesan cheese

Served with balsamic vinaigrette

Warning: Kalamata Olives may contain pit fragments

GARDEN 13.99

cucumbers, tomatoes, red onions, pepperoncini, and carrots over spring mix

CAESAR 15.79

fresh crisp hearts of romaine tossed with garlic herb croutons and shredded parmesan cheese

SUMMER 17.99

sliced strawberries, feta cheese, and almonds over spring mix
Served with house-made poppy seed dressing

DRESSINGS

Balsamic Vinaigrette, Caesar, Blue Cheese, House-Made Poppy Seed, Greek, Buttermilk Ranch, Italian, Ginger Sesame Vinaigrette

Each additional dressing .99

ASIAN 18.49

roasted chicken, shredded carrots, sliced almonds, mandarin oranges, and wonton crisps over spring mix

Served with ginger sesame vinaigrette

COBB 18.49

roasted chicken, crumbled apple-wood smoked bacon, gorgonzola cheese, hard-boiled egg, tomatoes, cucumbers, and avocados over spring mix

CHEF 18.49

turkey, salami, ham, provolone cheese, tomatoes, cucumbers, and red onions over spring mix

GREEK 15.79

red onions, feta cheese, tomatoes, kalamata olives, and pepperoncini over spring mix

Warning: Kalamata Olives may contain pit fragments

ADD EXTRA

Roasted Chicken 5.45

Tuna Salad 5.75

Shrimp 7.49

Crab Cake 7.49

Before placing your order, please inform your server if a person in your party has a food allergy.

SIMPLY DIVINE PIZZAS

Our pizzas are Neapolitan Style cooked in a Stone-Fired Oven at 650° to lock in the flavor.
We use only all-natural ingredients, local seasonally sourced produce (when available) and field packed tomatoes.

CREATE YOUR OWN



16" **LARGE PIZZA 21.25**
Additional toppings 2.95

12" **SMALL PIZZA 15.95**
Additional toppings 2.35

 **SLICE 5.65**

 **GLUTEN-FREE***
Crust available

FRESH VEGGIES

Black Olives, Mushrooms, Broccoli, Jalapeños, Banana Peppers, Artichoke Hearts, Red Onions, Caramelized Onions, Fresh Pineapple (technically a fruit), Eggplant, Tomatoes, Fresh Spinach, Green Peppers, Roasted Red Peppers, Sun-Dried Tomatoes, Chipotle Tomatoes, Kalamata Olives, Sweet Potato

SAUCES

Our Signature Traditional Red Sauce, Pesto, Garlic Infused Oil, Buffalo, BBQ, Fig & Balsamic Jam, Pine Nut & Garlic, Ketchup-Mustard

CHEESES

Mozzarella, Asiago, Ricotta, Feta, Gorgonzola, Goat

MEATS

House-Made Maple Fennel Sausage, Meatball, Pepperoni, Prosciutto, Hamburger, Apple-Wood Smoked Bacon, Imported Ham, Chicken (Buffalo, BBQ, Roasted)

FROM THE SEA

Anchovies **Sm 2.35 | Lg 2.95**
Shrimp **Sm 6.39 | Lg 8.19**
Scallops **Sm 7.99 | Lg 9.89**

SIMPLY DIVINE FAVORITES

FIG & PROSCIUTTO **SM 23.79 | LG 29.99**

fig & balsamic jam, prosciutto, caramelized onions, mozzarella and gorgonzola cheese

SWEET POTATO & BACON **SM 24.99 | LG 31.99**

roasted sweet potato, caramelized onions, fresh baby spinach, mozzarella and gorgonzola cheese over a creamy pine nut & garlic spread, topped with apple-wood smoked bacon, and aged balsamic vinegar

CHICKEN PESTO **SM 23.99 | LG 30.49**

pesto base with mozzarella and asiago cheese, roasted chicken, tomatoes, and fire-roasted peppers

SCALLOP & BACON **SM 25.69 | LG 32.99**

crisp apple-wood smoked bacon with scallops, mozzarella cheese, and our signature tomato sauce

GREEK **SM 20.99 | LG 27.59**

spinach, feta cheese, mozzarella cheese, tomato, sliced kalamata olives, and garlic infused oil
Warning: Kalamata Olives may contain pit fragments

SHRIMP SCAMPI **SM 24.99 | LG 31.99**

shrimp and roasted green peppers in garlic infused oil, mozzarella and asiago cheese

MARGHERITA **SM 19.49 | LG 24.99**

our signature tomato sauce, fresh mozzarella cheese, topped with parmesan cheese and fresh chopped basil

THE SPECIAL **SM 25.69 | LG 32.39**

pepperoni, ham, maple fennel sausage, caramelized onions, mushrooms and black olives over mozzarella cheese, and our signature tomato sauce

MEAT LOVER **SM 25.49 | LG 31.99**

maple fennel sausage, pepperoni, ham, meatballs, mozzarella cheese, and our signature tomato sauce

MEDITERRANEAN **SM 23.99 | LG 29.99**

caramelized onions, mushrooms, baby spinach, black olives, tomatoes, oven fired eggplant, roasted green peppers, mozzarella cheese, and our signature tomato sauce

WHITE THREE CHEESE **SM 20.99 | LG 27.29**

garlic infused oil, mozzarella, ricotta, and asiago cheese

BUFFALO CHICKEN **SM 23.79 | LG 29.79**

buffalo chicken, red onion, mozzarella cheese, and finished with crumbled gorgonzola cheese

BBQ CHICKEN **SM 23.79 | LG 29.79**

bbq chicken, chipotle marinated tomatoes, mozzarella and parmesan cheese, topped with fresh scallions

CHEESEBURGER **SM 23.99 | LG 30.99**

seasoned ground beef, our specialty ketchup-mustard sauce with pickles, tomatoes over mozzarella

**Gluten-Free crust available, however we are not a Gluten-Free establishment.*

SANDWICHES

Served with a Pickle and your choice of Pasta Salad or Cape Cod® Potato Chips 15.25

CREATE YOUR OWN

BREADS (Choose One)

focaccia, french, sourdough, multi-grain

MEATS (Choose One)

roasted chicken, turkey, ham, tuna salad

CHEESE (Choose One)

swiss, provolone, american, cheddar, mozzarella

TOPPINGS

lettuce, red onion, tomatoes, cucumber, pickles, banana peppers

CONDIMENTS

mayo, herb mayo, yellow mustard, crushed hot relish

ADD EXTRA

Cheese 1.75

Apple-Wood Smoked Bacon 2.99

Avocado 2.69

CLASSIC SANDWICHES

Served with a Pickle and your choice of Pasta Salad or Cape Cod® Potato Chips 15.25

MEATBALL

cooked in-house, topped with our tomato basil sauce and provolone cheese on french bread

BLT

apple-wood smoked bacon, lettuce, and tomato with mayo on sourdough bread

CLASSIC ITALIAN

imported mortadella, genoa salami, provolone cheese, capicola, tomatoes, green leaf lettuce, red onions, pickles, hot pepper relish, oil and vinegar dressing on french bread

PANINI

Served with a Pickle and your choice of Pasta Salad or Cape Cod® Potato Chips

THE NATURAL 14.75

tomato, basil, and mozzarella cheese with herb mayo on focaccia

CHICKEN & CHEDDAR 15.25

roasted chicken, caramelize onions, tomatoes, and cheddar cheese with herb mayo on focaccia

TURKEY MELT 15.25

turkey, tomatoes, apple-wood smoked bacon, and swiss cheese with russian dressing on sourdough bread

TUNA MELT 15.25

white tuna and swiss cheese on multi-grain bread

PORTOBELLO & MOZZARELLA 14.75

fire roasted portobello mushrooms marinated in balsamic vinaigrette, mozzarella cheese, fresh basil, and caramelized onions on focaccia

MAIN STREET 15.25

turkey, spinach, artichoke spread, caramelized onions, and tomatoes with swiss cheese on focaccia

WRAPS

Served with a Pickle and your choice of Pasta Salad or Cape Cod® Potato Chips
Choose Original, Tomato, or Wheat Wrap 14.25

PESTO GRILLED CHICKEN

tomato wrap filled with roasted chicken, pesto mayo, provolone cheese and green leaf lettuce

CHICKEN CAESAR

roasted chicken, romaine lettuce, provolone cheese, croutons and caesar dressing

PILGRIM

turkey, stuffing, cranberry sauce, lettuce, red onions, tomato and mayo

FETA VEGGIE

feta cheese, field greens, roasted red peppers, tomatoes, cucumbers, red onions and hummus

TURKEY CLUB

turkey, american cheese, apple-wood smoked bacon, lettuce, tomato and mayo

BUFFALO CHICKEN

roasted chicken, buffalo sauce, blue cheese dressing, lettuce and tomato

BURRITO

tomato wrap filled with seasoned beef or roasted chicken, sour cream, lettuce, tomato, black olives, white cheddar cheese and salsa

CALZONES

A combination of Mozzarella and Ricotta cheese and your choice of pizza toppings all folded in our Pizza Dough and baked to perfection in our stone hearth oven.
Please refer to the pizza toppings for your selection.

12"

ONE SIZE 20.45

Additional Toppings 2.35

Additional Sauces or Dressing .99

PASTAS

All pasta served with Fresh Baked Crostini.
Gluten-free penne available 2.75

SIMPLY DIVINE HOUSE SPECIAL 26.99

chicken, broccoli, and alfredo sauce
Served over Cavatappi Pasta
Add Sautéed Shrimp 7.45

CHICKEN GORGONZOLA 27.99

chicken sautéed with mushrooms and spinach in a gorgonzola cream sauce
Served over Cavatappi Pasta

MAC & CHEESE 24.99

cavatappi pasta in a four cheese sauce
Add Apple-Wood Smoked Bacon 3.75
Add Sautéed Shrimp 7.45

LASAGNA 24.99

layers of pasta, chunky meat sauce, ricotta, shredded mozzarella, and parmesan cheese baked to perfection

THE CLASSIC 14.99

With Meatballs 19.99

fresh cooked linguine topped with our tomato basil sauce

THE MEDITERRANEAN 25.99

chicken sautéed with spinach and feta cheese in a lemon garlic oil sauce
Served over Linguine Pasta

CHICKEN MARSALA 25.99

chicken sautéed with mushrooms in a marsala wine sauce
Served over Linguine Pasta
Add Fresh Baby Spinach 2.35
Add Sautéed Shrimp 7.45

TORTELLINI POMODORO 20.49

tomato basil sauce and parmesan cheese over tortellini
Substitute Pesto 4.35

KID'S MENU

ALL KID'S CHOICES 9.99

Served with free soft drink and a Hoodie® cup
Substitute milk or juice +2.75

KID'S PASTA WITH MEATBALLS

Served over Cavatappi Pasta

SLICE OF PIZZA

MAC & CHEESE Kraft® | Homemade

GRILLED CHEESE WITH CHIPS

HOT DOG WITH CHIPS

DESSERTS

THE CHEESECAKE FACTORY® 10.69

Berry White Cheesecake
Fudgy Wudgy Chocolate Cake

BREAD PUDDING 8.99

house-made bread pudding with brown sugar caramel and cinnamon drizzle

HOUSE-BAKED COOKIE 2.79

chocolate chip, peanut butter, or oatmeal raisin

BEVERAGES

Lavazza® (Italy's Favorite Coffee) 2.79

Tea 3.85

Hot Chocolate 4.09

San Pellegrino® Sparkling Water 3.85 | 5.99

Whole Milk 3.35 | Chocolate Milk 3.65

Bottled Water 2.85

Apple Juice 4.09

Cran-Apple Raspberry Juice 4.09

Honest® Tea, Gold Peak® Tea 4.09

Vitaminwater® 4.09

Simply Divine Root Beer in a bottle 4.29

Classic Coke® (glass bottle) 3.85

Orange Fanta® (glass bottle) 3.85

Coke®, Diet Coke®, Sprite® 20oz 3.69

Fountain Soda Kids 1.85 | Reg 3.35

Consuming raw or undercooked meats, seafood, shellfish, or eggs may increase your risk of a food born illness, especially in the very young and old.

OPEN SESSION

BUSINESS

5. Consider approval of an application for a Change of Manager of an All-Alcoholic Beverages Restaurant License – The Cape Club located at 125 Falmouth Woods Road, East Falmouth **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 5.

ITEM TITLE: Consider approval of an application for a Change of Manager of an All-Alcoholic Beverages Restaurant License- The Cape Cod Club located at 125 Falmouth Woods Road, East Falmouth

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form; ABCC Amendment, Change of Manager Form dated November 1, 2024; Entity Vote Form

PURPOSE:

The Select Board will review and consider the approval of an application for Change of Manager of an All-Alcoholic Beverages Restaurant License filed by The Cape Cod Club located at 125 Falmouth Woods Road in East Falmouth.

BACKGROUND/SUMMARY:

- The proposed new manager is David Hamill, and the last-approved manager was Mary Lunn.
- The Cape Cod Club, Inc. filed the required ABCC Change of License Manager form on November 1, 2024.
- The Falmouth Police and Falmouth Fire Rescue Departments have reviewed the application and have no objections to its approval.

- A background check was conducted on David Hamill and the results did not locate any information that would disqualify the applicant.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the application for a Change of Manager of an All-Alcoholic Beverages Restaurant License filed by The Cape Cod Club located at 125 Falmouth Woods Road, East Falmouth as presented.

OPTIONS:

- Motion to approve the application for a Change of Manager of an All-Alcoholic Beverages Restaurant License filed by The Cape Cod Club located at 125 Falmouth Woods Road, East Falmouth as presented.
- Motion to deny approval of the application for a Change of Manager of an All-Alcoholic Beverages Restaurant License filed by The Cape Cod Club located at 125 Falmouth Woods Road, 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:

The Town Manager recommends that the Select Board approve the application for a Change of Manager of an All-Alcoholic Beverages Restaurant License filed by The Cape Cod Club located at 125 Falmouth Woods Road, East Falmouth as presented.

Michael Renshaw

Town Manager

11/25/2024

Date



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

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

AMENDMENT-Change of Manager

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: ABCC PAYMENT WEBSITE

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN STATE ZIP CODE

For the following transactions (Check all that apply):

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

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

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



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

AMENDMENT-Change of Manager **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

| | | |
|--------------------|--------------|---------------------|
| Entity Name | Municipality | ABCC License Number |
| The Cape Club Inc. | Falmouth | 00216-RS-0390 |

2. APPLICATION CONTACT

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

| | | | |
|--------------|-----------------|----------------------------|------------|
| Name | Title | Email | Phone |
| David Hamill | General Manager | dhamill@capeclubresort.com | [REDACTED] |

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business is:

| | | | |
|---|---|-------------------------------|------------|
| Proposed Manager Name | David Hamill | Date of Birth | [REDACTED] |
| Residential Address | 749 Head of the Bay Road Unit G28 Buzzards Bay MA 02532 | | |
| Email | dhamill@capeclubresort.com | Phone | [REDACTED] |
| Please indicate how many hours per week you intend to be on the licensed premises | 40 | Last-Approved License Manager | Mary Lunn |

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 |
|------------|------------|-----------------|------------------------|-----------------|
| 01/01/2020 | 04/28/2024 | General Manager | Not Your Average Joe's | Sara Murtagh |
| 04/01/2018 | 10/31/2019 | Manager | Woods Hole Golf Club | Mary Lunn |

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 | 11/01/2024 |
|---------------------|--|------|------------|

APPLICANT'S STATEMENT

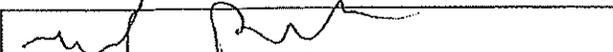
I, Michael Intoccia the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of The Cape Club Inc.
Name of the Entlty/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: 11/08/2024

Title: Owner

ENTITY 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

Michael Intocchia
(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

5-8-24


General Manager
message 8/27 3:46 pm

**Background Check- David Hamill of The Cape Club
Manager of Alcoholic Beverage License**

A background check has been completed by the Falmouth Police Department of the
municipal license applicant listed below:

David Hamill of The Cape Club

The department did not locate information that may disqualify this municipal license
applicant.

Sincerely,

Phyllis Downey

From: Brian Reid <brian.reid@falmouthpolicema.gov>
Sent: Tuesday, November 12, 2024 2:55 PM
To: Falmouth Licensing; Sean Doyle; Ryan Hergt; Jeff Lourie; Boyd Demello; Craig O'Malley
Cc: Falmouth Health Department; Paula Gerry; Pam Marshall; Jodie Zinna; Trisha Favulli; Patricia O'Connell
Subject: Re: Application-Change of Manager-The Cape Club

No objections from Police

Respectfully,



Brian L. Reid
Captain of Operations
Falmouth Police Department
774-255-4527 ext. 4502

From:

Falmouth Licensing <licensing@falmouthma.gov>

Sent: Friday, November 8, 2024 2:55 PM

To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>

Cc: Falmouth Health Department <health@falmouthma.gov>; Paula Gerry <paula.gerry@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Jodie Zinna <jodie.zinna@falmouthma.gov>; Trisha Favulli <trisha.favulli@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>

Subject: Application-Change of Manager-The Cape Club

Good afternoon,

Attached please find the application by The Cape Club for a Change of Manager. The proposed manager, David Hammill, completed a town background check in May 2024.

The Select Board will vote on the application on December 2nd. May we please request any recommendations to the Board by Friday, November 22nd?

Thank you,
Phyllis

Phyllis Downey

Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540
508-495-7325

Phyllis Downey

From: Boyd Demello <boyd.demello@falmouthfirema.gov>
Sent: Tuesday, November 12, 2024 4:05 PM
To: Falmouth Licensing; Brian Reid; Sean Doyle; Ryan Hergt; Jeff Lourie; Craig O'Malley
Cc: Falmouth Health Department; Paula Gerry; Pam Marshall; Jodie Zinna; Trisha Favulli; Patricia O'Connell
Subject: RE: Application-Change of Manager-The Cape Club

Fire Rescue has no objections

Boyd W. DeMello
Fire Prevention Inspector
Falmouth Fire Rescue Department
boyd.demello@falmouthfirema.gov
508-495-2534 - Office
774-836-2436 - Cell Phone

CONFIDENTIALITY NOTICE: This message is privileged and confidential for the addressee(s) named above. If you are not the intended recipient, you are prohibited from disseminating, using, or copying the contents and should notify the sender immediately that you received this message in error.

From: Falmouth Licensing <licensing@falmouthma.gov>
Sent: Friday, November 8, 2024 14:56
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>
Cc: Falmouth Health Department <health@falmouthma.gov>; Paula Gerry <paula.gerry@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Jodie Zinna <jodie.zinna@falmouthma.gov>; Trisha Favulli <trisha.favulli@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>
Subject: Application-Change of Manager-The Cape Club

Good afternoon,

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Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540
508-495-7325

OPEN SESSION

BUSINESS

6. Announce April 2025 Annual Town Meeting schedule **(5 minutes)**



ITEM NUMBER: Business 6.

ITEM TITLE: Announce the April 2025 Annual Town Meeting Schedule

MEETING DATE: 12/2/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: April 2025 Town Meeting Schedule - Proposed

PURPOSE:

The Board is asked to adopt and announce the schedule for the April 2025 Annual Town Meeting.

BACKGROUND/SUMMARY:

- The proposed schedule included in the meeting packet lines up with the April 7, 2025 Annual Town Meeting date announced by Chair Nancy Robbins Taylor at the November Annual Town Meeting.
- The proposed schedule is similar to the one adopted for the April 2024 Town Meeting.
- The dates for Select Board actions align with the draft Select Board meeting schedule for 2025 included in this meeting packet.

DEPARTMENT RECOMMENDATION:

It is recommended that the Select Board vote to adopt the April 2025 Annual Town Meeting schedule as submitted.

OPTIONS:

- Motion to adopt April 2025 Town Meeting schedule as submitted.

- Motion to adopt April 2025 Town Meeting schedule with specified amendments.

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

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
|------|-------|----------|--------|---------|-----------|-----------|
| | | | | | | |

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board vote to adopt the April 2024 Town Meeting schedule as presented.

Michael Renshaw

Town Manager

11/26/2024

Date



TOWN OF FALMOUTH

APRIL 2025 ANNUAL TOWN MEETING

- Select Board Announce Annual Town Meeting Schedule Monday, December 2, 2024
(Announce no less than 7 days before close)
- Close Warrant Friday, January 10, 2025
- Select Board Vote Articles & Execute Warrant.....Monday, January 27, 2025
- Publish Articles Only Friday, January 31, 2025
(Publish at least 4 weeks before Town meeting)
- Petition Article PresentationsMonday, February 10, 2025
- Vote Article Recommendations (All boards)Monday, February 24 - 27, 2025
- Send Warrant with Recommendations to Printer and Newspaper.....Monday, March 3, 2025
- Publish Warrant with Recommendations and Mail Warrant Booklets Friday, March 14, 2025
(Publish at least 14 days before Town meeting)
- Town Meeting.....Monday, April 7, 2025

OPEN SESSION

BUSINESS

7. Discuss and consider voting the 2025 Select Board meeting calendar dates **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 7.

ITEM TITLE: Discuss and consider voting to approve the 2025 Select Board meeting calendar dates.

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: DRAFT of 2025 Select Board Meeting Calendar

PURPOSE:

The Select Board will review and consider the approval of the 2025 Board meeting calendar.

BACKGROUND/SUMMARY:

- A proposed draft of the 2025 Select Board meeting calendar has been prepared and included in the Board packet for discussion purposes.
- Following their review and discussion, the Select Board is requested to vote to adopt and approve the official CY 2025 Board meeting calendar.
- As in previous years, the Select Board meeting calendar will be subject to modification by the Board as necessary.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board, following their review and discussion, vote to approve and adopt the CY 2025 Select Board Meeting calendar.

OPTIONS:

- Motion to approve and adopt the Calendar Year 2025 Select Board meeting calendar as discussed, including all agreed upon revisions to the draft that were presented.

- Motion to table the approval and adoption of the Calendar Year 2025 Select Board meeting calendar for future discussion.

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, following their review and discussion, vote to approve and adopt the CY 2025 Select Board Meeting calendar.

Michael Renshaw

Town Manager

11/25/2024

Date

Select Board Meeting Calendar

January 2025

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|---|-----|----------------------------|--|---|---------------------------------|
| | | | 1 <i>New Year's Day</i> | 2 | 3 | 4 |
| 5 | 6 <i>Select Board Meeting</i> | 7 | 8 | 9 | 10 <i>Close warrant (April Town Meeting)</i> | 11 |
| 12 | 13 | 14 | 15 | 16 <i>Budget due to Finance Committee</i> | 17 | 18 |
| 19 | 20 <i>Martin Luther King Jr. Day</i> | 21 | 22 | 23 | 24 <i>MMA Annual Meeting</i> | 25 <i>MMA Annual Meeting</i> |
| 26 | 27 <i>Select Board Meeting</i> <i>Vote articles and execute warrant</i> | 28 | 29 | 30 | 31 | |

February 2025

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|--|-----|-----|-----|-----|-----|
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 <i>Select Board Meeting</i> <i>Petition article presentations</i> | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 <i>President's Day</i> | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 <i>Select Board Meeting</i> <i>Vote article recommendations</i> | 25 | 26 | 27 | 28 | |

March 2025

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|-----------------------------------|-----|-----|-----|-----|-----|
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 <i>Select Board Meeting</i> | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 <i>Select Board Meeting</i> | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

April 2025

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---------------------|-----------------------------------|-----|-----|-----|-----|-----|
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 <i>Town Meeting</i> | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 <i>Easter</i> | 21 <i>Patriot's Day</i> | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 <i>Select Board Meeting</i> | 29 | 30 | | | |

May 2025

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|-----------------------------------|----------------------------|-----|-----|-----|-----|
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 <i>Select Board Meeting</i> | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 <i>Town Election</i> | 21 | 22 | 23 | 24 |
| 25 | 26 <i>Memorial Day</i> | 27 | 28 | 29 | 30 | 31 |

June 2025

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|-----------------------------------|-----|-----|-------------------------|-----|-----|
| 1 | 2 <i>Select Board Meeting</i> | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 <i>Select Board Meeting</i> | 17 | 18 | 19 <i>Juneteenth</i> | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 <i>Select Board Meeting</i> | | | | | |

July 2025

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|--|-----|-----|-----|------------------------------|-----|
| | | 1 | 2 | 3 | 4 <i>Independence Day</i> | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 <i>Select Board Meeting</i> <i>Announce November Town Meeting</i> | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 <i>Select Board Meeting</i> | 29 | 30 | 31 | | |

August 2025

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|-----------------------------------|-----|-----|-----|--|-----|
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 <i>Select Board Meeting</i> | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 <i>Select Board Meeting</i> | 26 | 27 | 28 | 29 <i>Close Warrant (November Town Meeting)</i> | 30 |
| 31 | | | | | | |

September 2025

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|--|-----|-----|-----|-----|-----|
| | 1 <i>Labor Day</i> | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 <i>Select Board Meeting</i> <i>Vote articles and execute warrant</i> | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 <i>Select Board Meeting</i> <i>Petition article presentations</i> | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | | | | |

October 2025

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|---|-----|-----|-----|-----|-----|
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 <i>Select Board Meeting</i> <i>Vote article recommendations</i> | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 <i>Indigenous Peoples' Day</i> | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 <i>Select Board Meeting</i> | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

November 2025

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|----------------------------------|---------------------------|-----|---------------------------|-------------------------------------|-----|
| | | | | | | 1 |
| 2 | 3 <i>Select Board Meeting</i> | 4 <i>Election Day</i> | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 <i>Veterans Day</i> | 12 | 13 | 14 | 15 |
| 16 | 17 <i>Town Meeting (TBD)</i> | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 <i>Thanksgiving</i> | 28 <i>Day after Thanksgiving</i> | 29 |
| 30 | | | | | | |

December 2025

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----------------------|-----------------------------------|-----|-----------------------------|------------------------|-----|-----|
| | 1 <i>Select Board Meeting</i> | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 <i>Hanukkah</i> | 15 <i>Select Board Meeting</i> | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 <i>Christmas</i> | 26 | 27 |
| 28 | 29 | 30 | 31 <i>New Year's Eve</i> | | | |

OPEN SESSION

CONSENT AGENDA

1. Licenses

- a. Consider approval of the resubmission of an application filed by Woods Hole Golf Club, Inc., 130 Quissett Avenue, Woods Hole, for a Change of Officers/Directors to its All-Alcoholic Beverages Non-Profit Club license



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Licenses 1.a.

ITEM TITLE: Consider the approval of the resubmission of an application filed by Woods Hole Golf Club, Inc., 130 Quisset Avenue, Woods Hole, MA 02543, for a Change of Officers/Directors to its All-Alcoholic Beverages Non-Profit Club License

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form, ABCC Recommendation of the Investigator Form dated November 7, 2024; ABCC Application for Amendment- Change of Officers Form completed by Woods Hole Golf Club, Inc.

PURPOSE:

The Select Board will consider the approval of the resubmission of an application filed by Woods Hole Golf Club, Inc., 130 Quisset Avenue, Wodds Hole, MA 02543, for a Change of Officers/Directors to its All-Alcoholic Beverages Non-Profit Club License.

BACKGROUND/SUMMARY:

- The application was originally submitted on April 22, 2024 however the application was returned by the Alcoholic Beverages Control Commission investigator because the offices listed were not consistent with those found on the Secretary of State's website.

- On November 7, 2024, the Select Board Office received the attached Recommendation of the Investigator (Alcoholic Beverages Control Commission) indicating that the applicant Woods Hole Golf Club, Inc. must update its officers/directors listing with the Secretary of State as it had not done so in several years.
- Applicant Woods Hole Golf Club, Inc., completed the attached Application for Amendment-Change of Officers, Stock or Ownership Interest Form, and submitted the same to the Secretary of State in order to satisfy the ABCC requirements.
- Both the Police Department and Fire Rescue Department have reviewed the application materials and have no objections to approval.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the resubmission of an application filed by Woods Hole Golf Club, Inc., 130 Quissett Avenue, Wodds Hole, MA 02543, for a Change of Officers/Directors to its All-Alcoholic Beverages Non-Profit Club License.

OPTIONS:

- Motion to approve the resubmission of the application filed by Woods Hole Golf Club, Inc., 130 Quissett Avenue, Wodds Hole, MA 02543, for a Change of Officers/Directors to its All-Alcoholic Beverages Non-Profit Club License as presented.
- Motion to deny approval of the resubmission of the application filed by Woods Hole Golf Club, Inc., 130 Quissett Avenue, Wodds Hole, MA 02543, for a Change of Officers/Directors to its All-Alcoholic Beverages Non-Profit Club License.
- 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 resubmission of an application filed by Woods Hole Golf Club, Inc., 130 Quissett Avenue, Woods Hole, MA 02543, for a Change of Officers/Directors to its All-Alcoholic Beverages Non-Profit Club License.

Michael Renshaw

Town Manager

11/27/2024

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: Woods Hole Golf Club

Address: 130 Quissett Avenue, Woods Hole

License Type: Non-Profit All Alcoholic Beverages Club

New License _____

Transfer of License _____

Change of License Resubmission of Change of Officers application

Police No objections

Fire No objections

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

NOTES: Originally submitted April 22, 2024, the application was returned by the ABCC investigator because the officers listed were not consistent with those found on the Secretary of State's website.

CORI forms may be found in the application file.

RECOMMENDATION OF THE INVESTIGATOR

Entity Name: Woods Hole Golf Club Inc City/Town: Falmouth

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

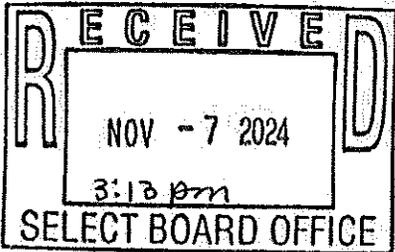
I have reviewed the application and respectfully recommend that this application be Returned No Action (RNA) to the Municipal Licensing Board for the following reasons:

This Investigator has advised the applicant that in order to complete this application review, the applicant must provide the following amendments, information and or documentation:

This licensee has not changed the officers/directors in several years, there is no possible way for the club to contact those last approved officers to sign this application.

The individuals listed in Q2 names and titles must be identical to those filed with the Massachusetts Secretary of State. The individuals listed in this section must also complete a CORI release form.

This Investigator spoke with Kathleen Seeley in regards to Woods Hole Golf Club Inc change of officers/directors amendment. Kathleen stated that the Club will be changing their officers again on 6/23/2024. They will update their officers with the Secretary of State and submit an updated amendment application.



Please forward all corrections and/or documents to the Municipal Licensing Board. After review and approval, the Municipal Licensing Board will forward all documents to the ABCC Licensing Division. No further fee is required.

| | | | |
|-----------------------|---|--------|---|
| Special Investigator: | <i>Sean Smiddy</i> | Date: | 6/18/2024 |
| E-mail: | ssmiddy@tre.state.ma.us | Phone: | 617-727-3040 ex 729 |



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 Form
- 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 |
|---------------------------|------------------|---------------------|
| Woods Hole Golf Club, Inc | Town of Falmouth | 00052-CL-0390 |

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

Renewal of annual liquor license with Change of Officers/Directors

APPLICATION CONTACT

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

| Name | Title | Email | Phone |
|-----------------------|------------|--------------------------------|-------------------|
| Kathleen Leone Seeley | Controller | klseeley@woodsholegolfclub.com | 508-540-1899 x112 |

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 |
| Heather A. Klimm | 147 Racing Beach Ave, Falmouth, MA 02540 | [REDACTED] | [REDACTED] |
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen MA Resident |
| President | 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 |
| Cornellus Moses | 29 Widgeon Road, Falmouth, MA 02540 | [REDACTED] | [REDACTED] |
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen MA Resident |
| Treasurer | 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 |
| Kathleen Schortmann | 277 Walnut Street, Dedham, MA 02026 | [REDACTED] | [REDACTED] |
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen MA Resident |
| Clerk | 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 |
| James Duffy | 6855 Gulf of Mexico Drive, Longboat Key, FL 34228 | [REDACTED] | [REDACTED] |
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen MA Resident |
| Vice President | 0 | <input checked="" type="radio"/> Yes <input type="radio"/> No | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Yes <input checked="" type="radio"/> No |
| Name of Principal | Residential Address | SSN | DOB |
| Michael Giordano | 28 High Street, Woods Hole, MA 02543 | [REDACTED] | [REDACTED] |
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen MA Resident |
| Director | 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 |
| Kate Maguire | 38 Worcester Court, Falmouth, MA 02540 | [REDACTED] | [REDACTED] |
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen MA Resident |
| Director | 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 |

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

2. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST(Continued...)

List all proposed 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.).

Entity Name

Woods Hole Golf Club, Inc

Percentage of Ownership In Entity being Licensed
(Write "NA" if this is the entity being licensed)

NA

Name of Principal: **Michael Burton** Residential Address: 65 Belvidere Road, Falmouth, MA 02540 SSN: [REDACTED] DOB: [REDACTED]

Title and or Position: Director Percentage of Ownership: 0 Director: Yes No US Citizen: Yes No MA Resident: Yes No

Name of Principal: **Gary Rozynek** Residential Address: 42 Clipper Lane, Falmouth, MA 02540 SSN: [REDACTED] DOB: [REDACTED]

Title and or Position: Director Percentage of Ownership: 0 Director: Yes No US Citizen: Yes No MA Resident: Yes No

Name of Principal: **John Salvatore** Residential Address: 858 Washington Street, Dedham, MA 02026 SSN: [REDACTED] DOB: [REDACTED]

Title and or Position: Director Percentage of Ownership: 0 Director: Yes No US Citizen: Yes No MA Resident: Yes No

Name of Principal: **Henry D Newman** Residential Address: 13878 Chester Bay Lane, North Palm Beach, FL 33408 SSN: [REDACTED] DOB: [REDACTED]

Title and or Position: Director Percentage of Ownership: 0 Director: Yes No US Citizen: Yes No MA Resident: Yes No

Name of Principal: **Melissa M. Beford** Residential Address: 10 Punch Bowl Drive, Falmouth, MA 02540 SSN: [REDACTED] DOB: [REDACTED]

Title and or Position: Director Percentage of Ownership: 0 Director: Yes No US Citizen: Yes No MA Resident: Yes No

Name of Principal: **Michael Cassidy** Residential Address: 51 Carlson Ave Unit 10, Falmouth, MA 02540 SSN: [REDACTED] DOB: [REDACTED]

Title and or Position: Director Percentage of Ownership: 0 Director: Yes No US Citizen: Yes No MA Resident: Yes No

Name of Principal: **Kathy Clark** Residential Address: 2 Glenchester Court, Dallas, TX 75225 SSN: [REDACTED] DOB: [REDACTED]

Title and or Position: Director Percentage of Ownership: 0 Director: Yes No US Citizen: Yes No MA Resident: Yes No

CRIMINAL HISTORY

Has any individual identified above 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

Phyllis Downey

From: Brian Reid <brian.reid@falmouthpolicema.gov>
Sent: Tuesday, November 12, 2024 2:59 PM
To: Falmouth Licensing; Sean Doyle; Jeff Lourie; Ryan Hergt; Boyd Demello; Craig O'Malley
Subject: Re: FYI-Woods Hole Golf Club Change of Officers resubmission

No objection from Police.

Respectfully,



Brian L. Reid
Captain of Operations
Falmouth Police Department
774-255-4527 ext. 4502

From:

Falmouth Licensing <licensing@falmouthma.gov>

Sent: Friday, November 8, 2024 10:35 AM

To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>

Subject: FYI-Woods Hole Golf Club Change of Officers resubmission

Good morning,

Woods Hole Golf Club has resubmitted its application for a Change of Officers for its Non-Profit All Alcoholic Beverages Club License originally approved by the Select Board April 22, 2024.

The application will be voted by the Select Board on December 2nd. Please forward any recommendations to the Board by Friday, November 22nd.

Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540
508-495-7325

Phyllis Downey

From: Boyd Demello <boyd.demello@falmouthfirema.gov>
Sent: Tuesday, November 12, 2024 4:05 PM
To: Falmouth Licensing; Brian Reid; Sean Doyle; Jeff Lourie; Ryan Hergt; Craig O'Malley
Subject: RE: FYI-Woods Hole Golf Club Change of Officers resubmission

Fire Rescue has no objections

Boyd W. DeMello
Fire Prevention Inspector
Falmouth Fire Rescue Department
boyd.demello@falmouthfirema.gov
508-495-2534 - Office
774-836-2436 - Cell Phone

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From: Falmouth Licensing <licensing@falmouthma.gov>
Sent: Friday, November 8, 2024 10:36
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>
Subject: FYI-Woods Hole Golf Club Change of Officers resubmission

Good morning,

Woods Hole Golf Club has resubmitted its application for a Change of Officers for its Non-Profit All Alcoholic Beverages Club License originally approved by the Select Board April 22, 2024.

The application will be voted by the Select Board on December 2nd. Please forward any recommendations to the Board by Friday, November 22nd.

Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540
508-495-7325

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- a. Consider authorization to apply to Falmouth Road Race for grant to support upgrades to “original” town skatepark



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Consider authorization to apply to Falmouth Road Race for grant to support upgrades to “original” Town skatepark

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Julie Williams Tinkham, Recreation Director

ATTACHMENTS: N/A

PURPOSE:

To request the Select Board’s approval to apply for a \$50,000 grant from the Falmouth Road Race Grant Program to support the planned skatepark update.

BACKGROUND/SUMMARY:

- The Recreation Department is undertaking a project to update and enhance the town’s first permanent skatepark, constructed in 1999. This “old” park is adjacent to the skatepark completed in 2020 that includes a large bowl.
- The purpose of this project is to make the “old” skatepark a safe, accessible, and modern facility for community use.
- The current skatepark infrastructure requires significant upgrades to meet safety standards and the community’s interest in skate sports.

- There is already an approved budget for this project, reflecting the Town's commitment to this recreational asset.
- Seeking additional funding will assist us to fully realize the intended upgrades without compromising the park's design or quality; securing this grant would allow the Town to expand features and meet updated design and safety standards.

DEPARTMENT RECOMMENDATION:

The Recreation Department recommends that the Select Board approve the submission of the grant application. The funding would allow the department to:

- Complete the skate park project
- Improve accessibility

OPTIONS:

- Motion to authorize the Recreation Department to apply for the \$50,000 Falmouth Road Race Grant.
- Motion to deny approval to apply for the \$50,000 Falmouth Road Race Grant.
- Some other Board defined alternative.

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

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
|------|-------|----------|--------|---------|-----------|-----------|
| | | | | | | |

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board approve the Recreation Department's request to apply to Falmouth Road Race for grant to support upgrades to "original" Town skatepark.

Michael Renshaw

Town Manager

11/26/2024

Date

Cost & Scope Exhibit

COST BREAKDOWN BY SCOPE

| SCOPE ITEM | ESTIMATED COST |
|--|------------------|
| SKATE PARK + SITE IMPROVEMENTS | |
| General Conditions / Mobilization | \$62,000 |
| Demolition - Skatepark DIY features & Asphalt | \$45,000 |
| New 3" Asphalt & Cool Seal Coating (6,200 sf) | \$75,000 |
| New Skatepark Features (900 sf) | \$86,000 |
| Remediated Skatepark Features (2,300 sf) | \$145,000 |
| Site Grading | \$12,000 |
| SKATE PARK SUBTOTAL | \$425,000 |
| Contingency: 15% | \$75,000 |
| SKATE PARK TOTAL | \$500,000 |
| ALTERNATES | |
| Alternate 1: Entry Pathway (960 sf) | \$12,000 |
| Alternate 2: Additional Skatepark Feature (500 sf) | \$38,000 |
| ALTERNATE SUBTOTAL | \$50,000 |
| Contingency: 15% | \$7,500 |
| SKATE PARK + ALTERNATES TOTAL | \$557,500 |

* **Contingency** is being held for the project at this stage to account for unforeseen expenses of scope additions. This percentage will be reduced as the project develops and uncertainties around site constraints, earthwork requirements, and other potential costs are accounted for.

General Conditions | this line item cost includes contractor mobilization, accommodations, shipping, project/site & environmental management, tools, equipment, vehicles, rentals, project insurance, and bonding.

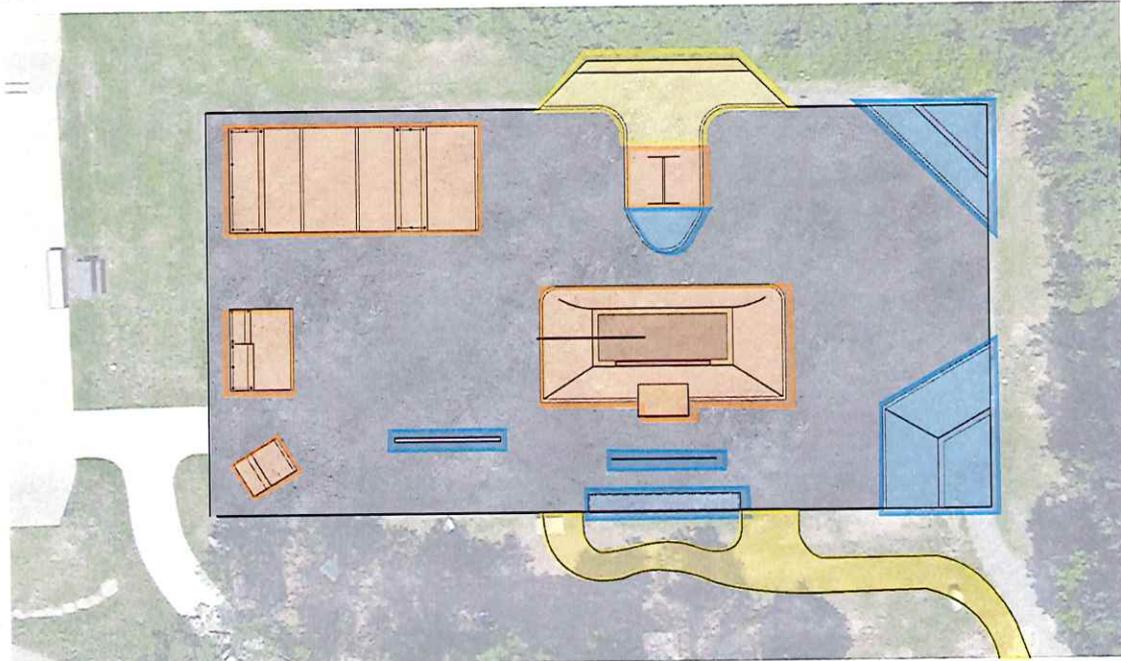
Skatepark Specialty Concrete Work | this line item cost includes skatepark structure, transitions, banks, ledges, stairs, and walls. Aggregate base course is included in the price shown.

Key Assumptions

This estimated cost of construction is based off of the following project assumptions:

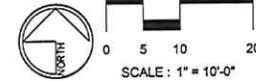
- Skatepark target size is roughly 9,600 s.f.
- This concept assumes no subsurface drainage and the surface sheet flow drainage patterns shall match existing conditions
- The Contractor can stage all construction materials on site
- The existing concrete skatepark adjacent to the rehab project site shall remain open and accessible from the parking lot during construction

SCOPE DIAGRAM



LEGEND

- Existing Skatepark Feature to be Rehabilitated
- New Skatepark Feature
- Alternates (Pedestrian Access Path & Quarter Pipe)



TROTTER PARK SKATE PARK

FALMOUTH, MA



OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- b. Consider vote to accept a donation from the Falmouth Running Club in the amount of \$500.00 to the Town of Falmouth Bicycle and Pedestrian Committee for Cape Cod Marathon volunteers



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Consider vote to accept a donation from the Falmouth Running Club in the amount of \$500.00 to the town of Falmouth Bicycle and Pedestrian Committee for Cape Cod Marathon Volunteers

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Email thread

PURPOSE:

The Select Board is requested to consider acceptance of a donation from the Falmouth Running Club in the amount of \$500.00 to the town of Falmouth Bicycle and Pedestrian Committee for the Cape Cod Marathon Volunteers.

BACKGROUND/SUMMARY:

- The Cape Cod Marathon was held on October 12 and October 13, 2024.
- The Falmouth Running Club requested the use of the Shining See Bikeway as part of the Marathon and Half Marathon courses.

- In appreciation for the availability of Cape Cod Marathon Volunteers to assist in the marathon events, the Falmouth Running Club donated to the Falmouth Bicycle and Pedestrian Committee the amount of \$500.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board accept the donation from the Falmouth Running Club in the amount of \$500.00 to the town of Falmouth Bicycle and Pedestrian Committee for Cape Cod Marathon Volunteers as presented.

OPTIONS:

- Motion to accept the donation from the Falmouth Running Club in the amount of \$500.00 to the town of Falmouth Bicycle and Pedestrian Committee for Cape Cod Marathon Volunteers as presented.
- Motion to deny the acceptance of the donation from the Falmouth Running Club in the amount of \$500.00 to the town of Falmouth Bicycle and Pedestrian Committee for Cape Cod Marathon Volunteers.

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 accept the donation from the Falmouth Running Club in the amount of \$500.00 to the town of Falmouth Bicycle and Pedestrian Committee for Cape Cod Marathon Volunteers as presented.

Michael Renshaw

Town Manager

11/26/2024

Date

Diane Davidson

From: Katherine Jansen [REDACTED]
Sent: Tuesday, November 5, 2024 4:51 PM
To: Diane Davidson
Cc: Matt Delaney
Subject: Re: [EXTERNAL] - Re: Donation Check - Falmouth running Club

Hi Diane and thank you!

Here's the email from Jack Afarian.

Best regards,

KJ
Katherine Jansen

Cape Cod Marathon & Shining Sea Bikeway

Jack Afarian

Hello Katherine,

The Cape Cod Marathon is requesting permission again this year to use the Shining Sea Bikeway as part of our Marathon and Half Marathon courses.

On Saturday, October 12 runners would use the bikeway from Locust Street to Surf Drive from 8:10am to 8:40am.

On Sunday, October 13 runners would use the bikeway from Locust Street to Surf Drive from 8:10am to 8:40am.

Runners would also use the bikeway from the Steamship Authority parking lot in Woods Hole to Surf Drive from 8:30am to 10:00am.

Similar to last year, we will place caution signs with the times that the runners will be on the bikeway at the beginning of the bikeway where runners enter the bikeway. These will be placed on the bikeway near Locust Street, near Surf Drive and near the bikeway entrance at the SSA parking lot.

We will also place LARGE CAUTION signs on both sides of Elm Road to warn automobile traffic that runners will be crossing on the bikeway.

I have also attached our Donation Request form. Please complete this and email back to me so that we will be able to send the \$500 donation. We send the donation checks within two weeks post race.

Thank you in advance of your approval.

Best regards,

-Jack

--

Jack Afarian I Race Director
Cape Cod Marathon Weekend
661 Main Street
Falmouth, MA 02540
Office: 508-540-6959 Cell: [REDACTED]
director@capecodmarathon.com
www.capecodmarathon.com

On Tue, Nov 5, 2024 at 4:32 PM Diane Davidson <diane.davidson@falmouthma.gov> wrote:

Hi Katherine,

I have added this request to accept the donation to the December 2 Select Board agenda. Do you have a letter or other correspondence from the Falmouth Running Club informing the Bicycle and Pedestrian Committee of this donation? I will include it in the meeting packet for the Select Board's information.

Thank you,

Diane

From: Katherine Jansen [REDACTED]
Sent: Monday, November 4, 2024 5:47 PM
To: Diane Davidson <diane.davidson@falmouthma.gov>
Cc: Matt Delaney [REDACTED]
Subject: [EXTERNAL] - Re: Donation Check - Falmouth running Club

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Diane,

Thank you so much! Yes, please, we'd like to get it approved.

KJ

Katherine Jansen, Chair

Bicycle and Pedestrian Committee

On Mon, Nov 4, 2024 at 5:08 PM Diane Davidson <diane.davidson@falmouthma.gov> wrote:

Hi Katherine,

We received a check in the mail today from the Falmouth Running Club payable to the "Town of Falmouth Bicycle/Pedestrian Committee" in the amount of \$500 for Cape Cod Marathon Volunteers.

Shall I add this to the next Select Board agenda for the Board to vote to accept the donation?

Thank you,

Diane

Diane S. Davidson

Office Manager/Licensing

Office of the Town Manager & Select Board

59 Town Hall Square

Falmouth, MA 02540

(508) 495-7321

diane.davidson@falmouthma.gov



Please note that the Massachusetts Secretary of State has determined that most email correspondence is public record and therefore cannot be kept confidential.

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- c. Consider approval of the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install approximately 713' (feet) of 4-6" conduit under town road, Surf Drive, and install 1 new manhole to be labeled 70000/220. This work is necessary for the Falmouth to Martha's Vineyard Submarine Cable Project.



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Consider the approval of the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install approximately 713 feet of 4-6" conduit under town road, Surf Drive, and install 1 new manhole to be labeled 70000/220. This work is necessary for the Falmouth to Martha's Vineyard Submarine Cable Project

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Public Hearing Notice, November 8, 2024; Falmouth Town Engineer's Recommendation Letter dated November 25, 2024; Site plan; Eversource petition dated October 24, 2024

PURPOSE:

The Select Board will consider the approval of a petition by Eversource for permission to install approximately 713 feet of 4-6" conduit under town road, Surf Drive, and install 1 new manhole to be labeled 70000/220.

This work is necessary for the Falmouth to Martha's Vineyard Submarine Cable Project

BACKGROUND/SUMMARY:

- Eversource Energy submitted the attached petition on October 24, 2024 to install approximately 713' of 4-6" conduit under the Town road Surf Drive, and to install one (1) new manhole to be labeled 70000/220.

- The work is necessary for the Falmouth to Martha’s Vineyard Submarine Cable Project.

DEPARTMENT RECOMMENDATION:

The Town Engineer is recommending that the Select Board approve the petition by Eversource to install approximately 713 feet of 4-6” conduit under town road, Surf Drive, and to install 1 new manhole to be labeled 70000/220.

This work is necessary for the Falmouth to Martha’s Vineyard Submarine Cable Project.

OPTIONS:

- Motion to approve the petition by Eversource Energy to install approximately 713 feet of 4-6” conduit under town road, Surf Drive, and install 1 new manhole to be labeled 70000/220, as presented.
- Motion to deny approval of the petition by Eversource Energy to install approximately 713 feet of 4-6” conduit under town road, Surf Drive, and install 1 new manhole to be labeled 70000/220.
- Some other Board defined alternative.

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

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
|------|-------|----------|--------|---------|-----------|-----------|
| | | | | | | |

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager is recommending that the Select Board approve the petition by Eversource to install approximately 713 feet of 4-6" conduit under town road, Surf Drive, and install 1 new manhole to be labeled 70000/220.

This work is necessary for the Falmouth to Martha's Vineyard Submarine Cable Project.

Michael Renshaw

Town Manager

11/26/2024

Date



PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Old Water Department Room at 3:00 p.m. on Wednesday, November 20, 2024, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install approximately 713' (feet) of 4-6" conduit under town road, Surf Drive, and install 1 new manhole to be labeled 70000/220.

This work is necessary for the Falmouth to Martha's Vineyard Submarine Cable Project.

Per Order of the Falmouth Select Board

Publication Date: Friday, November 8, 2024, Falmouth Enterprise



Town of Falmouth

Department of Public Works - Engineering Division

416 Gifford Street, Falmouth, MA 02540
Office: 508-457-2543, Fax: 508-548-1537

Nicholas Croft, Engineering Technician

nicholas.croft@falmouthma.gov

Date: November 25, 2024

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to install ±713' of conduit and one man hole in Surf Drive

A petition was submitted by Eversource to install ±713' of 4-6" underground conduit and one 8'x14'x8' Vault with a manhole in Surf Drive. This work is part of the Martha's Vineyard UG Cable project and is an extension of a project previously approved by the select board Dec. 4, 2023.

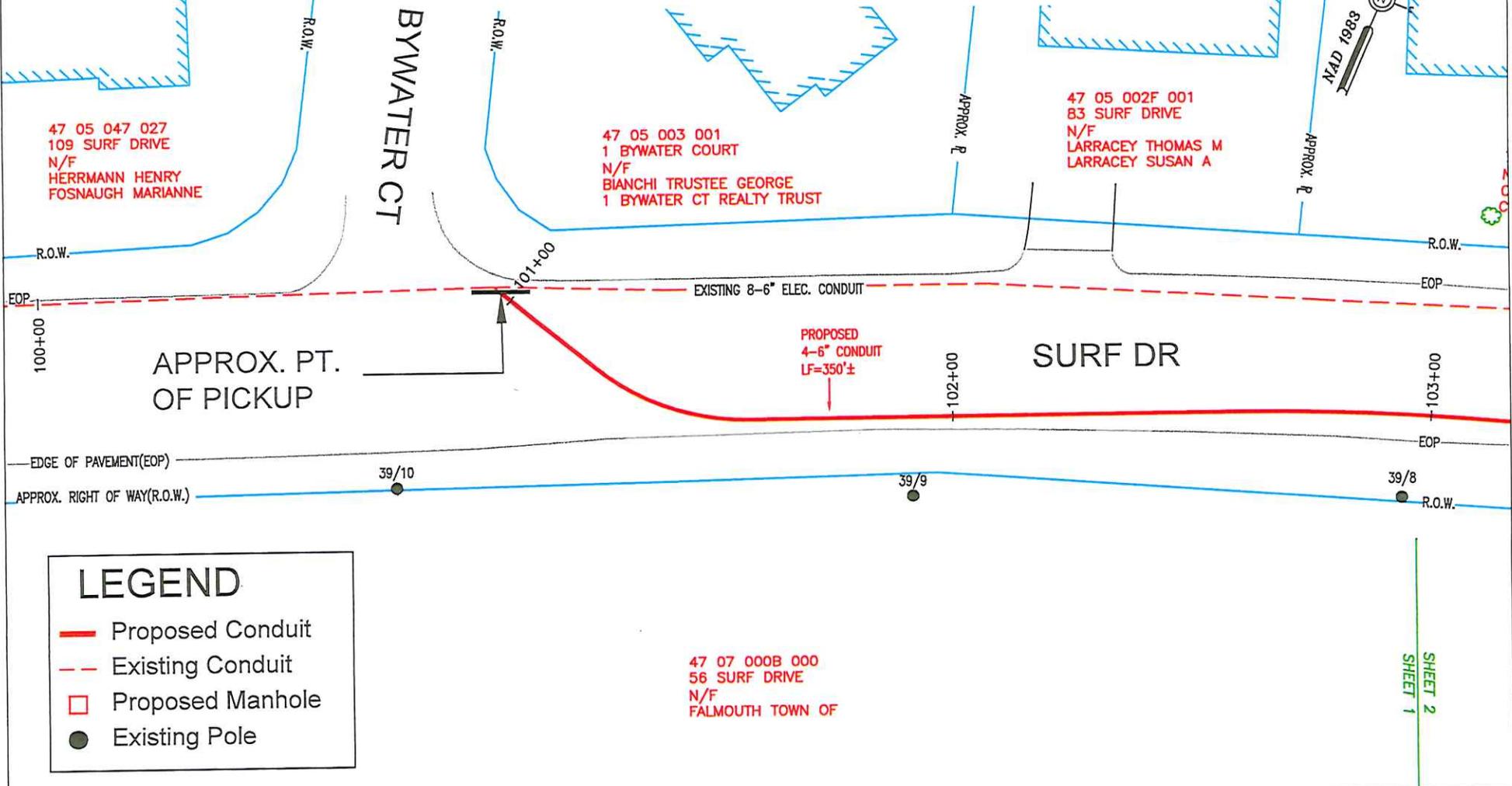
The Engineering recommendation is to approve the request as submitted on Plan No. 15389700, W/O #15389700, dated October 21, 2024.

Eversource Reminder: All Street Openings require a permit obtained from the Engineering Office.

Thank you,

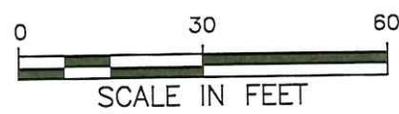
Nicholas Croft
Engineering Technician
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY.
 To install Manhole 70000/220 & 713' of 4-6" conduit in the Right of Way of Surf Drive.



LEGEND

- Proposed Conduit
- - - Existing Conduit
- Proposed Manhole
- Existing Pole



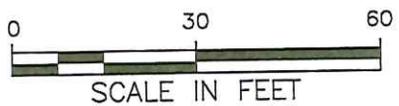
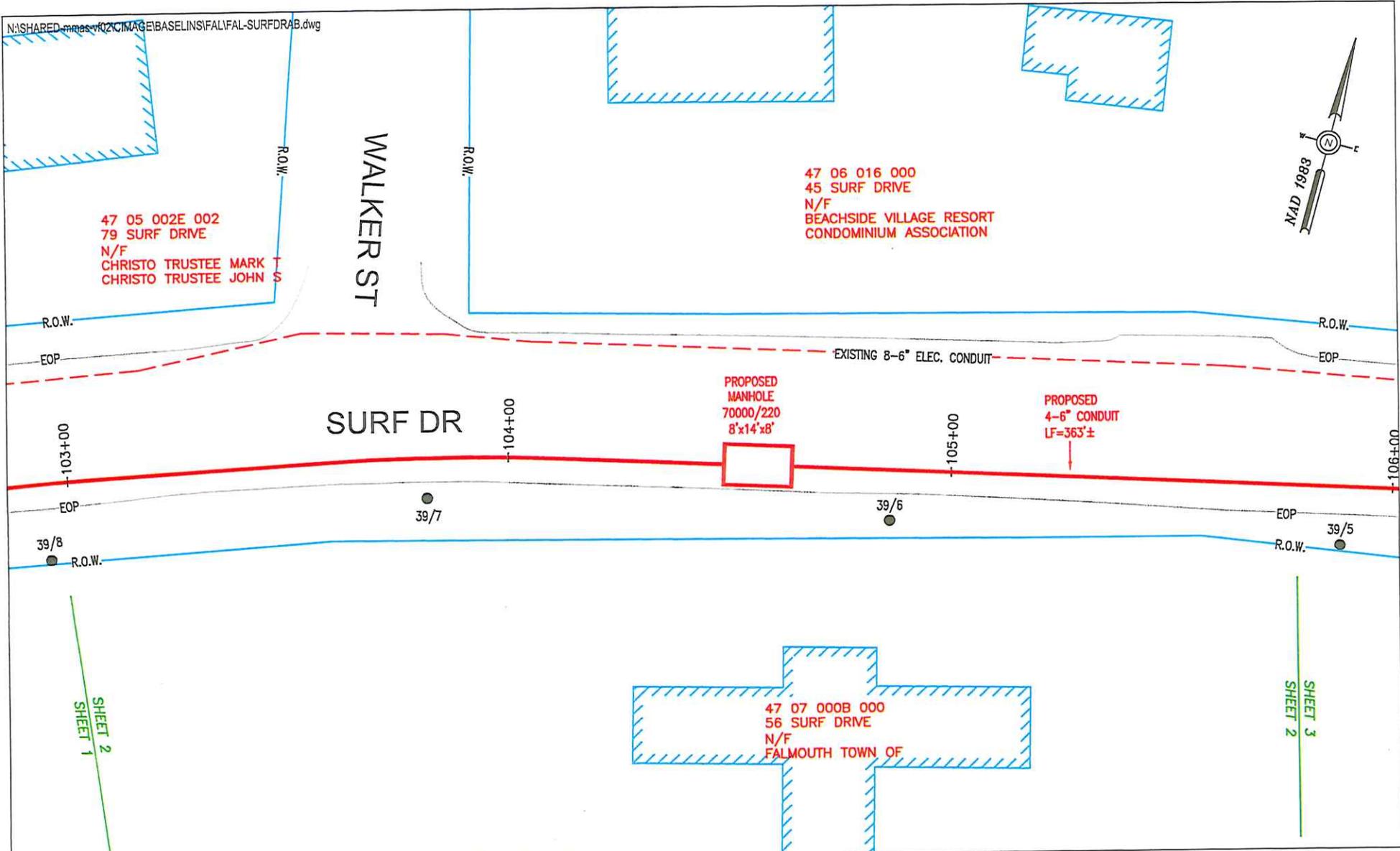
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MASS. LAW
 REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

| | | |
|----------------------|----------|---|
| Plan # | 15389700 | NSTAR EVERSOURCE ELECTRIC d/b/a 1105 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125 |
| Ward # | | |
| Work Order # | 15389700 | Plan of SURF DRIVE FALMOUTH |
| Surveyed by: | N/A | Showing PROPOSED MANHOLE AND CONDUIT LOCATION |
| Research by: | JC | |
| Plotted by: | SJ | |
| Proposed Structures: | SJ | |
| Approved: | K. RICE | Scale 1"=30' Date OCTOBER 21, 2024 |
| P# | | SHEET 1 of 3 |

SHEET 2
SHEET 1

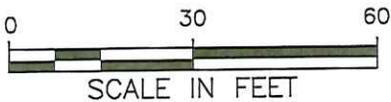
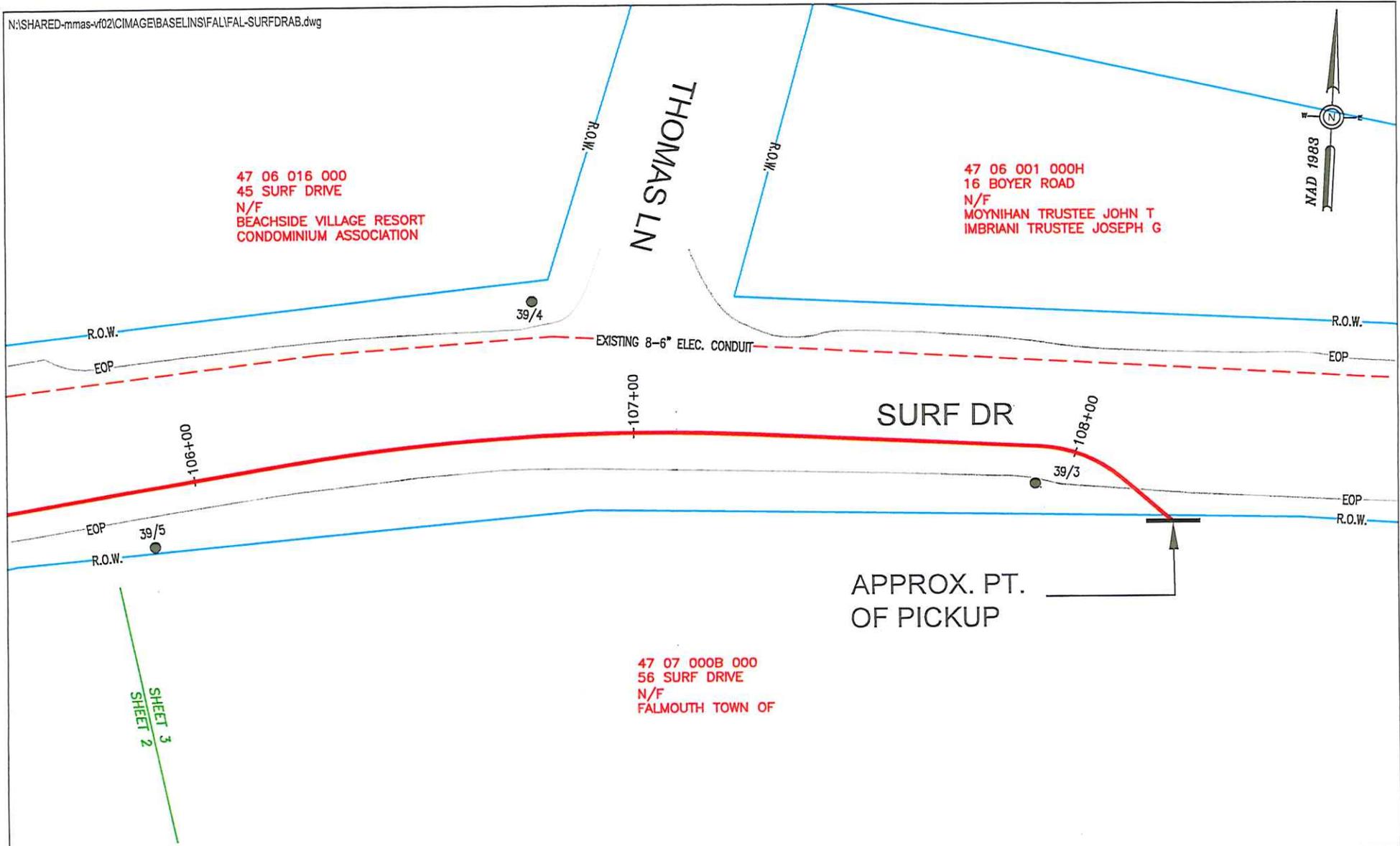


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| | | |
|----------------------|----------|---|
| Plan # | 15389700 | NSTAR EVERSOURCE ELECTRIC d/b/a 1185 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125 |
| Ward # | | |
| Work Order # | 15389700 | Plan of SURF DRIVE |
| Surveyed by: | N/A | FALMOUTH |
| Research by: | JC | Showing PROPOSED MANHOLE AND CONDUIT LOCATION |
| Plotted by: | SJ | |
| Proposed Structures: | SJ | |
| Approved: | K. RICE | Scale 1"=30' Date OCTOBER 21, 2024 |
| P# | | SHEET 2 of 3 |



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MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

| | |
|----------------------|----------|
| Plan # | 15389700 |
| Ward # | |
| Work Order # | 15389700 |
| Surveyed by: | N/A |
| Research by: | JC |
| Plotted by: | SJ |
| Proposed Structures: | SJ |
| Approved: | K. RICE |
| P# | |

NSTAR EVERSOURCE
ELECTRIC
d/b/a

1185 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of SURF DRIVE
FALMOUTH

Showing PROPOSED MANHOLE AND CONDUIT LOCATION

Scale 1"=30' Date OCTOBER 21, 2024

SHEET 3 of 3

**PETITION FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS
WO# 15389700**

October 24, 2024

**Barnstable, Massachusetts
To the Select Board of Falmouth, Massachusetts.**

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

request permission to locate underground cables, conduits, and manholes, including the necessary sustaining and protecting fixtures, in, under, along and across the following public way or ways:

Surf Drive, Falmouth

To install approximately 713' (feet) of 4-6" conduit under town road and install 1 new manhole to be labeled 70000/220.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, conduits, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed in accordance with the plan files herewith marked **Plan No. 15389700** Dated October 21, 2024.

**NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY**

By *Kimberly Boyd*

**Right of Way Clerk
Kimberly Boyd**

**FORM OF ORDER FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS
WO# 15389700**

SELECT BOARD FOR THE TOWN OF FALMOUTH, MASSACHUSETTS.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED: that the **NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY**
be and it is hereby granted a location for and permission to install and maintain underground cables,
conduits and manholes, together with such sustaining and protecting fixtures as said Company may
deem necessary, in, under, along and across the public way or ways hereinafter referred to, as
requested in petition of said Company dated the 8th day of July 2024.

All construction under this order shall be in accordance with the following conditions:

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the
plan marked **Plan No. 15389700** Dated October 21, 2024 filed with said petition. The following are
the public ways or parts of ways under, along and across which the cables above referred to may be
installed under this order.

Surf Drive, Falmouth

To install approximately 713' (feet) of 4-6"
conduit and install 1 new manhole to be
labeled 70000/220.

One (1) 4-6" conduit
One (1) Manhole 70000/220

This work is necessary for the Falmouth to Martha's Vineyard Submarine Cable Project.

I hereby certify that the foregoing order was adopted at a meeting of the Select Board of the
Town of Falmouth, Massachusetts held on the 2nd day of December 2024.

Clerk of Select Board

_____, Massachusetts _____
2024.P

Received and entered in the records of location orders of the Town of Falmouth Book
_____ Page _____

Attest:

Town Clerk

We hereby certify that on Wednesday, November 20, 2024, at 3:00 o'clock, P.M. at Falmouth Town Hall a public hearing was held on the petition of the

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

for permission to install and maintain the underground cables, conduits, manholes and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to install underground cables, conduits, manholes and fixtures under said order. And that thereupon said order was duly adopted.

**Select Board for the Town of
Falmouth, Massachusetts**

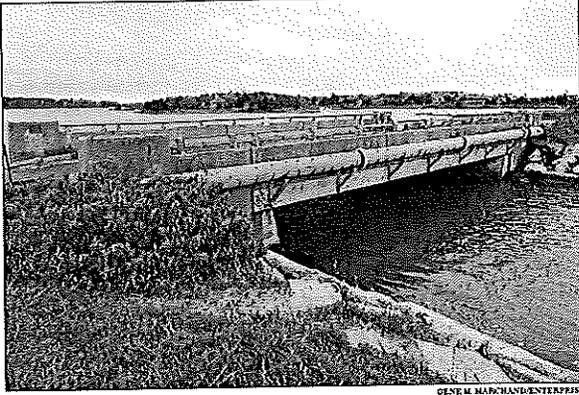
CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Select Board of the Town of Falmouth, Massachusetts, on the _____ day of _____ 2024, and recorded with the records of location orders of said Town, Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk.



Menauhant Road Bridge spans the Inlet leading to Bournes Pond.

Data Reviewed Concerning Widening Bournes Pond Inlet

By KATIE NELSON

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Because each organization is sampling from different locations, different depths, and varying seasons and weather conditions, outfalls were recorded. These outfalls were a topic of discussion at a September 25 water quality meeting.

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John Ramsey presents data on widening the Bournes Pond inlet at water quality management meeting.

expected, and widening the inlet may have harmful side effects. When outfalls were excluded, the data remained consistent and supported the decision to widen the inlet to improve water quality. Following Mr. Ramsey's presentation this week, board members and members of the public were invited to ask questions.

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Mr. Ramsey credited the consistency to the town keeping the inlet open and maintained. A lack of additional development surrounding Bournes Pond has also contributed to consistent data.

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before widening the inlet would be a more effective way to reduce the nitrogen concentration. Mr. Ramsey said that the northern portion of Bournes Pond will naturally have higher concentration of nitrogen because it is farther away from the inlet.

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Chairman Steven D. Rafferty said that going to the Department of Public Works for changes would likely delay the project further.

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Resident Anne S. Pride, who lives on Bournes Pond Road, said she is against widening the inlet. Ms. Pride asked for the cost comparison for IA septic systems and the current cost analysis of widening the inlet. Chairman Rafferty said he would refer to the appropriate parties to get that information to Ms. Pride.

Ms. Pride also noted that neighbors would not be happy about the bridge construction on Menauhant Road taking two years.

Chairman Rafferty asked those interested in the project to check the committee agendas for upcoming discussions on widening Bournes Pond Inlet.

'Remarkable Progress' Being Made With Outfall Permitting, Data Collection

Town Meeting Will Be Asked For Additional Funding

By KATIE NELSON

Wastewater Superintendent Amy A. Lowell this week gave an update on the offshore outfall data collection and permitting progress made since funds were appropriated at last November's Town Meeting.

Ms. Lowell presented a slideshow Wednesday at the water quality management committee meeting, with highlights from the year's progress. Much of the preliminary work is underway. Construction and completion of the offshore outfall pipe is estimated to take place in 2028-2032. A regulatory review team has been formed. This team, Ms. Lowell said, is coordinating with the state Department of Environmental Protection (DEP), the DEP and other regulatory agencies two times a month during the surveying, data collection and permitting process.

The survey area where data will be collected over a two-year period is larger than originally anticipated. The planned data collection will require a request for supplemental funding at this

month's Town Meeting. Ms. Lowell said.

The two-year baseline survey has been completed in Nantucket Sound. Ms. Lowell said that an enormous amount of data has been collected. The first year of baseline water quality monitoring at three locations has been completed.

Ms. Lowell also reported positive initial results from the US Geological Survey evaluation of the potential effect of an outfall on the aquifer. The full results of this evaluation will not be available until the data undergoes an extensive peer review, which will likely be in July of 2025.

The permit application process for marine soil borings has been completed. Ms. Lowell said. There will be seven borings in total, with one starting at Kite Park in Falmouth Heights and six marine borings offshore. The borings will be used to characterize subsurface soils for the design of the outfall directional drilling. The borings are estimated to take one month and may cause some noise disturbances. They are expected to be done this winter.

It was confirmed that the Falmouth offshore outfall will not affect the Inter-Basin Transfer Act, meaning the outfall infrastructure will be completely within town limits, Ms. Lowell said. The Falmouth outfall will not accept wastewater from any other town.

Ms. Lowell concluded her presentation by reminding the public that the outfall is a water quality improvement project. Once completed, the outfall will reduce septic discharge to ponds, decrease nitrogen discharge to Nantucket Sound and avoid the impacts of treated water discharge on land.

The outfall project will take an estimated five to seven years to complete. Ms. Lowell will speak at this month's Town Meeting to request additional funds to complete the necessary surveying. She did not specify how much money will be requested. Initial data collection should be completed in 2025.

Next steps for the project include an environmental notification form, which will need to be completed to start the Massachusetts Environmental Policy Act process. This will create an environmental impact study, which will be finalized, Ms. Lowell said, in 2025.

Board member Kenneth H. Foreman said Ms. Lowell's presentation was "very thorough," adding that remarkable progress has been made.

Ms. Lowell and Chairman Steven D. Rafferty said they will continue to share updates and information at various meetings in the future. Ms. Lowell added the public for suggestions on where to give her presentation, and Mr. Rafferty said he would like to discuss the project on Martha's Vineyard with town officials and the public.



Falmouth High School student Justinian Anderson receives the superintendent's academic excellence award during a recent school committee meeting. With him, are his grandfather, Justinian Anderson (from left); his father, Laurence Anderson; his mother, Charlene Anderson; Superintendent Lori Duerr; and Aunt Denise Badaoin.

FHS Senior Justinian Anderson Honored For Academic Excellence

By KATIE NELSON

Falmouth High School senior Justinian Anderson was honored with the Massachusetts Association of School Superintendents academic excellence award at the October 22 school committee meeting. He is the son of Laurence A. and Charlene M. Anderson of East Falmouth.

This award is given to high school students, selected by the state district's superintendent, who have excelled academically and demonstrated exemplary leadership and character.

Superintendent Lori S. Duerr read a long list of Justinian's accomplishments before presenting him with his award.

Already, as a high school senior, Justinian's résumé is impressive. With a perfect 4.0 GPA, Justinian is a member of five honor societies: music, math, science, Latin, and the National Honor Society.

Justinian is an avid volunteer, accumulating over 400 hours of service during his four years in high school. He has volunteered as a math tutor, for community events like the Christmas and Memorial Day parades, at the Saint Vincent de Paul Restore, and for Habitat

for Humanity.

For all four of his years in high school, Justinian has been involved in school clubs and even helped to revive the robotics club at Falmouth High School. He is currently captain of the Water Team, president of the Latin Club, and has been a class representative throughout his high school career.

An accomplished athlete and musician, Justinian has been a three-year member of the track team and is a decorated trumpet player. He was awarded the Director's award in 9th grade. Justinian auditioned and was accepted to the All-Cape Cod State Music Festival each year from his freshman to senior year.

Among his accomplishments, Justinian won third place in the STEAM fair in 11th grade. He also participated in the Woods Hole Oceanographic Splash Lab in the

summer of 2024.

As Dr. Duerr read through Justinian's accomplishments, she added praises, like "quite impressive" and "wow" between bullet points. Parents, teachers, administrators and school committee members echoed these praises as Dr. Duerr read.

Justinian gave a short speech, introducing and thanking his parents. A round of applause followed with cheers of "Good job, Mom and Dad," from the audience at the school committee meeting. Justinian told a story of a silly spelling error he remembered making in the 1st grade. Justinian said he has been improving, persevering and learning with support from staff at Falmouth Public Schools.

He hopes to study data science in college. His top schools are Tufts, Worcester Polytechnic Institute and Boston College.

Mr. Zine Named To Planning Board

By DEVIN ANKENY

Thomas A. Zine is the new member of Falmouth's planning board.

Mr. Zine, a recreation committee member who ran unsuccessfully for the select board last year, won the appointment to the planning board in a joint 8-3 vote between the Falmouth Select Board and Planning Board.

He was up against two other candidates, Charles McCaffrey and Katherine Gray Sturrock. Mr. McCaffrey received three votes.

Mr. Zine touted his experience in planning, time spent at past meetings and ability to see a best path forward on planning-related issues.

"I believe in affordable housing," Mr. Zine said. "But there's also being reasonable." Mr. Zine continued to say he supports using existing infrastructure for affordable housing and that new construction on land susceptible to climate change is not always the smartest move. He added that he is a former landlord and wants to ensure housing has a future in Falmouth.

A major factor in the planning board appointment decision was whether each candidate would continue to run for the next. This appointment only lasts until the election in May. That election only will finish the planning



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board term—one year. Mr. Zine said he is in for the long haul.

He committed to running for reelection to the planning board in May and in 2026, which would then be an election for a full term.

Mr. Zine said he wants to preserve Falmouth's "old charm" as well, when it comes to new construction and planning decisions. Planning board members

Robert Leary and Paul Dreyer, and select board member Heather M.H. Goldstone each voted for Mr. McCaffrey, who boasted several decades of experience and a commitment to climate change-oriented decision-making.

In other business, the select board dealt with and approved four different licensing-related items two weeks after discussing a licensing commission in Falmouth.

The select board approved a change of manager for an alcohol license for the Falmouth Yacht Club, several special one-day alcohol licenses for the Falmouth Theatre Guild, special one-day alcohol license for ENR Cap Revell, and a change of officers or directors for the Elks Lodge alcohol license.

Select board member Douglas C. Brown abstained from the latter vote, citing his membership in the Elks Lodge. Edwin P. (Scott) Zylinski voted against the yacht club's license change, citing the club's failure to send someone to the select board to speak before it and answer questions.

The yacht club's alcohol license request was the only item not in the consent agenda, and will allow for standard alcohol service, whereas the other items were changes to existing licenses or temporary, short-term licenses.

Falmouth Early Edition
An e-newsletter with Falmouth specific news sent each Tuesday

Eight Cousins
Your local family bookshop
Sturrock
189 Main Street
Thursday, November 14 10:30am

Municipal Legal Notices
PUBLIC HEARING NOTICE
You are hereby notified that a hearing will be held at Falmouth Town Hall in the Old Water Department Room at 3:00 p.m. on Wednesday, November 20, 2024, upon the petition of ISTAR Electric Company dba EverSource Energy for permission to install approximately 715' (length of 44' conduit) under town road, Surf Drive, and install 1 new manhole to be labeled 70000220.

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- d. Consider approval of the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install approximately 30' (feet) of 1-3" PVC conduit under town road and install 1 new handhole to be labeled 353/H4. This work is necessary to provide electric service to 63 Bayside Drive.



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Consider the approval of the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install approximately 30 feet of 1-3" PVC conduit under Town road and install 1 new handhole to be labeled 353/H4. This work is necessary to provide electric service to 63 Bayside Drive

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Public Hearing Notice, November 8, 2024; Falmouth Town Engineer's Recommendation Letter dated November 25, 2024; Site plan; Eversource petition dated October 31, 2024

PURPOSE:

The Select Board will consider the approval of a petition by Eversource for permission to install approximately 30 feet of 1-3" PVC conduit under Town road and install 1 new handhole to be labeled 353/H4.

This work is necessary to provide electric service to 63 Bayside Drive

BACKGROUND/SUMMARY:

- Eversource Energy submitted the attached petition on October 31, 2024 to install approximately 30' of 1-3" PVC conduit under the Town road Bayside Drive, and to install one (1) new handhole to be labeled 353/H4.

- The work is necessary to provide electric service to 63 Bayside Drive.

DEPARTMENT RECOMMENDATION:

The Town Engineer is recommending that the Select Board approve the petition by Eversource to install approximately 30 feet of 1-3" PVC conduit under Town road and install 1 new handhole to be labeled 353/H4.

This work is necessary to provide electric service to 63 Bayside Drive.

OPTIONS:

- Motion to approve the petition by Eversource Energy to install approximately 30 feet of 1-3" PVC conduit under Town road and install 1 new handhole to be labeled 353/H4, as presented.
- Motion to deny approval of the petition by Eversource Energy to install approximately 30 feet of 1-3" PVC conduit under Town road and install 1 new handhole to be labeled 353/H4.
- Some other Board defined alternative.

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

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
|------|-------|----------|--------|---------|-----------|-----------|
| | | | | | | |

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager is recommending that the Select Board approve the petition by Eversource to install approximately 30 feet of 1-3" PVC conduit under Town road and install 1 new handhole to be labeled 353/H4.

This work is necessary to provide electric service to 63 Bayside Drive.

Michael Renshaw

11/26/2024

Town Manager

Date



PUBLIC HEARING NOTICE

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This work is necessary to provide electric service to 63 Bayside Drive.

Per Order of the Falmouth Select Board

Publication Date: Friday, November 8, 2024, Falmouth Enterprise



Town of Falmouth

Department of Public Works - Engineering Division

416 Gifford Street, Falmouth, MA 02540
Office: 508-457-2543, Fax: 508-548-1537

Nicholas Croft, Engineering Technician

nicholas.croft@falmouthma.gov

Date: November 25, 2024

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to install underground conduit and one hand hole on Bayside Drive

A petition was submitted by Eversource to install $\pm 30'$ of 1-3" underground PVC conduit and one hand hole for service to #63 Bayside Drive

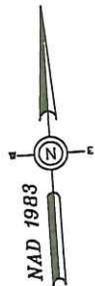
The Engineering recommendation is to approve the request as submitted on Plan No. 19021160, W/O #19021160, dated October 28, 2024.

Eversource Reminder: All Street Openings require a permit obtained from the Engineering Office.

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

Plan to accompany petition of **EVERSOURCE ENERGY**
to install **NEW 1-3" PVC Conduit** From New Handhold at Pole 353/4 30'± to
New Customer installed Handhole on Private Property.



32 17 000H 021
58 BAYSIDE DR
N/F
DEPAOLO PHYLLIS C

APPROX. R

32 17 000H 020
62 BAYSIDE DR
N/F
MACLEOD JR JOHN G

APPROX. R

32 17 000H 019
64 BAYSIDE DR
N/F
DUSSAULT JENNIFER

APPROX. RIGHT OF WAY

GRASS

353/H4

353/4

EVERSOURCE TO INSTALL
HANDHOLE

EDGE OF PAVEMENT

BAYSIDE DRIVE

APPROX. 216 FEET TO
EDGEWATER-EAST DR

EDGE OF PAVEMENT

CUSTOMER TO INSTALL
HANDHOLE

1-3" PVC DUCT
L = 30' ±

APPROX. RIGHT OF WAY

APPROX. R

41 03 000K 081
59 BAYSIDE DR
N/F
CARLSON CONCETTA B

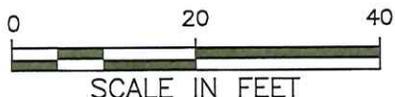
41 03 000K 080
63 BAYSIDE DR
N/F
WRIGHT TRUSTEE PHILIP

APPROX. R

41 03 000K 079
67 BAYSIDE DR
N/F
SQUILLANTE JR
TRUSTEE STEPHEN J

LEGEND

- Proposed Conduit
- Existing Conduit
- Proposed Pole
- Existing Pole
- Proposed Pullbox
- ⊕ Proposed Handhole



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW. YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

Plan # 19021160

Ward # -

Work Order # 19021160

Surveyed by: N/A

Research by: JC

Plotted by: JC

Proposed Structures: JC

Approved: K RICE

P#

NSTAR EVERSOURCE
ELECTRIC
d/b/a

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of BAYSIDE DRIVE

FALMOUTH

Showing PROPOSED CONDUIT AND HANDHOLE LOCATION

Scale 1"=20'

Date 10/28/24

SHEET 1 of 1

PETITION FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS
WO# 19021160

October 31, 2024

Barnstable, Massachusetts
To the Select Board of Falmouth, Massachusetts.

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

request permission to locate underground cables, conduits, and manholes, including the necessary sustaining and protecting fixtures, in, under, along and across the following public way or ways:

Bayside Drive, Falmouth

To install approximately 30' (feet) of 1-3" PVC conduit under town road and install 1 new handhole to be labeled 353/H4.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, conduits, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed in accordance with the plan files herewith marked **Plan No. 19021160** Dated October 28, 2024.

**NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY**

By *Kimberly Boyd*

**Right of Way Clerk
Kimberly Boyd**

**FORM OF ORDER FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS
WO# 19021160**

SELECT BOARD FOR THE TOWN OF FALMOUTH, MASSACHUSETTS.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED: that the **NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY**
be and it is hereby granted a location for and permission to install and maintain underground cables,
conduits and manholes, together with such sustaining and protecting fixtures as said Company may
deem necessary, in, under, along and across the public way or ways hereinafter referred to, as
requested in petition of said Company dated the 31th day of October 2024.

All construction under this order shall be in accordance with the following conditions:

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the
plan marked **Plan No. 19021160** Dated October 28, 2024 filed with said petition. The following are
the public ways or parts of ways under, along and across which the cables above referred to may be
installed under this order.

Bayside Drive, Falmouth

To install approximately 30' (feet) of 1-3"
PVC conduit and install 1 new handhole to
be labeled 353/H4.

**One (1) 1-3" PVC conduit
One (1) Handhole 353/H4**

This work is necessary to provide electric service to #63 Bayside Drive.

I hereby certify that the foregoing order was adopted at a meeting of the Select Board of the
Town of Falmouth, Massachusetts held on the 2nd day of December 2024.

Clerk of Select Board

_____, Massachusetts _____ 2024.

Received and entered in the records of location orders of the Town of Falmouth Book
_____ Page _____

Attest:

Town Clerk

We hereby certify that on Wednesday, November 20, 2024, at 3:00 o'clock, P.M. at Falmouth Town Hall a public hearing was held on the petition of the

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

for permission to install and maintain the underground cables, conduits, manholes and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to install underground cables, conduits, manholes and fixtures under said order. And that thereupon said order was duly adopted.

**Select Board for the Town of
Falmouth, Massachusetts**

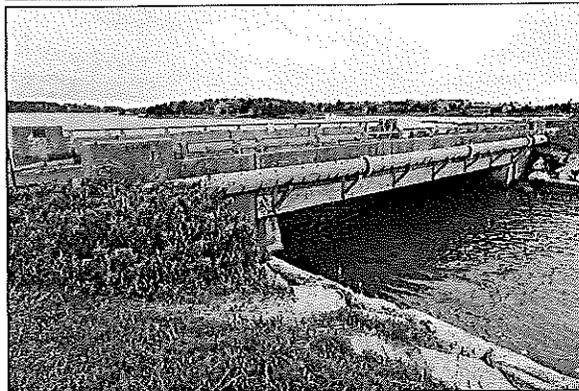
CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Select Board of the Town of Falmouth, Massachusetts, on the _____ day of _____, 2024, and recorded with the records of location orders of said Town, Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk.



Menauhant Road Bridge spans the inlet leading to Bournes Pond.

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Ms. Lowell also reported positive initial results from the US Geological Survey evaluation of the potential effect of an outfall on the aquifer. The full results of this evaluation will not be available until the data undergoes an extensive review, which will likely be in July of 2025.

The permit application process for marine soil borings has been completed, Ms. Lowell said. There will be seven borings in total, with one starting at Kite Park in Falmouth Heights and six marine borings offshore. The borings will be used to characterize subsurface soils for the design of the outfall directional drilling. The borings are estimated to take one month and may cause some noise disturbances. They are expected to be done this winter.

It was confirmed that the Falmouth offshore outfall will not affect the Inter-Basin Transfer Act, meaning the outfall infrastructure will be completely within town limits, Ms. Lowell said. The Falmouth outfall will not accept wastewater from any other town.

Ms. Lowell concluded her presentation by reminding the public that the outfall is a water quality improvement project. Once completed, the outfall will reduce septic discharge to ponds, decrease nitrogen discharge to Nantucket Sound and avoid the impacts of treated water discharge on land.

The outfall project will take an estimated five to seven years to complete. Ms. Lowell will speak at this month's Town Meeting to request additional funds to complete the necessary surveying. She did not specify how much money will be requested. Initial data collection should be completed in 2025.

Next steps for the project include an environmental notification form, which will need to be completed to start the Massachusetts Environmental Policy Act process. This will create an environmental impact study, which will be finalized, Ms. Lowell said, in 2025.

Board member Kenneth J. Foreman said Ms. Lowell's presentation was, "very thorough," adding that remarkable progress has been made.

Ms. Lowell and Chairman Steven D. Rafferty said they will continue to share updates and information at various meetings in the future. Ms. Lowell asked the public for suggestions on where to give her presentation, and Mr. Rafferty said he would like to discuss the project on Martha's Vineyard with town officials and the public.



Falmouth High School student Justinian Anderson receives the superintendent's academic excellence award during a recent school committee meeting. With him, are his grandmother, Jennifer George (front left), his father, Lawrence Anderson; his mother, Charlene Anderson; Superintendent Lori Duerer; and Aunt Denise Beaufort.

FHS Senior Justinian Anderson Honored For Academic Excellence

By KATIE NELSON
 Falmouth High School senior Justinian Anderson was honored with the Massachusetts Association of School Superintendents academic excellence award at the Nov. 6, 2024, 22 school committee meeting.

He is the son of Laurence A. and Charlene M. Anderson of East Falmouth.

"This award is given to high school students selected by each district's superintendent, who have excelled academically and demonstrated exemplary leadership and character."

Superintendent Lori S. Duerer read a long list of Justinian's accomplishments before presenting him with his award.

Already, as a high school senior, Justinian's résumé is impressive. With a perfect 4.0 GPA, Justinian is a member of five honor societies: music, math, science, Latin, and the National Honor Society.

Justinian is an avid volunteer, accumulating over 400 hours of service during his four years in high school. He has volunteered as a math tutor, for community events like the Christmas and Memorial Day Parades, at the Saint Vincent de Paul Restore, and for Habitat

for Humanity.

For all four of his years in high school, Justinian has been involved in school clubs and even helped to revive the robotics club at Falmouth High School. He is currently captain of the 11A Team, president of the Latin Club, and has been a class representative throughout his high school career.

An accomplished athlete and musician, Justinian has been a three-year member of the track team and is a decorated trumpet player. He was awarded the Director's award in 8th grade. Justinian auditioned and was accepted to the All Cape and Islands Music Festival each year from his freshman to senior year.

Among his accomplishments, Justinian won third place in the STEAM fair in 11th grade. He also participated in the Woods Hole Oceanographic Splash Lab in the

summer of 2024.

As Dr. Duerer read through Justinian's accomplishments, she added praises, like "quite impressive" and "wow" on comment bullet points. Parents, teachers, administrators and school committee members echoed these praises as Dr. Duerer read.

Justinian gave a short speech, introducing and thanking his parents. A round of applause followed with cheers of "Good job, Mom and Dad," from the audience at the school committee meeting.

Justinian told a story of a silly spelling error he remembered making in the 1st grade. Justinian said he has been improving, persevering and learning with support from staff at Falmouth Public Schools.

He hopes to study data science in college. His top schools are Tufts, Worcester Polytechnic Institute and Boston College.

Municipal Legal Notices

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Old Water Department Room at 3:00 p.m. on Wednesday, November 20, 2024, upon the petition of NSTAR Electric Company d/b/a EverSource Energy for permission to install approximately 715' (two of 48" conduit under town road, Surf Drive, and post #1 new manhole to be labeled 70002920.

This work is necessary for the Falmouth to Martha's Vineyard Submarine Cable Project.

Per Order of the Falmouth Select Board
 November 8, 2024

under town road and post #1 new manhole to be labeled 353514.

This work is necessary to provide electric service to 63 Bayside Drive.

Per Order of the Falmouth Select Board
 November 8, 2024

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Old Water Department Room at 3:00 p.m. on Wednesday, November 20, 2024, upon the petition of NSTAR Electric Company d/b/a EverSource Energy and Verizon New England, Inc. for permission to install 179 manholes, 42 poles to be labeled 548-18-5 approximately 75' (48" conduit) southwest of existing pole 548-18.

This pole location is necessary to provide electric service to #100 Madeline Road.

Per Order of the Falmouth Select Board
 November 8, 2024

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Old Water Department Room at 3:00 p.m. on Wednesday, November 20, 2024, upon the petition of NSTAR Electric Company d/b/a EverSource Energy for permission to install approximately 30' (feet) of 14" PVC conduit.

Falmouth Early Edition
 An e-newsletter with Falmouth specific news sent each Tuesday

EIGHT COUSINS
 Your local family Book-Pop-Ride

8 Cousins
 With Ms. Rosanne
 Thursday, November 14 • 10:30am
 159 Main Street

199 4199 Main St. • Falmouth • 508-548-2542
 www.eightcousins.com

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- e. Consider approval of the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission to install 1 new midspan JO pole to be labeled 549/18-5 approximately 75' (feet) southwest of existing pole 549/18. This pole location is necessary to provide electric service to #100 Madeline Road.



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Consider the approval of the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install 1 new midspan JO pole to be labeled 549/18-5 approximately 75 feet southwest of existing pole 549/18. This pole is necessary to provide electric service to #100 Madeline Road

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Public Hearing Notice, November 8, 2024; Falmouth Town Engineer's Recommendation Letter dated November 25, 2024; Site plan; Eversource petition dated October 3, 2024

PURPOSE:

The Select Board will consider the approval of a petition by Eversource for permission to install one (1) new midspan Jointly Owned (JO) pole to be labeled 549/18-5 approximately 75 feet southwest of existing pole 549/18.

This pole is necessary to provide electric service to #100 Madeline Road.

BACKGROUND/SUMMARY:

- Eversource Energy submitted the attached petition on October 3, 2024 to install one (1) new midspan Jointly Owned (JO) pole to be labeled 549/18-5 approximately 75 feet southwest of existing pole 549/18.

- The work is necessary to provide electric service to #100 Madeline Road.

DEPARTMENT RECOMMENDATION:

The Town Engineer is recommending that the Select Board approve the petition by Eversource to install one (1) new midspan Jointly Owned (JO) pole to be labeled 549/18-5 approximately 75 feet southwest of existing pole 549/18.

This pole is necessary to provide electric service to #100 Madeline Road.

OPTIONS:

- Motion to approve the petition by Eversource Energy to install one (1) new midspan Jointly Owned (JO) pole to be labeled 549/18-5 approximately 75 feet southwest of existing pole 549/18 as presented.
- Motion to deny approval of the petition by Eversource Energy to install one (1) new midspan Jointly Owned (JO) pole to be labeled 549/18-5 approximately 75 feet southwest of existing pole 549/18.
- Some other Board defined alternative.

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

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
|------|-------|----------|--------|---------|-----------|-----------|
| | | | | | | |

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager is recommending that the Select Board approve the petition by Eversource to install one (1) new midspan Jointly Owned (JO) pole to be labeled 549/18-5 approximately 75 feet southwest of existing pole 549/18.

This pole is necessary to provide electric service to #100 Madeline Road.

Michael Renshaw

Town Manager

11/26/2024

Date



PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Old Water Department Room at 3:00 p.m. on Wednesday, November 20, 2024, upon the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission to install 1 new midspan JO pole to be labeled 549/18-5 approximately 75' (feet) southwest of existing pole 549/18.

This pole location is necessary to provide electric service to #100 Madeline Road.

Per Order of the Falmouth Select Board

Publication Date: Friday, November 8, 2024, Falmouth Enterprise



Town of Falmouth

Department of Public Works - Engineering Division

416 Gifford Street, Falmouth, MA 02540
Office: 508-457-2543, Fax: 508-548-1537

Nicholas Croft, Engineering Technician

nicholas.croft@falmouthma.gov

Date: November 25, 2024

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to install JO-ES Pole on Madeline Road

A petition was submitted by Eversource to install one Jointly Owned Eversource Pole (#549/18-5) on Madeline Road. This pole location is necessary to provide electric service to #100 Madeline Road.

The Engineering recommendation is to approve the request as submitted on Plan No. 18674852, W/O #18674852, dated October 1, 2024.

Eversource Reminder: All Street Openings require a permit obtained from the Engineering Office.

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY
to install new Pole #549/18-5 (JO-ES) in the Right of Way of Madeline Road.

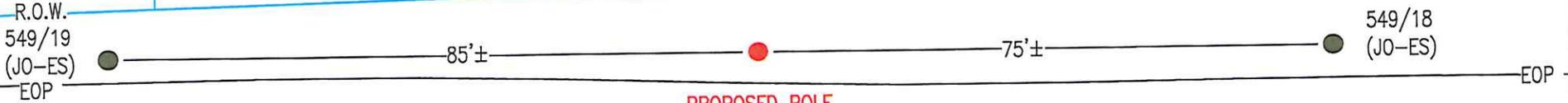


32 06 000
124
101
MADELINE
ROAD
N/F
MANGRAVITI
JR JAMES J

32 06 000 124
97 MADELINE ROAD
N/F
HOWELL TRUSTEE JANET E
HOWELL TRUSTEE JOSHUA C

32 06 000 123
95 MADELINE ROAD
N/F
HOWELL TRUSTEE JOHN D
HOWELL FAL RLTY TRUST

32 06 000
89
MADELINE
ROAD
N/F
PESSIN
WILLIAM J



APPROX. 370'± TO
ANTLERS SHORE DR.

PROPOSED POLE
549/18-5
JO-ES

MADELINE RD

APPROX. EDGE OF PAVEMENT(EOP)

APPROX. RIGHT OF WAY(R.O.W.)/BSW

32 06 000 131
104 MADELINE
ROAD
N/F
FITZPATRICK
KEVIN C
FITZPATRICK
THERESA

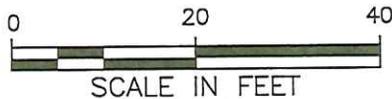
32 06 000 132
100 MADELINE ROAD
N/F
BEAUCHAINE JOHN A
BEAUCHAINE VANESSA C

32 06 000 133
96 MADELINE ROAD
N/F
SHEA ELIZABETH

32 06
000 134
92
MADELINE
ROAD
N/F
HARNEY
PAUL J
HARNEY
JOANNE

LEGEND

- Existing Pole
- Proposed Pole



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED

MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES
BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

Plan # 18674852

Ward #

Work Order # 18674852

Surveyed by: N/A

Research by: JC

Plotted by: SJ

Proposed Structures: SJ

Approved: K. RICE

P#

NSTAR EVERSOURCE
ELECTRIC
d/b/a

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of MADELINE ROAD

FALMOUTH

Showing PROPOSED POLE LOCATION

Scale 1"=20' Date OCTOBER 1, 2024

SHEET 1 of 1

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS
WO#18674852

October 3, 2024

To the Select Board of Falmouth, Massachusetts.

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY
VERIZON NEW ENGLAND INC.

request permission to locate poles, wires, cables and fixtures, including the necessary sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

Madeline Road, Falmouth

To install 1 new midspan JO pole to be labeled 549/18-5 approximately 75' (feet) southwest of existing pole 549/18.

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for permission to erect and maintain poles, wires, and cables, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked **Plan# 18674852** Dated October 1, 2024.

Also for permission to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with the poles and buildings as each may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY

By *Jessica Elder*

Right of Way Agent
Jessica S. Elder

VERIZON NEW ENGLAND INC.

By *Albert E. Bessette, Jr.*

Manager-Right of Way

Eversource Energy
50 Duchaine Blvd.
New Bedford, MA 02745
Attn: Jessica Elder

**FORM OF ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS
WO#18674852**

SELECT BOARD FOR THE TOWN OF FALMOUTH, MASSACHUSETTS.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED:
that **NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY** and
VERIZON NEW ENGLAND INC.

be and they are hereby granted joint or identical locations for permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 3rd day of October 2024.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber and reasonably straight and shall be set substantially at the points indicated upon the plan marked **Plan No. 18674852** Dated October 1, 2024 filed with said petition. There may be attached to said poles by said **VERIZON NEW ENGLAND, INC.** not to exceed 40 wires and 4 cables and by said **NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY** necessary wires, cables and fixtures

and all said wires and cables shall be placed at a height of not less than 18 feet from the ground at highway crossings, and not less than 16 feet from the ground elsewhere.

The following are public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Madeline Road, Falmouth

To install 1 new midspan JO pole to be labeled 549/18-5 approximately 75' (feet) southwest of existing pole 549/18.

One (1) JO Pole 549/18-5

This pole location is necessary to provide electric service to #100 Madeline Road.

Also that permission be and hereby granted to each of said companies to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Select Board for the Town of Falmouth, Massachusetts held on the 2nd day of December 2024.

Clerk of the Select Board

ROW Manager- Verizon
44 Old Townhouse Rd
S. Yarmouth, MA 02664

**FORM OF ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS
WO#18674852**

SELECT BOARD FOR THE TOWN OF FALMOUTH, MASSACHUSETTS.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED:
that **NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY** and
VERIZON NEW ENGLAND INC.

be and they are hereby granted joint or identical locations for permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 27th day of June 2024.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber and reasonably straight and shall be set substantially at the points indicated upon the plan marked **Plan No. 18674852** Dated October 1, 2024 filed with said petition. There may be attached to said poles by said **VERIZON NEW ENGLAND, INC.** not to exceed 40 wires and 4 cables and by said **NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY** necessary wires, cables and fixtures

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I hereby certify that the foregoing order was adopted at a meeting of the Select Board for the Town of Falmouth, Massachusetts held on the 2nd day of December 2024.

Clerk of the Select Board

We hereby certify that on Wednesday, November 20, 2024, at 3:00 o'clock, P. M. at Falmouth Town Hall a public hearing was held on the petition of the

**NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY
VERIZON NEW ENGLAND INC.**

for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

**Select Board for the Town of
Falmouth, Massachusetts**

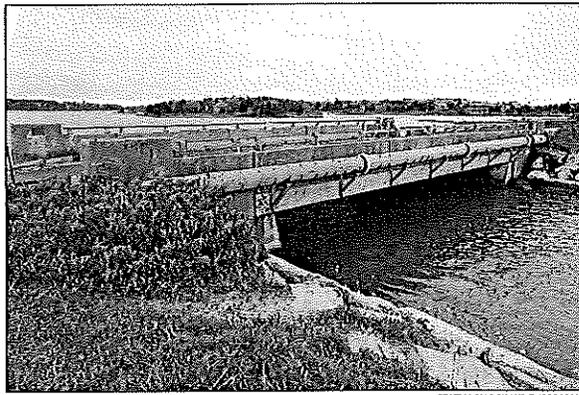
CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Select Board of the Town of Falmouth, Massachusetts, on the _____ day of _____ 2024, and recorded with the records of location orders of said Town, Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk.



Menauhant Road Bridge spans the inlet leading to Bournes Pond.

Data Reviewed Concerning Widening Bournes Pond Inlet

By KATIE NELSON

After years of delays due to a lengthy permitting process with the US Army Corps of Engineers, the bridge replacement and inlet widening of Bournes Pond is scheduled to start next fall. Construction of a new bridge on Menauhant Road will take about two years to complete.

John Ramsey of Sustainable Coastal Solutions, Inc. presented data and explained the purpose of the project for public information at Wednesday's water quality management committee meeting.

Widening the Bournes Pond inlet will allow for increased tidal flushing. This will decrease the harmful nitrogen concentration in the pond. The lower portion of the estuary will see the most drastic results at a 15 percent improvement, Mr. Ramsey said.

Mr. Ramsey presented data collected by Sustainable Coastal Solutions, Inc., as well as water quality data sets from the Massachusetts Estuary Project, the Falmouth Pond Watch and the Center of Coastal Studies. In an effort to clear up any confusion over outliers, each of the data sets were explained and compared to the data presented by Mr. Ramsey from Sustainable Coastal Solutions.

Because each organization is sampling from different locations, different depths, and varying seasons and weather conditions, outliers were recorded. These outliers were a topic of discussion at a September 25 water quality meeting.

Former water quality management committee member Ronald D. Zweig expressed concern during the September meeting that the nitrogen levels in Vineyard Sound were higher than



KATIE NELSON/ENTERPRISE John Ramsey presents data on widening the Bournes Pond inlet at water quality management meeting.

expected, and widening the inlet may have harmful side effects. When outliers were excluded, the data remained consistent and supported the decision to widen the inlet to improve water quality.

Following Mr. Ramsey's presentation this week, board members and members of the public were invited to ask questions.

Board member Thomas K. Duncanson said the data is "remarkably consistent."

Board member Stephen Leighton wondered if sewer and implementing innovative, adaptive septic systems in the northern portion of Bournes Pond

before widening the inlet would be a more effective way to reduce the nitrogen concentration.

Mr. Ramsey said that the northern portion of Bournes Pond will naturally have higher concentration of nitrogen because it is further away from the inlet.

Select board member Douglas C. Brown asked if there might be an opportunity to elevate the bridge in anticipation of rising sea levels. Mr. Ramsey explained the design of the bridge is already complete, but there may still be an opportunity to raise the level of the road.

Chairman Steven D. Rafferty said that going to the Department of Public Works for changes would likely delay the project further.

"Never mind," Mr. Brown said quickly and left the podium. The audience and board laughed in response.

Mr. Ramsey added that part of the project includes adding sand to the beach on the east side and restoring dunes on the west side, giving the road "a better buffer than it has now."

Resident Anne S. Pride, who lives on Bournes Pond Road, said she is against widening the inlet. Ms. Pride asked for the cost comparison for IA septic systems and the current cost analysis of widening the inlet. Chairman Rafferty said he would reach out to the appropriate parties to get that information to Ms. Pride.

Ms. Pride also noted that neighbors would not be happy about the bridge construction on Menauhant Road taking two years.

Chairman Rafferty asked those interested in the project to check the committee agenda for upcoming discussions on widening Bournes Pond inlet.

'Remarkable Progress' Being Made With Outfall Permitting, Data Collection

Town Meeting Will Be Asked For Additional Funding

By KATIE NELSON

Wastewater Superintendent Amy A. Lowell this week gave an update on the offshore outfall data collection and permitting progress made since funds were appropriated at last November's Town Meeting.

Ms. Lowell presented a slideshow Wednesday at the water quality management committee meeting, with highlights from the year's progress. Much of the preliminary work is underway. Construction and completion of the offshore outfall pipe is estimated to take place in 2023-2024.

A regulatory review team has been formed. This team, Ms. Lowell said, is coordinating with the state Department of Environmental Protection (DEP). The review team will meet with the DEP and other regulatory agencies two times a month during the surveying, data collection and permitting process.

The survey area where data will be collected over a two-year period is larger than originally anticipated. The planned data collection will require a request for supplemental funding at this

month's Town Meeting, Ms. Lowell said.

The two-year baseline survey has been completed in Nantucket Sound. Ms. Lowell said that an enormous amount of data has been collected. The first year of baseline water quality monitoring at three locations has been completed.

Ms. Lowell also reported positive initial results from the US Geological Survey evaluation of the potential effect of an outfall on the aquifer. The full results of this evaluation will not be available until the data undergoes an extensive peer review, which will likely be in July of 2025.

The permit application process for marine soil borings has been completed, Ms. Lowell said. There will be seven borings in total, with one starting at Kilo Park in Falmouth Heights and six marine borings offshore. The borings will be used to characterize subsurface soils for the design of the outfall directional drilling. The borings are estimated to take one month and may cause some noise disturbances. They are expected to be done this winter.

It was confirmed that the Falmouth offshore outfall will not affect the Inter-Basin Transfer Act, meaning the outfall infrastructure will be completely within town limits, Ms. Lowell said. The Falmouth outfall will not accept wastewater from any other town.

Ms. Lowell concluded her presentation by reminding the public that the outfall is a water quality improvement project. Once completed, the outfall will reduce septic discharge to ponds, decrease nitrogen discharge to Nantucket Sound and avoid the impacts of treated water discharge on land.

The outfall project will take an estimated five to seven years to complete. Ms. Lowell will speak at this month's Town Meeting to request additional funds to complete the necessary surveying. She did not specify how much money will be requested. Initial data collection should be completed in 2025.

Next steps for the project include an environmental notification form, which will need to be completed to start the Massachusetts Environmental Policy Act process. This will create an environmental impact study, which will be finalized, Ms. Lowell said, in 2025.

Board member Kenneth H. Foreman said Ms. Lowell's presentation was "very thorough," adding that remarkable progress has been made.

Ms. Lowell and Chairman Steven D. Rafferty said they will continue to share updates and information at various meetings in the future. Ms. Lowell asked the public for suggestions on where to give her presentation, and Mr. Rafferty said he would like to discuss the project on Martha's Vineyard with town officials and the public.

Mr. Zine Named To Planning Board

By DEVIN ANKENNEY

Thomas A. Zine is the new member of Falmouth's planning board.

Mr. Zine, a recreation committee member who ran unsuccessfully for the select board last year, won the appointment to the planning board in a joint 8-3 vote between the Falmouth Select Board and Planning Board.

He was up against two other candidates, Charles McCaffrey and Katherine Gray Sturrock. Mr. McCaffrey received three votes.

Mr. Zine touted his experience in planning, time spent at past meetings and ability to see a best path forward on planning-related issues.

"I believe in affordable housing," Mr. Zine said. "But there's also being responsible."

Mr. Zine continued to say he supports using existing infrastructure for affordable housing and that new construction on land susceptible to climate change is not always the smartest move. He added that he is a former landlord and wants to ensure housing has a future in Falmouth.

A major factor in the planning board appointment decision was whether each candidate would continue to run for the seat. This appointment only lasts until the election in May. That election only will finish the planning



DEVIN ANKENNEY/ENTERPRISE Thomas Zine is the newest planning board member.

board term—one year.

Mr. Zine said he is in it for the long haul.

He committed to running for reelection to the planning board in May and in 2026, which would then be an election for a full term. Mr. Zine said he wants to preserve Falmouth's "old charm" as well, when it comes to new construction and planning decisions. Planning board members

Robert Leary and Paul Dreyer, and select board member Heather M. H. Goldstone each voted for Mr. McCaffrey, who boasted several decades of experience and a commitment to climate change-oriented decision-making.

In other business, the select board dealt with and approved four different licensing-related items two weeks after discussing a licensing commission in Falmouth.

The select board approved a change of manager for an alcohol license for the Falmouth Yacht Club, several special one-day alcohol licenses for the Falmouth Theatre Guild, special one-day alcohol license for EXIT Cape Reilly and a change of officers or directors for the Elks Lodge alcohol license.

Select board member Douglas C. Brown abstained from the latter vote, citing his membership in the Elks Lodge. Edwin P. (Scott) Zylinski voted against the yacht club's license change, citing the club's failure to send someone to the select board to speak before it and answer questions.

The yacht club's alcohol license request was the only item not in the consent agenda, and will allow for standard alcohol service, whereas the other items were changes to existing licenses or temporary, short-term licenses.



Falmouth High School student Justinian Anderson receives the superintendent's academic excellence award during a recent school committee meeting. With him are his grandmother, Jeanette George (front left), his father, Laurence Anderson; his mother, Charlene Anderson, Superintendent Lori Duerr; and Aunt Denise Beaulieu.

FHS Senior Justinian Anderson Honored For Academic Excellence

By KATIE NELSON

Falmouth High School senior Justinian Anderson was honored with the Massachusetts Association of School Superintendents academic excellence award at the October 22 school committee meeting. He is the son of Laurence A. and Charlene M. Anderson of East Falmouth.

This award is given to high school students, selected by the each district's superintendent, who have excelled academically and demonstrated exemplary leadership and character.

Superintendent Lori S. Duerr read a long list of Justinian's accomplishments before presenting him with his award.

Already, as a high school senior, Justinian's resume is impressive. With a perfect 4.0 GPA, Justinian is a member of five honor societies: music, math, science, Latin, and the National Honor Society.

Justinian is an avid volunteer, accumulating over 400 hours of service during his four years in high school. He has volunteered as a math tutor, for community events like the Christmas and Memorial Day parades, at the Saint Vincent de Paul Restore, and for Habitat

for Humanity.

For all four of his years in high school, Justinian has been involved in school clubs and even helped to revive the robotics club at Falmouth High School. He is currently captain of the Math Team, president of the Latin Club, and has been a class representative throughout his high school career.

An accomplished athlete and musician, Justinian has been a three-year member of the track team and is a decorated trumpet player. He was awarded the Director's award in 8th grade. Justinian auditioned and was accepted to the All Cape and Islands Music Festival each year from his freshman to senior year.

Among his accomplishments, Justinian won third place in the STEAM fair in 11th grade. He also participated in the Woods Hole Oceanographic Splash Lab in the

summer of 2024.

As Dr. Duerr read through Justinian's accomplishments, she added praises, like "quite impressive" and "wow" between bullet points. Parents, teachers, administrators and school committee members echoed these praises as Dr. Duerr read.

Justinian gave a short speech, introducing and thanking his parents. A round of applause followed with cheers of "Good job, Mom and Dad," from the audience at the school committee meeting. Justinian told a story of a silly spelling error he remembered making in the 1st grade. Justinian said he has been improving, persevering and learning with support from staff at Falmouth Public Schools.

He hopes to study data science in college. His top schools were Tufts, Worcester Polytechnic Institute and Boston College.

Municipal Legal Notices

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Old Water Department Room at 3:00 p.m. on Wednesday, November 20, 2024, upon the petition of NSTAR Electric Company d/b/a EverSource Energy for permission to install approximately 713' (465' of 4" cond'd under town road, Surf Drive, and install 1 new manhole to be labeled 705002720.

PUBLIC HEARING NOTICE

This work is necessary for the Falmouth to Martha's Vineyard Submarine Cable Project.

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Old Water Department Room at 3:00 p.m. on Wednesday, November 20, 2024, upon the petition of NSTAR Electric Company d/b/a EverSource Energy for permission to install approximately 30' (18' of 1-3" PVC cond'd

under town road and install 1 new manhole to be labeled 353194.

This work is necessary to provide electric service to 63 Bayville Drive.

Per Order of the Falmouth Select Board

November 8, 2024

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Old Water Department Room at 3:00 p.m. on Wednesday, November 20, 2024, upon the petition of NSTAR Electric Company d/b/a EverSource Energy and Verizon New England, Inc. for permission to install 1 re-entrant pole to be labeled 548-15-5 approximately 75' (40' southwest of existing pole 548-15.

This pole location is necessary to provide electric service to #100 Mastika Road.

Per Order of the Falmouth Select Board

November 8, 2024

Falmouth Early Edition
An e-newsletter with Falmouth specific news sent each Tuesday

Eight Cousins, Inc.
Staying With Ms. Rosalene
Thursday, November 14 - 10:30am
189 Main Street
118 & 199 Main St. - Falmouth - 528-5483/5484
www.eightcousins.com

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- f. Consider request to apply for grant funds from the Executive Office of Housing and Livable Communities District Local Technical Assistance (DLTA) program for the development of Design Guidelines for the Planning Board



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

ITEM TITLE: Consider request to apply for grant funds from the Executive Office of Housing and Livable Communities District Local Technical Assistance (DLTA) program for the development of Design Guidelines for the Planning Board

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Jed Cornock, Town Planner

ATTACHMENTS: Cape Cod Commission District Local Technical Assistance Grant Program Solicitation Letter; Town of Falmouth District Local Technical Assistance Grant Application

PURPOSE:

To receive Select Board approval of a District Local Technical Assistance (DLTA) grant application to fund the development of design guidelines for the Mixed Residential and Commercial Overlay District (MRCOD).

BACKGROUND/SUMMARY:

- Procedural Overview:
 - The District Local Technical Assistance (DLTA) Program is funded annually by the Executive Office of Housing and Livable Communities (EOHLC) to help municipalities with sustainable development and to encourage communities to form partnerships to achieve planning and development goals consistent with state and regional priorities.

- State funding is allocated to each of the state's 13 regional planning agencies, including the Cape Cod Commission, to accomplish these technical assistance projects.
- Grant funds need to address the State's priority areas: 1) Planning Ahead for Housing; 2) Planning Ahead for Growth; 3) Community Compact Cabinet activities including regionalization; and 4) Housing Choice Initiative activities.
- The funds allow a community to hire a consultant to produce the specific request and all awards need to be expended by December 31, 2025.
- Communities are to submit a written funding request to the Cape Cod Commission by December 13, 2024. The request needs to provide the proposed scope of work, list of tasks, anticipated products or deliverables and a budget.
- Staff has prepared the written request and is seeking the Select Board's approval for submission.

➤ Project Description:

- The Mixed Residential and Commercial Overlay District (MRCOD) is a priority development area for the town. Recent amendments to the bylaw approved by Town Meeting created flexibility for the applicants and the Planning Board to encourage multi-family and mixed-use development in this area.
- In 2019, the Planning Board adopted the [Contextual Design on Cape Cod – Design Guidelines for Large-scale Development document](#) produced by the Cape Cod Commission in 2009. Although this document is well written and very detailed, it isn't specific to Falmouth and importantly, the Mixed Residential and Commercial Overlay District.
- This grant application, if awarded, would create a document that identifies the vision of the overlay district and intended outcomes, highlights the existing character and variable design, and creates a set of design standards that will provide a cohesive look and feel for the district.

➤ Project Benefits:

- This document will provide all parties (property owners, the development

community, the Planning Board, and town staff) with a measure of predictability when proposing building and site designs while streamlining the regulatory review process.

- Additionally, the creation of these design guidelines will provide an opportunity for residents, business owners, and others to participate in the future design of this important zoning district.

DEPARTMENT RECOMMENDATION:

The Planning Department is recommending that the Select Board approve the District Local Technical Assistance (DLTA) grant application letter as presented.

OPTIONS:

- Motion to approve the District Local Technical Assistance (DLTA) grant application letter as presented.
- Motion to deny the District Local Technical Assistance (DLTA) grant application letter as presented.

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

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
|------|-------|----------|--------|---------|-----------|-----------|
| | | | | | | |

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board approve the District Local Technical Assistance (DLTA) grant application letter as presented.

Michael Renshaw

Town Manager

11/27/2024

Date

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

Date: November 6, 2024

To: Cape Cod Boards of Selectmen & Barnstable Town Council
Cape Cod Town Administrators and Managers
Cape Cod Town Planners and Planning Board Chairs

From: Kristy Senatori, Executive Director, Cape Cod Commission

Dear Municipal Official:

The Cape Cod Commission is anticipating grant funds from the Executive Office of Housing and Livable Communities District Local Technical Assistance (DLTA) program to provide technical assistance to member municipalities. These funds will need to be expended by December 31, 2025. Please note, this deadline is fixed, and projects undertaken with these funds cannot be extended.

This letter is an invitation to Cape Cod municipalities to apply for funding consistent with state guidelines for this technical assistance.

It is expected that DLTA funds totaling \$192,999 would be available for the State's identified priority areas: 1) **Planning Ahead for Housing** (or to help reach the Statewide Housing Production Goal); 2) **Planning Ahead for Growth**; 3) **Community Compact Cabinet activities including regionalization**; and 4) **Housing Choice Initiative activities**. Please note that while not expected, the state may make some minor changes to these priority areas.

The goal of the DLTA Fund is to direct these funds to projects and activities that result in change in the municipality(ies), whether in law, regulation, program management, or practice.

Project Selection Criteria:

- 1) Responsiveness to priority uses, including:
 - support for towns to achieve Community Compact best practices; and

- support for opportunities for collaboration and/or resource sharing; and,
 - promotion of planning to adapt to and mitigate climate change and encourage sustainable development; and
 - support for water quality and wastewater planning and projects; and planning and implementation activities that support affordable and market-rate housing planning and production opportunities in appropriate locations
- 2) Provision of a clear statement of expected products/deliverables (i.e., bylaw prepared for adoption, proposed or adopted regional agreement or memorandum of understanding, joint procurement solicitation prepared, proposed or adopted permitting procedures).

A list of Community Compact Cabinet Best Practices can be found at [Community Compact Best Practice Areas | Mass.gov](#). Housing Choice Best Practices can be found at <https://www.mass.gov/doc/2024-housing-choice-best-practices/download>.

PROPOSAL SUBMISSIONS

Please submit your written funding request to me by **December 13, 2024**. This request should detail your proposed scope of work, list of tasks, anticipated products or deliverables and budget. Please also indicate if you have conducted your procurement and engaged a consultant. Awards are expected in early January. Again, it is important to note that work must be completed and grant funds expended by December 31, 2025.

Regardless of the topic of your funding request, please indicate which best practices are included in your town's Community Compact agreement with the State.

As required by the state, successful applicants shall enter into a Memorandum of Agreement or similar record with the Cape Cod Commission detailing the scope of work and budget for each project. Funds cannot be used for routine administration, nor can DLTA funds be used if other state resources are available.

Please feel free to call me at 508-744-1216 if you have any questions regarding this opportunity to use DLTA funds to improve our communities and our region.

cc: Cape Cod Commission members

November 26, 2024

Kristy Senatori, Executive Director
Cape Cod Commission
3225 Main Street
Barnstable, MA 02630

RE: 2025 District Local Technical Assistance Application

Dear Ms. Senatori,

I am writing to formally apply for 2025 District Local Technical Assistance (DLTA) funding to help Falmouth develop Design Guidelines for the Mixed Residential and Commercial Overlay District (MRCOD). In an effort to encourage development within the overlay district area, Town Meeting members just approved a number of revisions to the original bylaw that increased flexibility for the development community and the permit granting authority. While the town anticipates that these amendments will jumpstart multi-family and mixed-use developments on some of the 228 properties within the district, maintaining the existing character of the area and the traditional Cape Cod charm is essential to the community. Therefore, having these design guidelines in place will provide all parties with a measure of predictability when proposing building and site designs while streamlining the regulatory review process.

Generally, the development of these guidelines would include 1) project initiation meetings with the Planning Board and Planning Department, 2) an initial design analysis of the district, 3) community outreach and engagement, 4) development of draft guidelines, 5) a public presentation of the draft document, and 6) completion of the final guidelines. To that end, the town is requesting \$48,000 of 2025 DLTA funds to hire a consultant to complete the work as described. The town has not conducted procurement or engaged with a consultant as of yet; however, the Planning Department has contacted several design firms to verify that the requested funding amount would cover the project as described.

As you know, the housing crisis on Cape Cod is significant and Falmouth continues to explore a number of ways to address it. The Select Board's Five-Year Strategic Plan, the recently approved Housing Production Plan, and the Local Comprehensive Plan all prioritize housing production, especially in areas like the Mixed Residential and Commercial Overlay District. This area has municipal water and sewer, bicycle and pedestrian infrastructure, public transit service, and a healthy mix of residential and commercial land uses. With proper design guardrails, this district can provide the types of housing options the town desperately needs while respecting the historic character and the community fabric that so many residents value.

As required in your solicitation letter, the Town of Falmouth's Community Compact Agreement with the State includes establishing a budget document that details all revenues and expenditures, provides a narrative describing priorities and challenges, and offers clear and transparent communication of financial policies to residents and businesses. This best practice, although helpful, isn't directly related to the grant application; however, it is listed in order to comply with the requirements of this grant program.

Thank you for providing this opportunity and I look forward to hearing from you soon.

Sincerely,

Mike Renshaw
Falmouth Town Manager

cc: Falmouth Select Board

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- g. Consider approval of the first 20-acre North Falmouth Woodlands conservation restriction (48 Benjamin Nyes Lane, Lot 5)



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Consider approval of the first 20-acre North Falmouth Woodlands conservation restriction (48 Benjamin Nyes Lane, Lot 5)

MEETING DATE: 12/2/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: 11/14/2024 letter from The 300 Committee Land Trust w/ Conservation Restriction document with signature pages; North Falmouth Woodlands project map

PURPOSE:

Select Board approval is required for the North Falmouth Woodlands Conservation Restriction (CR) for the 20-acre area shown as Conservation Area One on the North Falmouth Woodlands project overview map.

The Conservation Commission voted to accept this CR on November 13, 2024. The 300 Committee Land Trust's Board of Directors is scheduled to vote their approval of this CR at their December 2, 2024 meeting.

The CR will be submitted to the MA Secretary of Energy and Environmental Affairs for final signature after Select Board approval. This CR will be recorded at the Registry of Deeds on January 15, 2025 immediately after The 300 Committee Land Trust takes title to the property on January 15, 2025.

BACKGROUND/SUMMARY:

- The 300 Committee Land Trust will convey a permanent conservation restriction (CR) to the Town of Falmouth on January 15, 2025, as part of the North Falmouth Woodlands acquisition and land protection project.
- The Town’s \$1.5 million purchase of this CR is funded through the Falmouth Community Preservation Fund (funds appropriated at the April 2024 Town Meeting) and the MA LAND Grant program (funding award confirmed in October 2024).
- This is Phase One of a two-phased acquisition project.
- The second phase will be completed in January 2026 with a permanent CR recorded for Conservation Area Two (18 acres).

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the North Falmouth Woodlands Conservation Restriction (CR) for the 20-acre area shown as Conservation Area One on the North Falmouth Woodlands project overview map as presented.

OPTIONS:

- Motion to approve the North Falmouth Woodlands Conservation Restriction (CR) for the 20-acre area shown as Conservation Area One on the North Falmouth Woodlands project overview map as presented.
- Motion to deny approval of the North Falmouth Woodlands Conservation Restriction (CR) for the 20-acre area shown as Conservation Area One on the North Falmouth Woodlands project overview map.
- Some other Board defined alternative.

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

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
|------|-------|----------|--------|---------|-----------|-----------|
| | | | | | | |

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board approve the North Falmouth Woodlands Conservation Restriction (CR) for the 20-acre area shown as Conservation Area One on the North Falmouth Woodlands project overview map as presented.

Michael Renshaw

Town Manager

11/26/2024

Date



November 14, 2024

Ms. Nancy R. Taylor, Chair
Town of Falmouth Select Board
59 Town Hall Square
Falmouth, MA 02540

Dear Ms. Taylor and Select Board Members,

The 300 Committee Land Trust, Inc. respectfully requests to appear at your Monday, December 2, 2024 open session meeting to seek your review and approval of the attached conservation restriction that will preserve important land for conservation and water quality purposes and contribute to preserving the scenic and natural character of the town.

Lot 5, 48 Benjamin Nyes Lane, North Falmouth -

This 20+ acre property is part of the larger North Falmouth Woodlands land protection project that will ultimately protect 48 acres of important woodland and wetland habitat. The property is designated as "Priority Habitat of Rare and Endangered Species", including habitat for the Eastern Box Turtle (*Terrapene carolina*), a state-listed Species of Special Concern. Protection of this wooded landscape will help protect ground water quality within the Fiddlers Cove and Wild Harbor Embayment Watersheds, both of which suffer from eutrophication owing to nutrient impairment. Protection of the Premises from development and associated new nutrient inputs within this sensitive watershed area will assist the Town in meeting its water quality goals.

In the Spring of 2024, the Falmouth Town Meeting voted to support the acquisition of the property by The 300 Committee Land Trust (T3C). T3C will be the owners of the property with a closing scheduled in January 2025. This conservation restriction is granted to the Falmouth Conservation Commission with public access provided for passive recreation purposes, including hiking trails and public parking.

The conservation restriction outlines the ecological values, (e.g., wildlife habitat, water resource protection, biodiversity, climate resiliency) prohibited and permitted acts and uses, and legal

Preserving Open Space for Falmouth

descriptions of the premises. Preserving this property will ensure many conservation benefits as described in the document. Please let me know if you have any questions. We appreciate your consideration of approving this conservation restriction.

Sincerely,



Jessica Whritenour
Executive Director

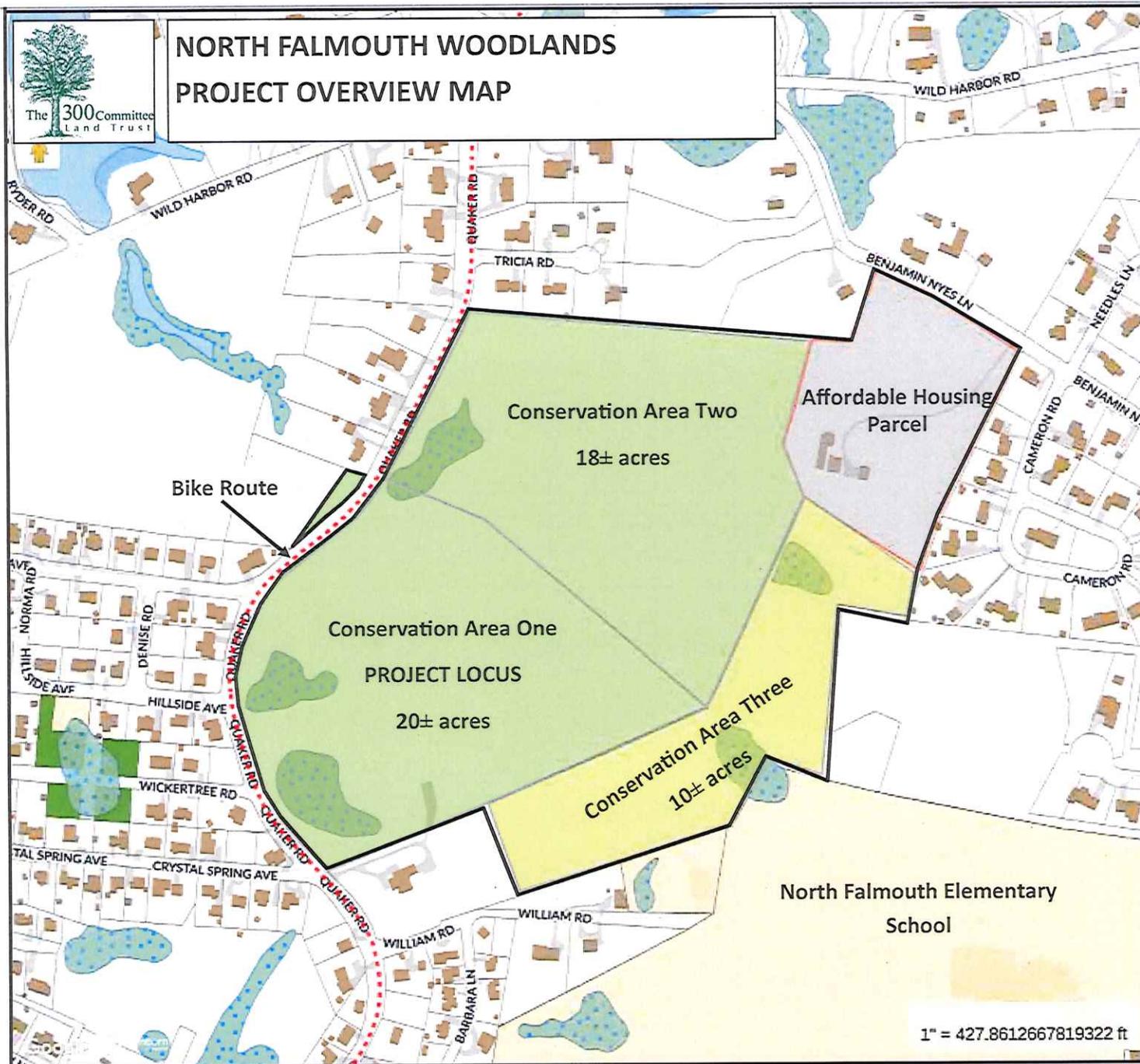
Attached:
Conservation Restriction
Locus Map
Conservation Commission Letter of Support

Preserving Open Space for Falmouth

157 Locust Street • Falmouth, MA • 02540-2658 • Phone 508-540-0876 • Fax 508-457-6406 • www.300committee.org



NORTH FALMOUTH WOODLANDS PROJECT OVERVIEW MAP



1" = 427.8612667819322 ft



Falmouth Conservation Commission

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

November 15, 2024

Town of Falmouth Select Board
59 Town Hall Square
Falmouth, MA 02540

To the Select Board,

At its November 13, 2024 meeting, the Falmouth Conservation Commission voted in favor of accepting the conservation restriction (CR) being granted to the Conservation Commission by The 300 Committee Land Trust, Inc. on Lot 5, 48 Benjamin Nyes Lane in North Falmouth and recommending Select Board approval of the CR. Your approval of the CR will help facilitate the natural resource protection of this 20-acre parcel of land that holds significant conservation values and contributes to the scenic and natural character of the town.

The entire property is designated as "Priority Habitat of Rare and Endangered Species", and BioMap Rare Species Core Habitat, including habitat for the Eastern Box Turtle (*Terrapene carolina*), a Species of Special Concern. Protection of this wooded landscape will help protect ground water quality within the Fiddlers Cove and Wild Harbor Embayment Watersheds, both of which suffer from eutrophication owing to nutrient impairment. Protection of the Premises from development and any associated new nutrient inputs within this sensitive watershed area will assist the Town in meeting its water quality goals.

The conservation restriction outlines the ecological values (e.g., wildlife habitat, water resource protection, biodiversity, trail connectivity, climate resiliency), prohibited and permitted acts and uses, public access, and legal description of the premises. Your approval and signing of this conservation restriction will help preserve the property to ensure many conservation benefits as described in the document. Thank you for your time and consideration.

Sincerely,


Jennifer Lincoln

Conservation Administrator

Lot 5, North Falmouth Woodlands Conservation Restriction

GRANTOR: The 300 Committee Land Trust, Inc.
GRANTEE: Town of Falmouth Conservation Commission
ADDRESS OF PREMISES: Lot 5, 48 Benjamin Nyes Lane, Falmouth, MA
FOR GRANTOR'S TITLE SEE: Barnstable Land Registry District,
Land Court Certificate No.
FOR GRANTOR'S PLAN SEE: Land Court Plan No. 31569-C

GRANT OF CONSERVATION RESTRICTION

I. STATEMENT OF GRANT

THE 300 COMMITTEE LAND TRUST, INC., a Massachusetts nonprofit corporation, having an office and mailing address at 13 Thomas B. Landers Road, (East) Falmouth, Massachusetts, 02536, being the sole owner of the Premises as defined herein, for its successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grants, with QUITCLAIM COVENANTS, to the **TOWN OF FALMOUTH**, a municipal corporation having an office and mailing address at 59 Town Hall Square, Falmouth, MA 02540, acting by and through its Conservation Commission by authority of Section 8C of Chapter 40 of the Massachusetts General Laws, its permitted successors and assigns ("Grantee"), for consideration of One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00), **IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES**, the following Conservation Restriction on land located in the Town of Falmouth, Barnstable County, Commonwealth of Massachusetts, containing the entirety of a 20.147-acre, more or less, property ("Premises"), which Premises is more particularly described in Exhibit A and shown in the attached reduced copy of a survey plan in Exhibit B, both of which are incorporated herein and attached hereto.

Lot 5, North Falmouth Woodlands Conservation Restriction

The Conservation Restriction was acquired utilizing, in part, Community Preservation Act funds pursuant to Chapter 44B § 1 et seq. as applied pursuant to Chapter 149, §298 of the Acts of 2004, as amended by Chapter 352, §129-133 of the Acts of 2004 (the so called "Barnstable County Community Preservation Act" or "CPA"), which funds were authorized for such purposes by a vote of the Town of Falmouth Town Meeting held on April 8, 2024, an attested copy of which vote is attached hereto as Exhibit C (the "CPA Vote").

II. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation Restriction ("Purposes") are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition and available for passive outdoor recreational use, and to prevent any use or change that would materially impair the Conservation Values (as defined below).

The Conservation Restriction was acquired utilizing, in part, assistance from the Local Acquisitions for Natural Diversity (LAND) program pursuant to Section 11 of Chapter 132A of the Massachusetts General Laws, Section 2A of Chapter 286 of the Acts of 2014, and Section 2A of Chapter 102 of the Acts of 2021, and therefore the Premises is subject to a LAND Grant Project Agreement ("Project Agreement") recorded at the Barnstable Land Court Registry District in Document # _____.

The Conservation Values protected by this Conservation Restriction include the following:

- Open Space. The Premises contributes to the protection of the scenic and natural character of the Town of Falmouth and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises is proximate to land already conserved, including 3.59± acres of private land on Benjamin Nyes Lane protected in perpetuity under a conservation restriction, and is proximate to the North Falmouth Elementary School. Also, two additional parcels of land abutting the Premises, totaling 30 acres, will also be protected in perpetuity under conservation restrictions as part of the North Falmouth Woodlands Open Space Protection Project.
- Soils and Soil Health. The Premises includes 13 acres± of Prime Farmland of Statewide Importance and 20 acres± of Prime Forest Land as identified by the USDA Natural Resources Conservation Service. The protection of the Premises will promote healthy soils and healthy soils practices as such terms are defined in Chapter 358 of the Acts of 2020, which added definitions of these terms to Section 7A of Chapter 128 of the Massachusetts General Laws.
- Carbon Sequestration. Protection of the Premises supports carbon sequestration from the growth of trees and the accumulation of organic matter in healthy soils and wetlands, providing valuable and cost-effective removal of carbon dioxide emissions and storage of carbon, as well as many other valuable ecosystem services.

Lot 5, North Falmouth Woodlands Conservation Restriction

- Wildlife Habitat. The entire Premises is designated by the MA Division of Fisheries and Wildlife, acting by and through its Natural Heritage and Endangered Species Program (NHESP), as “Priority Habitats of Rare and Endangered Species”, including habitat for the Eastern Box Turtle (*Terrapene carolina*), a Species of Special Concern, the protection of which aligns with NHESP’s wildlife and habitat protection objectives.
- Public Access. Public access to the Premises will be allowed for passive outdoor recreation, education and nature study. The Premises will provide new walking trails in close proximity to the Shining Sea Bikeway that runs 10.7 miles from North Falmouth to Woods Hole; protection of the Premises will provide a connection to the abutting North Falmouth Elementary School, and the opportunity for additional educational and recreation programs for students and their families; and, provide a connection to an abutting proposed affordable housing development on Benjamin Nyes Lane that will provide low-income residents with easily accessible recreational opportunities and connections to the natural world.
- Biodiversity. The entire Premises is designated as BioMap Rare Species Core Habitat, as defined by the NHESP. BioMap, last updated in 2022, was designed to guide strategic biodiversity conservation in Massachusetts over the next decade by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. BioMap is also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan.
- Water Quality. Protection of forested landscapes will help maintain ground water quality. The property falls within the Fiddlers Cove and Wild Harbor Embayment Watersheds, both of which suffer from eutrophication owing to nutrient impairment. Protection of the Premises from development and any associated new nutrient inputs within this sensitive watershed area, will assist the Town in meeting its water quality goals.
- Wetlands. The deciduous wooded swamp wetland on the Premises provide valuable habitat for a diverse array of wildlife species as well as provide the many other public benefits of wetlands protection recognized by the Commonwealth of Massachusetts (Section 40 of Chapter 131 of the Massachusetts General Laws). The Premises also abuts a parcel with a Certified Vernal Pool, according to NHESP, and its protection will enhance the habitat value for rare amphibians.
- Consistency with Clearly Delineated Barnstable County Conservation Policy. Protection of the Premises will assist in achieving Barnstable County conservation goals. In July 1991, the Barnstable County Assembly of Delegates, pursuant to the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), adopted a *Regional Policy Plan* (“RPP”), amended in 1996, 2002, 2009, 2012, and 2018, which provided, *inter alia* (references are to the 2018 RPP):
 - “To conserve, preserve, or enhance a network of open space that contributes to the region’s natural and community resources and systems” (Open Space Goal, pp. 55).

Lot 5, North Falmouth Woodlands Conservation Restriction

- In reference to this Open Space Goal, the RPP states, “[t]he open space of the Cape is critical to the health of the region’s natural systems, economy, and population. Open space provides habitat for the region’s diverse species and protection of the region’s drinking water supply” (pp. 30); and,
- “To protect, preserve, or restore wildlife and plant habitat to maintain the region’s natural diversity” (Wildlife and Plant Habitat Goal, pp. 55).
 - In reference to this Wildlife and Plant Habitat Goal, the RPP states, “For many years habitat loss due to development has been the primary threat to the region’s habitats” (pp. 32).

Granting this Conservation Restriction will advance each of these goals. The Wildlife and Plant Habitat Goal will be served because the Premises falls entirely within an NHESP BioMap Core Habitat area and Priority Habitat of Rare Species. The Open Space goal will be met by providing new open space with opportunities for outdoor passive recreation.

- Consistency with Clearly Delineated Town of Falmouth Conservation Policy. Protection of the Premises will further the Town of Falmouth’s documented goals regarding conservation of land. The *2024 Falmouth Open Space and Recreation Plan* guides efforts in the Town of Falmouth to protect the most sensitive natural resources and acquire the largest tracts of land that remain as open space. The project advances the following goals of the 2024 Open Space and Recreation Plan :
 - Goal 1. Permanently protect 30% of Falmouth’s total land area as open space with an emphasis on land with high conservation value.
 - Goal 2. Provide residents and visitors a wide variety of passive and active recreational opportunities while protecting conservation resource values.
 - Goal 5. Educate the public about the importance of the Town’s natural resources and work collaboratively with stakeholders to protect and enhance these areas to ensure the community has the opportunity to experience their value.
 - Goal 6. Protect and enhance the quality of the Town’s natural environment to ensure the functions and services it provides to the community.

In 1991, the Town of Falmouth adopted a Conservation Restriction Policy, consisting of policies and guidelines approved by the Board of Selectmen, Assessors and Conservation Commission (updated and reaffirmed in 2001), which encourages the use of Conservation Restrictions in perpetuity as a means of preserving open space and providing scenic enjoyment. The protection of the Premises will advance these goals by permanently protecting 20.147± acres of land with high conservation value that will protect the functions and services the natural environment provides, and by providing new opportunities for passive recreation and environmental education.

- Consistency with Clearly Delineated State Conservation Policy. The protection of the Premises will advance the goals of the Statewide Comprehensive Outdoor Recreation Plan (2023) by supporting the acquisition of land that will provide a new trail network. The project will provide conveniently located recreational opportunities directly connected to an affordable housing development and an elementary school.

Lot 5, North Falmouth Woodlands Conservation Restriction

Moreover, the protection of the Premises will advance the goals of the Massachusetts Clean Energy and Climate Plan for 2050, published in 2022. The Commonwealth aims to permanently conserve at least 40% of Massachusetts lands and waters by 2050. The protection of the Premises will preserve 20.147 acres of natural forested lands that will assist the state in meeting this goal.

- Consistency with Clearly Delineated Federal Conservation Policy. Protection of the Premises meets the definition of “conservation purposes” as defined in 26 CFR 1.170A-14(d)(1), because its conservation would: promote protection of state-recognized habitats, as well as preserve open space, provide for passive public recreation, and maintain the scenic and rural character of the village of North Falmouth for enjoyment by the public.

III. PROHIBITED and PERMITTED ACTS AND USES

A. Prohibited Acts and Uses

The Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Structures and Improvements. Constructing, placing, or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled area, roads, sign, fence, gate, billboard or other advertising, antenna, utilities or other structures, utility pole, tower, wind turbine, solar panel, solar array, conduit, line, stormwater infrastructure, septic or wastewater disposal system, storage tank, or dam;
2. Extractive Activities/Uses. Mining, excavating, dredging, withdrawing, or removing soil, loam, peat, gravel, sand, rock, surface water, ground water, or other mineral substance or natural deposit, or otherwise altering the topography of the Premises;
3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing, or destroying trees, shrubs, grasses or other vegetation;
5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archaeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project,

Lot 5, North Falmouth Woodlands Conservation Restriction

the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantee;

7. Motor Vehicles. Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have a legal right to enter the Premises;
8. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantee's intention to maintain the entire Premises under unified ownership;
9. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;
10. Adverse Impacts to Stone Walls, Boundary Markers. Disrupting, removing, or destroying stone walls, granite fence posts, or any other boundary markers;
11. Residential or Industrial Uses. Using the Premises for residential or industrial purposes;
12. Inconsistent Uses. Using the Premises for commercial purposes that are inconsistent with the Purposes or that would materially impair the Conservation Values, or for any other uses or activities that are inconsistent with the Purposes or that would materially impair the Conservation Values.

B. Permitted Acts and Uses

Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A, the Grantor may conduct or permit the following acts and uses on the Premises, provided they do not materially impair the Purposes and/or Conservation Values. In conducting any Permitted Act and Use, Grantor shall minimize impacts to the Conservation Values to ensure any such impairment thereto is not material.

1. Vegetation Management. Maintaining vegetation, including pruning, trimming, cutting, and mowing, and removing brush, all to prevent, control, and manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report (see Paragraph XV);
2. Non-native, Nuisance, or Invasive species. Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;

Lot 5, North Falmouth Woodlands Conservation Restriction

3. Composting. Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises, provided that no stockpiling or composting shall occur within 100 feet of any wetland;
4. Natural Habitat and Ecosystem Improvement. With prior written approval of the Grantee, conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including planting native trees, shrubs, and other vegetation;
5. Archaeological Investigations. Conducting archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but only in accordance with an archaeological field investigation plan, which plan shall also address restoration following completion of the archaeological investigation, prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission State Archaeologist (or appropriate successor official) and by the Grantee. A copy of the results of any such investigation on the Premises is to be provided to the Grantee;
6. Trails. Maintaining and constructing trails as follows:
 - a. Trail Maintenance. Conducting routine maintenance of trails, which may include widening trail corridors up to eight (8) feet in width overall, with a treadway up to five (5) feet in width.
 - b. New Trails. With prior written approval of the Grantee, constructing new trails or relocating existing trails, provided that any construction or relocation results in trails that conform with the width limitations above.
 - c. Trail Features. With prior written approval of the Grantee, constructing bog bridging, boardwalks, footbridges, railings, steps, culverts, benching, cribbing, contouring, or other such features, together with the use of motorized equipment to construct such features;
7. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity and address of the Grantor, sale of the Premises, the Grantee's interest in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises;
8. Parking Area. Constructing, repairing, maintaining and using a parking area to provide access to the Premises for the outdoor passive recreational activities described in Paragraph III.B.10., and for uses otherwise permitted herein, no larger than four thousand (4,000) square feet for up to 10 vehicle spaces, provided that the Parking Area shall be located greater than 100 feet from any wetland, and provided that the Parking Area shall be unpaved or surfaced with pervious materials only;

Lot 5, North Falmouth Woodlands Conservation Restriction

9. Motorized Vehicles. Using motorized vehicles by persons with mobility impairments, for use of the parking area described in Paragraph III.B.8, and as otherwise permitted herein;
10. Outdoor Passive Recreational and Educational Activities. Hiking, horseback riding, cross-country skiing, snowshoeing, ice-skating, nature observation, nature and educational walks and outings, outdoor educational activities, and other non-motorized outdoor recreational and educational activities;

C. Site Restoration

Upon completion of any Permitted Acts and Uses, any disturbed areas shall be restored substantially to the conditions that existed prior to said activities, including with respect to soil material, grade, and vegetated ground cover.

D. Compliance with Permits, Regulations, Laws

The exercise of any Permitted Acts and Uses under Paragraph III.B shall be in compliance with all applicable federal, state and local laws, rules, regulations, zoning, and permits, and with the Constitution of the Commonwealth of Massachusetts. The inclusion of any Permitted Act or Use requiring a permit, license or other approval from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

E. Notice and Approval

1. Notifying Grantee. Whenever notice to or approval by Grantee is required, Grantor shall notify or request approval from Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
 - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;
 - b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
 - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals; and
 - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the Purposes and Conservation Values.
2. Grantee Review. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of receipt of Grantor's request. Grantee's approval shall only be granted upon a showing that the proposed activity will minimize

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impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation Values. Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.

3. Resubmittal. Grantee's failure to respond within sixty (60) days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

IV. INSPECTION AND ENFORCEMENT

A. Entry onto the Premises

The Grantor hereby grants to the Grantee, and its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.

B. Legal and Injunctive Relief

1. Enforcement. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory relief, including without limitation, compensation for interim losses (i.e., ecological and public use service losses that occur from the date of the violation until the date of restoration) and equitable relief against any violations, including, without limitation, injunctive relief and relief requiring restoration of the Premises to its condition prior to the time of the injury (it being agreed that the Grantee will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction.
2. Notice and Cure. In the event the Grantee determines that a violation of this Conservation Restriction has occurred and intends to exercise any of the rights described herein, the Grantee shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantee may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) days applies only if Grantor immediately ceases the violation and Grantee determines that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantee may notify the proper authorities of such violation.
3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including counsel fees) incurred by the Grantee in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof. In the event of

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a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey by a Massachusetts licensed professional land surveyor and to have the boundaries permanently marked.

C. Non-Waiver

Enforcement of the terms of this Conservation Restriction shall be at the sole discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

D. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

E. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from natural causes beyond the Grantor's control, including but not limited to fire, flood, weather, climate-related impacts, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

V. PUBLIC ACCESS

Subject to the provisions of this Conservation Restriction, the Grantor hereby grants access to the Premises to the general public and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only as described in Paragraph III.B.10 provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the Purposes and Conservation Values. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Paragraph III.B.10. The Grantee may require the Grantor to post the Premises against any use by the public that results in material impairment of the Conservation Values. This grant of public access to the Premises is solely for the purposes described in Section 17C of Chapter 21 of the Massachusetts General Laws and the Grantor and Grantee hereto express their intent to benefit from exculpation from liability to the extent provided in such section.

VI. TERMINATION/RELEASE/EXTINGUISHMENT

A. Procedure

If circumstances arise in the future that render the Purposes impossible to accomplish, this Conservation Restriction can only be terminated, released, or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, or successor official ("Secretary"), and any other approvals as may be required by Section 32 of Chapter 184 of the Massachusetts General Laws.

B. Grantor's and Grantee's Right to Recover Proceeds

If any change in conditions ever gives rise to termination, release, or extinguishment of this Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph VI.C, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

C. Grantee's Receipt of Property Right

Grantor and Grantee agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the conveyance, bears to the value of the unrestricted Premises. The proportionate value of the Grantee's property right as of the Effective Date (See Paragraph XII) was determined to be 71%¹. Such proportionate value of the Grantee's property right shall remain constant.

D. Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph VI.B and Paragraph VI.C. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

¹ \$1.5m CR acquisition price by the Town divided by \$2,100,000 assessed value = 71%.

VII. DURATION and ASSIGNABILITY

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except when all of the following conditions are met:

1. the Grantee requires that the Purposes continue to be carried out;
2. the assignee is not an owner of the fee in the Premises;
3. the assignee, at the time of the assignment, qualifies under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws; and
4. the assignment complies with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VIII. SUBSEQUENT TRANSFERS

A. Procedure for Transfer

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the effective date of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. If the Grantor fails to reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, then the Grantee may record, in the Barnstable Land Registry District Barnstable County Registry of Deeds, at the Grantor's expense, a notice of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

B. Grantor's Liability

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

IX. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within sixty (60) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

X. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction following the terms set forth in Paragraph VII.C to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

XI. AMENDMENT

A. Limitations on Amendment

Grantor and Grantee may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;
3. affect the qualification of this Conservation Restriction as a "qualified conservation contribution" or "interest in land" under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;
4. affect the status of Grantee as a "qualified organization" or "eligible donee" under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws;
5. create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantee, of the economic impact of the proposed amendment;
6. alter or remove the provisions described in Paragraph VI (Termination /Release/Extinguishment);
7. cause the provisions of this Paragraph XI to be less restrictive; or

Lot 5, North Falmouth Woodlands Conservation Restriction

8. cause the provisions described in Paragraph VII.C (Running of the Benefit) to be less restrictive

B. Amendment Approvals and Recording

No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor, approved by the Town of Falmouth and by the Secretary in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the Barnstable Land Registry District.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the Barnstable Land Registry District.

XIII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: The 300 Committee Land Trust, Inc.
13 Thomas B. Landers Road,
(East) Falmouth, Massachusetts, 02536

To Grantee: Town of Falmouth Conservation Commission
59 Town Hall Square,
Falmouth, MA 02540 ~~Address~~

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIV. GENERAL PROVISIONS

A. Controlling Law

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in order to effect the Purposes and the policy and purposes of Sections

Lot 5, North Falmouth Woodlands Conservation Restriction

31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the Purposes that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement

This instrument sets forth the entire agreement of the Grantor and Grantee with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

XV. BASELINE DOCUMENTATION REPORT

The Conservation Values, as well as the natural features, current uses of, and existing improvements on the Premises, such as, but not limited to, trails, woods roads, structures, meadows or other cleared areas, agricultural areas, and scenic views, as applicable, are described in a Baseline Documentation Report (“Baseline Report”) titled “Baseline Report for Lot 1 North Falmouth Woodlands Conservation Restriction”, and dated November 2024 prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and included by reference herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein, and (iv) may be supplemented as conditions on the Premise change as allowed over time. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant in addition to the Baseline Report.

XVI. MISCELLANEOUS

A. Pre-existing Public Rights

Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary, is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

Lot 5, North Falmouth Woodlands Conservation Restriction

B. No Surety Interest

The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

C. Executory Limitation

If Grantee shall cease to exist or to be qualified to hold conservation restrictions pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, or to be qualified organization under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and a prior assignment is not made pursuant to Paragraph VII, then Grantee's rights and obligations under this Conservation Restriction shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law and with due regard to the requirements for an assignment pursuant to Paragraph VII.

D. Prior Encumbrances

This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises.

E. The following signature pages are included in this Grant:

Grantor – The 300 Committee Land Trust, Inc.

Grantee Acceptance – Town of Falmouth Conservation Commission

Approval of Town of Falmouth Select Board

Approval of the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts.

F. The following exhibits are attached and incorporated herein:

Exhibit A: Legal Description of Premises

Exhibit B: Reduced Copy of Recorded Plan of Premises

Exhibit C: Town Vote Authorizing the Use of CPA Funds

Lot 5, North Falmouth Woodlands Conservation Restriction

WITNESS my hand and seal this ____ day of _____, 2024 as authorized by vote of The 300 Committee Land Trust, Inc. at a meeting held on _____, 2024, authorizing the grant of the foregoing Conservation Restriction to the Town of Falmouth Conservation Commission,

By: _____

Jo Ann Muramoto,
Its: President, duly authorized

By: _____

Richard Dotson
Its: Treasurer, duly authorized

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this ____ day of _____, 2024, before me, the undersigned notary public, personally appeared Jo Ann Muramoto and Richard Dotson, and proved to me through satisfactory evidence of identification which was personal knowledge to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose on behalf of the corporation.

Jessica Whritenour, Notary Public
My Commission Expires:

ACCEPTANCE OF TOWN OF FALMOUTH CONSERVATION COMMISSION

We, the undersigned, being a majority of the Conservation Commission of the Town of Falmouth, Massachusetts, hereby certify that at a public meeting duly held on _____, 2024, the Conservation Commission voted to approve and accept the foregoing Conservation Restriction from The 300 Committee Land Trust, Inc., pursuant to Section 32 of Chapter 184 and Section 8C of Chapter 40 of the Massachusetts General Laws and do hereby accept the foregoing Conservation Restriction.

TOWN OF FALMOUTH CONSERVATION COMMISSION:

Jamie Mathews

Stephen Patton

Courtney Bird

Kevin O'Brien

Elizabeth Gladfelter

Ronald Driscoll

Maureen Harlow-Hawkes

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared _____, _____, _____, _____, _____, and _____

_____, and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

APPROVAL OF TOWN OF FALMOUTH SELECT BOARD

We the undersigned, being a majority of the Select Board of the Town of Falmouth, hereby certify that at a public meeting duly held on _____ 2024, the Select Board voted to approve the foregoing Conservation Restriction from The 300 Committee Land Trust, Inc. to the Town of Falmouth acting by and through its Conservation Commission in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

TOWN OF FALMOUTH SELECT BOARD

Nancy Robbins Taylor

~~Heather M. H. Goldstone~~
Edwin P. Zylinski II

Douglas C. Brown

Robert P. Mascali

~~Edwin P. Zylinski~~
Heather M.H.
Goldstone

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

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

Notary Public
My Commission Expires:

**APPROVAL OF SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS OF
THE COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby approves the foregoing Conservation Restriction from The 300 Committee Land Trust, Inc. to Town of Falmouth acting by and through its Conservation Commission in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2024 _____

Rebecca L. Tepper
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared Rebecca L. Tepper, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

Lot 5, North Falmouth Woodlands Conservation Restriction

EXHIBIT A

Description of the Premises

All of the vacant registered land in Town of Falmouth, Barnstable County, Commonwealth of Massachusetts, containing 20.147 acres, +/-, shown as Lot 5 on a plan of land titled "Plan of Land at Benjamin Nye's Lane & Quaker Road, North Falmouth, Massachusetts," dated April 30, 2024, by BSS Design, Inc., recorded at the Barnstable Land Court Registry District, Plan 31569-C.

For Grantor's title to Premises, see deed recorded at Land Court Certificate No. _____

Street Address: Lot 5, 48 Benjamins Nyes Lane, Falmouth, MA

Assessors Map: 05 02 022 004 (portion)

Lot 5, North Falmouth Woodlands Conservation Restriction

EXHIBIT B

Sketch Plan of Premises

For official full size plan see Barnstable Registry District Plan 31569-C

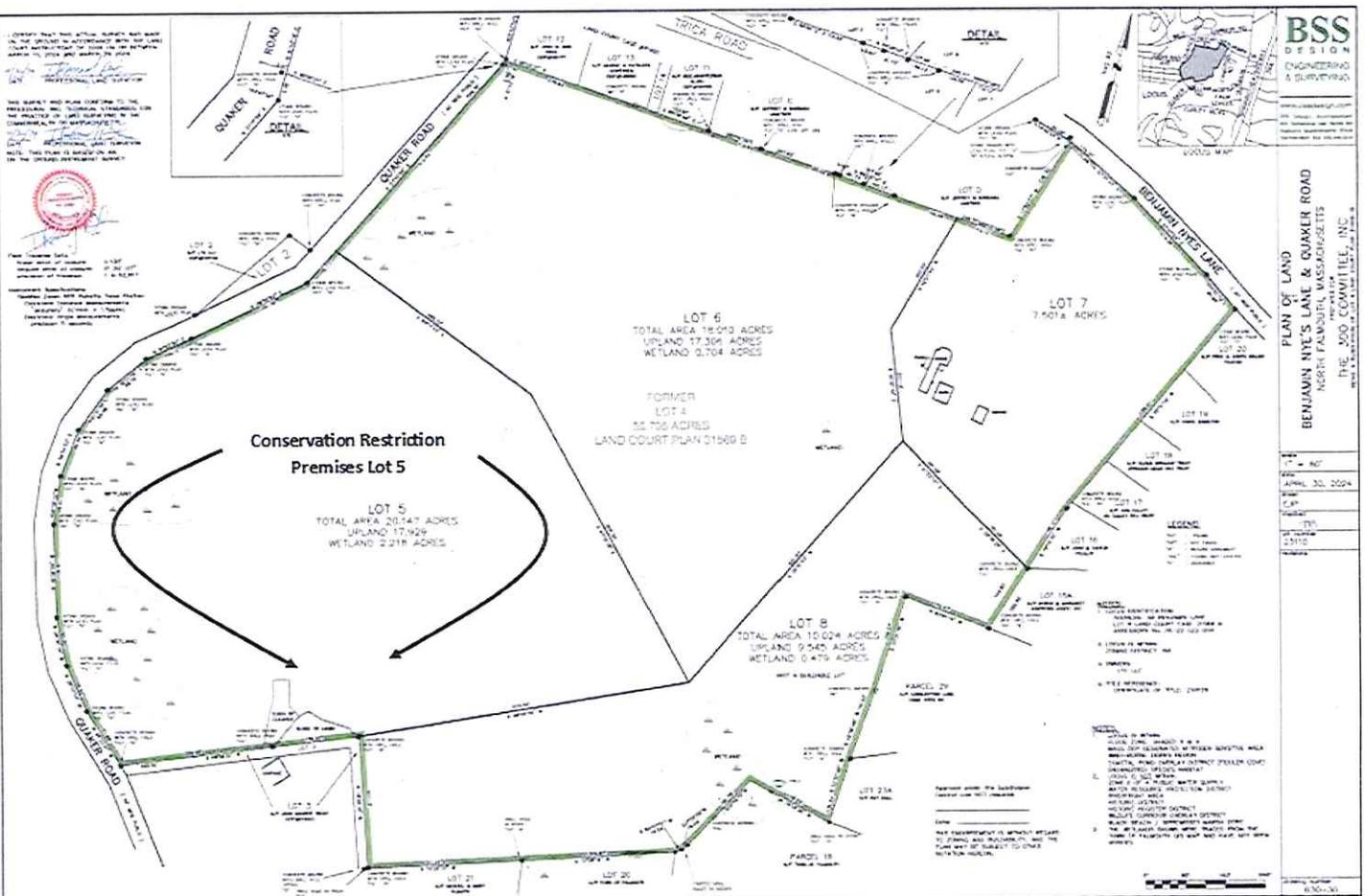


EXHIBIT C

CPA VOTE

ARTICLE 29
AND THE VOTE THEREON AT
THE ANNUAL TOWN MEETING
CONVENED IN FALMOUTH, MASSACHUSETTS
APRIL 8, 2024

ARTICLE 29: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN two conservation restrictions, restricting in perpetuity in accordance with M.G.L. c. 44B, § 12 and M.G.L. c. 184, §§ 31-33, on all or a portion of land in Falmouth, Barnstable County, Massachusetts, now or formerly owned by LTC, LLC (c/o Ruth and Steven Augusta) on Benjamin Nyes Lane and Quaker Road in Falmouth, Barnstable County, Massachusetts identified as 48 Benjamin Nyes Lane (Parcel ID# 05 02 022 004) and 0 Quaker Road (Parcel ID# 05 01 085 002), being two parcels of vacant land, together containing 49.69-acres as further described in a deed from Cape Properties Nominee Trust I to LTC, LLC, dated June 8, 2023, said conservation restrictions to be administered by the Conservation Commission for open space and passive recreational purposes and such other uses as may be permitted under the conservation restrictions, the forms of which shall be subject to approval by the Conservation Commission and the Select Board and subject to all necessary statutory and regulatory approvals. And, further, to appropriate the sum of Three Million (\$3,000,000.00) Dollars from the Community Preservation Fund for the purposes of this article to be expended under the jurisdiction of the Select Board. And, further, that the Town Manager and/or Conservation Commission, be authorized to file, on behalf of the Town, any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, including under the Massachusetts Local Acquisitions for Natural Diversity (LAND) Program, the Massachusetts Land and Water Conservation Fund (LWCF) and/or any other sources deemed necessary under the Self-Help Act, M.G.L. c. 132A, § 11, and/or any others in any way connected with the scope of this Article, and the Town and Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchases, and to receive and accept such grants or reimbursements for this purpose from these sources for the acquisitions within the scope of this Article, said grants or reimbursements to be deposited in the Town's Community Preservation Fund, or take any other actions relative thereto. Or do or take any action on the matter. On request of the Select Board and the Community Preservation Committee.

VOTED: By a declared two thirds majority vote, a quorum being present on Monday, April 8, 2024 the Town voted to appropriate a sum of \$3,000,000 of which \$1,000,000 is from the Undesignated Fund Balance and \$2,000,000 is from the Fiscal Year 2025 Community Preservation Fund Estimated Revenues to purchase two conservation restrictions on all or a portion of land (shown as Lots 1 & 2 on Exhibit A, North Falmouth Woodlands Land protection Project) in Falmouth Located at 48 Benjamin Nyes Lane (Parcel ID# 05 02 022 004) and 0 Quaker Road (Parcel ID# 05 01 085 002), known as the Augusta property and/or North Falmouth Woodlands. The appropriation for the purpose of this article is contingent upon the reimbursement of \$1,000,000 to the Community Preservation Fund from two separate Commonwealth of Massachusetts Self-Help grants (\$500,000 from each grant) and/or from any other sources; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

Article 29 Exhibit A



A TRUE COPY ATTEST

Handwritten signature of Michael Palmer, Town Clerk, Falmouth, Massachusetts.



November 14, 2024

Ms. Nancy R. Taylor, Chair
Town of Falmouth Select Board
59 Town Hall Square
Falmouth, MA 02540

Dear Ms. Taylor and Select Board Members,

The 300 Committee Land Trust, Inc. respectfully requests to appear at your Monday, December 2, 2024 open session meeting to seek your review and approval of the attached conservation restriction that will preserve important land for conservation and water quality purposes and contribute to preserving the scenic and natural character of the town.

Lot 5, 48 Benjamin Nyes Lane, North Falmouth -

This 20+ acre property is part of the larger North Falmouth Woodlands land protection project that will ultimately protect 48 acres of important woodland and wetland habitat. The property is designated as "Priority Habitat of Rare and Endangered Species", including habitat for the Eastern Box Turtle (*Terrapene carolina*), a state-listed Species of Special Concern. Protection of this wooded landscape will help protect ground water quality within the Fiddlers Cove and Wild Harbor Embayment Watersheds, both of which suffer from eutrophication owing to nutrient impairment. Protection of the Premises from development and associated new nutrient inputs within this sensitive watershed area will assist the Town in meeting its water quality goals.

In the Spring of 2024, the Falmouth Town Meeting voted to support the acquisition of the property by The 300 Committee Land Trust (T3C). T3C will be the owners of the property with a closing scheduled in January 2025. This conservation restriction is granted to the Falmouth Conservation Commission with public access provided for passive recreation purposes, including hiking trails and public parking.

The conservation restriction outlines the ecological values, (e.g., wildlife habitat, water resource protection, biodiversity, climate resiliency) prohibited and permitted acts and uses, and legal

Preserving Open Space for Falmouth

descriptions of the premises. Preserving this property will ensure many conservation benefits as described in the document. Please let me know if you have any questions. We appreciate your consideration of approving this conservation restriction.

Sincerely,



Jessica Whritenour
Executive Director

Attached:

Conservation Restriction

Locus Map

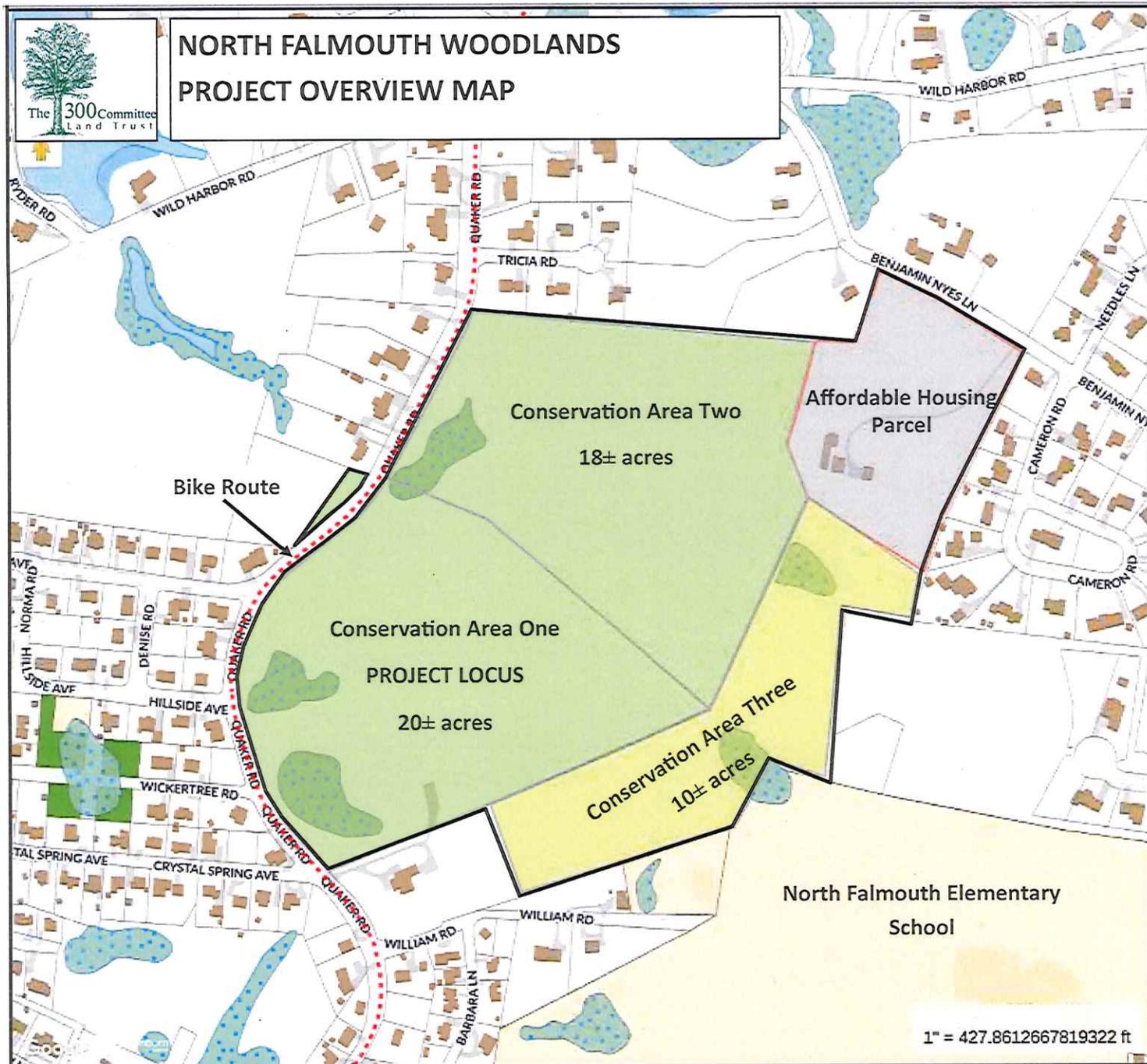
Conservation Commission Letter of Support

Preserving Open Space for Falmouth

157 Locust Street • Falmouth, MA • 02540-2658 • Phone 508-540-0876 • Fax 508-457-6406 • www.300committee.org



NORTH FALMOUTH WOODLANDS PROJECT OVERVIEW MAP



North Falmouth Elementary
School

1" = 427.8612667819322 ft



Falmouth Conservation Commission

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

November 15, 2024

Town of Falmouth Select Board
59 Town Hall Square
Falmouth, MA 02540

To the Select Board,

At its November 13, 2024 meeting, the Falmouth Conservation Commission voted in favor of accepting the conservation restriction (CR) being granted to the Conservation Commission by The 300 Committee Land Trust, Inc. on Lot 5, 48 Benjamin Nyes Lane in North Falmouth and recommending Select Board approval of the CR. Your approval of the CR will help facilitate the natural resource protection of this 20-acre parcel of land that holds significant conservation values and contributes to the scenic and natural character of the town.

The entire property is designated as "Priority Habitat of Rare and Endangered Species", and BioMap Rare Species Core Habitat, including habitat for the Eastern Box Turtle (*Terrapene carolina*), a Species of Special Concern. Protection of this wooded landscape will help protect ground water quality within the Fiddlers Cove and Wild Harbor Embayment Watersheds, both of which suffer from eutrophication owing to nutrient impairment. Protection of the Premises from development and any associated new nutrient inputs within this sensitive watershed area will assist the Town in meeting its water quality goals.

The conservation restriction outlines the ecological values (e.g., wildlife habitat, water resource protection, biodiversity, trail connectivity, climate resiliency), prohibited and permitted acts and uses, public access, and legal description of the premises. Your approval and signing of this conservation restriction will help preserve the property to ensure many conservation benefits as described in the document. Thank you for your time and consideration.

Sincerely,


Jennifer Lincoln

Conservation Administrator

GRANTOR: The 300 Committee Land Trust, Inc.
GRANTEE: Town of Falmouth Conservation Commission
ADDRESS OF PREMISES: Lot 5, 48 Benjamin Nyes Lane, Falmouth, MA
FOR GRANTOR'S TITLE SEE: Barnstable Land Registry District,
Land Court Certificate No.
FOR GRANTOR'S PLAN SEE: Land Court Plan No. 31569-C

GRANT OF CONSERVATION RESTRICTION

I. STATEMENT OF GRANT

THE 300 COMMITTEE LAND TRUST, INC., a Massachusetts nonprofit corporation, having an office and mailing address at 13 Thomas B. Landers Road, (East) Falmouth, Massachusetts, 02536, being the sole owner of the Premises as defined herein, for its successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grants, with QUITCLAIM COVENANTS, to the **TOWN OF FALMOUTH**, a municipal corporation having an office and mailing address at 59 Town Hall Square, Falmouth, MA 02540, acting by and through its Conservation Commission by authority of Section 8C of Chapter 40 of the Massachusetts General Laws, its permitted successors and assigns ("Grantee"), for consideration of One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00), IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on land located in the Town of Falmouth, Barnstable County, Commonwealth of Massachusetts, containing the entirety of a 20.147-acre, more or less, property ("Premises"), which Premises is more particularly described in Exhibit A and shown in the attached reduced copy of a survey plan in Exhibit B, both of which are incorporated herein and attached hereto.

Lot 5, North Falmouth Woodlands Conservation Restriction

The Conservation Restriction was acquired utilizing, in part, Community Preservation Act funds pursuant to Chapter 44B § 1 et seq. as applied pursuant to Chapter 149, §298 of the Acts of 2004, as amended by Chapter 352, §129-133 of the Acts of 2004 (the so called “Barnstable County Community Preservation Act” or “CPA”), which funds were authorized for such purposes by a vote of the Town of Falmouth Town Meeting held on April 8, 2024, an attested copy of which vote is attached hereto as Exhibit C (the “CPA Vote”).

II. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation Restriction (“Purposes”) are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition and available for passive outdoor recreational use, and to prevent any use or change that would materially impair the Conservation Values (as defined below).

The Conservation Restriction was acquired utilizing, in part, assistance from the Local Acquisitions for Natural Diversity (LAND) program pursuant to Section 11 of Chapter 132A of the Massachusetts General Laws, Section 2A of Chapter 286 of the Acts of 2014, and Section 2A of Chapter 102 of the Acts of 2021, and therefore the Premises is subject to a LAND Grant Project Agreement (“Project Agreement”) recorded at the Barnstable Land Court Registry District in Document # _____.

The Conservation Values protected by this Conservation Restriction include the following:

- Open Space. The Premises contributes to the protection of the scenic and natural character of the Town of Falmouth and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises is proximate to land already conserved, including 3.59± acres of private land on Benjamin Nyes Lane protected in perpetuity under a conservation restriction, and is proximate to the North Falmouth Elementary School. Also, two additional parcels of land abutting the Premises, totaling 30 acres, will also be protected in perpetuity under conservation restrictions as part of the North Falmouth Woodlands Open Space Protection Project.
- Soils and Soil Health. The Premises includes 13 acres± of Prime Farmland of Statewide Importance and 20 acres± of Prime Forest Land as identified by the USDA Natural Resources Conservation Service. The protection of the Premises will promote healthy soils and healthy soils practices as such terms are defined in Chapter 358 of the Acts of 2020, which added definitions of these terms to Section 7A of Chapter 128 of the Massachusetts General Laws.
- Carbon Sequestration. Protection of the Premises supports carbon sequestration from the growth of trees and the accumulation of organic matter in healthy soils and wetlands, providing valuable and cost-effective removal of carbon dioxide emissions and storage of carbon, as well as many other valuable ecosystem services.

Lot 5, North Falmouth Woodlands Conservation Restriction

- Wildlife Habitat. The entire Premises is designated by the MA Division of Fisheries and Wildlife, acting by and through its Natural Heritage and Endangered Species Program (NHESP), as “Priority Habitats of Rare and Endangered Species”, including habitat for the Eastern Box Turtle (*Terrapene carolina*), a Species of Special Concern, the protection of which aligns with NHESP’s wildlife and habitat protection objectives.
- Public Access. Public access to the Premises will be allowed for passive outdoor recreation, education and nature study. The Premises will provide new walking trails in close proximity to the Shining Sea Bikeway that runs 10.7 miles from North Falmouth to Woods Hole; protection of the Premises will provide a connection to the abutting North Falmouth Elementary School, and the opportunity for additional educational and recreation programs for students and their families; and, provide a connection to an abutting proposed affordable housing development on Benjamin Nyes Lane that will provide low-income residents with easily accessible recreational opportunities and connections to the natural world.
- Biodiversity. The entire Premises is designated as BioMap Rare Species Core Habitat, as defined by the NHESP. BioMap, last updated in 2022, was designed to guide strategic biodiversity conservation in Massachusetts over the next decade by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. BioMap is also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan.
- Water Quality. Protection of forested landscapes will help maintain ground water quality. The property falls within the Fiddlers Cove and Wild Harbor Embayment Watersheds, both of which suffer from eutrophication owing to nutrient impairment. Protection of the Premises from development and any associated new nutrient inputs within this sensitive watershed area, will assist the Town in meeting its water quality goals.
- Wetlands. The deciduous wooded swamp wetland on the Premises provide valuable habitat for a diverse array of wildlife species as well as provide the many other public benefits of wetlands protection recognized by the Commonwealth of Massachusetts (Section 40 of Chapter 131 of the Massachusetts General Laws). The Premises also abuts a parcel with a Certified Vernal Pool, according to NHESP, and its protection will enhance the habitat value for rare amphibians.
- Consistency with Clearly Delineated Barnstable County Conservation Policy. Protection of the Premises will assist in achieving Barnstable County conservation goals. In July 1991, the Barnstable County Assembly of Delegates, pursuant to the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), adopted a *Regional Policy Plan* (“RPP”), amended in 1996, 2002, 2009, 2012, and 2018, which provided, *inter alia* (references are to the 2018 RPP):
 - “To conserve, preserve, or enhance a network of open space that contributes to the region’s natural and community resources and systems” (Open Space Goal, pp. 55).

Lot 5, North Falmouth Woodlands Conservation Restriction

- In reference to this Open Space Goal, the RPP states, “[t]he open space of the Cape is critical to the health of the region’s natural systems, economy, and population. Open space provides habitat for the region’s diverse species and protection of the region’s drinking water supply” (pp. 30); and,
- “To protect, preserve, or restore wildlife and plant habitat to maintain the region’s natural diversity” (Wildlife and Plant Habitat Goal, pp. 55).
 - In reference to this Wildlife and Plant Habitat Goal, the RPP states, “For many years habitat loss due to development has been the primary threat to the region’s habitats” (pp. 32).

Granting this Conservation Restriction will advance each of these goals. The Wildlife and Plant Habitat Goal will be served because the Premises falls entirely within an NHESP BioMap Core Habitat area and Priority Habitat of Rare Species. The Open Space goal will be met by providing new open space with opportunities for outdoor passive recreation.

- Consistency with Clearly Delineated Town of Falmouth Conservation Policy. Protection of the Premises will further the Town of Falmouth’s documented goals regarding conservation of land. The *2024 Falmouth Open Space and Recreation Plan* guides efforts in the Town of Falmouth to protect the most sensitive natural resources and acquire the largest tracts of land that remain as open space. The project advances the following goals of the 2024 Open Space and Recreation Plan :
 - Goal 1. Permanently protect 30% of Falmouth’s total land area as open space with an emphasis on land with high conservation value.
 - Goal 2. Provide residents and visitors a wide variety of passive and active recreational opportunities while protecting conservation resource values.
 - Goal 5. Educate the public about the importance of the Town’s natural resources and work collaboratively with stakeholders to protect and enhance these areas to ensure the community has the opportunity to experience their value.
 - Goal 6. Protect and enhance the quality of the Town’s natural environment to ensure the functions and services it provides to the community.

In 1991, the Town of Falmouth adopted a Conservation Restriction Policy, consisting of policies and guidelines approved by the Board of Selectmen, Assessors and Conservation Commission (updated and reaffirmed in 2001), which encourages the use of Conservation Restrictions in perpetuity as a means of preserving open space and providing scenic enjoyment. The protection of the Premises will advance these goals by permanently protecting 20.147± acres of land with high conservation value that will protect the functions and services the natural environment provides, and by providing new opportunities for passive recreation and environmental education.

- Consistency with Clearly Delineated State Conservation Policy. The protection of the Premises will advance the goals of the Statewide Comprehensive Outdoor Recreation Plan (2023) by supporting the acquisition of land that will provide a new trail network. The project will provide conveniently located recreational opportunities directly connected to an affordable housing development and an elementary school.

Lot 5, North Falmouth Woodlands Conservation Restriction

Moreover, the protection of the Premises will advance the goals of the Massachusetts Clean Energy and Climate Plan for 2050, published in 2022. The Commonwealth aims to permanently conserve at least 40% of Massachusetts lands and waters by 2050. The protection of the Premises will preserve 20.147 acres of natural forested lands that will assist the state in meeting this goal.

- Consistency with Clearly Delineated Federal Conservation Policy. Protection of the Premises meets the definition of “conservation purposes” as defined in 26 CFR 1.170A-14(d)(1), because its conservation would: promote protection of state-recognized habitats, as well as preserve open space, provide for passive public recreation, and maintain the scenic and rural character of the village of North Falmouth for enjoyment by the public.

III. PROHIBITED and PERMITTED ACTS AND USES

A. Prohibited Acts and Uses

The Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Structures and Improvements. Constructing, placing, or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled area, roads, sign, fence, gate, billboard or other advertising, antenna, utilities or other structures, utility pole, tower, wind turbine, solar panel, solar array, conduit, line, stormwater infrastructure, septic or wastewater disposal system, storage tank, or dam;
2. Extractive Activities/Uses. Mining, excavating, dredging, withdrawing, or removing soil, loam, peat, gravel, sand, rock, surface water, ground water, or other mineral substance or natural deposit, or otherwise altering the topography of the Premises;
3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing, or destroying trees, shrubs, grasses or other vegetation;
5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archaeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project,

Lot 5, North Falmouth Woodlands Conservation Restriction

the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantee;

7. Motor Vehicles. Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have a legal right to enter the Premises;
8. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantee's intention to maintain the entire Premises under unified ownership;
9. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;
10. Adverse Impacts to Stone Walls, Boundary Markers. Disrupting, removing, or destroying stone walls, granite fence posts, or any other boundary markers;
11. Residential or Industrial Uses. Using the Premises for residential or industrial purposes;
12. Inconsistent Uses. Using the Premises for commercial purposes that are inconsistent with the Purposes or that would materially impair the Conservation Values, or for any other uses or activities that are inconsistent with the Purposes or that would materially impair the Conservation Values.

B. Permitted Acts and Uses

Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A, the Grantor may conduct or permit the following acts and uses on the Premises, provided they do not materially impair the Purposes and/or Conservation Values. In conducting any Permitted Act and Use, Grantor shall minimize impacts to the Conservation Values to ensure any such impairment thereto is not material.

1. Vegetation Management. Maintaining vegetation, including pruning, trimming, cutting, and mowing, and removing brush, all to prevent, control, and manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report (see Paragraph XV);
2. Non-native, Nuisance, or Invasive species. Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;

Lot 5, North Falmouth Woodlands Conservation Restriction

3. Composting. Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises, provided that no stockpiling or composting shall occur within 100 feet of any wetland;
4. Natural Habitat and Ecosystem Improvement. With prior written approval of the Grantee, conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including planting native trees, shrubs, and other vegetation;
5. Archaeological Investigations. Conducting archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but only in accordance with an archaeological field investigation plan, which plan shall also address restoration following completion of the archaeological investigation, prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission State Archaeologist (or appropriate successor official) and by the Grantee. A copy of the results of any such investigation on the Premises is to be provided to the Grantee;
6. Trails. Maintaining and constructing trails as follows:
 - a. Trail Maintenance. Conducting routine maintenance of trails, which may include widening trail corridors up to eight (8) feet in width overall, with a treadway up to five (5) feet in width.
 - b. New Trails. With prior written approval of the Grantee, constructing new trails or relocating existing trails, provided that any construction or relocation results in trails that conform with the width limitations above.
 - c. Trail Features. With prior written approval of the Grantee, constructing bog bridging, boardwalks, footbridges, railings, steps, culverts, benching, cribbing, contouring, or other such features, together with the use of motorized equipment to construct such features;
7. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity and address of the Grantor, sale of the Premises, the Grantee's interest in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises;
8. Parking Area. Constructing, repairing, maintaining and using a parking area to provide access to the Premises for the outdoor passive recreational activities described in Paragraph III.B.10., and for uses otherwise permitted herein, no larger than four thousand (4,000) square feet for up to 10 vehicle spaces, provided that the Parking Area shall be located greater than 100 feet from any wetland, and provided that the Parking Area shall be unpaved or surfaced with pervious materials only;

Lot 5, North Falmouth Woodlands Conservation Restriction

9. Motorized Vehicles. Using motorized vehicles by persons with mobility impairments, for use of the parking area described in Paragraph III.B.8, and as otherwise permitted herein;
10. Outdoor Passive Recreational and Educational Activities. Hiking, horseback riding, cross-country skiing, snowshoeing, ice-skating, nature observation, nature and educational walks and outings, outdoor educational activities, and other non-motorized outdoor recreational and educational activities;

C. Site Restoration

Upon completion of any Permitted Acts and Uses, any disturbed areas shall be restored substantially to the conditions that existed prior to said activities, including with respect to soil material, grade, and vegetated ground cover.

D. Compliance with Permits, Regulations, Laws

The exercise of any Permitted Acts and Uses under Paragraph III.B shall be in compliance with all applicable federal, state and local laws, rules, regulations, zoning, and permits, and with the Constitution of the Commonwealth of Massachusetts. The inclusion of any Permitted Act or Use requiring a permit, license or other approval from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

E. Notice and Approval

1. Notifying Grantee. Whenever notice to or approval by Grantee is required, Grantor shall notify or request approval from Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
 - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;
 - b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
 - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals; and
 - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the Purposes and Conservation Values.
2. Grantee Review. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of receipt of Grantor's request. Grantee's approval shall only be granted upon a showing that the proposed activity will minimize

impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation Values. Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.

3. Resubmittal. Grantee's failure to respond within sixty (60) days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

IV. INSPECTION AND ENFORCEMENT

A. Entry onto the Premises

The Grantor hereby grants to the Grantee, and its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.

B. Legal and Injunctive Relief

1. Enforcement. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory relief, including without limitation, compensation for interim losses (i.e., ecological and public use service losses that occur from the date of the violation until the date of restoration) and equitable relief against any violations, including, without limitation, injunctive relief and relief requiring restoration of the Premises to its condition prior to the time of the injury (it being agreed that the Grantee will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction.
2. Notice and Cure. In the event the Grantee determines that a violation of this Conservation Restriction has occurred and intends to exercise any of the rights described herein, the Grantee shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantee may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) days applies only if Grantor immediately ceases the violation and Grantee determines that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantee may notify the proper authorities of such violation.
3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including counsel fees) incurred by the Grantee in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof. In the event of

Lot 5, North Falmouth Woodlands Conservation Restriction

a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey by a Massachusetts licensed professional land surveyor and to have the boundaries permanently marked.

C. Non-Waiver

Enforcement of the terms of this Conservation Restriction shall be at the sole discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

D. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

E. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from natural causes beyond the Grantor's control, including but not limited to fire, flood, weather, climate-related impacts, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

V. PUBLIC ACCESS

Subject to the provisions of this Conservation Restriction, the Grantor hereby grants access to the Premises to the general public and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only as described in Paragraph III.B.10 provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the Purposes and Conservation Values. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Paragraph III.B.10. The Grantee may require the Grantor to post the Premises against any use by the public that results in material impairment of the Conservation Values. This grant of public access to the Premises is solely for the purposes described in Section 17C of Chapter 21 of the Massachusetts General Laws and the Grantor and Grantee hereto express their intent to benefit from exculpation from liability to the extent provided in such section.

VI. TERMINATION/RELEASE/EXTINGUISHMENT

A. Procedure

If circumstances arise in the future that render the Purposes impossible to accomplish, this Conservation Restriction can only be terminated, released, or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, or successor official (“Secretary”), and any other approvals as may be required by Section 32 of Chapter 184 of the Massachusetts General Laws.

B. Grantor’s and Grantee’s Right to Recover Proceeds

If any change in conditions ever gives rise to termination, release, or extinguishment of this Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph VI.C, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

C. Grantee’s Receipt of Property Right

Grantor and Grantee agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the conveyance, bears to the value of the unrestricted Premises. The proportionate value of the Grantee’s property right as of the Effective Date (See Paragraph XII) was determined to be 71%¹. Such proportionate value of the Grantee’s property right shall remain constant.

D. Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph VI.B and Paragraph VI.C. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

¹ \$1.5m CR acquisition price by the Town divided by \$2,100,000 assessed value = 71%.

VII. DURATION and ASSIGNABILITY

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except when all of the following conditions are met:

1. the Grantee requires that the Purposes continue to be carried out;
2. the assignee is not an owner of the fee in the Premises;
3. the assignee, at the time of the assignment, qualifies under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws; and
4. the assignment complies with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VIII. SUBSEQUENT TRANSFERS

A. Procedure for Transfer

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the effective date of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. If the Grantor fails to reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, then the Grantee may record, in the Barnstable Land Registry District Barnstable County Registry of Deeds, at the Grantor's expense, a notice of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

B. Grantor's Liability

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

IX. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within sixty (60) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

X. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction following the terms set forth in Paragraph VII.C to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

XI. AMENDMENT

A. Limitations on Amendment

Grantor and Grantee may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;
3. affect the qualification of this Conservation Restriction as a "qualified conservation contribution" or "interest in land" under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;
4. affect the status of Grantee as a "qualified organization" or "eligible donee" under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws;
5. create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantee, of the economic impact of the proposed amendment;
6. alter or remove the provisions described in Paragraph VI (Termination /Release/Extinguishment);
7. cause the provisions of this Paragraph XI to be less restrictive; or

Lot 5, North Falmouth Woodlands Conservation Restriction

8. cause the provisions described in Paragraph VII.C (Running of the Benefit) to be less restrictive

B. Amendment Approvals and Recording

No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor, approved by the Town of Falmouth and by the Secretary in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the Barnstable Land Registry District.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the Barnstable Land Registry District.

XIII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: The 300 Committee Land Trust, Inc.
13 Thomas B. Landers Road,
(East) Falmouth, Massachusetts, 02536

To Grantee: Town of Falmouth Conservation Commission
59 Town Hall Square,
Falmouth, MA 02540

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIV. GENERAL PROVISIONS

A. Controlling Law

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in order to effect the Purposes and the policy and purposes of Sections

Lot 5, North Falmouth Woodlands Conservation Restriction

31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the Purposes that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement

This instrument sets forth the entire agreement of the Grantor and Grantee with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

XV. BASELINE DOCUMENTATION REPORT

The Conservation Values, as well as the natural features, current uses of, and existing improvements on the Premises, such as, but not limited to, trails, woods roads, structures, meadows or other cleared areas, agricultural areas, and scenic views, as applicable, are described in a Baseline Documentation Report (“Baseline Report”) titled “Baseline Report for Lot 1 North Falmouth Woodlands Conservation Restriction”, and dated November 2024 prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and included by reference herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein, and (iv) may be supplemented as conditions on the Premise change as allowed over time. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant in addition to the Baseline Report.

XVI. MISCELLANEOUS

A. Pre-existing Public Rights

Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary, is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

Lot 5, North Falmouth Woodlands Conservation Restriction

B. No Surety Interest

The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

C. Executory Limitation

If Grantee shall cease to exist or to be qualified to hold conservation restrictions pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, or to be qualified organization under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and a prior assignment is not made pursuant to Paragraph VII, then Grantee's rights and obligations under this Conservation Restriction shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law and with due regard to the requirements for an assignment pursuant to Paragraph VII.

D. Prior Encumbrances

This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises.

E. The following signature pages are included in this Grant:

Grantor – The 300 Committee Land Trust, Inc.

Grantee Acceptance – Town of Falmouth Conservation Commission

Approval of Town of Falmouth Select Board

Approval of the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts.

F. The following exhibits are attached and incorporated herein:

Exhibit A: Legal Description of Premises

Exhibit B: Reduced Copy of Recorded Plan of Premises

Exhibit C: Town Vote Authorizing the Use of CPA Funds

Lot 5, North Falmouth Woodlands Conservation Restriction

WITNESS my hand and seal this ____ day of _____, 2024 as authorized by vote of The 300 Committee Land Trust, Inc. at a meeting held on _____, 2024, authorizing the grant of the foregoing Conservation Restriction to the Town of Falmouth Conservation Commission,

By: _____

Jo Ann Muramoto,
Its: President, duly authorized

By: _____

Richard Dotson
Its: Treasurer, duly authorized

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this ____ day of _____, 2024, before me, the undersigned notary public, personally appeared Jo Ann Muramoto and Richard Dotson, and proved to me through satisfactory evidence of identification which was personal knowledge to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose on behalf of the corporation.

Jessica Whritenour, Notary Public
My Commission Expires:

ACCEPTANCE OF TOWN OF FALMOUTH CONSERVATION COMMISSION

We, the undersigned, being a majority of the Conservation Commission of the Town of Falmouth, Massachusetts, hereby certify that at a public meeting duly held on _____, 2024, the Conservation Commission voted to approve and accept the foregoing Conservation Restriction from The 300 Committee Land Trust, Inc., pursuant to Section 32 of Chapter 184 and Section 8C of Chapter 40 of the Massachusetts General Laws and do hereby accept the foregoing Conservation Restriction.

TOWN OF FALMOUTH CONSERVATION COMMISSION:

Jamie Mathews

Stephen Patton

Courtney Bird

Kevin O'Brien

Elizabeth Gladfelter

Ronald Driscoll

Maureen Harlow-Hawkes

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this ____ day of _____, 2024, before me, the undersigned notary public, personally appeared _____, _____, _____, _____, _____, and _____,

_____ and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

APPROVAL OF TOWN OF FALMOUTH SELECT BOARD

We the undersigned, being a majority of the Select Board of the Town of Falmouth, hereby certify that at a public meeting duly held on _____ 2024, the Select Board voted to approve the foregoing Conservation Restriction from The 300 Committee Land Trust, Inc. to the Town of Falmouth acting by and through its Conservation Commission in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

TOWN OF FALMOUTH SELECT BOARD

Nancy Robbins Taylor

Edwin P. Zylinski II

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 _____

_____, and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

**APPROVAL OF SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS OF
THE COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby approves the foregoing Conservation Restriction from The 300 Committee Land Trust, Inc. to Town of Falmouth acting by and through its Conservation Commission in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2024 _____

Rebecca L. Tepper
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared Rebecca L. Tepper, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

Lot 5, North Falmouth Woodlands Conservation Restriction

EXHIBIT A

Description of the Premises

All of the vacant registered land in Town of Falmouth, Barnstable County, Commonwealth of Massachusetts, containing 20.147 acres, +/-, shown as Lot 5 on a plan of land titled "Plan of Land at Benjamin Nye's Lane & Quaker Road, North Falmouth, Massachusetts," dated April 30, 2024, by BSS Design, Inc., recorded at the Barnstable Land Court Registry District, Plan 31569-C.

For Grantor's title to Premises, see deed recorded at Land Court Certificate No. _____

Street Address: Lot 5, 48 Benjamins Nyes Lane, Falmouth, MA

Assessors Map: 05 02 022 004 (portion)

EXHIBIT C

CPA VOTE

ARTICLE 29
AND THE VOTE THEREON AT
THE ANNUAL TOWN MEETING
CONVENED IN FALMOUTH, MASSACHUSETTS
APRIL 8, 2024

ARTICLE 29: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN two conservation restrictions, restricting in perpetuity in accordance with M.G.L. c. 44B, § 12 and M.G.L. c. 184, §§ 31-33, on all or a portion of land in Falmouth, Barnstable County, Massachusetts, now or formerly owned by LTC, LLC (c/o Ruth and Steven Augusta) on Benjamin Nyes Lane and Quaker Road in Falmouth, Barnstable County, Massachusetts identified as 48 Benjamin Nyes Lane (Parcel ID# 05 02 022 004) and 0 Quaker Road (Parcel ID# 05 01 085 002), being two parcels of vacant land, together containing 49.69-acres as further described in a deed from Cape Properties Nominee Trust I to LTC, LLC, dated June 8, 2023, said conservation restrictions to be administered by the Conservation Commission for open space and passive recreational purposes and such other uses as may be permitted under the conservation restrictions, the forms of which shall be subject to approval by the Conservation Commission and the Select Board and subject to all necessary statutory and regulatory approvals And, further, to appropriate the sum of Three Million (\$3,000,000.00) Dollars from the Community Preservation Fund for the purposes of this article to be expended under the jurisdiction of the Select Board. And, further, that the Town Manager and/or Conservation Commission, be authorized to file, on behalf of the Town, any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, including under the Massachusetts Local Acquisitions for Natural Diversity (LAND) Program, the Massachusetts Land and Water Conservation Fund (LWCF) and/or any other sources deemed necessary under the Self-Help Act, M.G.L. c. 132A, § 11, and/or any others in any way connected with the scope of this Article, and the Town and Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchases, and to receive and accept such grants or reimbursements for this purpose from these sources for the acquisitions within the scope of this Article, said grants or reimbursements to be deposited in the Town's Community Preservation Fund, or take any other actions relative thereto Or do or take any action on the matter. On request of the Select Board and the Community Preservation Committee.

VOTED: By a declared two thirds majority vote, a quorum being present on Monday, April 8, 2024 the Town voted to appropriate a sum of \$3,000,000 of which \$1,000,000 is from the Undesignated Fund Balance and \$2,000,000 is from the Fiscal Year 2025 Community Preservation Fund Estimated Revenues to purchase two conservation restrictions on all or a portion of land (shown as Lots 1 & 2 on Exhibit A, North Falmouth Woodlands Land protection Project) in Falmouth Located at 48 Benjamin Nyes Lane (Parcel ID# 05 02 022 004) and 0 Quaker Road (Parcel ID# 05 01 085 002), known as the Augusta property and/or North Falmouth Woodlands. The appropriation for the purpose of this article is contingent upon the reimbursement of \$1,000,000 to the Community Preservation Fund from two separate Commonwealth of Massachusetts Self-Help grants (\$500,000 from each grant) and/or from any other sources; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

Article 29 Exhibit A



A TRUE COPY ATTEST
[Signature]
MICHAEL PALMER, TOWN CLERK
FALMOUTH, MASSACHUSETTS

OPEN SESSION

MINUTES

1. Review and vote to approve minutes of meetings

a. Public Sessions:

- July 1, 2024
- August 24, 2024
- November 4, 2024

July 1, 2024

December 2, 2024

TOWN OF FALMOUTH
SELECT BOARD
Open Session Minutes
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.

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, Legal Counsel

6:00 p.m. - OPEN SESSION

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

Motion by Mr. Zylinski: To enter into Executive Session per 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.

Second: Mr. Mascali

Roll Call Vote: Taylor – aye; Zylinski– aye; Mascali - aye; Goldstone – aye; Yes – 4 No – 0

6:30 p.m. - OPEN SESSION

Mr. Brown joined the meeting.

Call to Order: By Chair Nancy Robbins Taylor at 6:30 p.m.

Pledge of Allegiance: Led by Select Board

Recognition: Ms. Goldstone recognized Ryan Mann of Cloverfield Way who has been serving as the Watch Captain aboard a sailing vessel out of Mattapoisett for the Newport to Bermuda race. Last week, a fellow sailing vessel, the Alliance, struck something and sank. Mr. Mann's boat helped rescue and treat the fellow sailors.

Chair Taylor stated that Michael McNaught was recently recognized by the Falmouth Historical Society for all he has done for the Town.

Announcements: Mr. Brown stated that today is the final day for the comment period for the Gulf of Maine wind lease area.

Public Comment: Dave Moriarty expressed concern regarding no representation from Beacon Hill regarding the wind factory and its impact on the Town.

Affirm appointment of Recreation Director:

Town Manager Renshaw noted that there was a successful recruitment process for this position, with 61 applications submitted. He recommended affirming the appointment of Julie Williams-Tinkham for the Recreation Director position.

Motion by Mr. Zylinski: To approve and affirm the appointment of Julie Williams-Tinkham as the Town of Falmouth Recreation Director.

Second: Ms. Goldstone Vote: Yes – 5 No – 0

COMMITTEE INTERVIEWS

Interview, vote and appoint committee members

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

Motion by Mr. Zylinski: To reappoint D. Scott Peterson to the Zoning Board of Appeals for a term until June 30, 2029.

Second: Mr. Brown Vote: Yes – 5 No – 0

2. Non-Regulatory Boards
 - a. Bicycle and Pedestrian Committee – Stephen Morris

The Board held this item until 8pm

3. Committee Appointments

Town Manager Renshaw stated that the Cape Cod Aggregates submitted a request to the Select Board Office to appoint the following individuals as certified weighers: Jen Quinn, Brian Studley, Robert Snow, and Edward Bousfield. If approved, these appointments would serve a term from July 1, 2024, through June 30, 2025. He recommended that the Board make these appointments.

Motion by Mr. Zylinski: To appoint Jen Quinn, Brian Studley, Robert Snow, and Edward Bousfield as Certified Weighers for a term from July 1, 2024, through June 30, 2025.

Second: Mr. Brown Vote: Yes – 5 No – 0

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.

Chair Taylor opened the public hearing.

Mike Borselli, Falmouth Engineering, explained that the request is for a Special Permit to allow Mr. Chase to rebuild a dock that is in a state of disrepair and to stabilize an eroding slope at the edge of Jenkins Pond. The existing dock does not have the benefit of a Chapter 91 license. If this application is successful, the applicant will proceed with the licensing through DEP. Prior to this meeting, the applicant went before the Falmouth Conservation Commission, who administer all the wetland rules and regulations in Town, and they issued a favorable decision, allowing the work to proceed. This is a private recreational pier, ramp, and float for the purposes of passive recreation. The plans show an elevated walkway from a low profile stone block which will allow access from the land. This will have a ramp attached to it, with a roller on the float, and fixed to the bottom with 4" galvanized pipes. This proposal meets all of the requirements of Mass DEP and the Falmouth Wetland Regulations. The proposed low profile concrete block wall will mitigate against the potential for further erosion.

Mr. Zylinski asked if there is a buttress system for the wall. Mr. Borselli explained that the height of the wall, 4', does not require any tiebacks.

In response to a question from Ms. Goldstone, Mr. Borselli explained that the requirement is 5' of clearance where ordinary high water meets the shore, so that the public can duck under the walkway and access around the Pond.

In response to a question from Mr. Brown, Mr. Borselli explained that this will be fitted with a bubbler, so it does not need to be removed in the winter.

There was no public comment at this time.

Motion by Mr. Brown: To close the public hearing.

Second: Mr. Mascali Vote: Yes – 5 No – 0

Motion by Mr. Brown: To approve the application as submitted.

Second: Ms. Goldstone Vote: Yes – 5 No – 0

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

Chair Taylor opened the public hearing.

Town Manager Renshaw explained that Bad Martha's Farmer's Brewery, LLC is applying for a Farmer-Winery License. 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 and Fire Rescue Department have reviewed the application and have no objections to its approval.

Tyler Henseler, representing the applicant, explained that Bad Martha's is looking to add wine to the menu at their East Falmouth location. This would be in addition to their current offerings of craft beer. The applicant has filed and received approval from the TTB and the ABCC for this request. The applicant is now applying for a Winery Pouring License from the Select Board to serve wine, along with an associated Alteration of Premises to incorporate a winery pouring area into the existing pouring license that covers the rest of the tap room. Nothing else is proposed to change at this location. Bad Martha's has been operating in Massachusetts for ten years at their location in Edgartown, and at the location in East Falmouth for five years. The addition of wine is a way for the company to increase revenue, to stay afloat, and to continue to serve the community of Falmouth. There has been a demand at the location for drinks outside of beer. The character and fitness of the applicant is strong, as they have successfully operated a brewery pouring license in the area for five years. Bad Martha's has not received a violation at either of its locations and gives back to the community through charitable donations and employing members of the community. The manager of record, Josh Flanders, will be on the new pouring license and he has experience with the rules and regulations pertaining to the sale and service of alcohol.

Mr. Brown stated that the Board has received concerned emails from nearby abutters regarding activity in the front yard of the business. This activity seems to be getting louder and larger as time goes on. He asked about a raw bar in that area. Josh Flanders, manger, explained that the business hosts a raw bar currently on Friday, Saturday, and Sunday, manned by one person on the patio. He does not believe this has added more noise to the property. Mr. Brown expressed concern that adding another service will add activity and potential noise to the location. He asked about moving the area of activity to another location on the property. Mr. Henseler explained that the addition of wine is not meant to draw in multiple other customers, but instead offer options to existing guests.

In response to a question from Mr. Mascali, Mr. Henseler stated that the intention is not to allow people into the basement to drink wine. The State requires that the business find an unlicensed area on the property to be a "winery." The only unlicensed space was in the basement and was approved on a federal level to be used. The State then asks how to connect that area with the existing pouring area on the property. The business thus draws a line through the basement, which is the only reason it is mentioned in the application. The pouring area is not actually being expanded but, from a licensing standpoint, the pouring area will include part of the basement.

Mr. Mascali stated that parking can be tight on this site. He asked if there will be any parking increase requirements as part of this application. Town Manager Renshaw stated that he is not aware of any. Mr. Henseler explained that this is only a request for an additional menu item.

Ms. Goldstone stated that noise complaints of neighbors need to be addressed, but she is not sure if this permit application affects that. She asked if there is an intent to produce wine at Bad Martha's as part of this application. Mr. Henseler stated that this would not occur on a scale that impacts things from a zoning standpoint. There is a homebrew setup in the basement, and this is used to experiment with sporadically. The license allows the business to contract with another winery to sell their product on the premise.

Mr. Zylinski asked about any special zoning permits as part of this property to make sure that any approval given by this Board does not supersede that. He noted that a verbal agreement for overflow parking onto a nearby property would need to be documented in order to be considered by the Board.

Jonathan Blum, owner of Bad Martha's, explained that the request is to be able to pour wine, which he has already received a license from the State and federal government for. This will not lead to droves of new customers to the site. He noted that the location in Edgartown does not have a license to pour wine.

Mr. Brown asked why the applicant does not simply seek a beer and wine license. Mr. Henseler explained that this is against the law. Section 12 licenses, restaurant beer and wine licenses, are prohibited if someone has either a manufacturer or a wholesaler license. This is an anti-monopoly prohibition era law. If someone owns even 1% of interest in a brewery, winery, or distillery at the manufacturing level in Massachusetts, they are not allowed to own any percentage of an on-premises or off-premises license. There is a growing trend in the brewery/winery community to seek additional menu items via the method proposed in this application.

Mr. Brown agreed that the entertainment complaint is not before the Board this evening, however, there have been thoughtful comments brought up by abutters. Mr. Blum stated that he wants to be a respectful neighbor and so purchased a decibel machine to make sure that the noise is never above the regulations. The intention is not to do anything to bother residences nearby and has continued to do what it can to cooperate. Mr. Brown noted that no noise should be heard past the property line. He again suggested reorienting the site in order to move activity away from projecting toward nearby residences. Mr. Blum stated that he will review this and consider it.

Ms. Goldstone asked if the proposed plan would cover wine being brought in and white labeled to be sold by Bad Martha's. Town Counsel O'Keefe explained that this process is the way that the Farmer's Pouring Licenses work. This is the correct method in order for the business to be able to sell one glass of wine.

Chair Taylor asked for public comment.

Charles Walsh, abutter, stated that he has a complaint regarding the noise that comes from this business. He has contacted the business directly about this concern, along with Mr. Brown and the Police Department. He is not in favor of additional seating. The business is already too big for a residential neighborhood. This is a negative on the nearby residents' lifestyles. No one will purchase his house with this type of noise nearby.

Mr. Henseler stated that there is no additional seating proposed as part of this license. Mr. Flanders stated that he has never met Mr. Walsh or had any communication with him. He would be happy to work with any nearby residents regarding concerns.

Motion by Ms. Goldstone: To close the public hearing.

Second: Mr. Brown Vote: Yes – 5 No – 0

Mr. Brown stated that he is glad to hear that the applicant is willing to address the noise concerns. The addition of wine may enhance the business, leading to potential additional activity, even though no additional seats are proposed. Mr. Zylinski stated that he sees this as a menu change only.

Motion by Mr. Brown: 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, as submitted.

Second: Ms. Goldstone Vote: Yes – 5 No – 0

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

Chair Taylor opened the public hearing.

There were no Board questions or comments at this time.

There was no public comment at this time.

Motion by Mr. Brown: To close the public hearing.

Second: Mr. Mascali Vote: Yes – 5 No – 0

Motion by Ms. Goldstone: 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, as submitted.

Second: Mr. Zylinski Vote: Yes – 5 No – 0

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

Chair Taylor opened the public hearing.

Town Manager Renshaw stated that both the Police Department and Fire Rescue reviewed the application and have no concerns regarding the approval.

Attorney Geoff Nickerson explained that the management group has several decades of positive experience in the industry and is looking forward to opening in Falmouth, if the Board approves the application for the transfer of the restaurant liquor license and the Common Victualler License. The seating for current restaurant, if approved, will remain the same as its existing location at 62 seats, including the seats at the bar. There will be no outside seating. The menu is

going to be popular American food, and the hours would be from 11:30 AM to midnight. The hope is to hire Falmouth residents and others from the area to serve as staff at the restaurant.

There was no public comment at this time.

Motion by Ms. Goldstone: To close the public hearing.

Second: Mr. Brown Vote: Yes – 5 No – 0

Motion by Mr. Brown: 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, as submitted.

Second: Mr. Zylinski Vote: Yes – 5 No – 0

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

Chair Taylor opened the public hearing.

Dimitri Markantonis, applicant, explained that his father passed away six months ago. He and his parents opened up Estia Falmouth in late 2018 and have been in business for almost six years serving the community. This is being proposed due to logistical changes as the liquor license was under his father's name. Mr. Markantonis explained that he has been the General Manager since day one and now needs to move the license into his own name. Nothing else is proposed to change.

The Board apologized for the loss of Mr. Markantonis' father.

There was no public comment at this time.

Motion by Mr. Zylinski: To close the public hearing.

Second: Mr. Brown Vote: Yes – 5 No – 0

Motion by Mr. Brown: 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 exercised at 117 Main Street, Falmouth, as submitted.

Second: Mr. Zylinski Vote: Yes – 5 No – 0

BUSINESS

Report – Affordable Housing Committee

David Garrison, Chair of the Affordable Housing Committee, presented an annual report on the Committee's activities over the last year.

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

Town Manager Renshaw explained that the applicant, OSJL Spirits, LLC, completed its change of manager amendment form on April 29th. That application is attached to the package this evening. The application named Ms. Christina Ivers as the proposed new manager. Both the Falmouth Police Department and Falmouth Fire Rescue have reviewed the application and have no issues or concerns with regards to its approval.

There were no Board questions or comments at this time.

Motion by Ms. Goldstone: To 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, as submitted.

Second: Mr. Brown Vote: Yes – 5 No – 0

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

Town Manager Renshaw stated that this request is for a license to install and maintain a paver apron at the listed intersection of Grand Avenue and Montgomery Court. The Board has a copy of the diagram illustration. Originally the applicant requested the license to include some existing cobblestone pavers at the end of the existing driveway, but these pavers had been installed without proper license and the Town Engineer expressed some concern with regards to pedestrian safety regarding the allowance of this license and this unauthorized section of cobblestones. Town Counsel has prepared the attached grant of license for Board consideration.

Anthony Tsakalos, Ament Klauer LLP, explained that in June 2022, Mr. Bowen (applicant) received a license from this Board to install a parking area for one vehicle on the area of Grand Avenue right in front of his home. Subsequently a cobblestone apron at the corner of Grand Avenue and Montgomery Court and an additional parking space on Montgomery Court, which is a private way, were installed at the site. Through the permitting of an unrelated matter with the Zoning Board, Mr. Bowen was informed that he had committed a violation by installing these items without first obtaining a license and that he would need to remove the unlicensed item from the site in order to correct the issue. In January it was requested that the Board grant Mr. Bowen a license for the cobblestone apron at the corner and for a cobblestone apron at the base of his driveway that had existed for well over a decade. Mr. Bowen was informed that the Town Manager's Office could not support the application for the grant of a license to permit these items. In April, he and Mr. Bowen met with the Assistant Town Manager and showed photos that the pavers relative to the parking space on Montgomery Court had been removed. Mr. Bowen was then allowed to reapply for a license to allow for the cobblestone apron at the corner to remain. In May, a draft license agreement was resubmitted to the Town Manager's Office and

Town Counsel. Mr. Bowen is now before the Board seeking permission to allow the cobblestone apron at the corner of Grand Avenue and Montgomery Court to remain in place.

Mr. Zylinski asked when this was readdressed with the Town offices. Attorney Tsakalos explained that this was done in April. Mr. Bowen explained that the cobblestone apron at the corner was installed just about two years ago. His first notification of violation of that was just about two years ago. He has been trying to get in front of the Board since that time, but the process has been very tedious. The historic bounds have been replaced and approved by the Town. He stated that there are three parking units proposed as part of this proposal.

Attorney Tsakalos explained that the apron proposed to remain was installed due to trucks often cutting this corner. He stated that Mr. Bowen did not realize he was not allowed to install this or that it was within the Town's right of way.

Town Manager Renshaw explained that the only recommendation he is making is that the apron at the corner of the two streets can remain. All other cobblestone areas within the Town right of way need to be removed. Attorney O'Keefe stated that there are only two areas of Town property subject to this license: the apron and what was already granted in the existing parallel parking space along Grand Avenue. There are no other sections or pieces or areas of Town property that are being granted for use, meaning that anything on Town property up to where the wooden fence begins must be removed. Mr. Brown stated that, typically a curb cut permit, requires asphalt paving from the edge of the roadway to where the homeowner would like. Sometimes pervious pavers are allowed in lieu of this asphalt apron, but a curb cut of dirt or untreated surface is not allowed as it brings debris into the road. Assistant Town Manager Johnson-Staub suggested that the Board consider the Town Manager's recommendation as it stands. The curb cut issue would likely be considered as part of a driveway permit with the DPW. Mr. Brown suggested that the applicant apply for a driveway permit in order to first discuss leaving the cobblestones in the curb cut in place.

Motion by Mr. Mascali: To approve a 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 as illustrated in the attached diagram and that all other unlicensed cobblestone pavers be removed with the understanding that the applicant, Town Manager's Office, and DPW will further discuss the curb cut area.

Second: Mr. Brown

Vote: Yes – 4 No – 1 (Mr. Zylinski)

Discuss and vote to changes to the Freshwater Ponds Advisory Committee member appointments

Town Manager Renshaw explained that the Freshwater Ponds Advisory Committee is composed of five regular members and two alternates. None of the regular voting members wish to serve as Chair at this time. The request is to transition Mr. Kim Comart to an alternate member, and to transition Mr. Steve Solbo to a regular member, allowing him to serve as Chair.

There was discussion regarding changing the composition and size of the Committee. It was noted that this was not on the agenda at this time and could be discussed at a later date.

Motion by Mr. Brown: To appoint Mr. Kim Comart as an alternate member of the Freshwater Ponds Advisory Committee with a term expiring June 30, 2026, and to transition Mr. Steve Solbo as a regular member of the Freshwater Ponds Advisory Committee with a term expiring June 30, 2027.

Second: Mr. Zylinski

Vote: Yes – 4 No – 1 (Ms. Goldstone)

Discuss and vote changes to the Veterans Council Committee Veterans Organizations appointments

Town Manager Renshaw explained that the Veterans Council Policy, which was adopted by the Select Board, calls for nine members at the discretion of the Select Board. The policy identifies six veteran organizations, each of which is invited to nominate one member to serve on the Council with three others serving as alternates or at large members. On June 4th Mr. Ahmed Mustafa dropped off an application to serve the role for the VFW. The Town Manager's Office solicits nominations from all of the veteran organizations each year. The Veterans Office staff then follows up with the appointees and/or organizations to remind them to request reappointment on an annual basis. The DAV seat, which has been vacant since June 30, 2023, currently has a designee, Mr. Ron Nasif. He was appointed for the year ending June 30, 2023, and has continued to attend and participate in Council meetings. The Select Board has not formally made that appointment for the DAV. The Veterans Council has determined via unanimous vote that the VFW and the Falmouth Military Support Group have vacated their respective appointments, citing Section 3C of the Committee Handbook. An e-mail was sent to the Select Board in February from the Council Chair, Ms. Carissa April, notifying the Board of those vacancies and the fact that people appointed to those roles had not attended meetings. The Veterans Council is requesting the Select Board appoint a nominee of the Cape and Islands Veterans Outreach Center who expressed interest in serving. On June 4th, the Manager's Office received a nomination form from Mr. Ahmed Mustafa, requesting to be appointed to serve in the VFW role. Town Manager Renshaw stated that he recommends that the Select Board vote to modify the composition of the Veterans Council, as requested, by removing the VFW and Falmouth Military Support Group from the list of organizations and adding the Cape and Islands Veterans Outreach Center as an organization invited to submit a nomination. The Board could also consider amending that recommendation to include Mr. Mustafa's application for the VFW and simply remove the Falmouth Military Support Group.

Motion by Chair Taylor: To modify the composition of the Veterans Council as requested by the Veterans Council by removing the Falmouth Military Support Group and adding the Cape and Islands Veterans Outreach Center as an organization that nominates a member.

Second: Mr. Zylinski

Vote: Yes – 5 No – 0

Interview, vote and appoint committee members – The Board retook this agenda item at this time

2. Non-Regulatory Boards

a. Bicycle and Pedestrian Committee – Stephen Morris

The Committee discussed the three applicants for this position. Mr. Mascali nominated Mr. Morris based on his length of time living in Town. Ms. Goldstone nominated Mr. Flaherty based on the fact that he has been attending the Committee meetings already and his background activities.

Motion by Mr. Mascali: To appoint Stephen Morris to the Bicycle and Pedestrian Committee. Second: Chair Taylor Vote: Yes – 2 No – 3 (Mr. Brown, Mr. Mascali, and Ms. Goldstone)

Motion by Ms. Goldstone: To appoint Mitchell Flaherty to the Bicycle and Pedestrian Committee. Second: Mr. Brown Vote: Yes – 4 No – 1 (Chair Taylor)

Discuss letter from the Cape and Islands Municipal Leaders Association, Inc. regarding the Gulf of Maine wind lease area

Mr. Brown stated that the Cape and Islands Municipal Leaders Association held an annual meeting on June 14th. The group heard a presentation regarding Vineyard Wind and impacts to the Vineyard. Before the meeting, the group received an outreach from the Bureau of Ocean Energy Management regarding the Gulf of Maine project. That group also attended the meeting and made a presentation. The Gulf of Maine extends all the way to Chatham. The Municipal Leaders Association met and decided to reach out the Bureau of Ocean Energy Management requesting to extend the comment period to July 22nd in order to allow for more outreach to the Cape Cod area to better understand the project. He requested that the Board send an e-mail that it supports the extension of the public comment period.

There was consensus on the Board to direct the Town Manager to send a letter requesting an extension to the public comment period until July 22nd and referencing the email from the Municipal Leaders Association.

CONSENT AGENDA

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

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

Motion by Mr. Zylinski: To approve Consent Agenda, as presented.
Second: Ms. Goldstone **Vote: Yes – 5 No – 0**

MINUTES

Review and vote to approve minutes of meetings

- a. Public Sessions – May 6, 2024; June 17, 2024

The Board tabled discussion on this item to a future meeting.

TOWN MANAGER’S SUPPLEMENTAL REPORT: None at this time

SELECT BOARD REPORTS

- Mr. Mascali and Mr. Brown attended a Zoom meeting with Lieutenant Governor Driscoll and others regarding the proposed bike trail extension. No decisions have yet been made.
- Mr. Zylinski continues to attend CCMPO meetings monthly.
- Mr. Zylinski attended a recent DPW cookout.
- Mr. Brown attended a recent Agricultural Commission meeting.
- Chair Taylor noted that there is a Board August workshop scheduled.

ADJOURN

Motion by Mr. Brown: To adjourn at 9:00pm.
Second: Mr. Mascali **Vote: Yes – 5 No - 0**

Respectfully submitted,
 Kristan Patenaude, Recording Secretary

August 24, 2024

December 2, 2024

TOWN OF FALMOUTH
SELECT BOARD
Strategic Planning Session
SATURDAY, AUGUST 24, 2024 – 9:00 A.M.
2nd FLOOR TRAINING ROOM
FALMOUTH FIRE & RESCUE DEPARTMENT HEADQUARTERS
399 MAIN STREET, FALMOUTH, MA 02540

This is a workshop meeting. There will be no public comment.

Present: Nancy Robbins Taylor; Chair, Edwin (Scott) Zylinski II; Douglas C. Brown; Robert P. Mascali; Heather M. H. Goldstone

Others present: Mike Renshaw, Town Manager; Stephanie Madsen, Sustainability Specialist.

9:00 a.m. - OPEN SESSION PLANNING WORKSHOP

Call to Order: By Chair Nancy Robbins Taylor at 9:00 a.m.

Review and Update of Strategic Plan.FY2023-FY2027

Town Manager Renshaw stated that one aspect of the Strategic Plan that Staff would like to additionally include are items of diversity, equity, inclusion, and belonging. A Value Statement has been added to the documents for the Strategic Plan which can be voted at a future Board meeting.

Chair Taylor stated that she would like to see the Board work on its goals.

The Board discussed creating affordable housing goals that are not tied to subsidized housing numbers. The Board discussed prioritizing and emphasizing redevelopment and rentals as priorities.

Town Manager Renshaw suggested that he would make sure the goals of this section align with the Housing Production Plan.

The Board reviewed the Energy and Water Conservation Sustainability section. Stephanie Madsen, Sustainability Specialist, discussed the presentation on this topic with the Board.

The Board reviewed the Financial Stability section. There was discussion regarding being aware of the School District's bottom line budget while seeking ways to further enhance the information the Board receives. Ms. Goldstone suggested an annual joint meeting with the School Committee to discuss high level strategic planning and information sharing.

The Board reviewed the Health & Safety section. Mr. Brown noted that he believes the Town needs additional staffing for the volume of residents. Mr. Zylinski stated that he would like to see the Town make a move forward toward a K-9 program for the Police Department.

The Board reviewed the Management of Coastal Natural Resources and Infrastructure section. There was discussion regarding creating a small committee to work directly with the Coastal Resiliency Coordinator.

The Board reviewed the Organizational Effectiveness and Community Engagement section. Town Manager Renshaw suggested some additional DEI language to include.

The Board reviewed the Wastewater and Solid Management section. There was discussion regarding pulling water conservation items from the Energy and Water Conservation Sustainability section and putting it in this section. Town Manager Renshaw stated that Staff has been discussing creating a Solid Waste Management Plan. This would be an important initiative to include in this section. He also noted that a regional composting facility is being considered. Ms. Goldstone stated that, along that line, she would like to see a goal regarding proactively pursuing the benefits of regionalization. Mr. Mascali agreed that regional cooperation may be important in other sections as well. Ms. Goldstone stated that she would like to see a goal across the board regarding water conservation and aquifer health.

Discuss the establishment of a Liquor Commission as recommended by Charter Review Committee August 2022

Chair Taylor suggested that the Board direct the Town Manager to consider a Home Rule Petition to create a Town Liquor Commission to consider liquor licenses. There was consensus on the Board.

Discuss the establishment of a Sign Review Committee

Chair Taylor suggested that the Town Manager consider reinstating the Sign Review Committee. There was consensus on the Board.

Discuss the creation of a coastal appropriation fund

Town Manager Renshaw noted that the Coastal Resiliency Specialist position has been advertised and there are a few applicants already. This position is proposed to be under the DPW. He suggested allowing the new hire to evaluate the work that has already been completed before forming recommendations to the Board. He noted that the Beach Nourishment budget item should likely have increased funding.

Overview of how many large-scale solar projects we have on hold because of the moratorium on large scale solar projects in Massachusetts

Ms. Madsen presented on this item. She explained that the next steps for the Town include installing as much solar as possible to meet the 10MW cap, to expand the solar overlay district to include the Wastewater Treatment Facility at 154 Blacksmith Shop Road, to encourage residents to install rooftop solar, if the ACA cap is lifted for private solar - to support solar arrays, rooftop, ground mount, and carport canopies, and to strongly consider battery bank packages to support

large solar installations for resiliency and grid reliability. The intention is to move forward with rooftop solar on municipal buildings and potential carports.

The Board discussed the potential for a policy to require solar for new buildings and developments.

Discuss the future of the old Water Department property on Palmer Ave.

Town Manager Renshaw stated that two weeks ago Staff toured this building. The building has a lot of potential and the Beach Committee and working group are currently reviewing many options for it. The Building Commissioner reviewed the building for ADA compliance issues. There is interconnectedness between this building's potential use and a future all-inclusive playground along the section of Goodwill Park and a staff presence.

Mr. Mascali asked about other potential uses for the building. Town Manager Renshaw stated that other groups have reviewed the site. This suggestion is only a preliminary option.

LUNCH BREAK (30 MINUTES)

Review of the long-range capital plan

Town Manager Renshaw presented on this item.

Chair Taylor stated that there are things on this capital plan that seem to raise the bottom line but were not on previous capital plans. Town Manager Renshaw stated that this plan is believed to be all-in. The intention is to minimize the use of free cash. The focus of this presentation is on projects that require borrowing or are generally over \$2M. Projects previously approved and those proposed for April 2025 Annual Town Meeting will not require a tax increase; depending on interest rates and other factors, roughly \$200M can be authorized within the next 16 years; preplanning by funding Debt and Capital Stabilization will help mitigate the impact of future capital needs but will not completely avoid potential tax increases (Debt Stabilization: \$1,561,075.94; Capital Stabilization; \$10,889,565.86; for a combined total of \$12,450,641.80); more review, design, planning, and Board input on priorities is required to firm up plans beyond this year.

Chair Taylor stated that the Police Station renovation should remain at the top of the list. Town Manager Renshaw stated that the OPM was recently selected, and the project will be back before the Board shortly.

Mr. Brown suggested delineating some of the projects that could be considered for possible debt exclusions for further discussion.

Update on the comprehensive Town-owned parcel evaluation and analysis

Town Manager Renshaw explained that the final vetting of the parcels is ongoing. He explained that the 576 Town-owned properties were evaluated based on a number of criteria to determine

that 22 have strong development potential. There will likely be 3-4 Warrant Articles on this topic for the November Town Meeting. There will be a detailed presentation to the Board on this topic on September 9th.

Mr. Brown noted that some of these parcels may also be appropriate for community gardens. Town Manager Renshaw agreed that some of the other parcels may have other municipal uses.

Review 2021 Coastal Resiliency Action Committee final report for possible future projects

Ms. Goldstone suggested adopting a policy for all Town activities, projects, and proposals in order to evaluate them in light of coastal resiliency goals.

Discussion/adoption of Surf Drive report recommendations (an item in the current Strategic Plan)

The Board discussed the report recommendations. Town Manager Renshaw suggested that the Coastal Resiliency Specialist should review and evaluate the Surf Drive pathway and report back. This can be included in the Strategic Plan goals.

Discussion of the Housing Production Plan and alignment on priorities and next steps for/from Select Board

Ms. Goldstone stated that Town Manager Renshaw previously stated that Staff will review the Housing Production Plan and Strategic Plan and come back with an aligned set of goals.

Mr. Zylinski exited the meeting.

ADJOURN

Motion by Mr. Mascali: To adjourn. Second: Mr. Brown

Vote: Yes – 4 No - 0

Respectfully submitted,
Kristan Patenaude, Recording Secretary

November 4, 2024

December 2, 2024

TOWN OF FALMOUTH
SELECT BOARD
Open Meeting Minutes - DRAFT
MONDAY, NOVEMBER 4, 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: 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

6:30 p.m. OPEN SESSION

Call to Order: By Chair Taylor

Pledge of Allegiance: Led by Select Board

Recognition:

Ms. Goldstone recognized the generosity of Donald Smith and Pamela Burkes-Smith for their donation to the YMCA. Mr. Brown agreed that it was “incredible.”

Mr. Mascali recognized the opening of the apartments at Main and Scranton and offered kudos to everyone in Town who made that project a reality, calling it a wonderful project for our seniors.

Announcements: Mr. Brown offered the reminder it was Election Day tomorrow.

Public Comment: None

JOINT MEETING WITH THE PLANNING BOARD

Interview, vote and appoint committee member – Planning Board

Members of the Planning Board present:

Charlotte Harris, Chairman

Patricia Kerfoot

Jim Fox

Robert Leary

John Druley

Paul Dreyer

Planning Board Chairman Harris thanked the applicants for applying and explained the interview process that would be used. She said she would take the candidates as they were positioned in relation to the microphone.

- a. Katherine Gray Sturrock
- b. Gregory Baldwin (withdrawn prior to meeting)
- c. Thomas Zine
- d. Charles McCaffrey

Thomas Zine: Provided a 2-minute statement including details of his resume and application – said he knows rules, regulations, and laws and how to use and apply them – said he has been a builder – said as an investigator he is a fact-finder – said he stays informed and has read all Town Meeting articles – said he is knowledgeable about short term rentals and work force housing – said his service on other boards and committees, as well as being a middle child of 7, has taught him to be a good listener – said it is important to find a balance between progress and not letting go of Falmouth’s old charm.

(At this point, Chair Taylor said first, that Mr. Baldwin has withdrawn, and second, that the planning board chair has taken the names out of order from what appeared on the Select Board agenda, which is fine, she said.)

Questions from Select Board:

Mr. Brown confirmed that Mr. Zine has attended planning board meetings. Mr. Zine said he attended the last one and has viewed the last few. He said over the last year he has viewed about a dozen.

Ms. Goldstone asked if there one thing to change about the current comprehensive plan, what would that be? Mr. Zine said he would continue to work toward our work force housing issues. He noted the change in the language in the amendments will assist the Town in getting there.

Mr. Mascali asked Mr. Zine what his intentions would be for the next election in 2025. Mr. Zine said he intended to run again for the 3-year seat.

Mr. Zylinski asked Mr. Zine what his opinion was regarding redevelopment of existing infrastructure related to affordable housing. Mr. Zine said repurposing is a vital part of getting to our goals.

Questions from Planning Board:

Chairman Harris recalled that Mr. Zine first came to the attention of the public from the position of an abutter being opposed to a major housing project. She asked how, as a member of the planning board, he would find a balance between residents and economic interests in the Town. Mr. Zine said that projects just need to be reasonable. He said he believes in affordable housing and that it's important to continue growing, but it's about progress and being reasonable. He said it's important to protect abutters as well and believes we can hit that balance.

Ms. Kerfoot cited examples of professional working people who cannot afford housing in Town. She asked Mr. Zine where he comes down on looking toward innovation to provide needed housing, knowing it would likely involve zoning changes that would need to be "sold" to the public. Mr. Zine said he was open to that and that he would contact other Towns and individuals to share innovative ideas.

Mr. Leary asked if there were potential changes in zoning that would incentivize people to want to rent their properties or alter for rental. Mr. Zine suggested tax rebates or abatements. He said he is a former landlord and that would be an incentive for him.

Katherine Gray Sturrock: Ms. Sturrock read a short statement – said she has lived or vacationed in Falmouth her entire life – said her grandmother donated a parcel of land in the New Silver Beach area – held elective office outside Washington D.C. comparable to the Select Board here – said she would lend a fresh face to the process – said there is a need to update the climate change plan, last updated 5 years ago – said she has reviewed the planning board's priorities and how they align with the Select Board strategic plan – said she is pro-business but must assess and implement policies around climate change – said the planning board should model their behavior on the findings and recommendations of the Woodwell Institute – cited examples of uncomplicated actions that could be implemented right away – said we need to focus on how town planning can move forward to achieve a reduction in carbon, saving the Town from erosion, flooding, damage, and the like.

Questions from Select Board:

Ms. Goldstone asked if there were a change or an addition to the comprehensive plan, what would it be? Ms. Sturrock said it would be in the areas of climate and has sample legislation that she would like to move forward.

Mr. Mascali asked if Ms. Sturrock has attended any planning board meetings. Mr. Sturrock said she attended a couple when she first moved here. She said she had originally not contemplated joining the board, but now feels it is important to put your name in the hat if you have ideas you wish to forward. She said she thought the person chosen will address many of these issues.

Mr. Mascali also asked if Ms. Sturrock would run again if selected. Ms. Sturrock said she would, but she also referred to the position already having been filled. To clarify the confusion, Planning Board Chairman Harris said that the position is not filled, that it is a vacancy. The candidates are being interviewed now.

Mr. Brown asked if Ms. Sturrock thought she understood the difference of the zoning here in Falmouth compared to where she was living before. Ms. Sturrock said she was born here and grew up here, and understands the difference.

She said she has been observing from two volunteer boards and has been quietly watching and listening to what people are interested in. She said much is not transferrable, but ideas around climate, affordable housing, and other areas are important in both. She repeated that she is pro-business. Mr. Brown said he was referring to the idiosyncrasies of MA zoning laws; Ms. Sturrock said she understood that – she has a common road running through her property - and had some sample legislation that she was interested in revealing.

Planning Board questions:

Chairman Harris said she had read about the Montgomery Village Foundation, a planned urban development. She asked which ideas from that development would Ms. Sturrock be trying to bring to Falmouth. Ms. Sturrock said not all ideas are transferrable but some affordable housing ideas are.

Ms. Kerfoot asked how when you are increasing housing do you decrease problems in the climate. Ms. Sturrock said she would focus on reusing existing buildings rather than building new structures.

Mr. Fox asked what was discussed at the planning board meeting Ms. Sturrock said she had attended. Mr. Sturrock said it was when she first moved here and may have had something to do with bike paths, she could not remember. It may have been nine years ago.

Mr. Leary asked about coastal resiliency and if there were any ideas that would help Falmouth do a better job. Ms. Sturrock said on area alluded to in the 2009 plan involved trees and that they are really the way to go. Any protection of trees would be a good idea because that has the most impact. Mr. Leary asked if Ms. Sturrock could provide a zoning bylaw that would protect trees. Ms. Sturrock gave an example of a law in Eastham that prohibited clearcutting under “prohibited uses.” She said several municipalities have these clearcutting laws. Mr. Leary asked if the law would pertain to individual homeowner lots. Ms. Sturrock said that would depend on the legislation. Most legislation she has seen, she said, involves builders doing small project. She said individual use is a tricky area.

Mr. Dryer asked if Ms. Sturrock had looked at the ballot initiatives regarding changes to the bylaw. Ms. Sturrock said she has looked at some of them and agreed that cleaning up the language is important.

Select Board question:

Mr. Mascali asked Ms. Sturrock to clarify what other volunteer organizations she was on. Ms. Sturrock said she was on Newcomers of Falmouth (700 members) and the Falmouth Garden Club (about 80 members).

Charles McCaffrey – said he has 50 years of experience and a master’s degree in urban planning – has worked with cities and towns on coastal management – said he has come to know the Town well since living here full time for 20 years – has fully involved himself in Town organizations, such as the coastal ponds management committee – referred to the concept of zoning for the surface of the water – has been involved in the drafting of zoning and comprehensive policy plans for municipalities’ waterfront – said his experience involves both the substance of an issue and procedures, such as the charter review committee – represented the Town on the Cape Cod Commission and was appointed to the county coastal resources commission – was involved in many non-profits – said the Planning Board’s responsibility is to enforce existing regulations within their purview and develop recommendations for changes in zoning – explained how the Planning Board’s recent zoning action helps create more housing – said he understands the issues facing the sale of marinas and zoning – said he has experience in harbor management – said many of Falmouth’s issues involve water – said thoughtful planning for coastal land is called for -- re-iterated his experience on non-profit preservation projects, which brings practical experience.

Select Board questions:

Ms. Goldstone asked Mr. McCaffrey to name one thing he would add or change to the comprehensive plan. She also asked, given Mr. McCaffrey’s extensive Town experience, “Why the Planning Board and why now?” Mr. McCaffrey said, regarding the second question, that last summer he went off his last board/committee, but still has an itch to be involved. He thought this was the board he was best suited to due to his experience. Regarding the first question, as we look at resiliency, we need to ask how Falmouth would respond to the inundation that is predicted. He said a model predicted that 849 homes in Falmouth would be seaward of the high tide line. He said some of this is due to groundwater rise. He said there is a need to create a better waterfront even as it’s changing.

Mr. Mascali asked if Mr. McCaffrey would be interested in running in May of 2025 if appointed. Mr. McCaffrey said his first thought was to fill the term but said he was open to running.

Planning Board questions:

Chairman Harris said Mr. McCaffrey has been, in effect, an advisor to the Planning Board for some time, so she is familiar with his qualifications. She asked him from his work on the Charter to comment on his wanting to repair the connection between the Planning Board and other places. Mr. McCaffrey gave an example of a provision that was passed assuring that Select Board actions are consistent with the comprehensive, strategic, and capital plans. He said it hasn't really happened yet but important to work on. He said the Charter now requires a formal procedure. Chairman Harris asked if the 2009 comprehensive plan is now too out of date to insist on the kind of connection the Charter calls for. Mr. McCaffrey said the broad policies are still relevant, but the specific actions may need to be revised.

Ms. Kerfoot clarified that Mr. McCaffrey said he wasn't sure he would run again. She thanked him for his expertise over the years.

Mr. Fox asked where Mr. McCaffrey got his master's degree in urban planning. Mr. McCaffrey said University of Illinois, Champaign-Urbana. Mr. Fox then asked, from Mr. McCaffrey's experience in Town, what is his observation of the actual sea level rise we've had. Mr. McCaffrey said it's not a lot to the eye. But the frequency of flooding because the beach is higher is more evident. He said it's risen a foot in the last century. Because we nourish beaches, sometimes the perception belies that.

Ms. Kerfoot asked for comment on the fact that increase in the height of the sea is part of subsidence of the land. Mr. McCaffrey explained various causes of sea level rise, such as increased temperature of water and resulting expansion, and the melting of the glaciers. He included the change in the gravitational effect of Greenland and changing currents. It is not a simple thing, he said.

Mr. Leary asked how increase in sea level rise impacts the aquifer. Mr. McCaffrey said sea level will affect ground water near the shore and near the surface, not likely the aquifers.

Chair Taylor said the vote would be a voice vote.

Vote:

Planning Board:

Ms. Harris: Tom Zine

Ms. Kerfoot: Tom Zine, with thanks to all applicants

Mr. Dreyer: Said he wanted to thank the 3 representatives here, and said there would be opportunities for people to get on the Planning Board in six months. Based upon his experience with Mr. McCaffrey he would vote for

Mr. McCaffrey

Mr. Fox: Tom Zine, because we need someone who would be there for more than this one term

Mr. Leary: Mr. McCaffrey

Mr. Druley: Mr. Zine

Select Board:

Mr. Zylinski: Mr. Zine

Mr. Brown: Tom Zine, with thanks to all candidates

Mr. Mascali: Tom Zine

Ms. Goldstone: Mr. McCaffrey

Chair Taylor: Tom Zine

Chair Taylor announced that the winning candidate with 8 votes was Tom Zine.

Chairman Harris thanked all candidates and said that anyone can run for the position next May regardless of who was appointed to the position tonight.

There was a motion and a second (Ms. Kerfoot and Mr. Leary) and a vote to adjourn the Planning Board meeting.

PUBLIC HEARINGS

Fee Hearing – Discuss, consider and vote proposed fee changes for 2025

Mr. Zylinski read out the hearing notice.

Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Public Hearings 1 - Discuss, consider and vote proposed fee changes for 2025* in the Select Board packet. He recommended approval.

Mr. Brown said he appreciated the listed comparisons with other town to show that Falmouth is on the low end. He said he has received no comments saying they are unreasonable. Chair Taylor said she agreed with Mr. Brown.

Mr. Mascali asked how many applications are on the wait list. Gregg Fraser said, "A lot." For example, he said the Falmouth Inner Harbor slips have over 200 waiting. Some of the popular harbors have close to 200 waiting. He said there is no quick wait list anymore.

Public comment: None

Motion by Mr. Brown: To close the hearing Second: Ms. Goldstone Vote: Yes – 5 No – 0

**Motion by Mr. Brown: To approve and adopt the 2025 revised Marine and Environmental Services Harbormaster/Waterways fees as presented - so moved as written Second: Mr. Zylinski
Vote: Yes – 5 No - 0**

BUSINESS

Report – Commission on Substance Use

Beverly Costa-Ciavola, former chair of the Commission on Substance Use, orally summarized the report with information on 5 screens, covering such topics as events, the focus of the commission, review of findings from outreach, review of grants, support of the Celebration of Prom event, a grant summary including amounts, and next steps.

Mr. Mascali asked how many large grant applications the commission received. Ms. Costa-Ciavola said they received 8 applications and gave out 5 grants.

Mr. Brown asked about the long-range strategy for funding. Ms. Costa-Ciavola said the commission wants to make sure that the money would be there for more than one year, so they were thoughtful and cautious distributing the funds. She said they have every intention of making the money go where it is supposed to go for affected families in Town. Mr Brown also asked how the Duffy Health Center thing works. Ms. Costa-Ciavola said they bring their mobile van to Falmouth, such as at Learn to Cope and St. Barnabas, and do outreach as well. She said the funding aids Falmouth residents even though some of the assistance is Cape-wide.

Chair Taylor thanked the commission for the work they do.

Report – Agricultural Commission

Stan Ingram, chair, orally reviewed the information included in the annual report submitted earlier in the year. He also provided the Board chair with the two tri-fold pamphlets referred to in the annual report. He included the commission's concern over the loss of agricultural land to development, especially 40Bs. He said it is always on their agenda.

Ms. Goldstone asked if Mr, Ingram had an estimate of how much farmland has been lost over the past 10-30 years. Mr. Ingram said he did not have that off the top of his head, but a lot. It keeps disappearing, he said. He cited an example of 8 acres on Locustfield Rd. that was lost to possible development.

Mr. Zylinski asked Mr. Ingram if he had any idea how much land is left. Mr. Ingram said he didn't, but that the commission is looking for ways to work with T3C and Farming Falmouth to see if there is a way to stem the tide.

Mr. Brown asked if there were funding for the pamphlets. Mr. Ingram said it would be on their "Dear Santa" list. He said they would be looking for funding for large signs for drivers coming into Town that Falmouth has a right to farm.

Consider a vote to approve a groundwater discharge assignment agreement between the Town and the Cape Cod YMCA

Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 3 - Consider a vote to approve a groundwater discharge assignment agreement between the Town and the Cape Cod YMCA* in the Select Board packet. He recommended approval.

Mr. Brown asked if there had been significant changes since the Board last reviewed it. Mr. Renshaw said no significant changes.

Mr. Mascali asked if the Y owned the parcel. Attorney Klauer said the Y does not own the parcel yet but it is under agreement, which is subject to permits. That process with the planning and zoning boards would begin next week, he said. He also said the news of the \$10 million donation was incredible.

Motion by Mr. Brown: To approve the Assignment of Groundwater Discharge Rights Agreement as presented
Second: Ms. Goldstone Vote: Yes – 5 No - 0

Discuss and consider the approval of a purchase and sale agreement for 599 Brick Kiln Road, West Falmouth
Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 4 - Discuss and consider the approval of a purchase and sale agreement for 599 Brick Kiln Road, West Falmouth* in the Select Board packet. He recommended approval.

Motion by Ms. Goldstone: To approve the Purchase and Sale Agreement for the property at 599 Brick Kiln Rd. as presented
Second: Mr. Brown Vote: Yes – 5 No - 0

Consider Approval of non-union wage rates for FY2026

Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 5 - Consider Approval of non-union wage rates for FY2026* in the Select Board packet. He recommended approval. He also updated the Board on the status of current vacancies vs. filled positions.

Ms. Goldstone asked, with respect to union negotiations and step reclassifications, if there were internal equity with non-union and non-aligned positions. Mr. Johnson-Staub said there was and explained how that was assured with TAM. Then, for seasonal and non-aligned positions, he said adjustments are made through feedback from department heads or inability to fill a position, but they haven't seen anything to create a concern.

Mr. Brown asked about the bonus system for other positions. Mr. Johnson-Staub said it was something they could look at. Mr. Renshaw concurred that retention bonuses was an issue that could be revisited.

Motion by Mr. Zylinski: To adopt the following wage rate adjustments: 1) Apply a 2% COLA and a 1.5% market adjustment to the Technical Administrative and Management pay plan effective June 29, 2025; 2) Apply a 2% COLA and 1.5% market adjustment to the Non-Aligned pay plan effective June 29, 2025; 3) Apply a 2% increase to the Seasonal pay plan effective December 29, 2024
Second: Mr. Brown Vote: Yes – 5 No - 0

Consider approval of an application for a Change of Manager of an All-Alcoholic Beverages Club License - Falmouth Yacht Club located at 290 Clinton Avenue, Falmouth

Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 6 - Consider approval of an application for a Change of Manager of an All-Alcoholic Beverages Club License - Falmouth Yacht Club located at 290 Clinton Avenue, Falmouth* in the Select Board packet. He recommended approval.

Chair Taylor clarified that there is a TIPS certification. She said she would like to have seen the applicant at the meeting but would not hold it up. Mr. Brown said that the manager has been serving in two Falmouth locations so has a local history, but he would like to look at the applicant and say, "You understand you are responsible."

Motion by Mr. Brown: To approve the application for change of manager of an all-alcoholic beverages club license – Falmouth Yacht Club located at 290 Clinton Avenue, Falmouth, as presented
Second: Mr. Mascali Vote: Yes – 4 No – 1 (Mr. Zylinski)

Mr. Zylinski reported on the following:

- Spent an hour and a half with the police chief last week and did a tour of the new training facility
- Will spend Veterans' Day with the patrol division

Chair Taylor reminded the Board they would be having their meeting prior to Town Meeting at the Lawrence School.

ADJOURN

Motion by Mr. Mascali: To adjourn Second: Ms. Goldstone Vote: Yes – 5 No – 0

Respectfully submitted,
Carole Sutherland, Recording Secretary