Town of Falmouth Select Board

Regular Meeting

Monday, May 19, 2025, 6:30 PM
Select Board Meeting Room
Town Hall
59 Town Hall Square, Falmouth, MA 02540

AGENDA

1. OPEN SESSION - 6:30 PM

a. Call to Order

b. Pledge of Allegiance

c. Proclamation

1) Pride Day Proclamation: Town of Falmouth Celebrates Pride Day 2025 - Friday, June 13th

d. Recognition

e. Announcements

f. Public Comment

2. COMMITTEE INTERVIEWS - 6:35 PM

a. Interview and consider a vote to appoint committee members

1) Conservation Commission - William Duffy

3. PUBLIC HEARINGS - 6:45 PM

a. Wetlands/Dock Hearing – Taylor May Carroll – application for permission to extend existing pier by 25', to a total length of 76', at 115 Childs River Road, East Falmouth, in the waters of Childs River **(10 minutes)**

b. Wetlands/Dock Hearing – ACME Falmouth MA LLC – application to modify approved layout of fixed and floating piers within previously legally altered area at 278 Scranton Ave., Falmouth (Falmouth Marine and Yachting Center) in the waters of Falmouth Inner Harbor **(10 minutes)**

c. Wetlands/Dredge Hearing – ACME Falmouth MA LLC – application to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Avenue, 850+/- c.y. of material to be removed with off-site upland disposal, in the waters of Falmouth Inner Harbor **(10 minutes)**

d. Consider the application by Falmouth Theatre Guild for an annual Entertainment License and Sunday Entertainment License to be executed at Highfield Theater, 58 Highfield Drive, Falmouth **(10 minutes)**

e. Consider the application by Blue Moon Sea Grille, Inc. d/b/a Hooked for an All Alcoholic Beverages Restaurant License - 153 Main Street, Falmouth. Entertainment, Sunday Entertainment and Common Victualler Licenses are also scheduled for review. **(10 minutes)**

f. Consider the application by Blue Moon Sea Grille, Inc. d/b/a Hooked for an annual Entertainment and Sunday Entertainment License - 153 Main Street, Falmouth - Wednesday through Saturday 4:00 pm to 10:00 pm and Sundays 11:00 am to 4:00 pm. **(10 minutes)**

4. BUSINESS - 7:45 PM

a. Consider a request to approve the grant of a Conservation Restriction from Falmouth Farming, Inc. to The 300 Committee Land Trust, Inc. and Town of Falmouth Agricultural Commission on the property located at 578 Locustfield Road **(5 minutes)**

b. Update - Surf Drive nourishment study **(25 minutes)**

c. Consider a vote to approve the request from Cape Cod Oyster Co., 179 Old Falmouth Rd., Marstons Mills to renew shellfish aquaculture license #15-06 for a 2-acre area located in Megansett Harbor and to correct the coordinates and the method of growing **(10 minutes)**

d. Consider a vote to approve the request from Falmouth Farmer's Market for a waiver of the special event permit fee for the Farmer's Market at Marine Park on Thursdays from 5/22/25 – 10/16/25 **(5 minutes)**

e. Consider the request from Lillian Kazanis of New England Festivals for a waiver of the special event permit fee for the Harbor Light Illumination Concert Series & Artisan Market being held at Marina Park on Saturdays, 7/5, 7/12, 7/19, 8/9, 8/16 and 8/23/25 **(10 minutes)**

f. Consider the application by Falmouth Beach Hotel Realty Trust d/b/a Beach Breeze Inn for a Lodging House License to be executed at 312 Shore Street, Falmouth **(10 minutes)**

g. Consider a vote to approve the application by Blue Moon Sea Grille, Inc. d/b/a Hooked for a Common Victualler License - 153 Main Street, Falmouth. Hours: Monday through Sunday from 9:00 am to 1:00 am. **(10 minutes)**

h. Consider a vote to approve an application by The Curator, 17 Walker Street, Unit A, Falmouth for a new Second-Hand Dealer License **(10 minutes)**

i. Discuss and consider a vote to send a letter to MassDevelopment outlining concerns about the potential establishment of a joint civilian and military airport at Joint Base Cape Cod **(10 minutes)**

j. Discuss and consider a vote to approve an amendment to the 2025 Select Board meeting calendar to add a June 3 meeting date **(5 minutes)**

5. CONSENT AGENDA - 9:25 PM

a. Licenses

1) Consider a vote to approve an application by Falmouth Yacht Club, Inc., a non-profit club located at 290 Clinton Avenue, Falmouth, for a Change of Officers of its All Alcoholic Club License

2) Consider a vote to approve the application by Falmouth Road Race, Inc. for a Special One-Day Wine and Malt Liquor License - Falmouth Road Race, VIP Tent, Falmouth Heights - Sunday, 8/17/25 - 8:00 a.m. - 11:00 a.m.

3) Consider a vote to approve the application by The Holistic Swan, LLC for a Change of Address to its Fortune Teller License to 24 Spring Bars Road, Bldg. 1, Unit A, Falmouth.

4) Consider a vote to approve the application by Barnstable County Agricultural Society for a Special One-Day Wine and Malt Liquor License - Barnstable County Fair - Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., E. Falmouth - Monday, 7/21 - Sunday, 7/27/25 - 12:00 noon - 10:00 p.m.

5) Consider a vote to approve the application by Martha Gilbert - Gilbert Bridal Shower for a Special One-Day Wine & Malt Beverages License to be executed at West Falmouth Library, 575 West Falmouth Highway, West Falmouth on June 7, 2025, from 2:30 pm to 5:30 pm.

6) Consider a vote to approve the surrender of the All Alcoholic Beverages Restaurant License #00055-RS-0390 - Silver Lounge, Inc. d/b/a Silver Lounge, 412 North Falmouth Highway, North Falmouth.

7) Consider a vote to approve a correction of the license type, of an already approved license, from a Special One-Day Wine and Malt to a Special One-Day All Alcohol liquor license - Lupus Foundation of New England - Cape Cod Food Truck & Craft Beer Festival - Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy, E. Falmouth - Saturday, 8/16/25 - 11:00 am to 5:00 pm

b. Administrative Orders

1) Consider a vote to reappoint Kimberly Fish to the Barnstable County HOME Consortium Advisory Council

2) Consider a vote to approve a letter of support for the Habitat for Humanity of Cape Cod One Stop for Growth Grant Program application.

3) Consider a vote to approve the Solar Rooftop Lease for the Senior Center (780 Main St.)

4) Consider a vote to approve a letter of support for the Route 151 Water Main Extension One Stop for Growth Grant Program application

5) Consider a vote to approve a letter of support for the Local Comprehensive Plan Update One Stop for Growth Grant Program application

6) Consider a vote to approve a MassDEP Technical Assistance Grant Extension

7) Consider a request to use funds from the Recreation Department donations account in the amount of $863.97 to purchase eco-friendly marketing items for distribution at community events

8) Consider the approval of a Letter of Support for the Cape & Islands District Attorney's Office for additional funding for an elder abuse and fraud investigation unit

6. MINUTES - 9:30 PM

a. Review and consider a vote to approve minutes of meetings:
Public Sessions: September 10, 2022; April 28, 2025 and May 5, 2025

7. TOWN MANAGER'S SUPPLEMENTAL REPORT - 9:35 PM

8. SELECT BOARD REPORTS - 9:40 PM

9. ADJOURN - 9:50 PM

Nancy Robbins Taylor, Chair
Select Board

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.

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Suzie Hauptmann, Human Services Director
Meeting Date: May 19, 2025
Department/Office: Human Services
Item Name: Pride Day Proclamation: Town of Falmouth Celebrates Pride Day 2025 - Friday, June 13th

Purpose:
To celebrate Falmouth's LGBTQIA+ community and allies during the month of June, which honors the 1969 Stonewall riots in Manhattan that marked the beginning of the Gay Rights Movement in the United States.

Background/Summary:

- Falmouth *prides* itself on being an inclusive and welcoming community that honors the diversity and uniqueness of all its citizens.
- For the past 3 years, the Community Services departments have hosted 4 PRIDE events to support, honor, and celebrate the LGBTQIA+ members of the community.
- Since the first event in 2023 a LGBTQIA+ and Allies support group has formed at the Senior Center and wonderful Intergenerational collaborations have been formed with Falmouth Public School's faculty and students in the Genders and Sexualities Alliances Network (GSA).
- Town staff and community members reached out this year asking how PRIDE month would be recognized by the Town and several community volunteers have joined the planning committee for this year's Falmouth Celebrates PRIDE event.
- A Block Party will take place on the Community Services Campus in front of the Gus Canty Community Center. There will be games, music, several local food trucks and more.
- Collections of non-perishables for the Falmouth Service Center.
- Music is generously being provided in-kind by professional DJ Kit Orion.
- Local organizations are donating time, talent, and money to support the event. Including: Falmouth No Place for Hate, Waquoit Church, and PFLAG.
-

Recommended Actions:

Department Recommendation:

- Therefore, we request the Select Board issue this Proclamation (see attached)

Options:

- Motion to approve the Pride Day Proclamation: Town of Falmouth Celebrates Pride Day 2025 - Friday, June 13th as presented.
- Motion to deny approval of the Pride Day Proclamation: Town of Falmouth Celebrates Pride Day 2025 - Friday, June 13th.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the proclamation as presented.

Budget:
Applicable? (yes or no):
No
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:
1. 2025 PRIDE PROCLAMATION
2. 2025 Falmouth Celebrates Pride Final

PROCLAMATION

WHEREAS, Lesbian, Gay, Bisexual, Transgender, Queer, Intersexual, and Asexual Pride Month (LGBTQIA+ Pride Month) is currently celebrated each year in the month of June to honor the 1969 Stonewall riots in Manhattan that mark the beginning of the Gay Rights Movement in the United States, and

WHEREAS, the Town of Falmouth is committed to celebrating diversity and working to diminish isolation, bias, and prejudice, and to promote connection within the LGBTQIA+ Community, with the allied community, and with the community at large, and

WHEREAS, transgender and non-binary people, in particular, face severe and increasingly daunting challenges and threats, and

WHEREAS, The Town of Falmouth prides itself on being a welcoming and inclusive community that celebrates diversity, and

NOW, THEREFORE, WE, Nancy Robbins Taylor, Edwin P. Zylinski II, Douglas C. Brown, Robert P. Mascali, and Heather M. H. Goldstone members of the Falmouth Select Board, do hereby **PROCLAIM FRIDAY JUNE 13, 2025** to be:

FALMOUTH CELEBRATES PRIDE DAY

in the Town of Falmouth and urge all our citizens to observe **FALMOUTH CELEBRATES PRIDE DAY** with appropriate programs, ceremonies and activities.

IN WITNESS THEREOF, we have hereunto set our hand and caused the great seal of the Town of Falmouth to be affixed on this May 19, 2025.

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

FALMOUTH CELEBRATES PRIDE 2025

RAFFLES

ENJOY MUSIC & GAMES

Block Party

Friday, June 13th 4:30pm-7pm

Rain or Shine

Gus Canty Community Center
790 Main Street
Falmouth, MA 02540

Open to
LGBTQIA+/Allies
Falmouth Residents
of all ages

We're collecting non-perishable food donations for the Falmouth Service Center Food Bank.



Music by Kit Orion

Food Trucks Available! Enjoy delicious eats from local favorites:

freshroll
HEALTHY STREET FOOD | JUICE BAR

Sea Scoops
WEST FALMOUTH, MA

ADOBO Republic

BEACHSIDE BLENDS

Chawgies

Supported by:

FALMOUTH PUBLIC SCHOOLS

PFLAG CAPE COD

NO place for HATE
An ADL Education Program

Hosted by the Community Services Departments
TOWN OF FALMOUTH
INCORPORATED 1686

FALMOUTH CELEBRATES PRIDE 2025

SORTEIOS

APROVEITE MÚSICA E JOGOS

Festa de quarteirão

Sexta-feira, 13 de junho, das 16h30 às 19h

Chova ou faça sol

Gus Canty Community Center
790 Main Street
Falmouth, MA 02540



Aberto a moradores LGBTQIA+/aliados de Falmouth de todas as idades

Estamos coletando doações de alimentos não perecíveis para o Banco de Alimentos do Falmouth Service Center.



Música de Kit Orion

Food Trucks disponíveis! Saboreie deliciosas comidas típicas locais:

freshroll — HEALTHY STREET FOOD | JUICE BAR

Sea Scoops — WEST FALMOUTH, MA

ADOBO Republic

BEACHSIDE BLENDS

Chawgies

Apoiado por:

FALMOUTH PUBLIC SCHOOLS

PFLAG CAPE COD

NO place for HATE — An ADL Education Program

Organizado pelos Departamentos de Serviços Comunitários — Town of Falmouth — Incorporated 1686

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Diane Davidson, Office Manager
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Conservation Commission - William Duffy

Purpose:
The Select Board will conduct an interview with William Duffy in order to fill a current full member vacancy on the Conservation Commission.

Background/Summary:

- The Conservation Commission consists of 7 members and 3 alternate members.
- The terms on the Conservation Commission are three-year terms from July 1 to June 30.
- The applicant, William Duffy, is applying to be appointed to a full member position.
- There are currently four (4) vacancies as outlined below:
    - One full-member vacancy with a term ending on June 30, 2027.
    - One full-member vacancy with a term ending on June 30, 2026.
    - Two alternate member vacancies with terms ending on June 30, 2025.
- Mr. Duffy has worked for the National Marine Fisheries Service for 20 years and has a Masters degree in Marine Biology.
- Mr Duffy has spent the last 10 years explaining and assisting the commercial fishing industry comply with and understand federal regulations.
- Mr. Duffy has also provided a resume.

Recommended Actions:
Department Recommendation:
That the Select Board votes to appoint the applicant, William Duffy, to fill a full member vacancy on the Conservation Commission with a term that expires on June 30, 2027.

Options:

- Motion to appoint William Duffy to fill a full member vacancy on the Conservation Commission with a term that expires on June 30, 2027.

- Motion to deny the appointment

Town Manager's Comments:
The Town Manager recommends that the Select Board appoint the applicant, William Duffy, to fill a full-member vacancy on the Conservation Commission with a term that expires on June 30, 2027.

Budget:
Applicable? (yes or no):
No.
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A.

Attachments:
1. Vacancy Summary
2. Application-2025-ConCom-Duffy
3. Application-2025-ConCom-Duffy_Redacted

Conservation Commission (7 members, 3 alternate members) (3-year terms)

Four vacancies:

- One full member vacancy with a term ending 6/30/27
- One full member vacancy with a term ending 6/30/26
- One alternate member vacancy with a term ending 6/30/25
- One alternate member vacancy with a term ending 6/30/25

One applicant for a full member position:

- William Duffy



RECEIVED
MAR 23 2025
SELECT BOARD OFFICE

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: William Duffy

Address: 350 Boxberry Hill Rd Village: ZIP: 02536

Mailing Address: 350 Boxberry Hill Rd Village: ZIP: 02536

Telephone: [redacted] Email: m[redacted]

How long have you been a Resident 18 (date: 2006) / Taxpayer 4 (date: 04/2020)

Amount of time you are available to give: at least 1 term

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

1. Conservation Commission
2.
3.

Seeking: Permanent Position ☑ Alternate Position ☐

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

Relevant affiliation and work and personal experiences: I have an undergraduate degree in Conservation Biology

I have worked for the National Marine Fisheries Service for 20 years and have a Masters degree in Marine Biology

I have spent the last 10 years explaining and assisting the commercial fishing industry comply and understand federal regulations

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:

You may attach a resume to this application.

List three (3) references:

	Name	Title	Phone
1.	James Morse		[redacted]
2.			
3.			

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

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

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.

William Duffy

350 Boxberry Hill Road
East Falmouth MA 02536
[redacted]

Education:

University of Massachusetts Dartmouth, Dartmouth, MA
Master's Degree: 2010
M.S in Marine Biology

Bradford College Bradford, MA
Bachelor's Degree: 1999
B.A. in Natural Science and Mathematics

Work Experience:

Fishery Reporting Specialist (Port Agent)
8/2014 - Present
Salary: [redacted]
Hours per week: 40
Series: 1101 General Business and Industry
Pay Plan: ZA - Administrative
Grade: 3
Duties:

- My Primary duties are:
  - Develop and maintain relationships with the commercial fishing, recreational fishing, and aquaculture industry in southern New England. Main responsibilities include, relaying information to and from the commercial and recreational fishing industry to provide better scientific and management advice to NOAA leadership. Provide information from NOAA to the public through various outreach events; Provide reporting assistance to fishermen and seafood dealers.
  - To provide QA/QC on Fishery data collected from the commercial fishing industry. Ensure that information is matched between fishermen submitted eVTR's and Dealer submitted dealer reports. Investigate by searching multiple databases to locate the issue and collect the missing data from industry.
- I was the Port Agent lead on the implementation of electronic trip reporting for most of the commercial fishing industry for the Greater Atlantic Region. I assisted in developing and implementing an action plan for mandatory electronic vessel trip reporting for all commercial fishermen in the Greater Atlantic Region. I developed the communication

strategy to reach fishing vessel owners, captains, seafood dealers, and our other stakeholders and regulatory partners in order to implement electronic vessel trip reporting.

- In 2018 I held a 90 day NRAP assignment at NOAA Headquarters in the Office of S&T working on Electronic Technologies (ET) in Silver Spring MD. I worked on developing materials and communication strategies for ET outreach. I developed a more straightforward template for the all of the regions ET implementation plans. I have assisted in reviewing and provided feedback on Policy Directives and briefing memos related to Electronic Technologies from NOAA Fisheries leadership. I have worked with each region to update their fisheries participation in electronic technology programs.
- In 2019 I held a 60 day detail with the Sustainable Fisheries Division at GARFO. I was tasked with reviewing research permits and I worked on Atlantic Herring monitoring. I collaborated on an FIS Grant and used the PIMS Grant submission system.
- I Oversaw Port Agent involvement with the Marine Recreational Information Program (MRIP) staff to create an MRIP & Port Agent collaboration. Assisted in creating an MIRP/Port Agent outreach plan: Port Agents help MRIP's Communications and Education Team (CET) extend its reach and increase two-way dialogue with private recreational anglers, the for-hire sector, and the broader recreational fishing community on outreach and MRIP program messaging. Assist in organizing listening sessions for stakeholders to provide feedback on MRP surveys and education materials. I also sit on the MRIP CET.
- Review grant proposals for the SK and BWET Grant programs.
- I worked with staff from the Stellwagon Bank Marine Sanctuary on outreach events focusing on Recreational fishing in the Sanctuary. I assisted in training Sanctuary volunteers on how to work with the recreational industry at tradeshows and other outreach events. Occasional I worked with Sanctuary staff on messaging to the Recreational Fishing Industry. I have also participated in video about ethical angling in Sanctuaries.
- I organized GARFO's presence at both commercial, recreational, aquaculture, and other public outreach events. Work with leadership to develop themes and talking points to strategically promote NOAA's message to stakeholders. Work with other Federal and state partners on common issues. Write internal blog posts about information obtained from both the commercial and recreational fishing industry to better inform NOAA leadership about in southern New England.
- I served as the Chair of GARFO's CONNECT Committee from 2017 - 2024. This committee works with the Directorate to provide guidance on evolving staff issues. The goal is to assist leadership in providing solutions that addressee concerns resulting from the Federal Viewpoint Survey.
- I have worked with Congressman Keating's office and the City of New Bedford to organize round-table meetings with the commercial fishing industry and other stakeholders and to help them voice their concerns to managers. We collaborate with stakeholders to develop new information pathways that allow their information to be used in the management process.

Supervisory Fishery Reporting Specialist
1/2022 - 4/2022
[redacted]

Hours per week: 40
Series: 1101 General Business and Industry
[redacted]
Grade: 04
This was a temporary promotion
Duties:

- In this detail I oversee staff in field offices from Maine to Virginia, responsible for providing current information and services to senior staff and for engaging with the fishing industries within their assigned areas.
- I supervised the Port Agent Branch who regularly interact with members of the fishing industry, in person and remotely, and hear about any significant economic, biological, and social fisheries related concerns in their areas that may affect the fishing industry.
- I provided regulatory and other information to federally permitted commercial fishermen, seafood dealer and processors. I assisted seafood dealer, vessel owners, and vessel captains with their reporting requirements, permitting process, and understanding our federal regulations.
- I have developed an action plan for mandatory electronic vessel trip reporting for all commercial lobster fishermen in the Greater Atlantic Region. I developed the communication strategy to reach fishing vessel owners, captains, seafood dealers, our other stakeholders, and regulatory partners in order to implement electronic vessel trip reporting for lobster fishermen.
- I oversaw the transition of the Industry Data Investigation (IDI) Program from a contract to the Port Agent group. I facilitated the training for Port Agents to get up to speed with the QA/QC process and working with JIRA software.

Biological Science Technician
NOAA Fisheries Service: Northeast Fisheries Science Center
10/2004 - 08/2014

Duties:

- Primary responsibilities: ageing Atlantic pollock and white hake, process biological samples, data entry; participate in bottom trawl, scallop, and cooperative research cruises.
- I served as both, chief scientist and watch chief on cooperative research cruises.
- Other responsibilities: I Reviewed grant proposals and manuscripts as assigned
- I was a member of the Human Resources Committee.
- I created digital reference collocations for haddock, cod, and American shad otoliths.
- I Advised and consulted with other federal and state agencies on American shad and river herring ageing.
- Primary Research:
    - 1) Age and growth of American shad. Successfully validated an ageing method using otoliths.
    - 2) Age and growth of spiny dogfish. Was involved in a tagging project designed to validate a new method of ageing using vertebra.

Lab Technician
Massachusetts Division of Marine Fisheries
06/2004 - 10/2004

Duties:

- Contract employee working for the anadromous fish program.
- Processed scales of American shad, blueback herring, and alewife
- Aged the scales of American shad, blueback herring, and alewife
- Worked on repairing fish ways
- Participated on their inshore ground fish survey and striped bass tagging project

Fisheries Observer
AIS Inc.
12/2003 - 05/2004
Duties:

- Worked on Massachusetts Industry Based Survey as an observer.
- Recorded the catch as it came on board the fishing vessel.
- Took length and weight information for all species.
- Took biological samples as requested.

Fisheries Observer
AIS Inc.
06/2002 - 09/2003
Duties:

- Worked on commercial fishing vessels as an observer.
- Record the catch; weight the catch; take special samples as needed.
- Removed otoliths, scales, and vertebrate from fish.
- Became familiar with NW Atlantic ground fish species.
- Familiar with commercial fishing industry practices on otter trawl and gill net boats.

Professional Publications:

Sean M. Lucey, William J. Duffy , Erin Adams , Heather Marshall , Owen Nichols & Katherine Thompson (2013) A Review of "Scientific Communication for Natural Resource Professionals.", Transactions of the American Fisheries Society, 142:4, 1154-1155 2013

Duffy W.J., R. S. McBride, M. Hendricks, and K. Oliveira. (2012) Otolith age validation and growth estimation from oxytetracycline-marked and recaptured American shad Alosa sapidissima Transaction of the American Fisheries Society, 141:6, 1664-1671

Duffy, W. J., R. S. McBride, S. X. Cadrin, and K. Oliveira. 2011. Is Cating's method of transverse groove counts to annuli applicable for all stocks of American shad? Transaction of the American Fisheries

Society 140:4, 1023-1034 2011

Duffy WJ, Gross WE, Nelson C, Emery S. 2011. Proceedings of the pollock ageing workshop 13 – 14 July 2010, Boothbay Harbor, Maine. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 11-16; 16 p.

Duffy, W. J. 2010. An analysis of the current method of ageing American shad Alosa sapidissima with a new validated method using otoliths. Master of Science Thesis. University of Massachusetts, Dartmouth, Massachusetts. 2010

K.G. Andrade, C.P., Smith, and W. J. Duffy. 1988. Pollock Pollachius virens
in J. Pentilla, and L. M. Dery, editors. Age determination methods for northwest Atlantic species. NOAA Technical Report NMFS 72. (Chapter Updated 2010) 2010

Presentations/Posters:

Stevens, J., R. Sanders, W. J. Duffy. 2015 Evidence of river herring live history variation in Penobscott River Estuary, Maine, USA. Presented: AFS 145th Annual Meeting Aug 16 - 24; Portland, OR. 2015

Duffy, W. J., R. S. McBride, M. L. Hendricks, and K. Oliveira. 2010. Validation of an otolith ageing method for American shad Alosa sapidissima. Presented: AFS 140th Annual Meeting. Sept. 12 – 16: Pittsburgh, PA. 2010

Duffy, W. J., R. S. McBride, M. L. Hendricks, and K. Oliveira. 2010. Validation of an otolith ageing method for American shad Alosa sapidissima. Presented: Southern New England Chapter of the American Fisheries Society winter meeting.
Jan 28: Groton CT. 2010

Duffy, W. J., K. Oliveira, R. S. McBride, and S. X. Cadrin. 2009. Is Cating's method of transverse counts to annuli in American shad (Alosa sapidissima) applicable to rivers other than the Hudson? 9th NEFSC Science Symposium; 2009 Jan 21-23;
Newport, RI. 2009

Duffy, W.J., K. Oliveira, R. S. McBride, and S. X. Cadrin. 2009. Is Cating's method of ageing American shad (Alosa sapidissima) applicable to rivers other than the Hudson? Presented: Southern New England Chapter of the American Fisheries Society winter meeting. Jan 14: Bristol, RI. 2009

Duffy, W.J., K. Oliveira, R. S. McBride, and S. X. Cadrin. 2008. Is Cating's method of transverse groove counts to annuli in American shad (Alosa sapidissima) applicable to rivers other than the Hudson? Poster presentation: American Society of Ichthyologists and Herpetologist annual meeting. July 23-28: Montreal, Canada. 2008

Job Related Training:

Fisheries Observer training: 2002
NOAA Aspiring Leader Program September 2006 - December 2006
NOAA Advanced Studies program September 2007 - 2010
Survival training : 2005, 2007, 2009
Fish ID workshops: 2004 - 2013

Fish maturity workshops 2006 - 2013
Science Writing workshops 2006, 2007, 2013
Technical Writing Workshops 2014, 2015
R Statistical Package workshops: 2011, 2018
Oracle training; 2010
Conflict Resolution training: 2006
Handling Difficult Situations training 2006
Leadership training; 2006, 2010
WebEx Training: 2015
NOAA Facilitator training: 2017
Media training: 2018
Make your message count workshop: 2020
Media interview training: 2020
Problem solving Using Decision analysis: 2020
Project Management November: 2021
Conflict resolution Training March: 2021
Time Management Training: 2022
Mid-Career Leadership Development Program (MCLDP) 2023 -2024

Awards and Honors:

University of Massachusetts Biology Department Publication Award
NOAA Certificate of appreciation for involvement in Deep Water Horizon Spill
AFS Southern New England Chapter Special Achievement Award for hosting a science writing workshop.
AFS Southern New England Chapter Irwin Alperin Membership Service Award
2016 NOAA Fisheries Employee of the Year for GARFO: Program Management/Scientific/Technical, GS 1-10 or Pay Band Equivalent
NOAA time off award in 2017 for organizing outreach events
AFS Northeast Division: Special Achievement Award: Volunteer Coordinator for the AFS 2018 National Meeting
Multiple CIYA Awards
Multiple On-The-Spot-Recognition Awards

Affiliations:

American Institute of Fisheries Research Biologists 2008-2016 - member
AFS Southern New England Chapter 2006-2020 – member

References:

Professional references available upon request

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Diane Davidson, Office Manager
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Wetlands/Dock Hearing – Taylor May Carroll – application for permission to extend existing pier by 25', to a total length of 76', at 115 Childs River Road, East Falmouth, in the waters of Childs River **(10 minutes)**

Purpose:
The Select Board will conduct a public hearing and consider the approval of an application by Taylor May Carroll for permission to extend an existing pier by 25', to a total length of 76', at 115 Childs River Road, East Falmouth, in the waters of Childs River.

Background/Summary:

- The public hearing was properly advertised in the Falmouth Enterprise on May 2 and May 9, 2025.
- On April 8, 2025 Ament Klauer LLP, representing Taylor May Carroll, Trustee of the TMC Family Trust (being the owner of 115 Childs River Road) submitted the attached letter and supporting documents in this matter.
- The site plan, prepared by Cape and Islands Engineering, indicates that the applicant desires to extend the existing pier by 25 feet to a total new length of 76 feet.
- Ms. Carroll is seeking to expand the existing pier and float at the premises, which requires a special permit from the Select Board pursuant of §240-14.8(B) of the Zoning Bylaw.
- The Falmouth Conservation Commission issued its Order of Conditions (see attached).

Recommended Actions:
Department Recommendation:
The Town Manager recommends that the Select Board conduct a public hearing and then consider the approval of an application by Taylor May Carroll for permission to extend an existing pier by 25', to a total length of 76', at 115 Childs River Road, East Falmouth, in the waters of Childs River.

Options:

- Motion to approve the application by Taylor May Carroll for permission to extend an existing pier by 25', to a total length of 76', at 115 Childs River Road, East Falmouth, in the waters of Childs River as presented.
- Motion to deny approval of the application by Taylor May Carroll for permission to extend an existing pier by 25', to a total length of 76', at 115 Childs River Road, East Falmouth, in the waters of Childs River.
- Some other Board defined alternative.

Town Manager's Comments:
The Town Manager recommends that the Select Board conduct a public hearing and then consider the approval of an application by Taylor May Carroll for permission to extend an existing pier by 25', to a total length of 76', at 115 Childs River Road, East Falmouth, in the waters of Childs River.

Budget:
Applicable? (yes or no):
No.
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A.

Attachments:
1. Carroll - 115 Child River Rd - Dock

TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone: (508) 495-7320
townmanager@falmouthma.gov

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Taylor May Carroll, Trustee of the TMC Family Trust for permission to extend the existing pier by 25', to a total length of 76', located at 115 Childs River Road, East Falmouth, MA. Area affected is Childs River. 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, May 2, 2025 and Friday, May 9, 2025; Falmouth Enterprise.

Municipal Legal Notices

Public Hearing Notice
Falmouth Board of Health

On May 19, 2025, the Falmouth Board of Health will hold a public hearing on a proposed septic system regulation, named FHR 15.15, that would be added to the existing local regulation to Title 5 named FHR-15.0 SUPPLEMENTS TO 310 CMR 15.000: THE STATE ENVIRONMENTAL CODE TITLE 5. The hearing will be held at 5:30 p.m. in the Falmouth High School Auditorium, 874 Gifford Street Extension, Falmouth, MA 02540 . The regulation will require Best Available Nitrogen Reducing Technologies, also called I/A or denitrifying systems, be installed on septic systems on properties located in Nitrogen Sensitive Areas that seek to increase wastewater flow thus meeting the definition of New Construction in Title 5 – 310 CMR 15.000. New Construction refers to properties that increase wastewater flow at their property and includes new homes being built, raze and rebuilds of existing homes and existing homes looking to increase the number of bedrooms. This would also include commercial properties that are also seeking to increase wastewater flow. The purpose of this proposed regulation is to regulate the introduction of new sources of nitrogen pollution from on-site sewage disposal systems in Nitrogen Sensitive Areas and to work towards compliance with nitrogen reduction requirements in in Title 5. Nitrogen Sensitive Areas include any of the following areas in Falmouth sensitive to the discharge of nitrogen pollution: those defined in 310 CMR 15.214 as either public and private water supply protection areas or natural resource protection areas; those designated as Districts of Critical Planning Concern by Barnstable County under Barnstable County Ordinance 96-1; and watersheds determined by the Commonwealth of Massachusetts to be nitrogen impaired and listed in the most recent Clean Water Act Section 303d Integrated Report, whether or not a Total Maximum Daily Load (TMDL) is available. This regulation would require the Best Available Nitrogen Reducing Technology have a Total Nitrogen effluent performance value of 10 mg/L or less. Future sewer service area shall not be required to incorporate Best Available Nitrogen Reducing Technology if the design for a sewer service connection for the property has been funded by an Article in Town Meeting. Structures that have incorporated the Best Available Nitrogen Reducing Technology in their subsurface sewage disposal system shall not be required to connect to the sewer for a period of 15 years after the sewer project has been completed, or 20 years after a Nitrogen Reducing System has been installed, whichever is shorter. The complete proposed regulation can be provided by visiting the Health Department during normal business hours or visiting the Health Department page of the Town of Falmouth website https://www.falmouthma.gov/273/Health or by calling the Falmouth Health Department at 508-495-7485.

May 2, 2205
May 9, 2025
May 16, 2025

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

Applicant: Francis J Wencek Trustee

Location: 80 Southview Way
Map# 26 05 011 117

PROPOSAL: Site Plan Review application to construct an attached accessory dwelling unit at the above-referenced property.

DATE & TIME: Tuesday, May 13, 2025 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
Clerk/Secretary

May 2, 2025

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, May 14, 2025, at 7:00 PM.

In accordance with Section 1, Chapter 2 of the Acts of 2025, relating to the 2020 novel Coronavirus outbreak, **the May 14, 2025, public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.**
Alternative public access to this meeting shall be provided in the following manner:
1. The meeting will be televised via Falmouth Community Television.
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 Chat function will be read into the record at the appropriate points in the meeting.
a. Zoom Login instructions:
i. Instructions and the meeting link for this specific meeting can be found at the following web address: http://www.falmouthma.gov/Conservation
ii. Please plan on 10-15 minutes of preparation time to log in though it may be less 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 concom@falmouthma.gov at least 5 hours 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 an alternative means of real-time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to concom@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

Matthew Philbrick, 17 Foster Road, Falmouth, MA – For permission to reconstruct two decks.

Alice Elizabeth Jones Crafford, Trustee, 0 Associates Road (Map/Parcel: 24-05-009-022D), Falmouth, MA – For permission to conduct minor invasive species management and restoration.

Larry Budnick, 331 Menauhant Road, Falmouth, MA – For permission to install a pool, patio, and equipment pad.

Joan Elizabeth Doyle, 10 Montgomery Court, Falmouth, MA – For permission to reconstruct a deck.

Moira McGoldrick, 29 Hunt Street, Falmouth, MA – For permission to construct an addition and install a drywell.

TSM Realty Holdings LLC, 32 Chapoquoit Road, Falmouth, MA – For permission to install a new Title V sewage disposal system and four drywells.

Sam Holloway, Bellingham Marine, 278 Scranton Avenue, Falmouth, MA – For permission to establish land-based geotechnical test borings.

REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT

Jim McLoughlin, Town of Falmouth Department of Public Works, Chapoquoit Road, Falmouth, MA – For permission to repair a sinkhole, under-sheet the seawall, and install guardrails.

Mark Stuart and Breena Urban, 3 Providence Street and 0 Little Bay Street (Map/Parcel 46A-18-000-000N), Falmouth, MA – For permission to replace a deteriorated concrete wall with a vinyl sheet piling.

REQUESTS TO AMEND AN EXISTING ORDER OF CONDITIONS

Pinsonneault Builders, 362 Acapesket Road, Falmouth, MA – Request to amend the Order of Conditions for MA DEP# 25-4831 to revise the planting plan.

Friends of Nobska Light, Inc., 233 Nobska Road, Falmouth, MA – Request to amend the Order of Conditions for MA DEP# 25-4897 to revise the planting plan.

Menauhant Yacht Club, 68 Yacht Club Road, Falmouth, MA - Request to amend the Order of Conditions for MA DEP# 25-4963 to reconfigure an existing, licensed dock.

By Order of: Jamie Mathews, Chairman
Falmouth Conservation Commission

May 2, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Taylor May Carroll, Trustee of the TMC Family Trust for permission to extend the existing pier by 25', to a total length of 76', located at 115 Childs River Road, East Falmouth, MA. Area affected is Childs River. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of ACME Falmouth MA LLC for permission to modify approved layout of fixed and floating piers within previously legally altered area at 278 Scranton Ave., Falmouth, MA (Falmouth Marine and Yachting Center). Area affected is Falmouth Inner Harbor. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of ACME Falmouth MA LLC for permission to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Ave., Falmouth, MA; 850 +/- c.y. of material to be removed with off-site upland disposal. Area affected is Falmouth Inner Harbor. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

Falmouth Early Edition
An e-newsletter with Falmouth specific news sent each Tuesday

Tides For Points On Vineyard Sound, Buzzards Bay & Cape Cod Bay

		POPPONESSET		FALMOUTH		WOODS HOLE (WHOI) GREAT HARBOR		WEST FALMOUTH		CAPE COD CANAL BUZZARDS BAY		CAPE COD CANAL (EAST)		BARNSTABLE HARBOR	
		HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE
FRIDAY	AM	5:13	11:31	2:54	9:30	12:26	8:27	12:02	5:55	1:14	8:59	3:15	9:43	3:21	10:09
MAY 2	PM	6:01	11:45	3:42	9:44	12:47	8:22	12:35	5:52	1:41	9:19	3:59	9:57	4:09	10:23
SATURDAY	AM	6:12		3:53	10:30	1:24	9:28	1:02	7:31	2:14	9:55	4:14	10:40	4:20	11:09
MAY 3	PM	7:04	12:31	4:45	10:46	1:43	9:40	1:36	7:19	2:39	10:18	4:59	10:57	5:12	11:25
SUNDAY	AM	7:16	12:47	4:57	11:32	2:20	10:29	2:00	9:17	3:12	10:50	5:15	11:39	5:24	
MAY 4	PM	8:08	1:33	5:49	11:51	2:37	10:51	2:33	9:42	3:37	11:16	6:01	11:59	6:16	12:11
MONDAY	AM	8:22	1:52	6:03		3:16	11:24	2:55	10:24	4:12	11:44	6:17		6:30	12:30
MAY 5	PM	9:10	2:35	6:51	12:34	3:34	11:58	3:29	10:57	4:39		7:03	12:38	7:18	1:13
TUESDAY	AM	9:27	2:57	7:08	12:56	4:13		3:52	11:18	5:20	12:13	7:20	1:01	7:35	1:35
MAY 6	PM	10:09	3:35	7:50	1:34	4:34	12:10	4:28	11:53	5:47	12:36	8:02	1:35	8:17	2:13
WEDNESDAY	AM	10:29	4:00	8:10	1:59	5:08	12:54	4:52		6:25	1:06	8:21	2:01	8:37	2:38
MAY 7	PM	11:02	4:30	8:43	2:29	5:28	12:49	5:23	12:00	6:44	1:22	8:53	2:27	9:10	3:08
THURSDAY	AM	11:25	4:58	9:06	2:57	5:55	1:49	5:45	12:37	7:15	1:54	9:14	2:55	9:33	3:36
MAY 8	PM	11:47	5:19	9:28	3:18	6:15	1:13	6:09	12:29	7:30	2:05	9:37	3:14	9:55	3:57

May 2, 2025 - Sunrise is at 5:35AM; sunset is at 7:46 PM

508-563-7136
Shipyard Lane
Cataumet, MA

KINGMAN YACHT CENTER

LOVE YOUR BOAT, HATE YOUR ELECTRONICS? KINGMAN HAS WHAT YOU'RE LOOKING FOR.

By ANNA DOS SANTOS
P.O. Box 438,
Falmouth, MA 02541-0438
Tel 508-548-7742
friendsoffalmouthdogs.org

Friends of Falmouth Dogs is helping a family rehome their 8-year-old Lab mix, **Malakai**. He loves people, walking and cuddling and is a couch potato much of the time, just hanging out with his humans and his stuffed animals. Malakai's current owner thinks he would do best with no other pets in the house and is more comfortable with older children. He's neutered, fully vaccinated, house-trained and ready to be loved by a new family. Call us at 508-548-7742 to meet him.


Malakai

We have a smart, white fluffy dog that is looking for a new, calm home. **Monet** is an 8-year-old American Eskimo dog that will be happiest in a home with no children, no other dogs and definitely no cats! Monet is an excellent walker who enjoys meeting people when he is out and about and usually ignores other dogs he meets. One of his favorite things to do is go for car rides. Except for being a little overweight, Monet is in excellent health, neutered and fully vaccinated. Call us at 508-548-7742 to make an appointment to meet Monet.


Monet

Little Rosie, a 11-year-old Schnauzer, is a senior dog that still has a lot of energy and life in her. She loves walking and gets along very well with all of our volunteers. She lived with small children and another dog back in Texas. She was surrendered to a rescue we work with because the family just had another baby and two demanding jobs and were a bit overwhelmed. Little Rosie is in good health, is fully vaccinated and spayed. Schedule a meet and greet with Little Rosie by calling 508-548-7742.


Little Rosie

Jimmy Dean, our 1½-year-old brown Dachshund mix who weighs about 23 pounds is looking for his new permanent home. Due to his shyness and fear of new people, we had him stay with two different foster families to gain confidence and become accustomed to new people. In both homes, he bonded with the primary female in the family within a few weeks and tolerates other members of the family. In both cases, the families had other dogs that helped Jimmy Dean settle into the family. We would recommend a home with a female dog that is larger than Jimmy, as he has a fair amount of energy to play. He is up to date on all his vaccines, microchipped and has been neutered. If you would like to meet him, please call the shelter at 508-548-7742.


Jimmy Dean

Are you looking for a cuddle companion? Then come in and meet **Leo**, a 9-year-old Pomeranian mix. He comes to us from Georgia after his owner moved to a nursing home. Leo is black and white, neutered, house-trained, fully vaccinated and weighs about 13 pounds. His rescue mom says he is lots of fun and likes to play with her dog and her pet flying squirrels, and tolerates her cats. He's currently staying with one of our foster moms and she loves him already. We do know that Leo has a narrowing of a portion of his trachea that can cause him to cough, but he is on a medication that helps reduce the coughing significantly. This will likely be a lifetime medicine. Call us at 508-548-7742 for an appointment to meet him.


Leo

Juan Pablo, an 10-year-old Chihuahua mix, arrived from Texas and is a real cutie. He's staying with a local foster family who report that he settled right in and made himself at home. Sleeping in a crate was not a problem for Juan Pablo and lounging around the house makes him happy, too. He's all black, weighs about 17 pounds, is up to date on vaccines and is very friendly. JP's owners in Texas surrendered him due to changes in the family and think JP would be happiest with older or no children in the home. Call for an appointment at 508-548-7742 to meet Juan Pablo.


Juan Pablo

Monetary donations are always needed here at the shelter so we can continue caring for the dogs in our custody and help low income dog owners pay for veterinary care and dog food. Our goal is that with our help, many more dogs will stay healthy—or get healthy—and live longer and happier lives. The Cape Cod Foundation provides grant funding to us, and we are supremely grateful for its support. Unfortunately, our costs exceed our grant support. If you would like to help provide medical care for the dogs in our care and in our community, donations by check (PO Box 438, Falmouth, MA 02541) or PayPal (www.friendsoffalmouthdogs.org) are always welcomed.

Friends of Falmouth Dogs holds MA License #0183.

Municipal Legal Notices

Falmouth Zoning Board of Appeals
Notice of Public Hearing for
June 5, 2025

Notice is hereby given of the following Public Hearing @ 5:00pm and Open Meeting in the Select Board's Meeting Room, Town Hall, Falmouth, MA on *Thursday, June 5, 2025*

Continuation(s)
#018-25 Dooley, 28 Boston Street, East Falmouth
#019-25 Berggren, 33 Martin Road, East Falmouth

Application #062-24R COURT ORDERED RE-MAND, Lawrence T. and Valerie N. Sullivan: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A and 240-11.3A(4) of the Code of Falmouth to raze the existing accessory structure (garage) and construct a single-family dwelling, exceeding 20% lot coverage by structures. **The subject property is 0 (lot 8) Melrose Avenue, Falmouth, Ma.**

Application #029-25 Scott Lutz: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A. of the Code of Falmouth to raze and rebuild the existing, non-conforming, single-family dwelling. **The subject property is 65 Cypress Street, Teaticket, Ma.**

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

May 9, 2025
May 16, 2025

TOWN OF FALMOUTH
SELECT BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Falmouth Theatre Guild located at 55 Highfield Drive, Falmouth, MA has applied for an Entertainment License and a Sunday Entertainment License.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall, on Monday, May 19, 2025, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of AC/E Falmouth MA LLC for permission to modify approved layout of fixed and floating piers within previously legally altered area at 278 Scranton Ave., Falmouth, MA (Falmouth Marina and Yachting Center). Area affected is Falmouth Inner Harbor. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

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, May 21, 2025, at 7:00 PM.**

In accordance with Section 1, Chapter 2 of the Acts of 2025, relating to the 2020 novel Coronavirus outbreak, **the May 21, 2025, public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.**
Alternative public access to this meeting shall be provided in the following manner:
1. The meeting will be televised via Falmouth Community Television.
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 Chat function will be read into the record at the appropriate points in the meeting.
a. Zoom Login instructions:
i. Instructions and the meeting link for this specific meeting can be found at the following web address: http://www.falmouthma.gov/Conservation
ii. Please plan on 10-15 minutes of preparation time to log in though it may be less 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 concom@falmouthma.gov at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via e-mail. 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 an alternative means of real-time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to concom@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

Arleen and Charles Breen, 18 Spartina Place, Falmouth, MA – For permission to vista prune according to FWR 10.16(10)(b).

Andrea Rosen, 15 Bay Shore Drive, North Falmouth, MA – For permission to construct a screened porch and install mitigation plantings.

Ray Dument, 460 Menauhant Road, East Falmouth, MA – For permission to upgrade an existing sewage disposal system.

Nova Builds, LLC, 5 Shaume Road, Falmouth, MA – For permission to remove an existing deck, construct a new deck, and remove gravel. Joseph Scott Tellier and Kerri Murphy Tellier, 87 Colonial Way, Falmouth, MA – For permission to install a pool, a covered patio with outdoor kitchen, a firepit, and a rinse station; to relocate a shed; and to install a drywell.

By Order of: Jamie Mathews, Chairman
Falmouth Conservation Commission

May 9, 2025

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

Applicant: Carlos Santos

Location: 116 Jamie Ln
Map# 27 06 018 009

PROPOSAL: Site Plan Review application to construct an attached accessory dwelling unit at the above-referenced property.

DATE & TIME: Tuesday, May 27, 2025 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
Clerk/Secretary

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of AC/E Falmouth MA LLC for permission to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Ave., Falmouth, MA; 650 +/- c.y. of material to be removed with off-site upland disposal. Area affected is Falmouth Inner Harbor. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that
Blue Moon Sea Grille, Incl d/b/a Hooked has applied for an All Alcoholic Beverages Restaurant License to be exercised at 153 Main Street, Falmouth, MA

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, May 19, 2025 at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

Applicant: Lucelena A. Pereira

Location: 15 Deepwood Dr.
Map# 27 05 011 056N

PROPOSAL: Site Plan Review application to construct an attached accessory dwelling unit at the above-referenced property.

DATE & TIME: Tuesday, May 27, 2025 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
Clerk/Secretary

May 9, 2025

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, May 21, 2025, upon the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission To install two (2) new JO poles to be labeled 126/27-5 and 126/27-25 and two anchor and guy wires Two (2) JO Poles 126/27-5 and 126/27-25, two anchors and guy wires This pole location is necessary to provide electric service to #187 Central Avenue.

Per Order of the Falmouth Select Board

May 9, 2025

TOWN OF FALMOUTH
SELECT BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Blue Moon Sea Grille, Inc. d/b/a Hooked located at 153 Main Street, Falmouth, MA has applied for an Entertainment License and a Sunday Entertainment License.

A hearing on the above applications will be held in the Select Board Meeting Room, Falmouth Town Hall, on Monday, May 19, 2025, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Taylor May Carroll, Trustee of the TMC Family Trust for permission to extend the existing pier by 25', to a total length of 76', located at 115 Childs River Road, East Falmouth, MA. Area affected is Childs River. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

Public Hearing Notice
Falmouth Board of Health

On May 19, 2025, the Falmouth Board of Health will hold a public hearing on a proposed septic system regulation, named FHR 15.15, that would be added to the existing local regulation to Title 5 named FHR-15 0 SUPPLEMENTS TO 310 CMR 15.000: THE STATE ENVIRONMENTAL CODE TITLE 5. The hearing will be held at 5:30 p.m. in the Falmouth High School Auditorium, 874 Gifford Street Extension, Falmouth, MA 02540 . The regulation will require Best Available Nitrogen Reducing Technologies, also called I/A or denitrifying systems, be installed on septic systems on properties located in Nitrogen Sensitive Areas that seek to increase wastewater flow thus meeting the definition of New Construction in Title 5 – 310 CMR 15.000. New Construction refers to properties that increase wastewater flow at their property and includes new homes being built, raze and rebuilds of existing homes and existing homes looking to increase the number of bedrooms. This would also include commercial properties that are also seeking to increase wastewater flow. The purpose of this proposed regulation is to regulate the introduction of new sources of nitrogen pollution from on-site sewage disposal systems in Nitrogen Sensitive Areas and to work towards compliance with nitrogen reduction requirements in in Title 5. Nitrogen Sensitive Areas include any of the following areas in Falmouth sensitive to the discharge of nitrogen pollution: those defined in 310 CMR 15.214 as either public and private water supply protection areas or natural resource protection areas; these designated as Districts of Critical Planning Concern by Barnstable County under Barnstable County Ordinance 96-1; and watersheds determined by the Commonwealth of Massachusetts to be nitrogen impaired and listed in the most recent Clean Water Act Section 303d Integrated Report, whether or not a Total Maximum Daily Load (TMDL) is available. This regulation would require the Best Available Nitrogen Reducing Technology have a Total Nitrogen effluent performance value of 10 mg/L or less. Future sewer service area shall not be required to incorporate Best Available Nitrogen Reducing Technology if the design for a sewer service connection for the property has been funded by an Article in Town Meeting. Structures that have incorporated the Best Available Nitrogen Reducing Technology in their subsurface sewage disposal system shall not be required to connect to the sewer for a period of 15 years after the sewer project has been completed, or 20 years after a Nitrogen Reducing System has been installed, whichever is shorter. The complete proposed regulation can be provided by visiting the Health Department during normal business hours or visiting the Health Department page of the Town of Falmouth website https://www.falmouthma.gov/27/Health or by calling the Falmouth Health Department at 508-495-7455.

May 2, 2205
May 9, 2025
May 16, 2025

FRIENDS OF FALMOUTH DOGS
FALMOUTH, MA.

By ANNA DOS SANTOS
P.O. Box 438,
Falmouth, MA 02541-0438
Tel 508-548-7742
friendsoffalmouthdogs.org

After another busy week of meet and greets, we are happy to report that Little Rosie, our Schnauzer mix, and Juan Pablo, our Chihuahua mix, have both found new, loving homes. Many happy years to both of them!

If you are looking for a young Lab mix, then Roo might be the dog for you. He's about 7 months old and full of energy. Roo would love to have a brother or sister dog to play with, but his play energy is too much for cats. He's a happy dog that likes people and other dogs, but has not been around small children, so that's an open question. Vaccinations are up to date, he's fully housetrained and will be neutered at our expense. Call 508-548-7742 to meet Roo.


Roo

Are you looking for a cuddle companion? Then come in and meet Leo, a 9-year-old Pomeranian mix. He comes to us from Georgia after his owner moved to a nursing home. Leo is black and white, neutered, house-trained, fully vaccinated and weighs about 13 pounds. His rescue mom says he's lots of fun and likes to play with her dog and her pet flying squirrels and tolerates her cats. He's currently staying with one of our foster moms and she loves him already. We do know that Leo has a narrowing of a portion of his trachea that can cause him to cough, but he is on a medication that helps reduce the coughing significantly. This will likely be a lifetime medicine. Call us at 508-548-7742 for an appointment to meet Leo.


Leo

We are helping a family rehome their 8-year-old Lab mix, Malakai. He loves people, walking and cuddling, and is a couch potato much of the time, just hanging out with his humans and his stuffed animals. Malakai's current owner thinks he would do best with no other pets in the house and is more comfortable with older children. He's neutered, fully vaccinated, house-trained and ready to be loved by a new family. Call us at 508-548-7742 to meet him.


Malakai

We have a smart, white fluffy dog that is looking for a new, calm home. Monet is an 8-year-old American Eskimo dog that will be happiest in a home with no children, no other dogs and definitely no cats! Monet is an excellent walker who enjoys meeting people when he is out and about, and usually ignores other dogs he meets. One of his favorite things to do is go for car rides. Except for being a little overweight, Monet is in excellent health, neutered and fully vaccinated. Call us at 508-548-7742 to make an appointment to meet Monet.


Monet

Jimmy Dean, our 1½-year-old brown Dachshund mix who weighs about 23 pounds, is looking for his new permanent home. Due to his shyness and fear of new people, we had him stay with two different foster families to gain confidence and become accustomed to new people. In both homes, he bonded with the primary female in the family within a few weeks and gradually became comfortable with the other members of the family. In both cases, the families had other dogs that helped Jimmy Dean settle into the family. We would recommend a home with a female dog that is larger than Jimmy, as he has a fair amount of energy to play. He is up to date on all his vaccines, microchipped and has been neutered. If you would like to meet him, please call the shelter at 508-548-7742.


Jimmy Dean

Monetary donations are always needed here at the shelter so we can continue caring for the dogs in our custody and help low-income dog owners pay for veterinary care and dog food. Our goal is that with our help, many more dogs will stay healthy—or get healthy—and live longer and happier lives. The Cape Cod Foundation provides grant funding to us, and we are supremely grateful for its support. Unfortunately, our costs exceed our grant support. If you would like to help provide medical care for the dogs in our care and in our community, donations by check (PO Box 438, Falmouth, MA 02541) or PayPal (www.friendsoffalmouthdogs.org) are always welcomed.

Friends of Falmouth Dogs holds MA License #0183.

Tides For Points On Vineyard Sound, Buzzards Bay & Cape Cod Bay

		POPPONESSET		FALMOUTH		WOODS HOLE (WHOI) GREAT HARBOR		WEST FALMOUTH		CAPE COD CANAL BUZZARDS BAY		CAPE COD CANAL (EAST)		BARNSTABLE HARBOR	
		HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE
FRIDAY	AM		5:48	9:54	3:47	6:37	2:39	6:29	1:15	7:57	2:41	10:01	3:43	10:21	4:26
MAY 9	PM	12:13	6:01	10:08	4:00	6:58	12:45	6:48	12:38	8:10	2:46	10:16	3:57	10:35	4:39
SATURDAY	AM	12:27	6:32	10:37	4:31	7:18	3:18	7:08	1:46	8:37	3:27	10:44	4:27	11:04	5:10
MAY 10	PM	12:56	6:40	10:44	4:39	7:40	1:03	7:26	12:44	8:49	3:28	10:54	4:38	11:11	5:18
SUNDAY	AM	1:03	7:11	11:16	5:10	8:00	3:45	7:46	2:01	9:17	4:10	11:24	5:09	11:43	5:49
MAY 11	PM	1:35	7:17	11:20	5:16	8:22	1:40	8:03	1:06	9:29	4:07	11:31	5:18	11:47	5:55
MONDAY	AM	1:39	7:49	11:55	5:48	8:42	4:02	8:25	2:11	9:57	4:48		5:50		6:27
MAY 12	PM	2:14	7:54	11:56	5:53	9:03	2:27	8:43	1:38	10:09	2:37	12:04	5:58	12:22	6:32
TUESDAY	AM	2:15	8:27		6:26	9:24	4:22	9:06	2:37	10:36	5:22	12:08	6:31	12:23	7:05
MAY 13	PM	2:52	8:32	12:33	6:31	9:44	3:16	9:24	2:15	10:47	3:19	12:43	6:39	1:00	7:10
WEDNESDAY	AM	2:51	9:05	12:32	7:04	10:04	4:56	9:48	3:10	11:12	5:54	12:46	7:11	12:59	7:43
MAY 14	PM	3:31	9:10	1:12	7:09	10:25	4:02	10:06	2:55	11:22	4:03	1:22	7:19	1:39	7:48
THURSDAY	AM	3:30	9:45	1:11	7:44	10:46	5:41	10:31	3:44	11:45	6:29	1:25	7:53	1:38	8:23
MAY 15	PM	4:11	9:50	1:52	7:49	11:08	4:46	10:49	3:35	11:56	4:41	2:02	8:00	2:19	8:28

May 9, 2025 • Sunrise is at 5:27AM; sunset is at 7:54 PM

508-563-7136
Shipyard Lane
Cataumet, MA

KINGMAN YACHT CENTER

LOVE YOUR BOAT, HATE YOUR ELECTRONICS? KINGMAN HAS WHAT YOU'RE LOOKING FOR.

AMENT KLAUER LLP
Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

RECEIVED
APR - 9 2025
SELECT BOARD OFFICE

Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

Telephone (508) 540-6555
Fax (508) 457-1293
Website: www.amentklauer.com

April 8, 2025

Nancy Robbins Taylor, Chair
Town of Falmouth
Select Board
59 Town Hall Square
Falmouth, MA 02540

Re: Special Permit Application – 115 Childs River Road, East Falmouth

Dear Chair Taylor:

Ament Klauer LLP represents Taylor May Carroll, Trustee of the TMC Family Trust, being the owner of 115 Childs River Road and the applicant in this matter. Ms. Carroll is seeking to expand the existing pier and float at the premises, which requires a special permit from the Select Board pursuant of §240-14.8(B) of the Zoning Bylaw. To that end, enclosed are the following:

1. Special Permit Application (one original, one copy);
2. Owner's Authorization;
3. Order of Conditions issued by the Town of Falmouth Conservation Commission;
4. Site Plan prepared by Cape & Islands Engineering dated September 5, 2024, with a most recent revision date of December 6, 2024, entitled "Prepared for TMC Family Trust, Taylor May Carroll, Trustee, 14 Camp Road, Foxborough, MA 02035. Project: 115 Childs River Road, Falmouth, Massachusetts. Drawing Title: Proposed Pier Expansion" (1 Page, 2 full size copies);
5. A check payable to the Town of Falmouth for the Advertising ($50.00) and Filing ($25.00) fee of $75.00.

Please confirm when this matter will be placed on the Select Board's agenda. Please do not hesitate to reach out if there are any questions or if any additional information is required. Thank you and I look forward to hearing from you soon.

Very truly yours,

Kevin P. Klauer II

Enclosures
cc: Cape & Islands Engineering
Taylor May Carroll, Trustee

RECEIVED
APR - 9 2025
8:30 PM
SELECT BOARD OFFICE

TOWN OF FALMOUTH
BOARD OF SELECTMEN

APPLICATION FOR PERMIT TO DREDGE, FILL OR OTHER ALTER WETLANDS
(As required under Section 240-14.8(B) (Wetland Regulations) of the Zoning Bylaw)

TOWN CLERK
APR 25, 2025 PM 4:08
RECEIVED

To the Board of Selectmen
Falmouth, MA

Date: April 8, 2025

The undersigned hereby applies to the Board of Selectmen as required by Section 240-14.8(B) of the Zoning Bylaws, for a permit to alter, as indicated below, the following described premises:

OWNER: Taylor May Carroll, Trustee of the TMC Family Trust, 14 Camp Rd., Foxborough, MA
(full name) (address)

AGENT: Kevin P. Klauer II, Esq. Ament Klauer LLP, 39 Town Hall Square, Falmouth, MA 02540
(full name) (address)

APPLICANT: Taylor May Carroll, Trustee of the TMC Family Trust, 14 Camp Road, Foxborough, MA 02035
(full name) (address)

1. Location of Property: Map 32 Section 19 Parcel 010 Lot 003F

Street Name and House Number 115 Childs River Road

2. Body of water, marsh or stream affected: Childs River

3. Description of property and project site: 8,600 s.f. lot developed with single-family dwelling and existing pier

a. Dimensions, Acreage of total parcel: 8,600 s.f. lot, 80' frontage

b. Length of water marsh frontage: Approximately 80'

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

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.) 25' extension of existing pier

h. Method (equipment to be used) for proposed work: _____

4. Purpose of proposed work: Extend existing pier to achieve deeper water at terminus

5. Zoning which governs area: RC

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

7. Has a permit ever been approved or refused for this location by State, Federal or Local Authority? Yes

8. Remarks DEP License No. 9748 and Interim License No. 4489

9. Project Summary for legal notice: Sp Applicant proposes to extend existing pier by 25', to a total length of 76'

Owner: Taylor May Carroll, Trustee

14 Camp Road, Foxborough, MA02035
(Name & Address)

TEL #: c/o Ament Klauer 508-540-6555

Agent: Kevin P. Klauer II, Esq.

Ament Klauer LLP, 39 Town Hall Sq., Falmouth, MA 02540
(Name & Address)

TEL #: 508-540-6555

Applicant: Taylor May Carroll, Trustee

14 Camp Road
Foxborough, MA 02035
(Name & Address)

TEL #: c/o Ament Klauer 508-540-6555

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

Docusign Envelope ID: BDF84D4E-7709-4C23-B937-035B8CA3241F

February ___, 2025

Town of Falmouth
Select Board
Attention: Nancy Taylor, Chair
59 Town Hall Square
Falmouth, MA 02540

RE: 115 Childs River Road, East Falmouth, MA
Special Permit Application

Dear Ms. Stockman:

The undersigned have authorized Ament Klauer LLP (including any attorney of the firm, with full power of substitution) to prepare, execute on my behalf and file with the Select Board and/or the Zoning Board of Appeals any application or other document, and on my behalf make any representations or decisions related to permits, with respect to the above property.

Very truly yours,

DocuSigned by:
Taylor May Carroll
A435DCE8E27F406...
Taylor May Carroll, Trustee

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:
25-5014
MassDEP File #
1790989
eDEP Transaction #
Falmouth
City/Town

A. General Information

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. From: Falmouth
Conservation Commission

2. This Issuance is for (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

TAYLOR MAY	CARROLL,TRUSTEE
a. First Name	b. Last Name
TMC FAMILY TRUST	
c. Organization	
14 CAMP ROAD	
d. Mailing Address	
FOXBOROUGH	MA / 0203 5
e. City/Town	f. State / g. Zip Code

4. Property Owner (if different from applicant):

a. First Name	b. Last Name
c. Organization	
d. Mailing Address	
e. City/Town	f. State / g. Zip Code

5. Project Location:

115 CHILDS RIVER ROAD	FALMOUTH
a. Street Address	b. City/Town
32 19	010 003F
c. Assessors Map/Plat Number	d. Parcel/Lot Number

Latitude and Longitude, if known: d m s (d. Latitude) d m s (e. Longitude)

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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A. General Information (cont.)

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

Barnstable	228886
a. County	b. Certificate Number (if registered land)
c. Book	d. Page

7. Dates:

9/25/2024	12/18/2024	1/5/2024
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):

PROPOSED PIER EXPANSION
a. Plan Title

CAPE & ISLANDS ENGINEERING	CHARLES T. ROWLAND, P.E.
b. Prepared By	c. Signed and Stamped by
12/6/2024	1" = 20'
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. ☐ Public Water Supply b. ☒ Land Containing Shellfish c. ☐ Prevention of Pollution
d. ☐ Private Water Supply e. ☒ Fisheries f. ☒ Protection of Wildlife Habitat
g. ☐ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

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

Approved subject to:

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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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. ☐ Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. ☐ Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. ☐ Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. ☐ Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. ☐ Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. ☐ 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
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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. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☒ Land Under the Ocean	18.8 a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐ Coastal Beaches	a. square feet	b. square feet	c. nourishment (cu yd)	d. nourishment (cu yd)
14. ☐ Coastal Dunes	a. square feet	b. square feet	c. nourishment (cu yd)	d. nourishment (cu yd)
15. ☐ Coastal Banks	a. linear feet	b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. ☒ Land Containing Shellfish	18.8 a. square feet	b. square feet	c. square feet	d. square feet
20. ☐ 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. ☐ Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. ☐ 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

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
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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 then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]

"File Number 25-5014 "

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
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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City/Town

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.

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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.

Falmouth Conservation Commission

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

Taylor May Carroll. Trustee
TMC Family Trust
115 Childs River Rd, Falmouth
DEP # 25-5014

FINDINGS

1. The applicant proposes to construct a 25' x 5.5' fixed pier extension to the existing licensed pier and to relocate one dolphin piling. The applicant will also be removing a large amount of gravel that was placed on the property in the buffer zone between April 2022 and April 2023.

2. Resource areas onsite and within 100 feet of the proposed project include Land Under Ocean, Salt Marsh, Coastal Bank, Land Subject to Coastal Storm Flowage (LSCSF) and Resource Area Buffer.

INTERESTS

1. Storm Damage Prevention
2. Flood Control
3. Protection of fisheries
4. Protection of land containing shellfish
5. Protection of wildlife habitat

STANDARD CONDITIONS

1. Permission is granted to Taylor May Carroll. Trustee, TMC Family Trust, 115 Childs River Rd Falmouth, MA, to construct a 25' x 5.5' fixed pier extension to the existing licensed pier and to relocate one dolphin piling and remove gravel according to the narrative and plan prepared by Cape and Islands Engineering, Inc., dated September 25, 2024 and revised November 4, 2024 and December 6, 2024 and entitled "Proposed Pier Expansion" and subject to the following Standard and Special Conditions

2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.

3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes will require that the applicant first obtain all necessary permits and approvals from the Conservation

Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of $25,000.00 per day.

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

5. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner.

6. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error all work may have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.

7. Issuance of this Order of Conditions does not relieve the applicant from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.

8. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.

9. Prior to any work commencing:

   a. Proof of recording of this Order of Conditions including the plan of reference at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
   b. At least 10 days advance **written** notification shall be provided to the Conservation Commission.
   c. The Town of Falmouth Conservation Commission Pier Maintenance or Construction Form for Marine Contractors (which ever applies) must be completed and returned to the Conservation Commission.
   d. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
   e. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.
   f. Photographs shall be taken within 20 feet parallel to both sides of the dock alignment of any areas crossing freshwater wetlands or salt marsh. Post construction photographs shall be taken and submitted to the Conservation Commission. Any areas of wetland that have been damaged or destroyed shall be restored immediately to the satisfaction of the Conservation Commission.

10. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.

11. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation on ground draining into the wetlands or other Resource Areas.

12. All cuttings and debris from permitted clearing of the lot prior to construction shall be removed offsite immediately. No debris can be stored, even temporarily, in a resource area or within 100 feet of any resource area.

13. All fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location more than 100 feet from any resource area.

14. No creosote-treated wood or CCA treated wood may be used. The use of non-toxic materials is mandatory and shall be certified in writing by a professional engineer.

15. Equipment, vehicles, or other objects are **not** allowed to be placed or stored on any wetland or resource area at any time.

16. Any additional work, not identified at the time this permit was granted, within the Limit of Work , in a resource area or within 100 feet of any resource area will require that the applicant first obtain all necessary permits from the Conservation Commission before proceeding with such work.

17. All work shall be done by hand or from a barge-supported crane during high tide.

18. Any barge used for this project must float at all times.

19. Piles shall be driven, not jetted.

20. All decking surfaces crossing Salt Marsh shall be constructed per design criteria per application.

21. All seasonal floats shall be stored in a predetermined upland location per application and the plan of reference.

22. All construction debris shall be removed off-site to an approved upland disposal site.

23. 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.

24. 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.

25. Water lines and attached hoses shall have nozzles attached.

26. Boats shall only be tied up in those areas designated as the mooring field on the plan of reference.

27. 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.

28. Motorboats shall not be run in gear while tied to the dock, since prop wash disturbs shellfish beds, stirs up sediment and causes bank erosion.

29. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.

30. 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.

31. 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.

32. If this dock and pier is operated in such a fashion as to cause actual damage to resource areas, including prop dredging, you may be ordered, at your expense, to remove a portion or the entire dock and pier. You have a right to hearing prior to any such order being issued.

33. The dock must be properly maintained in a safe and functioning manner. Docks and piers are coastal structures requiring continual maintenance or else lend themselves to causing significant damage to property at the time of storms. If not properly maintained docks and piers pose a significant danger to public safety. Docks and piers not properly maintained, which in the opinion the Commission have a potential of being destroyed in a storm, may be ordered removed at the owner's expense. You have a right to hearing prior to any such order being issued.

34. 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. Prior to approving the building permit for the pier expansion all of the gravel shall be removed.

2. All floats and piers if designed to be in continual use shall have adequate bubblers protecting piles during winter months.

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

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Bureau of Resource Protection - Wetlands
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No

2. The Falmouth Conservation Commission hereby finds (check one that applies):

   a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

   _____ (1. Municipal Ordinance or Bylaw) _____ (2. Citation)

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

   b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

   Falmouth Wetlands Bylaw / Regulations (1. Municipal Ordinance or Bylaw) — CH 235 / FWR 10.00

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
   The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

   See Attached

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E. Signatures

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

1/8/2025
1. 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.

4
2. Number of Signers

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

Falmouth Conservation Commission

Signature	Printed Name
Jennifer Lincoln	Jennifer L. Lincoln, Conservation Administrator
Jennifer Lincoln	Jamie Mathews, Chair
Jennifer Lincoln	Courtney Bird, Vice Chair
Jennifer Lincoln	Elizabeth Gladfelter
Jennifer Lincoln	Maureen Harlow-Hawkes

☐ by hand delivery on

Date

☒ by certified mail, return receipt requested, on
9022 0410 0002 9371 4924
Date

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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F. Appeals

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

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

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

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G. Recording Information

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

Falmouth
Conservation Commission

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

To:

Falmouth
Conservation Commission

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

Project Location

25-
MassDEP File Number

Has been recorded at the Registry of Deeds of:

Barnstable
County

Book

Page

for:
Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

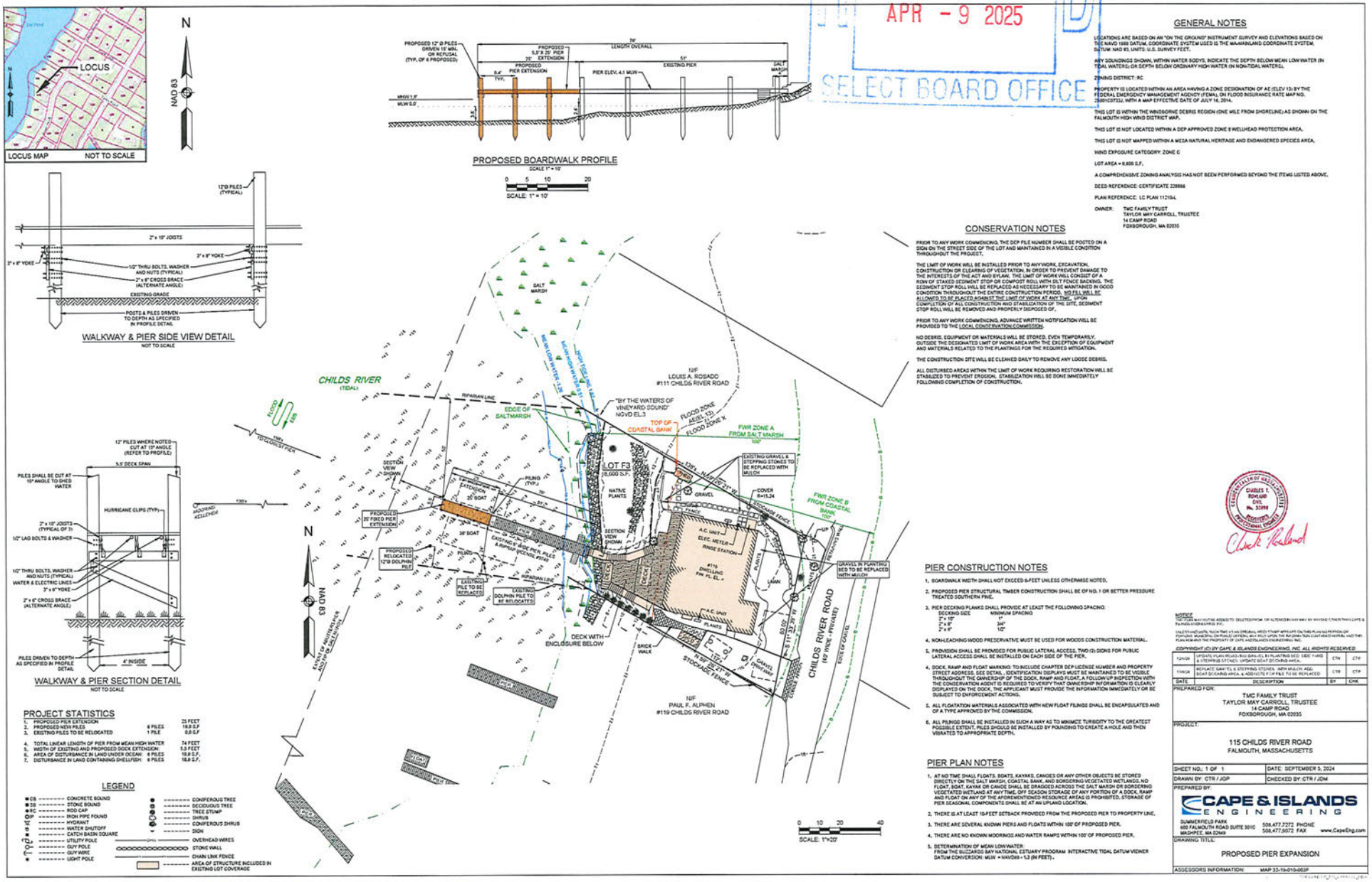
Instrument Number

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

Document Number

Signature of Applicant

JOHN F. MEADE, ASSISTANT RECORDER
BARNSTABLE REGISTRY LAND COURT DISTRICT
RECEIVED & RECORDED ELECTRONICALLY



GENERAL NOTES

LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY AND ELEVATIONS BASED ON THE NAVD 1988 DATUM. COORDINATE SYSTEM USED IS THE MAINMAINLAND COORDINATE SYSTEM, DATUM: NAD 83, UNITS: U.S. SURVEY FEET.

ANY SOUNDINGS SHOWN, WITHIN WATER BODYS, INDICATE THE DEPTH BELOW MEAN LOW WATER (IN TIDAL WATERS) OR DEPTH BELOW ORDINARY HIGH WATER (IN NON-TIDAL WATERS).

ZONING DISTRICT: RC

PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF AE (ELEV 13) BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 25001C0733J, WITH A MAP EFFECTIVE DATE OF JULY 16, 2014.

THIS LOT IS WITHIN THE WINDBORNE DEBRIS REGION (ONE MILE FROM SHORELINE) AS SHOWN ON THE FALMOUTH HIGH WIND DISTRICT MAP.

THIS LOT IS NOT LOCATED WITHIN A DEP APPROVED ZONE II WELLHEAD PROTECTION AREA.

THIS LOT IS NOT MAPPED WITHIN A MESA NATURAL HERITAGE AND ENDANGERED SPECIES AREA.

WIND EXPOSURE CATEGORY: ZONE C

LOT AREA = 8,600 S.F.

A COMPREHENSIVE ZONING ANALYSIS HAS NOT BEEN PERFORMED BEYOND THE ITEMS LISTED ABOVE.

DEED REFERENCE: CERTIFICATE 228866

PLAN REFERENCE: LC PLAN 11210-A

OWNER: TMC FAMILY TRUST
TAYLOR MAY CARROLL, TRUSTEE
14 CAMP ROAD
FOXBOROUGH, MA 02035

CONSERVATION NOTES

PRIOR TO ANY WORK COMMENCING, 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.

THE LIMIT OF WORK WILL BE INSTALLED PRIOR TO ANY WORK, EXCAVATION, CONSTRUCTION OR CLEARING OF VEGETATION. IN ORDER TO PREVENT DAMAGE TO THE INTERESTS OF THE ACT AND BYLAW, THE LIMIT OF WORK WILL CONSIST OF A ROW OF STAKED SEDIMENT STOP OR COMPOST ROLL WITH SILT FENCE BACKING. THE SEDIMENT STOP ROLL WILL BE REPLACED AS NECESSARY TO BE MAINTAINED IN GOOD CONDITION THROUGHOUT THE ENTIRE CONSTRUCTION PERIOD. NO FILL WILL BE ALLOWED TO BE PLACED AGAINST THE LIMIT OF WORK AT ANY TIME. UPON COMPLETION OF ALL CONSTRUCTION AND STABILIZATION OF THE SITE, SEDIMENT STOP ROLL WILL BE REMOVED AND PROPERLY DISPOSED OF.

PRIOR TO ANY WORK COMMENCING, ADVANCE WRITTEN NOTIFICATION WILL BE PROVIDED TO THE LOCAL CONSERVATION COMMISSION.

NO DEBRIS, EQUIPMENT OR MATERIALS WILL BE STORED, EVEN TEMPORARILY, OUTSIDE THE DESIGNATED LIMIT OF WORK AREA WITH THE EXCEPTION OF EQUIPMENT AND MATERIALS RELATED TO THE PLANTINGS FOR THE REQUIRED MITIGATION.

THE CONSTRUCTION SITE WILL BE CLEANED DAILY TO REMOVE ANY LOOSE DEBRIS.

ALL DISTURBED AREAS WITHIN THE LIMIT OF WORK REQUIRING RESTORATION WILL BE STABILIZED TO PREVENT EROSION. STABILIZATION WILL BE DONE IMMEDIATELY FOLLOWING COMPLETION OF CONSTRUCTION.

PIER CONSTRUCTION NOTES

1. BOARDWALK WIDTH SHALL NOT EXCEED 6-FEET UNLESS OTHERWISE NOTED.
2. PROPOSED PIER STRUCTURAL TIMBER CONSTRUCTION SHALL BE OF NO. 1 OR BETTER PRESSURE TREATED SOUTHERN PINE.
3. PIER DECKING PLANKS SHALL PROVIDE AT LEAST THE FOLLOWING SPACING:

DECKING SIZE	MINIMUM SPACING
2" x 10"	1"
2" x 8"	3/4"
2" x 6"	1/2"

4. NON-LEACHING WOOD PRESERVATIVE MUST BE USED FOR WOODS CONSTRUCTION MATERIAL.
5. PROVISION SHALL BE PROVIDED FOR PUBLIC LATERAL ACCESS. TWO (2) SIGNS FOR PUBLIC LATERAL ACCESS SHALL BE INSTALLED ON EACH SIDE OF THE PIER.
6. DOCK, RAMP AND FLOAT MARKING: TO INCLUDE CHAPTER DEP LICENSE NUMBER AND PROPERTY STREET ADDRESS. SEE DETAIL. IDENTIFICATION DISPLAYS MUST BE MAINTAINED TO BE VISIBLE THROUGHOUT THE OWNERSHIP OF THE DOCK, RAMP AND FLOAT. A FOLLOW UP INSPECTION WITH THE CONSERVATION AGENT IS REQUIRED TO VERIFY THAT OWNERSHIP INFORMATION IS CLEARLY DISPLAYED ON THE DOCK. THE APPLICANT MUST PROVIDE THE INFORMATION IMMEDIATELY OR BE SUBJECT TO ENFORCEMENT ACTIONS.
5. ALL FLOATATION MATERIALS ASSOCIATED WITH NEW FLOAT FILINGS SHALL BE ENCAPSULATED AND OF A TYPE APPROVED BY THE COMMISSION.
6. ALL PILINGS SHALL BE INSTALLED IN SUCH A WAY AS TO MINIMIZE TURBIDITY TO THE GREATEST POSSIBLE EXTENT. PILES SHOULD BE INSTALLED BY POUNDING TO CREATE A HOLE AND THEN VIBRATED TO APPROPRIATE DEPTH.

PIER PLAN NOTES

1. AT NO TIME SHALL FLOATS, BOATS, KAYAKS, CANOES OR ANY OTHER OBJECTS BE STORED DIRECTLY ON THE SALT MARSH, COASTAL BANK, AND BORDERING VEGETATED WETLANDS. NO FLOAT, BOAT, KAYAK OR CANOE SHALL BE DRAGGED ACROSS THE SALT MARSH OR BORDERING VEGETATED WETLAND AT ANY TIME. OFF SEASON STORAGE OF ANY PORTION OF A DOCK, RAMP AND FLOAT ON ANY OF THE AFOREMENTIONED RESOURCE AREAS IS PROHIBITED. STORAGE OF PIER SEASONAL COMPONENTS SHALL BE AT AN UPLAND LOCATION.
2. THERE IS AT LEAST 10-FEET SETBACK PROVIDED FROM THE PROPOSED PIER TO PROPERTY LINE.
3. THERE ARE SEVERAL KNOWN PIERS AND FLOATS WITHIN 100' OF PROPOSED PIER.
4. THERE ARE NO KNOWN MOORINGS AND WATER RAMPS WITHIN 100' OF PROPOSED PIER.
5. DETERMINATION OF MEAN LOW WATER: FROM THE BUZZARDS BAY NATIONAL ESTUARY PROGRAM INTERACTIVE TIDAL DATUM VIEWER DATUM CONVERSION: MLW = NAVD88 - 1.3 (IN FEET).

PROJECT STATISTICS

1.	PROPOSED PIER EXTENSION		25 FEET
2.	PROPOSED NEW PILES	6 PILES	18.8 S.F.
3.	EXISTING PILES TO BE RELOCATED	1 PILE	0.8 S.F.
4.	TOTAL LINEAR LENGTH OF PIER FROM MEAN HIGH WATER		74 FEET
5.	WIDTH OF EXISTING AND PROPOSED DOCK EXTENSION:		5.5 FEET
6.	AREA OF DISTURBANCE IN LAND UNDER OCEAN:	6 PILES	18.8 S.F.
7.	DISTURBANCE IN LAND CONTAINING SHELLFISH:	6 PILES	18.8 S.F.

LEGEND

- CB -------- CONCRETE BOUND
- SB -------- STONE BOUND
- RC -------- ROD CAP
- IPF -------- IRON PIPE FOUND
- H -------- HYDRANT
- WS -------- WATER SHUTOFF
- CB -------- CATCH BASIN SQUARE
- UP -------- UTILITY POLE
- GP -------- GUY POLE
- GW -------- GUY WIRE
- LP -------- LIGHT POLE
- CONIFEROUS TREE
- DECIDUOUS TREE
- TREE STUMP
- SHRUB
- CONIFEROUS SHRUB
- SIGN
- OHW -------- OVERHEAD WIRES
- STONE WALL
- CHAIN LINK FENCE
- AREA OF STRUCTURE INCLUDED IN EXISTING LOT COVERAGE

NOTICE
THIS PLAN MAY NOT BE ADDED TO, DELETED FROM, OR ALTERED BY ANYONE OTHER THAN CAPE & ISLANDS ENGINEERING, INC.
UNLESS AND UNTIL SUCH TIME AS AN ORIGINAL WET STAMP APPLIES ON THIS PLAN NO PERSON OR POSTING, WHETHER ON PUBLIC OR PRIVATE WAY, MAY RELY UPON THE INFORMATION CONTAINED HEREIN. AND THIS PLAN IS AND WILL REMAIN THE PROPERTY OF CAPE AND ISLANDS ENGINEERING, INC.
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DATE	DESCRIPTION	BY	CHK
10/4/24	UPDATE PLAN PER ADA COMMENTS, ADD GRAVEL & PLANTING BED, SIDE YARD & STEPPING STONES, UPDATE BOAT DECKING AREA.	CTR	CTR
11/4/24	REPLACE GRAVEL & STEPPING STONES WITH MULCH, ADJ. BOAT DECKING AREA, & ADD NOTE F OF PILE TO BE REPLACED	CTR	CTR

PREPARED FOR:
TMC FAMILY TRUST
TAYLOR MAY CARROLL, TRUSTEE
14 CAMP ROAD
FOXBOROUGH, MA 02035

PROJECT:
115 CHILDS RIVER ROAD
FALMOUTH, MASSACHUSETTS

SHEET NO.: 1 OF 1 | DATE: SEPTEMBER 5, 2024
DRAWN BY: CTR / JGP | CHECKED BY: CTR / JDM

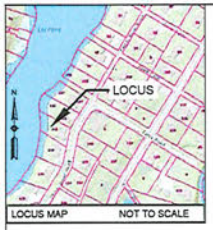
PREPARED BY:
CAPE & ISLANDS ENGINEERING
SUMMERFIELD PARK
600 FALMOUTH ROAD SUITE 3010
MASHPEE, MA 02649
508.477.7272 PHONE
508.477.3072 FAX
www.CapeEng.com

DRAWING TITLE:
PROPOSED PIER EXPANSION

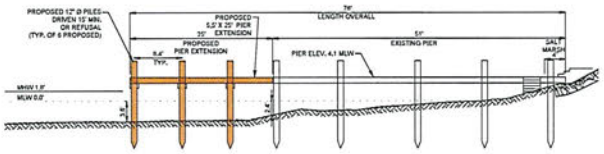
ASSESSORS INFORMATION: MAP 32-19-010-003F

CHARLES T. ROLAND
No. 32898
REGISTERED PROFESSIONAL ENGINEER

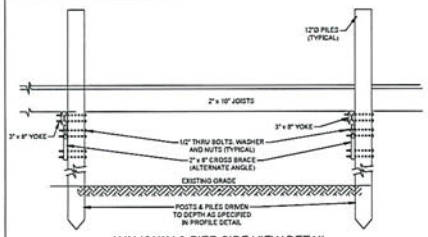
RECEIVED
APR – 9 2025
SELECT BOARD OFFICE



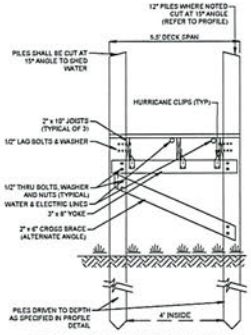




PROPOSED BOARDWALK PROFILE
SCALE 1" = 10'



WALKWAY & PIER SIDE VIEW DETAIL
NOT TO SCALE



WALKWAY & PIER SECTION DETAIL
NOT TO SCALE



SCALE: 1"=20'

GENERAL NOTES

LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY AND ELEVATIONS BASED ON THE NAVD 1988 DATUM, COORDINATE SYSTEM USED IS THE MAINLAND COORDINATE SYSTEM, DATUM: NAD 83, UNITS: U.S. SURVEY FEET.

ANY SOUNDINGS SHOWN, WITHIN WATER BODYS, INDICATE THE DEPTH BELOW MEAN LOW WATER (IN TIDAL WATERS) OR DEPTH BELOW ORDINARY HIGH WATER (IN NON-TIDAL WATERS).

ZONING DISTRICT: RC

PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF AE (ELEV 13) BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP NO. 25001C0733J, WITH A MAP EFFECTIVE DATE OF JULY 16, 2014.

THIS LOT IS WITHIN THE WINDBORNE DEBRIS REGION (ONE MILE FROM SHORELINE) AS SHOWN ON THE FALMOUTH HIGH WIND DISTRICT MAP.

THIS LOT IS NOT LOCATED WITHIN A DEP APPROVED ZONE II WELLHEAD PROTECTION AREA.

THIS LOT IS NOT MAPPED WITHIN A MESA NATURAL HERITAGE AND ENDANGERED SPECIES AREA.

WIND EXPOSURE CATEGORY: ZONE C

LOT AREA = 8,600 S.F.

A COMPREHENSIVE ZONING ANALYSIS HAS NOT BEEN PERFORMED BEYOND THE ITEMS LISTED ABOVE.

DEED REFERENCE: CERTIFICATE 226886

PLAN REFERENCE: LC PLAN 11210-A

OWNER: TMC FAMILY TRUST
TAYLOR MAY CARROLL, TRUSTEE
14 CAMP ROAD
FOXBOROUGH, MA 02035

CONSERVATION NOTES

PRIOR TO ANY WORK COMMENCING, 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.

THE LIMIT OF WORK WILL BE INSTALLED PRIOR TO ANY WORK, EXCAVATION, CONSTRUCTION OR CLEARING OF VEGETATION. IN ORDER TO PREVENT DAMAGE TO THE INTERESTS OF THE ACT AND BYLAW, THE LIMIT OF WORK WILL CONSIST OF A ROW OF STAKED SEDIMENT STOP OR COMPOST ROLL WITH SILT FENCE BACKING. THE SEDIMENT STOP ROLL WILL BE REPLACED AS NECESSARY TO BE MAINTAINED IN GOOD CONDITION THROUGHOUT THE ENTIRE CONSTRUCTION PERIOD. NO FILL WILL BE ALLOWED TO BE PLACED AGAINST THE LIMIT OF WORK AT ANY TIME. UPON COMPLETION OF ALL CONSTRUCTION AND STABILIZATION OF THE SITE, SEDIMENT STOP ROLL WILL BE REMOVED AND PROPERLY DISPOSED OF.

PRIOR TO ANY WORK COMMENCING, ADVANCE WRITTEN NOTIFICATION WILL BE PROVIDED TO THE LOCAL CONSERVATION COMMISSION.

NO DEBRIS, EQUIPMENT OR MATERIALS WILL BE STORED, EVEN TEMPORARILY, OUTSIDE THE DESIGNATED LIMIT OF WORK AREA WITH THE EXCEPTION OF EQUIPMENT AND MATERIALS RELATED TO THE PLANTINGS FOR THE REQUIRED MITIGATION.

THE CONSTRUCTION SITE WILL BE CLEANED DAILY TO REMOVE ANY LOOSE DEBRIS.

ALL DISTURBED AREAS WITHIN THE LIMIT OF WORK REQUIRING RESTORATION WILL BE STABILIZED TO PREVENT EROSION. STABILIZATION WILL BE DONE IMMEDIATELY FOLLOWING COMPLETION OF CONSTRUCTION.

PIER CONSTRUCTION NOTES

1. BOARDWALK WIDTH SHALL NOT EXCEED 6-FEET UNLESS OTHERWISE NOTED.
2. PROPOSED PIER STRUCTURAL TIMBER CONSTRUCTION SHALL BE OF NO. 1 OR BETTER PRESSURE TREATED SOUTHERN PINE.
3. PIER DECKING PLANKS SHALL PROVIDE AT LEAST THE FOLLOWING SPACING:

DECKING SIZE	MINIMUM SPACING
2" x 10"	1"
2" x 8"	3/4"
2" x 6"	1/2"

4. NON-LEACHING WOOD PRESERVATIVE MUST BE USED FOR WOODS CONSTRUCTION MATERIAL.
5. PROVISION SHALL BE PROVIDED FOR PUBLIC LATERAL ACCESS. TWO (2) SIGNS FOR PUBLIC LATERAL ACCESS SHALL BE INSTALLED ON EACH SIDE OF THE PIER.
6. DOCK, RAMP AND FLOAT MARKING: TO INCLUDE CHAPTER DEP LICENSE NUMBER AND PROPERTY STREET ADDRESS. SEE DETAIL. IDENTIFICATION DISPLAYS MUST BE MAINTAINED TO BE VISIBLE THROUGHOUT THE OWNERSHIP OF THE DOCK, RAMP AND FLOAT. A FOLLOW UP INSPECTION WITH THE CONSERVATION AGENT IS REQUIRED TO VERIFY THAT OWNERSHIP INFORMATION IS CLEARLY DISPLAYED ON THE DOCK. THE APPLICANT MUST PROVIDE THE INFORMATION IMMEDIATELY OR BE SUBJECT TO ENFORCEMENT ACTIONS.
7. ALL FLOATATION MATERIALS ASSOCIATED WITH NEW FLOAT FILINGS SHALL BE ENCAPSULATED AND OF A TYPE APPROVED BY THE COMMISSION.
8. ALL PILINGS SHALL BE INSTALLED IN SUCH A WAY AS TO MINIMIZE TURBIDITY TO THE GREATEST POSSIBLE EXTENT. PILES SHOULD BE INSTALLED BY POUNDING TO CREATE A HOLE AND THEN VIBRATED TO APPROPRIATE DEPTH.

PIER PLAN NOTES

1. AT NO TIME SHALL FLOATS, BOATS, KAYAKS, CANOES OR ANY OTHER OBJECTS BE STORED DIRECTLY ON THE SALT MARSH, COASTAL BANK, AND BORDERING VEGETATED WETLANDS. NO FLOAT, BOAT, KAYAK OR CANOE SHALL BE DRAGGED ACROSS THE SALT MARSH OR BORDERING VEGETATED WETLAND AT ANY TIME. OFF SEASON STORAGE OF ANY PORTION OF A DOCK, RAMP AND FLOAT ON ANY OF THE AFOREMENTIONED RESOURCE AREAS IS PROHIBITED. STORAGE OF PIER SEASONAL COMPONENTS SHALL BE AT AN UPLAND LOCATION.
2. THERE IS AT LEAST 15-FEET SETBACK PROVIDED FROM THE PROPOSED PIER TO PROPERTY LINE.
3. THERE ARE SEVERAL KNOWN PIERS AND FLOATS WITHIN 100' OF PROPOSED PIER.
4. THERE ARE NO KNOWN MOORINGS AND WATER RAMPS WITHIN 100' OF PROPOSED PIER.
5. DETERMINATION OF MEAN LOW WATER:
FROM THE BUZZARDS BAY NATIONAL ESTUARY PROGRAM INTERACTIVE TIDAL DATUM VIEWER
DATUM CONVERSION: MLW = NAVD88 + 1.3 (IN FEET).

PROJECT STATISTICS

1.	PROPOSED PIER EXTENSION		25 FEET
2.	PROPOSED NEW PILES	6 PILES	18.8 S.F.
3.	EXISTING PILES TO BE RELOCATED	1 PILE	0.0 S.F.
4.	TOTAL LINEAR LENGTH OF PIER FROM MEAN HIGH WATER		74 FEET
5.	WIDTH OF EXISTING AND PROPOSED DOCK EXTENSION:		5.5 FEET
6.	AREA OF DISTURBANCE IN LAND UNDER OCEAN:	6 PILES	18.8 S.F.
7.	DISTURBANCE IN LAND CONTAINING SHELLFISH:	6 PILES	18.8 S.F.

LEGEND

- CB -------- CONCRETE BOUND
- SB -------- STONE BOUND
- RC -------- ROD CAP
- IPF -------- IRON PIPE FOUND
- H -------- HYDRANT
- WS -------- WATER SHUTOFF
- CB -------- CATCH BASIN SQUARE
- UP -------- UTILITY POLE
- GP -------- GUY POLE
- GW -------- GUY WIRE
- LP -------- LIGHT POLE
- CT -------- CONIFEROUS TREE
- DT -------- DECIDUOUS TREE
- TS -------- TREE STUMP
- S -------- SHRUB
- CS -------- CONIFEROUS SHRUB
- SIGN -------- SIGN
- OHW -------- OVERHEAD WIRES
- SW -------- STONE WALL
- CLF -------- CHAIN LINK FENCE
- AREA OF STRUCTURE INCLUDED IN EXISTING LOT COVERAGE

CHARLES T. ROHLER
CIVIL
No. 32498
REGISTERED PROFESSIONAL ENGINEER

NOTICE
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DATE	DESCRIPTION	BY	CHK
12/9/24	UPDATE PLAN REGARDING GRAVEL & PLANTING BED, ADD 1' WIDE YARD & STEPPING STONES, UPDATE GOAT DECKING AREA.	CTR	CTR
7/14/25	REPLACE GRAVEL & STEPPING STONES WITH MULCH, ADD GOAT DECKING AREA, & ADD NOTE FOR PILE TO BE REPLACED.	CTR	CTR

PREPARED FOR:
TMC FAMILY TRUST
TAYLOR MAY CARROLL, TRUSTEE
14 CAMP ROAD
FOXBOROUGH, MA 02035

PROJECT:
115 CHILDS RIVER ROAD
FALMOUTH, MASSACHUSETTS

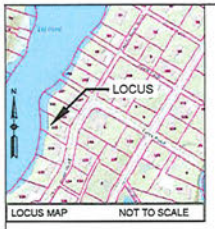
SHEET NO.: 1 OF 1 | DATE: SEPTEMBER 5, 2024
DRAWN BY: CTR / JGP | CHECKED BY: CTR / JDM

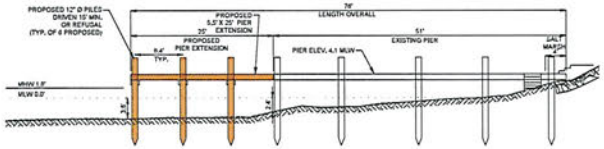
PREPARED BY:
CAPE & ISLANDS ENGINEERING
SUMMERFIELD PARK
600 FALMOUTH ROAD SUITE 301C
MASHPEE, MA 02649
508.477.7272 PHONE
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DRAWING TITLE:
PROPOSED PIER EXPANSION

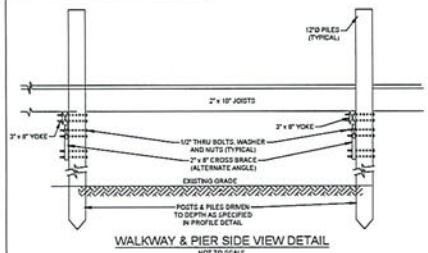
ASSESSORS INFORMATION: MAP 32-19-010-003F

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APR - 9 2025
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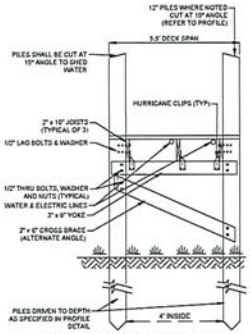




PROPOSED BOARDWALK PROFILE
SCALE 1" = 10'
SCALE: 1" = 10'



WALKWAY & PIER SIDE VIEW DETAIL
NOT TO SCALE



WALKWAY & PIER SECTION DETAIL
NOT TO SCALE



0 10 20 40
SCALE: 1"=20'

PROJECT STATISTICS

1. PROPOSED PIER EXTENSION		25 FEET
2. PROPOSED NEW PILES	6 PILES	18.8 S.F.
3. EXISTING PILES TO BE RELOCATED	1 PILE	0.8 S.F.
4. TOTAL LINEAR LENGTH OF PIER FROM MEAN HIGH WATER		74 FEET
5. WIDTH OF EXISTING AND PROPOSED DOCK EXTENSION		5.5 FEET
6. AREA OF DISTURBANCE IN LAND UNDER OCEAN	6 PILES	18.8 S.F.
7. DISTURBANCE IN LAND CONTAINING SHELLFISH	6 PILES	18.8 S.F.

LEGEND

- CB -------- CONCRETE BOUND
- SB -------- STONE BOUND
- RC -------- ROD/CAP
- IP -------- IRON PIPE FOUND
- H -------- HYDRANT
- W -------- WATER SHUTOFF
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- GP -------- GUY POLE
- GW -------- GUY WIRE
- LP -------- LIGHT POLE
- -------- CONIFEROUS TREE
- -------- DECIDUOUS TREE
- -------- TREE STUMP
- -------- SHRUB
- -------- CONIFEROUS SHRUB
- -------- SIGN
- OHW -------- OVERHEAD WIRES
- -------- STONE WALL
- -------- CHAIN LINK FENCE
- -------- AREA OF STRUCTURE INCLUDED IN EXISTING LOT COVERAGE

GENERAL NOTES

LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY AND ELEVATIONS BASED ON THE NAVD 1988 DATUM. COORDINATE SYSTEM USED IS THE MAINLAND COORDINATE SYSTEM. DATUM: NAD 83, UNITS: U.S. SURVEY FEET.

ANY SOUNDINGS SHOWN, WITHIN WATER BODYS, INDICATE THE DEPTH BELOW MEAN LOW WATER (IN TIDAL WATERS) OR DEPTH BELOW ORDINARY HIGH WATER (IN NON-TIDAL WATERS).

ZONING DISTRICT: RC

PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF AE (ELEV 13) BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 25001C0731J, WITH A MAP EFFECTIVE DATE OF JULY 16, 2014.

THIS LOT IS WITHIN THE WINDBORNE DEBRIS REGION (ONE MILE FROM SHORELINE) AS SHOWN ON THE FALMOUTH HIGH WIND DISTRICT MAP.

THIS LOT IS NOT LOCATED WITHIN A DEP APPROVED ZONE II WELLHEAD PROTECTION AREA.

THIS LOT IS NOT MAPPED WITHIN A MESA NATURAL HERITAGE AND ENDANGERED SPECIES AREA.

WIND EXPOSURE CATEGORY: ZONE C

LOT AREA = 8,600 S.F.

A COMPREHENSIVE ZONING ANALYSIS HAS NOT BEEN PERFORMED BEYOND THE ITEMS LISTED ABOVE.

DEED REFERENCE: CERTIFICATE 226886

PLAN REFERENCE: LC PLAN 112104

OWNER: TMC FAMILY TRUST
TAYLOR MAY CARROLL, TRUSTEE
14 CAMP ROAD
FOXBOROUGH, MA 02035

CONSERVATION NOTES

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THE LIMIT OF WORK WILL BE INSTALLED PRIOR TO ANY WORK, EXCAVATION, CONSTRUCTION OR CLEARING OF VEGETATION. IN ORDER TO PREVENT DAMAGE TO THE INTERESTS OF THE ACT AND BYLAW, THE LIMIT OF WORK WILL CONSIST OF A ROW OF STAKED SEDIMENT STOP OR COMPOST ROLL WITH SILT FENCE BACKING. THE SEDIMENT STOP ROLL WILL BE REPLACED AS NECESSARY TO BE MAINTAINED IN GOOD CONDITION THROUGHOUT THE ENTIRE CONSTRUCTION PERIOD. NO FILL WILL BE ALLOWED TO BE PLACED AGAINST THE LIMIT OF WORK AT ANY TIME. UPON COMPLETION OF ALL CONSTRUCTION AND STABILIZATION OF THE SITE, SEDIMENT STOP ROLL WILL BE REMOVED AND PROPERLY DISPOSED OF.

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THE CONSTRUCTION SITE WILL BE CLEANED DAILY TO REMOVE ANY LOOSE DEBRIS.

ALL DISTURBED AREAS WITHIN THE LIMIT OF WORK REQUIRING RESTORATION WILL BE STABILIZED TO PREVENT EROSION. STABILIZATION WILL BE DONE IMMEDIATELY FOLLOWING COMPLETION OF CONSTRUCTION.

PIER CONSTRUCTION NOTES

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2. PROPOSED PIER STRUCTURAL TIMBER CONSTRUCTION SHALL BE OF NO. 1 OR BETTER PRESSURE TREATED SOUTHERN PINE.
3. PIER DECKING PLANKS SHALL PROVIDE AT LEAST THE FOLLOWING SPACING:

DECKING SIZE	MINIMUM SPACING
2" x 10"	1"
2" x 8"	3/4"
2" x 6"	1/2"

4. NON-LEACHING WOOD PRESERVATIVE MUST BE USED FOR WOODS CONSTRUCTION MATERIAL.
5. PROVISION SHALL BE PROVIDED FOR PUBLIC LATERAL ACCESS. TWO (2) SIGNS FOR PUBLIC LATERAL ACCESS SHALL BE INSTALLED ON EACH SIDE OF THE PIER.
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7. ALL FLOTATION MATERIALS ASSOCIATED WITH NEW FLOAT FILINGS SHALL BE ENCAPSULATED AND OF A TYPE APPROVED BY THE COMMISSION.
8. ALL PILINGS SHALL BE INSTALLED IN SUCH A WAY AS TO MINIMIZE TURBIDITY TO THE GREATEST POSSIBLE EXTENT. PILES SHOULD BE INSTALLED BY POUNDING TO CREATE A HOLE AND THEN VIBRATED TO APPROPRIATE DEPTH.

PIER PLAN NOTES

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2. THERE IS AT LEAST 10-FEET SETBACK PROVIDED FROM THE PROPOSED PIER TO PROPERTY LINE.
3. THERE ARE SEVERAL KNOWN PIERS AND FLOATS WITHIN 100' OF PROPOSED PIER.
4. THERE ARE NO KNOWN MOORINGS AND WATER RAMPS WITHIN 100' OF PROPOSED PIER.
5. DETERMINATION OF MEAN LOW WATER:
FROM THE BUZZARDS BAY NATIONAL ESTUARY PROGRAM INTERACTIVE TIDAL DATUM VIEWER
DATUM CONVERSION: MLW = NAVD88 + 5.3 (IN FEET).

NOTICE
THIS PLAN MAY NOT BE ADDED TO, DELETED FROM, OR ALTERED IN ANY WAY BY ANYONE OTHER THAN CAPE & ISLANDS ENGINEERING INC.
UNLESS AND UNTIL SUCH TIME AS CAI ORIGINAL WET STAMP APPLIES ON THIS PLAN SUSPICION OF PERSONS MISUSING, OR PUBLIC OFFICIAL MAY RELY UPON THE INFORMATION CONTAINED HEREIN, AND THIS PLAN REMAINS THE PROPERTY OF CAPE AND ISLANDS ENGINEERING INC.
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DATE	DESCRIPTION	BY	CHK
7/24/25	UPDATE PLAN PEAKS, BOX DRAWN, EL IN PLANTING BED, TAKE 1 AND 6 STEPPING STONES, UPDATE BOAT STORAGE AREA.	CTR	CTR
7/14/25	REPLACE GRAVEL & STEPPING STONES WITH MULCH, ADD BOAT STORAGE AREA, & ADD NOTE FOR PILE TO BE REPLACED	CTR	CTR

PREPARED FOR:
TMC FAMILY TRUST
TAYLOR MAY CARROLL, TRUSTEE
14 CAMP ROAD
FOXBOROUGH, MA 02035

PROJECT:
115 CHILDS RIVER ROAD
FALMOUTH, MASSACHUSETTS

SHEET NO.: 1 OF 1 | DATE: SEPTEMBER 5, 2024
DRAWN BY: CTR / JGP | CHECKED BY: CTR / JDM

PREPARED BY:
CAPE & ISLANDS ENGINEERING
SUMMERFIELD PARK
600 FALMOUTH ROAD SUITE 301C
MASHPEE, MA 02649
508.477.7272 PHONE
508.477.9072 FAX
www.CapeEng.com

DRAWING TITLE:
PROPOSED PIER EXPANSION

ASSESSORS INFORMATION: MAP 33-19-010-003F

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APR 2 8 2025

FALMOUTH BOARD OF ASSESSORS

Town of Falmouth Assessing Department
59 Town Hall Square, Falmouth MA 02540
Telephone: 508-495-7380
Fax: 508-495-7384

REQUEST OF CERTIFIED ABUTTERS LIST

Name of person requesting abutters list: Diane Davidson

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

Phone: x7321

Abutters to (subject property): Map 32 Section 19 Parcel 010 Lot 003F
Map _____ Section _____ Parcel _____ Lot _____
Map _____ Section _____ Parcel _____ Lot _____

Lot size of subject property: _____

Location of subject property: 115 Childs River 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'

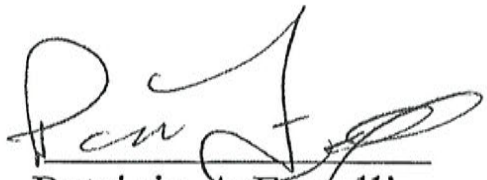
_____ Properties within 300' or abutters abutter to abutter whichever is closest

_____ Properties within 100'

_____ Other (specify)_____

Fee. $25.00 Total N/A

32 19 010 03F
115 CHILDS RIVER RD



Patricia A Favulli
Director of
Assessing
Town of Falmouth
May 5, 2025,2025

REDD LLC
2 MYOPIA LANE
NASHUA, NH 03063

TUCKER DAWN
3 LAKE POTAMPO RD
BROOKLINE, NH 03033

NELSON TRUSTEE K L KIDDER TRUSTEE JEFFERY K
101 CHERRY ST
SHREWSBURY, MA 01545

TANIONOS MICHAEL J TANIONOS MELANIE
30 WACHUSETT DR
LEXINGTON, MA 02421

ROTONDI ROBERT F ROTONDI ELIZABETH A
11 ANDREWS RD
WESTBOROUGH, MA 01581

WAQUOIT BOAT HOUSE LLC
99 CHILDS RIVER RD
E FALMOUTH, MA 02536

DRINAN JR TRUSTEE WILLIAM KANE TRUSTEE LISA C
103 CHILDS RIVER RD
EAST FALMOUTH, MA 02536

FONSECA TRUSTEE JODIE B FONSECA JR TRUSTEE CARL P
PO BOX 3104
WAQUOIT, MA 02536-0104

OBRIEN EDMOND F OBRIEN NANCY B
109 SEAPIT RD
EAST FALMOUTH, MA 02536

CARVER GLENN R CARVER KATHLEEN M
4145 VILLAGE DR
DELRAY BEACH, FL 33445

CARVER TRUSTEE GLENN R CARVER TRUSTEE KATHLEEN M
4145 VILLAGE DR
DELRAY BEACH, FL 33445

BAILEY JAMES P BAILEY LANA C
104 CHILDS RIVER RD
EAST FALMOUTH, MA 02536

PABIAN TRUSTEE JAY M 133 CHILDS RIVER RD REALTY TR
PO BOX 38
ACCORD, MA 02018

BRICE TRUSTEE MARILYN J BRICE TRUSTEE HENRY W
123 CHILDS RIVER RD
E FALMOUTH, MA 02536

WILKENS CYNTHIA
141 SEAPIT RD
WAQUOIT, MA 02536

CHADWICK WALTER A CHADWICK SUSAN J
130 CHILDS RIVER RD
E FALMOUTH, MA 02536-6487

TANSEY TRUSTEE JAMES P TANSEY TRUSTEE MARIAN R
134 CHILDS RIVER RD
EAST FALMOUTH, MA 02536

ALPHEN TRUSTEE PAUL F ALPHEN TRUSTEE ANNETTE C
9 BOUTWELL HILL RD
WESTFORD, MA 01886

MADSEN CHRISTINE HARVEY JOHN H
4201 N OCEAN DR
HOLLYWOOD, FL 33019

MANCINI ANTHONY J
120 CHILDS RIVER RD
E FALMOUTH, MA 02536

HEYN EILEEN M
23 STOCKWELL FARM RD
NORTH GRAFTON, MA 01536-1905

ROSADO TRUSTEE A LOUIS ROSADO TRUSTEE MARK D
111 CHILDS RIVER RD
E FALMOUTH, MA 02536

LAYNE GRAHAM D
775 EAST FALMOUTH HWY
E FALMOUTH, MA 02536

NOLAN PAUL C NOLAN ORLA M
18 ANTHONY RD
WAYLAND, MA 01778

ARMSTRONG ROBERT A
25 THOMPSON RD
CONWAY, MA 01341

HEYN TRUSTEE EILEEN M F H HEYN III REVOC TRUST
23 STOCKWELL FARM RD
NORTH GRAFTON, MA 01536-1905

CASE JR MANNING S CASE MICHELLE A
139 SEAPIT RD
EAST FALMOUTH, MA 02536

MURPHY TRUSTEE MARY FAITH 123 SEAPIT RD REALTY TRUST
123 SEAPIT RD
EAST FALMOUTH, MA 02536-6431

Town of Falmouth, MA Abutters Report

300ft. Abutters of Property 32 19 010 003F
at 115 CHILDS RIVER 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 04/15/2025.

Property ID	Address	Owner 1	Owner 2	Owner Address	Owner City/State/Zip
32 13 000D 001	74 EDGEWATER DR EAST	REDD LLC		2 MYOPIA LANE	NASHUA, NH 03063
32 13 000D 002	78 EDGEWATER DR EAST	TUCKER DAWN		3 LAKE POTAMPO RD	BROOKLINE, NH 03033
32 13 000D 003	82 EDGEWATER DR EAST	NELSON TRUSTEE K L	KIDDER TRUSTEE JEFFERY K	101 CHERRY ST	SHREWSBURY, MA 01545
32 13 000D 004	86 EDGEWATER DR EAST	TANIONOS MICHAEL J	TANIONOS MELANIE	30 WACHUSETT DR	LEXINGTON, MA 02421
32 13 000D 005	92 EDGEWATER DR EAST	ROTONDI ROBERT F	ROTONDI ELIZABETH A	11 ANDREWS RD	WESTBOROUGH, MA 01581
32 18 001 131	99 CHILDS RIVER RD	WAQUOIT BOAT HOUSE LLC		99 CHILDS RIVER RD	E FALMOUTH, MA 02536
32 18 001B 132	103 CHILDS RIVER RD	DRINAN JR TRUSTEE WILLIAM	KANE TRUSTEE LISA C	103 CHILDS RIVER RD	EAST FALMOUTH, MA 02536
32 18 002A 129	100 CHILDS RIVER RD	FONSECA TRUSTEE JODIE B	FONSECA JR TRUSTEE CARL P	PO BOX 3104	WAQUOIT, MA 02536-0104
32 18 002D 135	109 SEAPIT RD	OBRIEN EDMOND F	OBRIEN NANCY B	109 SEAPIT RD	EAST FALMOUTH, MA 02536
32 18 002E 136	0 SEAPIT RD	CARVER GLENN R	CARVER KATHLEEN M	4145 VILLAGE DR	DELRAY BEACH, FL 33445
32 18 002F 134	4 FERRY RD	CARVER TRUSTEE GLENN R	CARVER TRUSTEE KATHLEEN M	4145 VILLAGE DR	DELRAY BEACH, FL 33445
32 18 002G 133	104 CHILDS RIVER RD	BAILEY JAMES P	BAILEY LANA C	104 CHILDS RIVER RD	EAST FALMOUTH, MA 02536
32 19 006 007F	133 CHILDS RIVER RD	PABIAN TRUSTEE JAY M	133 CHILDS RIVER RD REALTY TR	PO BOX 38	ACCORD, MA 02018

Town of Falmouth, MA Abutters Report

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at 115 CHILDS RIVER RD

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32 19 006C 164	123 CHILDS RIVER RD	BRICE TRUSTEE MARILYN J	BRICE TRUSTEE HENRY W	123 CHILDS RIVER RD	E FALMOUTH, MA 02536
32 19 007 020F	141 SEAPIT RD	WILKENS CYNTHIA		141 SEAPIT RD	WAQUOIT, MA 02536
32 19 007A 009F	130 CHILDS RIVER RD	CHADWICK WALTER A	CHADWICK SUSAN J	130 CHILDS RIVER RD	E FALMOUTH, MA 02536-6487
32 19 007B 203	134 CHILDS RIVER RD	TANSEY TRUSTEE JAMES P	TANSEY TRUSTEE MARIAN R	134 CHILDS RIVER RD	EAST FALMOUTH, MA 02536
32 19 008 161	119 CHILDS RIVER RD	ALPHEN TRUSTEE PAUL F	ALPHEN TRUSTEE ANNETTE C	9 BOUTWELL HILL RD	WESTFORD, MA 01886
32 19 009 010F	124 CHILDS RIVER RD	MADSEN CHRISTINE	HARVEY JOHN H	4201 N OCEAN DR	HOLLYWOOD, FL 33019
32 19 009A 011F	120 CHILDS RIVER RD	MANCINI ANTHONY J		120 CHILDS RIVER RD	E FALMOUTH, MA 02536
32 19 011 001F	107 CHILDS RIVER RD	HEYN EILEEN M		23 STOCKWELL FARM RD	NORTH GRAFTON, MA 01536-1905
32 19 011A 002F	111 CHILDS RIVER RD	ROSADO TRUSTEE A LOUIS	ROSADO TRUSTEE MARK D	111 CHILDS RIVER RD	E FALMOUTH, MA 02536
32 19 012 013F	3 FERRY RD	LAYNE GRAHAM D		775 EAST FALMOUTH HWY	E FALMOUTH, MA 02536
32 19 013 012F	114 CHILDS RIVER RD	NOLAN PAUL C	NOLAN ORLA M	18 ANTHONY RD	WAYLAND, MA 01778
32 19 013B 016F	127 SEAPIT RD	ARMSTRONG ROBERT A		25 THOMPSON RD	CONWAY, MA 01341
32 19 013D 199	0 SEAPIT RD	HEYN TRUSTEE EILEEN M	F H HEYN III REVOC TRUST	23 STOCKWELL FARM RD	NORTH GRAFTON, MA 01536-1905
32 19 013E 019F	139 SEAPIT RD	CASE JR MANNING S	CASE MICHELLE A	139 SEAPIT RD	EAST FALMOUTH, MA 02536

Town of Falmouth, MA Abutters Report

300ft. Abutters of Property 32 19 010 003F
at 115 CHILDS RIVER RD

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32 19 014 015F	123 SEAPIT RD	MURPHY TRUSTEE MARY FAITH	123 SEAPIT RD REALTY TRUST	123 SEAPIT RD	EAST FALMOUTH, MA 02536-6431

Diane Davidson

From: Diane Davidson
Sent: Thursday, May 8, 2025 4:19 PM
To: Falmouth Conservation Commission; Gregg Fraser; Roy Martinson
Subject: Special Permit Applications-Wetlands/Dock-115 Childs River Rd.-Carroll
Attachments: 115 Childs River Rd. - Carroll.pdf; WETLAND LEGAL NOTICE - 2025 - Carroll - 115 Childs River Rd.pdf

To All,

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

Applicant: Taylor May Carroll
Location: 115 Childs River Road, East Falmouth
Proposed Work: To extend an existing pier by 25', to a total length of 76'
Body of Water: Childs River

The applicant has provided a copy of the Order of Conditions dated 1/8/25. If you have any comments, please send by Wednesday, May 14.

The hearing is scheduled at the Select Board meeting on Monday, May 19, 2025 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.

Item: 3.b.

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Diane Davidson, Office Manager
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Wetlands/Dock Hearing – ACME Falmouth MA LLC – application to modify approved layout of fixed and floating piers within previously legally altered area at 278 Scranton Ave., Falmouth (Falmouth Marine and Yachting Center) in the waters of Falmouth Inner Harbor **(10 minutes)**

Purpose:
The Select Board will conduct a public hearing and then consider the approval of an application by ACME Falmouth MA LLC to modify an approved layout of fixed and floating piers within a previously legally altered area at 278 Scranton Ave., Falmouth (Falmouth Marine and Yachting Center) in the waters of Falmouth Inner Harbor.

Background/Summary:

- The public hearing was properly noticed in the Falmouth Enterprise on May 2 and May 9, 2025.
- On April 10, 2025, an application package was submitted by Ament Klauer LLC on behalf of owner ACME Falmouth MA LLC.
- On November 1, 2022 and May 22,2023, the Select Board granted to Falmouth Holdings Corp. a special permit under the Zoning Bylaw Wetlands Regulation, Falmouth Code Section 240-14.8, to allow the existing bulkheads and piers to be replaced.
- In September 2024, Falmouth Holdings Corp. conveyed 278 Scranton Avenue to Acme Falmouth MA LLC ("Acme Marina").
- Acme Marina intends to continue and upgrade the business of Falmouth Marine. Acme Marina's plans include redeveloping the entire Falmouth Marine waterfront, much as was approved by the Select Board, but with certain changes that Acme Marina believes will better improve its facilities to serve its customers. The changes involve a slightly different layout affixed and floating piers, which is shown in the plans (developed by Cape and Islands Engineering) and described in the materials submitted and attached to the Board packet.

Recommended Actions:

Department Recommendation:
The Town Manager recommends that the Select Board conduct a public hearing and then consider the approval of an application by ACME Falmouth MA LLC to modify an approved layout of fixed and floating piers within a previously legally altered area at 278 Scranton Ave., Falmouth (Falmouth Marine and Yachting Center) in the waters of Falmouth Inner Harbor.

Options:

- Motion to approve the application by ACME Falmouth MA LLC to modify an approved layout of fixed and floating piers within a previously legally altered area at 278 Scranton Ave., Falmouth (Falmouth Marine and Yachting Center) in the waters of Falmouth Inner Harbor as presented.
- Motion to deny the approval of an application by ACME Falmouth MA LLC to modify an approved layout of fixed and floating piers within a previously legally altered area at 278 Scranton Ave., Falmouth (Falmouth Marine and Yachting Center) in the waters of Falmouth Inner Harbor.
- Some other Select Board defined alternative motion.

Town Manager's Comments:
The Town Manager recommends that the Select Board vote to approve the application by ACME Falmouth MA LLC to modify an approved layout of fixed and floating piers within a previously legally altered area at 278 Scranton Ave., Falmouth (Falmouth Marine and Yachting Center) in the waters of Falmouth Inner Harbor as presented.

Budget:
Applicable? (yes or no):
No.
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A.

Attachments:
1. ACME - 278 Scranton Ave - Dock

TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone: (508) 495-7320
townmanager@falmouthma.gov

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of ACME Falmouth MA LLC for permission to modify approved layout of fixed and floating piers within previously legally altered area at 278 Scranton Ave., Falmouth, MA (Falmouth Marine and Yachting Center). Area affected is Falmouth Inner Harbor. 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, May 2, 2025 and Friday, May 9, 2025; Falmouth Enterprise.

Municipal Legal Notices

Public Hearing Notice
Falmouth Board of Health

On May 19, 2025, the Falmouth Board of Health will hold a public hearing on a proposed septic system regulation, named FHR 15.15, that would be added to the existing local regulation to Title 5 named FHR-15.0 SUPPLEMENTS TO 310 CMR 15.000: THE STATE ENVIRONMENTAL CODE TITLE 5. The hearing will be held at 5:30 p.m. in the Falmouth High School Auditorium, 874 Gifford Street Extension, Falmouth, MA 02540 . The regulation will require Best Available Nitrogen Reducing Technologies, also called I/A or denitrifying systems, be installed on septic systems on properties located in Nitrogen Sensitive Areas that seek to increase wastewater flow thus meeting the definition of New Construction in Title 5 – 310 CMR 15.000. New Construction refers to properties that increase wastewater flow at their property and includes new homes being built, raze and rebuilds of existing homes and existing homes looking to increase the number of bedrooms. This would also include commercial properties that are also seeking to increase wastewater flow. The purpose of this proposed regulation is to regulate the introduction of new sources of nitrogen pollution from on-site sewage disposal systems in Nitrogen Sensitive Areas and to work towards compliance with nitrogen reduction requirements in in Title 5. Nitrogen Sensitive Areas include any of the following areas in Falmouth sensitive to the discharge of nitrogen pollution: those defined in 310 CMR 15.214 as either public and private water supply protection areas or natural resource protection areas; those designated as Districts of Critical Planning Concern by Barnstable County under Barnstable County Ordinance 96-1; and watersheds determined by the Commonwealth of Massachusetts to be nitrogen impaired and listed in the most recent Clean Water Act Section 303d Integrated Report, whether or not a Total Maximum Daily Load (TMDL) is available. This regulation would require the Best Available Nitrogen Reducing Technology have a Total Nitrogen effluent performance value of 10 mg/L or less. Future sewer service area shall not be required to incorporate Best Available Nitrogen Reducing Technology if the design for a sewer service connection for the property has been funded by an Article in Town Meeting. Structures that have incorporated the Best Available Nitrogen Reducing Technology in their subsurface sewage disposal system shall not be required to connect to the sewer for a period of 15 years after the sewer project has been completed, or 20 years after a Nitrogen Reducing System has been installed, whichever is shorter. The complete proposed regulation can be provided by visiting the Health Department during normal business hours or visiting the Health Department page of the Town of Falmouth website https://www.falmouthma.gov/273/Health or by calling the Falmouth Health Department at 508-495-7485.

May 2, 2205
May 9, 2025
May 16, 2025

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

Applicant: Francis J Wencek Trustee

Location: 80 Southview Way
Map# 28 05 011 117

PROPOSAL: Site Plan Review application to construct an attached accessory dwelling unit at the above-referenced property.

DATE & TIME: Tuesday, May 13, 2025 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
Clerk/Secretary

May 2, 2025

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, May 14, 2025, at 7:00 PM.**

In accordance with Section 1, Chapter 2 of the Acts of 2025, relating to the 2020 novel Coronavirus outbreak, **the May 14, 2025, public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.**
Alternative public access to this meeting shall be provided in the following manner:
1. The meeting will be televised via Falmouth Community Television.
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 Chat function will be read into the record at the appropriate points in the meeting.
a. Zoom Login instructions:
i. Instructions and the meeting link for this specific meeting can be found at the following web address: http://www.falmouthma.gov/Conservation
ii. Please plan on 10-15 minutes of preparation time to log in though it may be less 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 concom@falmouthma.gov **at least 5 hours** 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 an alternative means of real-time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to concom@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

Matthew Philbrick, 17 Foster Road, Falmouth, MA – For permission to reconstruct two decks.

Alice Elizabeth Jones Crafford, Trustee, 0 Associates Road (Map/Parcel: 24-05-009-022D), Falmouth, MA – For permission to conduct minor invasive species management and restoration.

Larry Budnick, 331 Menauhant Road, Falmouth, MA – For permission to install a pool, patio, and equipment pad.

Joan Elizabeth Doyle, 10 Montgomery Court, Falmouth, MA – For permission to reconstruct a deck.

Moira McGoldrick, 29 Hunt Street, Falmouth, MA – For permission to construct an addition and install a drywell.

TSM Realty Holdings LLC, 32 Chapoquoit Road, Falmouth, MA – For permission to install a new Title V sewage disposal system and four drywells.

Sam Holloway, Bellingham Marine, 278 Scranton Avenue, Falmouth, MA – For permission to establish land-based geotechnical test borings.

REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT

Jim McLoughlin, Town of Falmouth Department of Public Works, Chapoquoit Road, Falmouth, MA – For permission to repair a sinkhole, under-sheet the seawall, and install guardrails.

Mark Stuart and Breena Urban, 3 Providence Street and 0 Little Bay Street (Map/Parcel 46A-18-000-000N), Falmouth, MA – For permission to replace a deteriorated concrete wall with a vinyl sheet piling.

REQUESTS TO AMEND AN EXISTING ORDER OF CONDITIONS

Pinsonneault Builders, 362 Acapesket Road, Falmouth, MA – Request to amend the Order of Conditions for MA DEP# 25-4831 to revise the planting plan.

Friends of Nobska Light, Inc., 233 Nobska Road, Falmouth, MA – Request to amend the Order of Conditions for MA DEP# 25-4897 to revise the planting plan.

Menauhant Yacht Club, 68 Yacht Club Road, Falmouth, MA - Request to amend the Order of Conditions for MA DEP# 25-4963 to reconfigure an existing, licensed dock.

By Order of: Jamie Mathews, Chairman
Falmouth Conservation Commission

May 2, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Taylor May Carroll, Trustee of the TMC Family Trust for permission to extend the existing pier by 25', to a total length of 76', located at 115 Childs River Road, East Falmouth, MA. Area affected is Childs River. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

PUBLIC HEARING NOTICE

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Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of ACME Falmouth MA LLC for permission to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Ave., Falmouth, MA; 850 +/- c.y. of material to be removed with off-site upland disposal. Area affected is Falmouth Inner Harbor. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

Falmouth Early Edition
An e-newsletter with Falmouth specific news sent each Tuesday

Tides For Points On Vineyard Sound, Buzzards Bay & Cape Cod Bay

		POPPONESSET		FALMOUTH		WOODS HOLE (WHOI) GREAT HARBOR		WEST FALMOUTH		CAPE COD CANAL BUZZARDS BAY		CAPE COD CANAL (EAST)		BARNSTABLE HARBOR	
		HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE
FRIDAY	AM	5:13	11:31	2:54	9:30	12:26	8:27	12:02	5:55	1:14	8:59	3:15	9:43	3:21	10:09
MAY 2	PM	6:01	11:45	3:42	9:44	12:47	8:22	12:35	5:52	1:41	9:19	3:59	9:57	4:09	10:23
SATURDAY	AM	6:12		3:53	10:30	1:24	9:28	1:02	7:31	2:14	9:55	4:14	10:40	4:20	11:09
MAY 3	PM	7:04	12:31	4:45	10:46	1:43	9:40	1:36	7:19	2:39	10:18	4:59	10:57	5:12	11:25
SUNDAY	AM	7:16	12:47	4:57	11:32	2:20	10:29	2:00	9:17	3:12	10:50	5:15	11:39	5:24	
MAY 4	PM	8:08	1:33	5:49	11:51	2:37	10:51	2:33	9:42	3:37	11:16	6:01	11:59	6:16	12:11
MONDAY	AM	8:22	1:52	6:03		3:16	11:24	2:55	10:24	4:12	11:44	6:17		6:30	12:30
MAY 5	PM	9:10	2:35	6:51	12:34	3:34	11:58	3:29	10:57	4:39		7:03	12:38	7:18	1:13
TUESDAY	AM	9:27	2:57	7:08	12:56	4:13		3:52	11:18	5:20	12:13	7:20	1:01	7:35	1:35
MAY 6	PM	10:09	3:35	7:50	1:34	4:34	12:10	4:28	11:53	5:47	12:36	8:02	1:35	8:17	2:13
WEDNESDAY	AM	10:29	4:00	8:10	1:59	5:08	12:54	4:52		6:25	1:06	8:21	2:01	8:37	2:38
MAY 7	PM	11:02	4:30	8:43	2:29	5:28	12:49	5:23	12:00	6:44	1:22	8:53	2:27	9:10	3:08
THURSDAY	AM	11:25	4:58	9:06	2:57	5:55	1:49	5:45	12:37	7:15	1:54	9:14	2:55	9:33	3:36
MAY 8	PM	11:47	5:19	9:28	3:18	6:15	1:13	6:09	12:29	7:30	2:05	9:37	3:14	9:55	3:57

May 2, 2025 - Sunrise is at 5:33AM; sunset is at 7:46 PM

508-563-7136
Shipyard Lane
Cataumet, MA

KINGMAN YACHT CENTER

LOVE YOUR BOAT, HATE YOUR ELECTRONICS? KINGMAN HAS WHAT YOU'RE LOOKING FOR.

FRIENDS OF FALMOUTH DOGS
FALMOUTH, MA.

By ANNA DOS SANTOS
P.O. Box 438,
Falmouth, MA 02541-0438
Tel 508-548-7742
friendsoffalmouthdogs.org

Friends of Falmouth Dogs is helping a family rehome their 8-year-old Lab mix, **Malakai**. He loves people, walking and cuddling and is a couch potato much of the time, just hanging out with his humans and his stuffed animals. Malakai's current owner thinks he would do best with no other pets in the house and is more comfortable with older children. He's neutered, fully vaccinated, house-trained and ready to be loved by a new family. Call us at 508-548-7742 to meet him.


Malakai

We have a smart, white fluffy dog that is looking for a new, calm home. **Monet** is an 8-year-old American Eskimo dog that will be happiest in a home with no children, no other dogs and definitely no cats! Monet is an excellent walker who enjoys meeting people when he is out and about and usually ignores other dogs he meets. One of his favorite things to do is go for car rides. Except for being a little overweight, Monet is in excellent health, neutered and fully vaccinated. Call us at 508-548-7742 to make an appointment to meet Monet.


Monet

Little Rosie, a 11-year-old Schnauzer, is a senior dog that still has a lot of energy and life in her. She loves walking and gets along very well with all of our volunteers. She lived with small children and another dog back in Texas. She was surrendered to a rescue we work with because the family just had another baby and two demanding jobs and were a bit overwhelmed. Little Rosie is in good health, is fully vaccinated and spayed. Schedule a meet and greet with Little Rosie by calling 508-548-7742.


Little Rosie

Jimmy Dean, our 1½-year-old brown Dachshund mix who weighs about 23 pounds is looking for his new permanent home. Due to his shyness and fear of new people, we had him stay with two different foster families to gain confidence and become accustomed to new people. In both homes, he bonded with the primary female in the family within a few weeks and tolerates other members of the family. In both cases, the families had other dogs that helped Jimmy Dean settle into the family. We would recommend a home with a female dog that is larger than Jimmy, as he has a fair amount of energy to play. He is up to date on all his vaccines, microchipped and has been neutered. If you would like to meet him, please call the shelter at 508-548-7742.


Jimmy Dean

Are you looking for a cuddle companion? Then come in and meet **Leo**, a 9-year-old Pomeranian mix. He comes to us from Georgia after his owner moved to a nursing home. Leo is black and white, neutered, house-trained, fully vaccinated and weighs about 13 pounds. His rescue mom says he is lots of fun and likes to play with her dog and her pet flying squirrels, and tolerates her cats. He's currently staying with one of our foster moms and she loves him already. We do know that Leo has a narrowing of a portion of his trachea that can cause him to cough, but he is on a medication that helps reduce the coughing significantly. This will likely be a lifetime medicine. Call us at 508-548-7742 for an appointment to meet him.


Leo

Juan Pablo, an 10-year-old Chihuahua mix, arrived from Texas and is a real cutie. He's staying with a local foster family who report that he settled right in and made himself at home. Sleeping in a crate was not a problem for Juan Pablo and lounging around the house makes him happy, too. He's all black, weighs about 17 pounds, is up to date on vaccines and is very friendly. JP's owners in Texas surrendered him due to changes in the family and think JP would be happiest with older or no children in the home. Call for an appointment at 508-548-7742 to meet Juan Pablo.


Juan Pablo

Monetary donations are always needed here at the shelter so we can continue caring for the dogs in our custody and help low income dog owners pay for veterinary care and dog food. Our goal is that with our help, many more dogs will stay healthy—or get healthy—and live longer and happier lives. The Cape Cod Foundation provides grant funding to us, and we are supremely grateful for its support. Unfortunately, our costs exceed our grant support. If you would like to help provide medical care for the dogs in our care and in our community, donations by check (PO Box 438, Falmouth, MA 02541) or PayPal (www.friendsoffalmouthdogs.org) are always welcomed.

Friends of Falmouth Dogs holds MA License #0183.

Municipal Legal Notices

Falmouth Zoning Board of Appeals
Notice of Public Hearing for
June 5, 2025

Notice is hereby given of the following Public Hearing @ 6:00pm and Open Meeting in the Select Board's Meeting Room, Town Hall, Falmouth, MA, on *Thursday, June 5, 2025*

Continuation(s)
#018-25 Dooley, 28 Boston Street, East Falmouth
#019-25 Berggren, 33 Martin Road, East Falmouth

Application #062-24R COURT ORDERED RE: MAND. Lawrence T. and Valerie N. Sullivan: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A and 240-11.3A(4) of the Code of Falmouth to raze the existing accessory structure (garage) and construct a single-family dwelling, exceeding 20% lot coverage by structures. The subject property is 0 (lot 8) Melrose Avenue, Falmouth, Ma.
Application #029-25 Scott Lutz: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A, of the Code of Falmouth to raze and rebuild the existing, non-conforming, single-family dwelling. The subject property is 65 Cypress Street, Teaticket, Ma.

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

May 9, 2025
May 16, 2025

TOWN OF FALMOUTH
SELECT BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Falmouth Theatre Guild located at 58 Highfield Drive, Falmouth, MA has applied for an Entertainment License and a Sunday Entertainment License.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall, on Monday, May 19, 2025, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of ACME Falmouth MALLC for permission to modify approved layout of fixed and floating piers within previously legally altered area at 278 Scranton Ave., Falmouth, MA (Falmouth Marine and Yachting Center). Area affected is Falmouth Inner Harbor. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

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, May 21, 2025, at 7:00 PM.**

In accordance with Section 1, Chapter 2 of the Acts of 2025, relating to the 2020 novel Coronavirus outbreak, the **May 21, 2025, public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.** Alternative public access to this meeting shall be provided in the following manner:
1. The meeting will be televised via Falmouth Community Television.
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 Chat function will be read into the record at the appropriate points in the meeting.
a. Zoom Login Instructions:
i. Instructions and the meeting link for this specific meeting can be found at the following web address: http://www.falmouthma.gov/Conservation
ii. Please plan on 10-15 minutes of preparation time to log in though it may be less 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 concom@falmouthma.gov at least 5 hours 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 an alternative means of real-time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to concom@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

Arleen and Charles Breen, 16 Spartina Place, Falmouth, MA – For permission to vista prune according to FWR 10.18(10)(b).

Andrea Rosen, 15 Bay Shore Drive, North Falmouth, MA – For permission to construct a screened porch and install mitigation plantings.

Ray Dumont, 460 Menauhant Road, East Falmouth, MA – For permission to upgrade an existing sewage disposal system.

Novo Builds, LLC, 5 Shaume Road, Falmouth, MA – For permission to remove an existing deck, construct a new deck, and remove gravel. Joseph Scott Teller and Kerri Murphy Teller, 87 Colonial Way, Falmouth, MA – For permission to install a pool, a covered patio with outdoor kitchen, a firepit, and a rinse station; to relocate a shed; and to install a drywell.

By Order of: Jamie Mathews, Chairman
Falmouth Conservation Commission

May 9, 2025

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

Applicant: Carlos Santos

Location: 116 Jamie Ln
Map# 27 06 018 009

PROPOSAL: Site Plan Review application to construct an attached accessory dwelling unit at the above-referenced property.

DATE & TIME: Tuesday, May 27, 2025 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
Clerk/Secretary

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of ACME Falmouth MALLC for permission to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Ave., Falmouth, MA; 650 +/- c.y. of material to be removed with off-site upland disposal. Area affected is Falmouth Inner Harbor. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that
Blue Moon Sea Grille, Incl d/b/a Hooked has applied for an All Alcoholic Beverages Restaurant License to be exercised at 153 Main Street, Falmouth, MA.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, May 19, 2025 at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

Applicant: Lucelena A. Pereira

Location: 15 Deepwood Dr.
Map# 27 05 011 056N

PROPOSAL: Site Plan Review application to construct an attached accessory dwelling unit at the above-referenced property.

DATE & TIME: Tuesday, May 27, 2025 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
Clerk/Secretary

May 9, 2025

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, May 21, 2025, upon the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission To install two (2) new JO poles to be labeled 126/27-5 and 126/27-25 and two anchor and guy wires Two (2) JO Poles 126/27-5 and 126/27-25, two anchors and guy wires This pole location is necessary to provide electric service to #187 Central Avenue.

Per Order of the Falmouth Select Board

May 9, 2025

TOWN OF FALMOUTH
SELECT BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Blue Moon Sea Grille, Inc. d/b/a Hooked located at 153 Main Street, Falmouth, MA has applied for an Entertainment License and a Sunday Entertainment License.

A hearing on the above applications will be held in the Select Board Meeting Room, Falmouth Town Hall, on Monday, May 19, 2025, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Taylor May Carroll, Trustee of the TMC Family Trust for permission to extend the existing pier by 25', to a total length of 76', located at 116 Childs River Road, East Falmouth, MA. Area affected is Childs River. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

Public Hearing Notice
Falmouth Board of Health

On May 19, 2025, the Falmouth Board of Health will hold a public hearing on a proposed septic system regulation, named FHR 15.15, that would be added to the existing local regulation to Title 5 named FHR-15.0 SUPPLEMENTS TO 310 CMR 15.000: THE STATE ENVIRONMENTAL CODE TITLE 5. The hearing will be held at 5:30 p.m. in the Falmouth High School Auditorium, 874 Gifford Street Extension, Falmouth, MA 02540 . The regulation will require Best Available Nitrogen Reducing Technologies, also called I/A or denitrifying systems, be installed on septic systems on properties located in Nitrogen Sensitive Areas that seek to increase wastewater flow thus meeting the definition of *New Construction* in Title 5 – 310 CMR 15.000. New Construction refers to properties that increase wastewater flow at their property and includes new homes being built, raze and rebuilds of existing homes and existing homes looking to increase the number of bedrooms. This would also include commercial properties that are also seeking to increase wastewater flow. The purpose of this proposed regulation is to regulate the introduction of new sources of nitrogen pollution from on-site sewage disposal systems in Nitrogen Sensitive Areas and to work towards compliance with nitrogen reduction requirements in in Title 5. Nitrogen Sensitive Areas include any of the following areas in Falmouth sensitive to the discharge of nitrogen pollution: those defined in 310 CMR 15.214 as either public and private water supply protection areas or natural resource protection areas; those designated as Districts of Critical Planning Concern by Barnstable County under Barnstable County Ordinance 96-1; and watersheds determined by the Commonwealth of Massachusetts to be nitrogen impaired and listed in the most recent Clean Water Act Section 303d Integrated Report, whether or not a Total Maximum Daily Load (TMDL) is available. This regulation would require the Best Available Nitrogen Reducing Technology have a Total Nitrogen effluent performance value of 10 mg/L or less. Future sewer service area shall not be required to incorporate Best Available Nitrogen Reducing Technology if the design for a sewer service connection for the property has been funded by an Article in Town Meeting. Structures that have incorporated the Best Available Nitrogen Reducing Technology in their subsurface sewage disposal system shall not be required to connect to the sewer for a period of 15 years after the sewer project has been completed, or 20 years after a Nitrogen Reducing System has been installed, whichever is shorter. The complete proposed regulation can be provided by visiting the Health Department during normal business hours or visiting the Health Department page of the Town of Falmouth website https://www.falmouthma.gov/273/Health or by calling the Falmouth Health Department at 508-495-7485.

May 2, 2205
May 9, 2025
May 16, 2025

By ANNA DOS SANTOS
P.O. Box 438,
Falmouth, MA 02541-0438
Tel 508-548-7742
friendsoffalmouthdogs.org

After another busy week of meet and greets, we are happy to report that Little Rosie, our Schnauzer mix, and Juan Pablo, our Chihuahua mix, have both found new, loving homes. Many happy years to both of them!

If you are looking for a young Lab mix, then Roo might be the dog for you. He's about 7 months old and full of energy. Roo would love to have a brother or sister dog to play with, but his play energy is too much for cats. He's a happy dog that likes people and other dogs, but has not been around small children, so that's an open question. Vaccinations are up to date, he's fully housetrained and will be neutered at our expense. Call 508-548-7742 to meet Roo.


Roo

Are you looking for a cuddle companion? Then come in and meet **Leo**, a 9-year-old Pomeranian mix. He comes to us from Georgia after his owner moved to a nursing home. Leo is black and white, neutered, house-trained, fully vaccinated and weighs about 13 pounds. His rescue mom says he's lots of fun and likes to play with her dog and her pet flying squirrels and tolerates her cats. He's currently staying with one of our foster moms and she loves him already. We do know that Leo has a narrowing of a portion of his trachea that can cause him to cough, but he is on a medication that helps reduce the coughing significantly. This will likely be a lifetime medicine. Call us at 508-548-7742 for an appointment to meet Leo.


Leo

We are helping a family rehome their 8-year-old Lab mix, **Malakai**. He loves people, walking and cuddling, and is a couch potato much of the time, just hanging out with his humans and his stuffed animals. Malakai's current owner thinks he would do best with no other pets in the house and is more comfortable with older children. He's neutered, fully vaccinated, house-trained and ready to be loved by a new family. Call us at 508-548-7742 to meet him.


Malakai

We have a smart, white fluffy dog that is looking for a new, calm home. **Monet** is an 8-year-old American Eskimo dog that will be happiest in a home with no children, no other dogs and definitely no cats! Monet is an excellent walker who enjoys meeting people when he is out and about, and usually ignores other dogs he meets. One of his favorite things to do is go for car rides. Except for being a little overweight, Monet is in excellent health, neutered and fully vaccinated. Call us at 508-548-7742 to make an appointment to meet Monet.


Monet

Jimmy Dean, our 1½-year-old brown Dachshund mix who weighs about 23 pounds, is looking for his new permanent home. Due to his shyness and fear of new people, we had him stay with two different foster families to gain confidence and become accustomed to new people. In both homes, he bonded with the primary female in the family within a few weeks and gradually became comfortable with the other members of the family. In both cases, the families had other dogs that helped Jimmy Dean settle into the family. We would recommend a home with a female dog that is larger than Jimmy, as he has a fair amount of energy to play. He is up to date on all his vaccines, microchipped and has been neutered. If you would like to meet him, please call the shelter at 508-548-7742.


Jimmy Dean

Monetary donations are always needed here at the shelter so we can continue caring for the dogs in our custody and help low-income dog owners pay for veterinary care and dog food. Our goal is that with our help, many more dogs will stay healthy—or get healthy—and live longer and happier lives. The Cape Cod Foundation provides grant funding to us, and we are supremely grateful for its support. Unfortunately, our costs exceed our grant support. If you would like to help provide medical care for the dogs in our care and in our community, donations by check (PO Box 438, Falmouth, MA 02541) or PayPal (www.friendsoffalmouthdogs.org) are always welcomed.

Friends of Falmouth Dogs holds MA License #0183.

Tides For Points On Vineyard Sound, Buzzards Bay & Cape Cod Bay

		POPPONESSET		FALMOUTH		WOODS HOLE (WHOI) GREAT HARBOR		WEST FALMOUTH		CAPE COD CANAL BUZZARDS BAY		CAPE COD CANAL (EAST)		BARNSTABLE HARBOR	
		HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE
FRIDAY	AM		5:48	9:54	3:47	6:37	2:39	6:29	1:15	7:57	2:41	10:01	3:43	10:21	4:26
MAY 9	PM	12:13	6:01	10:08	4:00	6:58	12:45	6:48	12:38	8:10	2:46	10:16	3:57	10:35	4:39
SATURDAY	AM	12:27	6:32	10:37	4:31	7:18	3:18	7:08	1:46	8:37	3:27	10:44	4:27	11:04	5:10
MAY 10	PM	12:56	6:40	10:44	4:39	7:40	1:03	7:26	12:44	8:49	3:28	10:54	4:38	11:11	5:16
SUNDAY	AM	1:03	7:11	11:16	5:10	8:00	3:45	7:46	2:01	9:17	4:10	11:24	5:09	11:43	5:49
MAY 11	PM	1:35	7:17	11:20	5:16	8:22	1:40	8:03	1:06	9:29	4:07	11:31	5:18	11:47	5:55
MONDAY	AM	1:39	7:49	11:55	5:48	8:42	4:02	8:25	2:11	9:57	4:48		5:50		6:27
MAY 12	PM	2:14	7:54	11:56	5:53	9:03	2:27	8:43	1:38	10:09	2:37	12:04	5:58	12:22	6:32
TUESDAY	AM	2:15	8:27		6:26	9:24	4:22	9:06	2:37	10:36	5:22	12:08	6:31	12:23	7:05
MAY 13	PM	2:52	8:32	12:33	6:31	9:44	3:16	9:24	2:15	10:47	3:19	12:43	6:39	1:00	7:10
WEDNESDAY	AM	2:51	9:05	11:32	7:04	10:04	4:56	9:48	3:10	11:12	5:54	12:46	7:11	12:59	7:43
MAY 14	PM	3:31	9:10	1:12	7:09	10:25	4:02	10:06	2:55	11:22	4:03	1:22	7:19	1:39	7:48
THURSDAY	AM	3:30	9:45	1:11	7:44	10:46	5:41	10:31	3:44	11:45	6:29	1:25	7:53	1:38	8:23
MAY 15	PM	4:11	9:50	1:52	7:49	11:08	4:46	10:49	3:35	11:56	4:41	2:02	8:00	2:19	8:28

May 9, 2025 - Sunrise is at 5:27AM; sunset is at 7:54 PM

508-563-7136
Shipyard Lane
Cataumet, MA
KINGMAN YACHT CENTER
LOVE YOUR BOAT, HATE YOUR ELECTRONICS? KINGMAN HAS WHAT YOU'RE LOOKING FOR.

AMENT KLAUER LLP
Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

Telephone (508) 540-6555
Fax (508) 457-1293
Website: www.amentklauer.com

RECEIVED
APR 10 2025
SELECT BOARD OFFICE

April 10, 2025
Filed by hand delivery and by email to townmanager@falmouthma.gov

Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Re: Application to modify Special Permit dated Nov.10, 2022, modified May 22, 2023
Town Code Section 240-14.8
Acme Falmouth MA LLC, applicant, 278 Scranton Avenue, Falmouth, MA 02540

Dear Select Board Members:

By decisions voted November 1, 2022 (filed with the Town Clerk November 10, 2022) and May 22,2023 (filed July12, 2023), the Select Board granted to Falmouth Holdings Corp. a special permit under the Zoning Bylaw Wetlands Regulation, Falmouth Code Section 240-14.8, to allow the existing bulkheads and piers to be replaced.

In September 2024, Falmouth Holdings Corp. conveyed 278 Scranton Avenue to Acme Falmouth MA LLC ("Acme Marina"). Acme Marina intends to continue and upgrade the business of Falmouth Marine. Acme Marina's plans include redeveloping the entire Falmouth Marine waterfront, much as was approved by the Select Board, but with certain changes that Acme Marina believes will better improve its facilities to serve its customers. The changes involve a slightly different layout of fixed and floating piers, which is shown on plans and described in the materials submitted herewith.

In order that the project may be so revised, Acme Marina hereby respectfully seeks to amend the 2022/2023 Special Permit. Filed herewith are the following:

1. Application for Modification of Special Permit (two copies);

2. Check to the Town of Falmouth for the filing fee of $75.00; CK# 8589

3. Two full size copies of plans prepared by Cape & Islands Engineering for Acme Falmouth MA LLC, 278 Scranton Avenue, Falmouth, Massachusetts, Sheet 1 ("Site Plan Overall Site Layout"), Sheet 2 ("Site Plan Bulkhead + Float Layout") and Sheet 3 (Site Plan Construction Details"), all dated June 21, 2024 and last revised 2-25-25;

4. Copy of the Select Board's Special Permit decision dated November 1, 2022, as modified May 22, 2023, referenced above, as recorded in Barnstable County Registry of Deeds in Book 35919 Page 29;

5. Copy of the Request for Amended Order of Conditions (DEP #25-4779) which was filed by Cape & Islands Engineering with the Falmouth Conservation Commission on February 26, 2025.

6. Copy of Amended Order of Conditions issued by the Conservation Commission on April 9, 2025.

The Amended Order of Conditions is for the same changes that are the subject of this Application to Modify the Select Board's Special Permit. The Request for Amended Order of Conditions describes the proposed work, comparing the requested changes to what has previously been permitted by the Select Board and by the Conservation Commission. It is noted that the time periods to exercise rights under the 2022 permits extend into 2027 due to the most recent Massachusetts Permit Extension Act.

Please schedule the Select Board's hearing on this application. Since Acme Marina is also submitting herewith a request for a separate Special Permit to allow dredging in the area of the proposed replacement of the existing bulkhead and piers, please schedule both matters for the same night.

Please contact me with any questions. Thank you for your assistance.

Very truly yours,

Bob Ament

Robert H. Ament, Esquire

RHA/gmb
Enclosure

cc: Jay Kehoe, General Manager, Acme Falmouth MA LLC, General Manager

APR 10 2025 AM 10:18
TOWN CLERK
RECEIVED

RECEIVED
APR 10 2025
SELECT BOARD OFFICE

TOWN OF FALMOUTH
BOARD OF SELECTMEN

APPLICATION to modify Special Permit Dated Nov. 1, 2022, amended May 21, 2023, to dredge, fill or other alter wetlands
(As required under Section 240-77 (Wetland Regulations) of the Zoning Bylaw)

To the Board of Selectmen
Falmouth, MA

Date: April 10, 2025

The undersigned hereby applies to the Board of Selectmen as required by Section 240-14.8 of the Zoning Bylaws, to modify the Special Permit dated Nov. 1, 2022, amended May 21, 2023, and to alter as indicated below, the following described premises:

OWNER: Acme Falmouth MA LLC (full name) 278 Scranton Avenue, Falmouth, MA 02540 (address)

AGENT: Robert H. Ament, Esq. Ament Klauer LLP (full name) 39 Town Hall Square, Falmouth, MA 02540 (address)

APPLICANT: Acme Falmouth MA LLC (full name) 268 Coleman Blvd., Suite 2D, Mount Pleasant, SC 29464 (address)

1. Location of Property: Map 47C Section 06 Parcel 012 Lot 002

Street Name and House Number 278 Scranton Ave., Falmouth, MA 02540

2. Body of water, marsh or stream affected: Falmouth Inner Harbor

3. Description of property and project site: Existing developed marina known as Falmouth Marine and Yachting Center

a. Dimensions, Acreage of total parcel: 1.947 acres

b. Length of water marsh frontage: 480' ±

c. Dimensions of area to be dredged: NA Depth NA

d. Dimensions of area to be filled: NA

e. Volume of dredging spoil to be moved: NA

APPLICATION to modify Special Permit Dated Nov. 1, 2022, amended May 21, 2023, to dredge, fill or other alter wetlands
(As required under Section 240-77 (Wetland Regulations) of the Zoning Bylaw)

Disposition of Spoil: NA

f. Describe proposed riprap or bulkheading, if any: previously approved

g. Other (docks, piers and etc.) See attached correspondence from Cape & Islands Engineering to Falmouth Conservtion Commission ~~dated Jan. 8, 2025, and plans~~

h. Method (equipment to be used) for proposed work: See attached correspondence from Cape & Islands Engineering to Falmouth Conservtion Commission dated Jan. 8, 2025, and plans

4. Purpose of proposed work: Improve marina facilities

5. Zoning which governs area: Marine

6. Date of application for permit to dredge or fill from the Commonwealth of Mass. to be filed after receipt of Select Board decision Army Engineers pending

7. Has a permit ever been approved or refused for this location by State, Federal or Local Authority? See attached list of Existing Wetlands Permits in Cape & Islands Engineering correspondence to Falmouth Conservation Commission dated Jan. 8, 2025

8. Remarks

9. Project Summary for legal notice: Modify approved layout of fixed and floating piers within previously legally altered area at 278 Scranton Ave (Falmouth Marine and Yachting Center)

Owner: Acme Falmouth MA LLC
268 Coleman Blvd, Suite 2D, Mount Pleasant, SC 29464
(Name & Address)

TEL #: 843-860-7254

Agent: Robert H. Ament
Robert H. Ament, Esq., Ament Klauer LLP, 39 Town Hall Square, Falmouth, MA 02540
(Name & Address)

TEL #: 508-540-6555

Applicant: Same

(Name & Address)

TEL #:

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

CAPE & ISLANDS ENGINEERING

February 26, 2025

Ms. Jennifer Lincoln, Administrator
Falmouth Conservation Commission
59 Town Hall Square
Falmouth, MA 02540

RE: Request for Amended Order of Conditions, 278 Scranton Ave, Falmouth MA – DEP #25-4779

Dear Ms. Lincoln:

This letter is in regard to the above-mentioned property.

On behalf of our client and property owner, ACME Falmouth MA LLC, c/o Boyce Campsen, we request to amend the existing Order of Conditions (DEP SE 25-4779, recorded at the Barnstable Registry of Deeds in Book 35409 page 13). The permit allows the reconstruction of the existing marina improvements on the water (fixed and floating piers) and existing seawall (bulkhead) along the shoreline of Falmouth Inner Harbor.

The existing Order of Conditions was issued on 9/30/2022, and is valid until 9/30/2027 (accounting for the recently passed Permit Extension Act), unless an extension is applied for and approved.

The project site is located at 278 Scranton Ave, Falmouth, MA. The site is a privately developed marina. The property has been in operation as a commercial marina since at least the 1940s (according to town assessors records) providing boat service, storage, docking, pump-out service and fueling service. Current waterfront improvements include a timber bulkhead, floating and fixed piers, a travel lift and mooring piles.

Proposed Activities

The property transferred ownership in 2024 and new ownership wants to amend the prior permit to a construct a different marina layout for their operations. The proposed activities are not new to the project but instead changes to what was previously approved in the original Order of Conditions. The proposed new floating pier layout will allow the facility to better accommodate a variety of boat sizes based on current public demand for docking slips. At this point, the bulkhead and marina reconstruction has not been started. The previously approved bulkhead reconstruction design will remain. This amendment is to permit a different pier layout as depicted in the revised application drawings and as noted below:

The new layout marina is for 5,698 sf of floating piers, 852 sf of fixed piers, two (2) 30-inch steel pipe piles, twenty (20) 16-inch steel pipe piles with 18" sleeves, and 99 vinyl coated PT 12" piles. Overall, this layout revision results in 6,550 sf of marina footprint area within the Inner Harbor, and 123 sf of pile footprint. Currently, the existing piers totals 6,826 sf of fixed and floating pier footprint area, and approximately 274 sf of pile footprint area. This Amendment results in a reduction of 276 sf in marina footprint area and a reduction of 151 sf in pile footprint.

Existing Wetlands Permits		
1.	Chapter 91 Licenses No. 623, 2123, 2490, 2686, 2996, 3110, 3967, 3968, 4030 and 6057	Bulkheads, floats, piers, piles, ramps, boat landing ramp and dredge
2.	Chapter 91 License No 12293	Pier, ramp & pile replacements
3.	Order of Conditions, DEP 25-1836	Bulkhead reconstruction (Permit expired, no work performed)
4.	Order of Conditions, DEP 25-1972	Restroom addition and boat sewer pump-out facility Certificate of Compliance issued 5-13-2014
5.	Order of Conditions, DEP 25-3443	Piers, floats and piles reconfiguration (Permit expired, no work performed)
6.	Order of Conditions, DEP 25-4523	Redesign of Marina and Bulkhead
7.	Board of Selectmen Approval	Issued November 23, 1988
8.	Board of Selectmen Approval	Issued April 29, 2008
9.	Board of Selectmen Approval	Issued November 1, 2022
10.	License WW01-0000224	Issued September 21, 2023

Methodology

The project construction methodologies remain the same as previously presented and approved in the original Order of Conditions.

The marina reconstruction work will consist of establishing the limits of work, mainly consisting of deploying a siltation curtain within Falmouth Inner Harbor. Demolition of the existing marina facilities within the water will follow by disconnecting all utilities serving such facilities, removing floating piers form the water, and removal of fixed piers, removal of all piles and disposing all refuse material at an upland location.

The project will proceed with the bulkhead demolitions and construction of the new bulkhead as presented and approved in the original Order of Conditions.

Once the new bulkhead is in place, the contractor can install the proposed fix travel lift pier and floating piers with all the associated pile installation. Pile installation will be performed by driving the piles in place with a barge mounted crane. The fix travel lift pier superstructure construction will be built once the piles are set. The floating piers will be manufactured offsite and transported to the site. The floating piers will be positioned in the harbor once the float piles are set.

After all the work has been completed, a site inspection will be conducted and, if the site is found to be in substantial compliance, a request for a Certificate of Compliance from the Conservation Commission will be submitted to close out the permit.

Resource Areas and Buffer Zones

The resource areas on or within 100 feet of the site include Land under the Ocean, Land Containing Shellfish, Land Subject to Coastal Storm Flowage, Salt Marsh, Coastal Beach, and Coastal Banks. The resource areas were

delineated, marked, and located by an on the ground instrument survey. The resource area boundaries are shown on the application drawings.

The amended design will result in a decrease in permanent impacts to Land Under the Ocean and Land Containing Shellfish. Permanent disturbances to Coastal Bank and Land Subject to Coastal Storm Flowage will remain the same.

The site plan accompanying this Amendment Request is titled "Site Plan", dated February 12, 2025, and is attached for review and approval.

We respectfully request to amend the existing order of conditions to reference the enclosed revised site plan.

If you have any questions, please feel free to contact us.

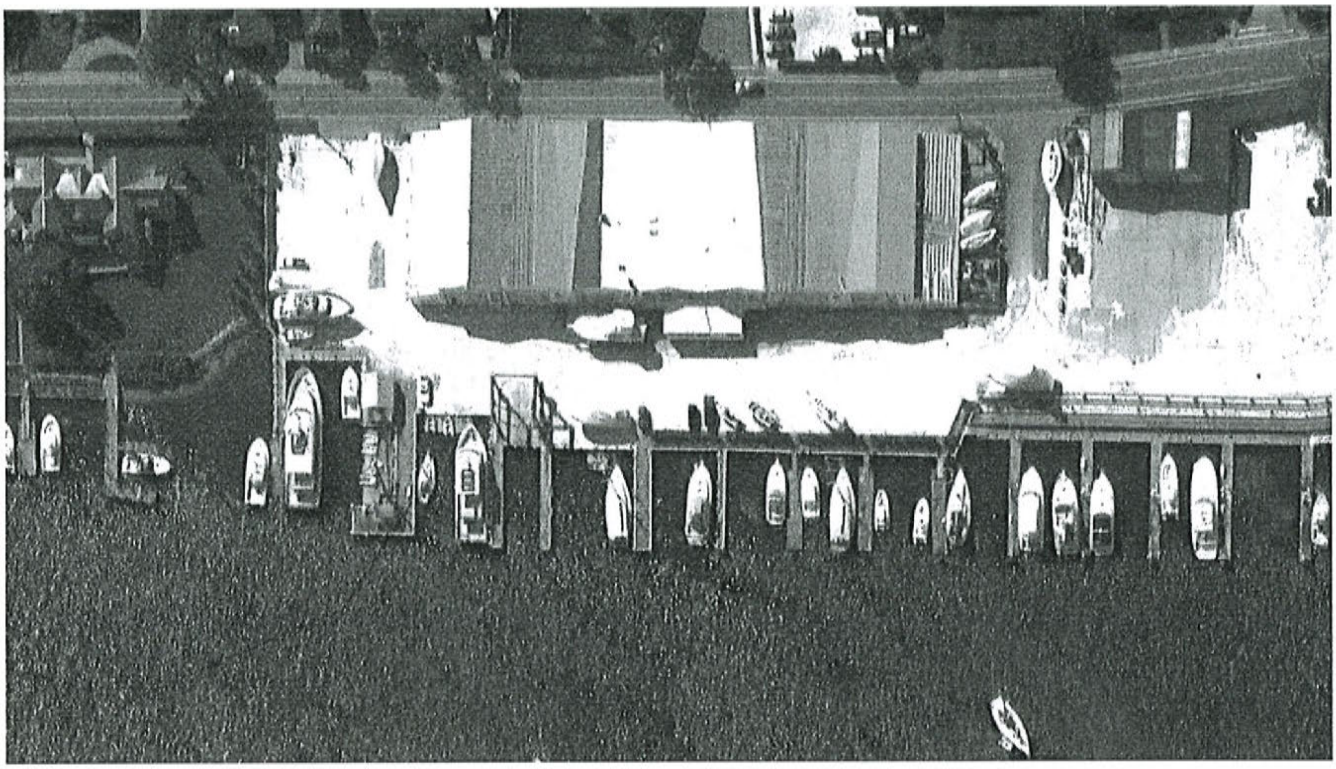
Sincerely,

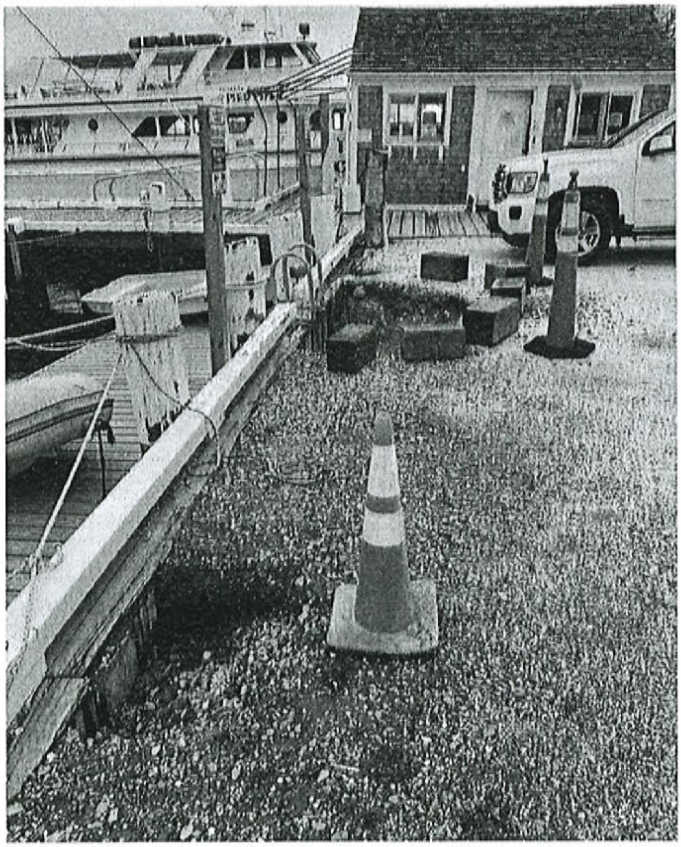
Kasia Kos
Permitting Specialist

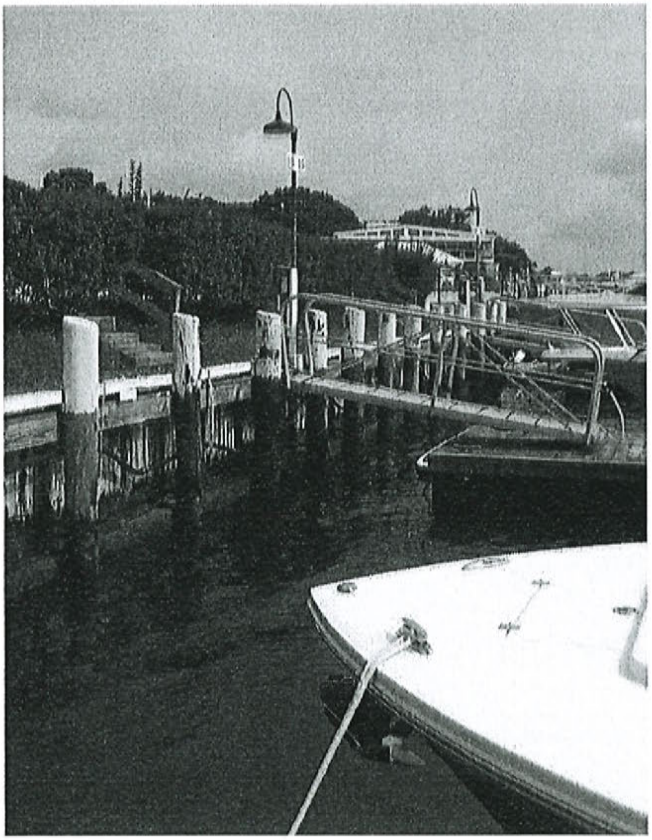
Encl: 14 copies of revised plans
Filing fee

Cc: DEP
ACME Marina Company - Boyce Campsen (by email)

Site Photographs







Amended Pages from ORDER OF CONDITIONS DEP #25-4779

Bk 35409 Pg16 #49577

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

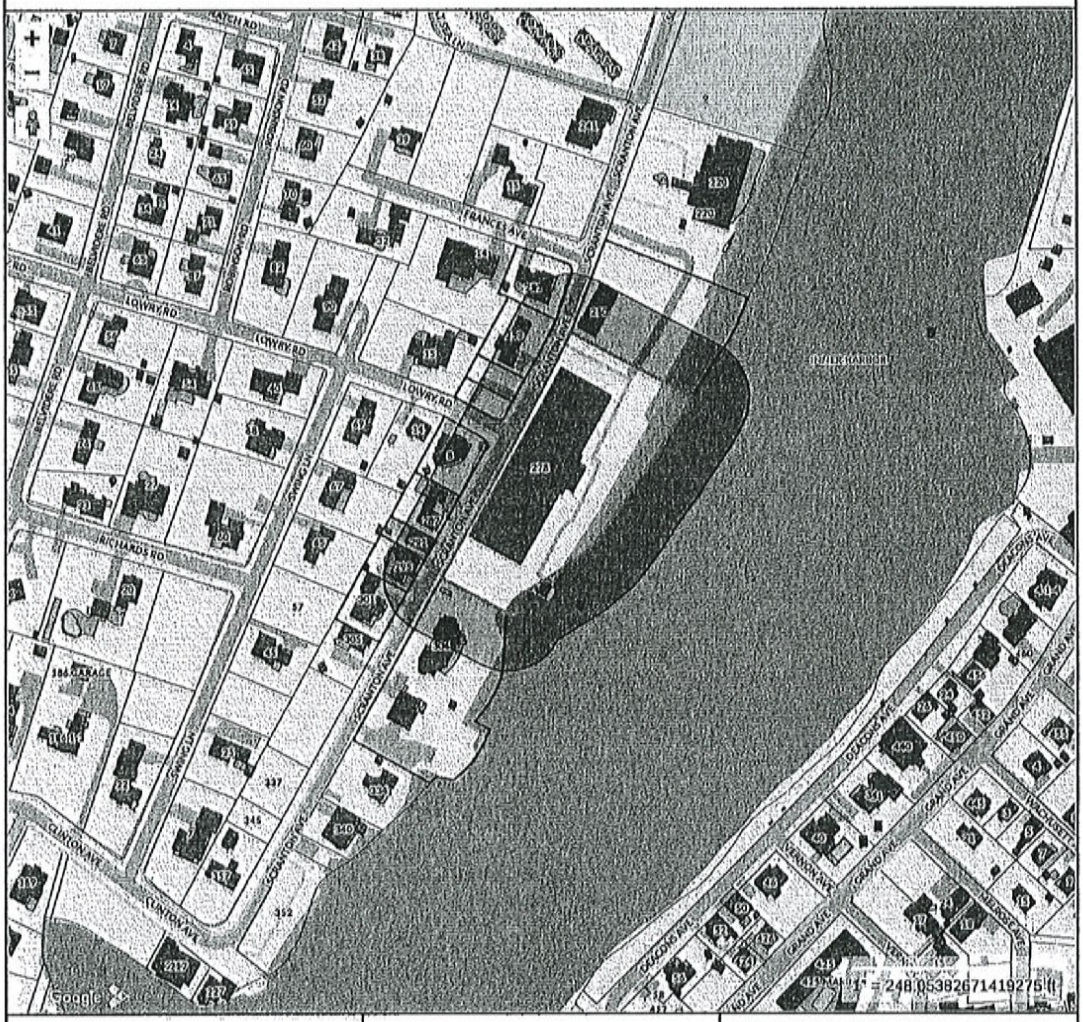
Provided by MassDEP:
25-4779
MassDEP File #
1375206
eDEP Transaction #
Falmouth
City/Town

B. Findings (cont.)

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

		Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. ☐	Designated Port Areas	Indicate size under Land Under the Ocean, below			
→ 11. ☒	Land Under the Ocean	~~171~~ 123 a. square feet	b. square feet		
		c. c/y dredged	d. c/y dredged		
12. ☐	Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐	Coastal Beaches	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. ☐	Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
15. ☒	Coastal Banks	483 a. linear feet	b. linear feet		
16. ☐	Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐	Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐	Land Under Salt Ponds	a. square feet	b. square feet		
		c. c/y dredged	d. c/y dredged		
→ 19. ☒	Land Containing Shellfish	~~171~~ 123 a. square feet	b. square feet	c. square feet	d. square feet
20. ☐	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. ☒	Land Subject to Coastal Storm Flowage	8500 a. square feet	b. square feet		
22. ☐	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

Town of Falmouth, MA December 12, 2024



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 12/08/2024

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

Bk 35919 Pg299 #30664
08-02-2023 @ 10:45a 24

TOWN OF FALMOUTH

TOWN CLERK
JUL 12, 2023 AM10:09
RECEIVED

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

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November 1, 2022. Amended May 22, 2023 as to Condition 3

Falmouth Holdings Corp.
Attention: Brian Davin, General Manager
Falmouth Marine and Yachting
278 Scranton Avenue
Falmouth, MA 02540

Book 8807 Page 84

Dear Mr. Davin:

A public hearing was duly advertised and held on October 24, 2022 at 7:15 p.m., in accordance with Section 240-14.8 (Wetland Regulations) of the Zoning By-Laws of the Town of Falmouth in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Falmouth Holdings Corp. for permission to reconstruct the existing bulkhead (seawall), commercial piers and ticket office building, remove and reset utilities, construct boat wash pad with subsurface holding tank, and construct stormwater management leaching trenches, all within previously, legally altered area at 278 Scranton Avenue (Falmouth Marine and Yachting) in the waters of Falmouth Inner Harbor located at 278 Scranton Avenue, Falmouth, MA.

Further, a public hearing was duly advertised and held on May 22, 2023 at 6:45 p.m., in accordance with Section 240-14.8 (Wetland Regulations) of the Zoning By-Laws of the Town of Falmouth in the Select Board Meeting Room, Falmouth Town Hall, 59 town Hall Square on the application of Falmouth Holdings Corp. to modify the term (Condition 3) of the Special Permit issued on November 10, 2022.

The Falmouth Select Board has voted approval subject to the following:

Conditions:

1. That all work is done in accordance with a plan dated June 21, 2022, with a final revision date of September 6, 2022, submitted and drawn by Cape & Islands Engineering.

2. That you first obtain all other permits and licenses necessary before commending work. If deemed necessary by the Building Commissioner, the applicant shall apply and obtain a building permit prior to construction.

3. This Special Permit for construction shall lapse three (3) years from the date of issuance, November 10, 2022, if construction has not begun by that date, except for good cause.

4. Your name, address, DEP number, and S-465 should be placed on the pier. This is the number assigned to you at the hearing.

5. The pier is authorized for the customary and usual commercial use of the business. Any change of use requires an amended application and appropriate hearing. This decision does not authorize the holder of this permit to violate any appropriate deed restrictions or property rights of other.

6. Property owner must provide the Harbor Master with a list of all vessels which seasonally occupy this structure by August 15th annually. The list shall include: Vessel Owner's Name and Address, Official Documentation or State Registration #, Boat Manufacturer, Age and Length.

7. The Orders of Conditions issued by the Conservation Commission on September 30, 2022 must be followed.

Notice is hereby given that any appeal of this decision shall be made pursuant to Section 17 of Mass. General Laws, Chapter 40A, and shall be filed within twenty (20) days after the filing of this decision in the office of the Town Clerk.

Sincerely,

Nancy R. Taylor, Chair

Douglas C. Brown

Onjalé Scott Price, Vice Chair

Edwin (Scott) F. Zylinski II

Samuel H. Patterson

cc: Conservation Commission
Marine and Environmental Services
Planning Board
Building Department
Health Department
Robert H. Ament, Esquire, Ament Klauer LLP
Cape & Islands Engineering
Abutters

A TRUE COPY ATTEST
TOWN CLERK OF
FALMOUTH, MASS.

TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone: (508) 495-7320
townmanager@falmouthma.gov

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 22, 2023 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Falmouth Holdings Corp. to modify term (Condition 3) of Special Permit issued November 10, 2022, to read, "This Special Permit for construction shall lapse three (3) years from the date of issuance, November 10, 2022, if construction has not begun by that date, except for good cause." Once so commenced, the work may be completed in phases over two or more years, at 278 Scranton Ave. (Falmouth Marine and Yachting), Falmouth, MA. Area affected is Falmouth Inner Harbor. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the
Select Board

Publication dates: Friday, May 5, 2023 and Friday, May 12, 2023; Falmouth Enterprise.

AMENT KLAUER LLP
Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

Telephone (508) 540-6555
Fax (508) 457-1293
Website: www.amentklauer.com

April 19, 2023

Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
Attn: Peter Johnson-Staub, Acting Town Manager

Re: Application to modify Special Permit issued November 10, 2022
Town Code Section 240-14.8 (formerly Section 240-77)
Falmouth Holdings Corp. (Falmouth Marine), 278 Scranton Avenue

Dear Peter:

On November 10, 2022, the Select Board filed a decision granting to Falmouth Holdings Corp. (Falmouth Marine and Yachting hereinafter "Falmouth Marine") a special permit under the Zoning Bylaw Wetlands Regulation, to allow the existing bulkheads and piers to be replaced. The allowed work will be a complex, substantial and expensive project, an ambitious improvement to Falmouth Inner Harbor. The applicant appreciates the Select Board's support.

However, Falmouth Marine is concerned with Condition 3 of the decision, which provides "This construction permit will expire one (1) year from the date that final approval has been received from all governmental agencies from whom permits are required." This condition, which I believe is standard in the Select Board's Wetlands Regulations decisions, is intended to be helpful to the applicant, but in this case and probably others, it is problematic. This is because due to the Conservation Commission prohibition[1] of "in-water, silt producing work" between January 15 and May 31, and the need to maintain operation of the boatyard from June 1 through September, the work period will be restricted and the project will necessarily be completed over two or three years. It is not clear that Condition 3 of the Special Permit will allow this. Also, since the timing as to when construction can commence is uncertain, and the availability and schedule of marine contractors who can undertake the work in the time period allowed cannot be determined until at least after issuance of the Chapter 91 license, there may be some delay between issuance of the license and commencement of construction.

The rationale for the Select Board's standard "one year from final approval" condition was that the usually lengthy Chapter 91 permitting process could not commence until after issuance of the special permit.[2] Under the Zoning Act, until amended in 2016, a special permit

[1] Condition 2 of the Order of Conditions issued September 30, 2022.
[2] After the Select Board issued the subject Special Permit, Falmouth Marine filed its Chapter 91 License Application for the proposed project on December 15, 2022.

for construction would lapse unless construction commenced within two years. However, in 2016, Chapter 40A, §9 was amended to allow towns to increase that period to three years, and Falmouth Town Meeting amended the Zoning Bylaw accordingly. Now, under Section 240-12.1.J, a construction project special permit issued by the Zoning Board of Appeals will not lapse if construction begins within three years. The Select Board's standard lapse provision (Condition 3 in the subject decision) says the special permit will expire one year from the date of final governmental approval; the Board's language does not make it clear whether construction needs only to have commenced during that period.

Section 240-14.8 and the Board's standard condition may run afoul of the Chapter 40A §9 provision that a zoning bylaw provide that a special permit "shall lapse within a specified period of time not more than 3 years . . .." There may also be a question as to whether the condition's reference to "final approval . . . from all governmental agencies from whom permits are required" means to include a building permit, which might be applied for well after the Chapter 91 license has been issued.

In summary, the Select Board's standard condition leaves open a few questions:

1. Does commencement of construction within one year after issuance of the final required approval avoid lapse, allowing a project to be completed over a period of time thereafter?

2. Is a Building Permit a "final government approval" under the standard condition?

3. Where state law, Chapter 40A, §9 paragraph 15 provides for lapse after a Bylaw specified period, not to exceed three years, does the Select Board's standard condition comply?

Falmouth Marine respectfully suggests that the Select Board review its use of the standard condition that a wetlands special permit will expire one year after the final required approval is issued, and specifically requests that the special permit issued November 10, 2022, be amended to delete Special Condition No. 3 and substitute therefor language consistent with General Laws Chapter 40A, §9, as follows: "This Special Permit for construction shall lapse three (3) years from the date of issuance, which will be November 10, 2025, if construction has not begun by that date, except for good cause. Once so commenced, the work may be completed in phases over two or more years." An application for such a modification is submitted herewith, along with a check for $75.00 for the filing fee and publication expense. Please schedule a hearing date, and issue and publish the requisite notices.

I believe having the certainty of commencement of construction being required by November 10, 2025, and knowing that mere commencement of construction will avoid lapse, will be helpful and will be consistent with the Zoning Act. It is understood that if circumstances

arise whereby construction cannot commence by that date, Falmouth Marine would need to apply to the Select Board to extend the special permit.

Thank you for your consideration.

Very truly yours,

Bob Ament

Robert H. Ament, Esquire

RHA/gmb
Enclosure

cc: Jay Kehoe, General Manager, Falmouth Marine and Yachting

RECEIVED
APR 20 2023
SELECT BOARD OFFICE

TOWN OF FALMOUTH
BOARD OF SELECTMEN

APPLICATION TO MODIFY SPECIAL PERMIT ISSUED NOV. 10, 2022 TO DREDGE, FILL OR OTHERWISE ALTER WETLANDS
(As required under Section 240-14.8 (formerly 240-77) (Wetland Regulations) of the Zoning Bylaw)

To the Board of Selectmen
Falmouth, MA

Date: April 19,2023

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

OWNER: Falmouth Holding Corp. (full name) 278 Scranton Ave., Falmouth, MA 02540 (address)

AGENT: Robert H. Ament,Esquire (full name) 39 Town Hall Square, Falmouth, Ma 02540 (address)

APPLICANT: Falmouth Holding Corp. (full name) 278 Scranton Ave., Falmouth, MA 02540 (address)

1. Location of Property: Map 47C Section 06 Parcel 012 Lot 002

Street Name and House Number 278 Scranton Ave., Falmouth, MA 02540

2. Body of water, marsh or stream affected: Falmouth Inner Harbor

3. Description of property and project site: Existing developed marina known as Falmouth Marine and Yachting

a. Dimensions, Acreage of total parcel: 1.947 acres

b. Length of water marsh frontage: 480'±

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

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

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

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APR 20 2
TOWN CLERK

Disposition of Spoil: N/A

f. Describe proposed riprap or bulkheading, if any: see attached Special Permit

g. Other (docks, piers and etc.)

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

4. Purpose of proposed work: Replace failing and outdated piers and bulkhead, improve marina facilities, capture storm runoff, as per Special Permit issued November 10, 2022

5. Zoning which governs area: Marine

6. Date of application for permit to dredge or fill from the Commonwealth of Mass. December 15, 2022 Army Engineers: N/A

7. Has a permit ever been approved or refused for this location by State, Federal or Local Authority? Approved; see attached list of existing Wetlands Permits; current Chapter 91 license application is pending

8. Remarks: Modification request

9. Project Summary for legal notice: Modify term (Condition 3) of Special Permit issued November 10, 2022, to read, "This Special Permit for construction shall lapse three (3) years from the date of issuance, November 10, 2022, if construction has not begun by that date, except for good cause." Once so commenced, the work may be completed in phases over two or more years

Owner: Falmouth Holding Corp.

278 Scranton Ave., Falmouth, MA 02540
(Name & Address)

TEL #: 508-548-4600

Robert H. Ament

Agent: Robert H. Ament, Esq.
Ament Klauer LLP
39 Town Hall Square, Falmouth, MA 02540
(Name & Address)

TEL #: 508-540-6555

Applicant: Jay Kehoe, General Manager
Falmouth Marine and Yachting
278 Scranton Avenue, Falmouth, MA 02540

(Name & Address)

TEL #: 508-548-4600

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

TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone: (508) 495-7320
townmanager@falmouthma.gov

RECEIVED
NOV 10 2022
FALMOUTH TOWN CLERK

November 1, 2022

Falmouth Holdings Corp.
Attention: Brian Davin, General Manager
Falmouth Marine and Yachting
278 Scranton Avenue
Falmouth, MA 02540

Dear Mr. Davin:

A public hearing was duly advertised and held on October 24, 2022 at 7:15 p.m., in accordance with Section 240-14.8 (Wetland Regulations) of the Zoning By-Laws of the Town of Falmouth in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Falmouth Holdings Corp. for permission to reconstruct the existing bulkhead (seawall), commercial piers and ticket office building, remove and reset utilities, construct boat wash pad with subsurface holding tank, and construct stormwater management leaching trenches, all within previously, legally altered area at 278 Scranton Avenue (Falmouth Marine and Yachting) in the waters of Falmouth Inner Harbor located at 278 Scranton Avenue, Falmouth, MA. The Falmouth Select Board has voted approval subject to the following:

Conditions:

1. That all work is done in accordance with a plan dated June 21, 2022, with a final revision date of September 6, 2022, submitted and drawn by Cape & Islands Engineering.

2. That you first obtain all other permits and licenses necessary before commending work. If deemed necessary by the Building Commissioner, the applicant shall apply and obtain a building permit prior to construction.

3. This construction permit will expire one (1) year from the date that final approval has been received from all governmental agencies from whom permits are required.

4. Your name, address, DEP number, and S-465 should be placed on the pier. This is the number assigned to you at the hearing.

5. The pier is authorized for the customary and usual commercial use of the business. Any change of use requires an amended application and appropriate hearing. This decision does not authorize the holder of this permit to violate any appropriate deed restrictions or property rights of other.

6. Property owner must provide the Harbor Master with a list of all vessels which seasonally occupy this structure by August 15th annually. The list shall include: Vessel Owner's Name and Address, Official Documentation or State Registration #, Boat Manufacturer, Age and Length.

7. The Orders of Conditions issued by the Conservation Commission on September 30, 2022 must be followed.

Notice is hereby given that any appeal of this decision shall be made pursuant to Section 17 of Mass. General Laws, Chapter 40A, and shall be filed within twenty (20) days after the filing of this decision in the office of the Town Clerk.

Sincerely,

Nancy R. Taylor, Chair

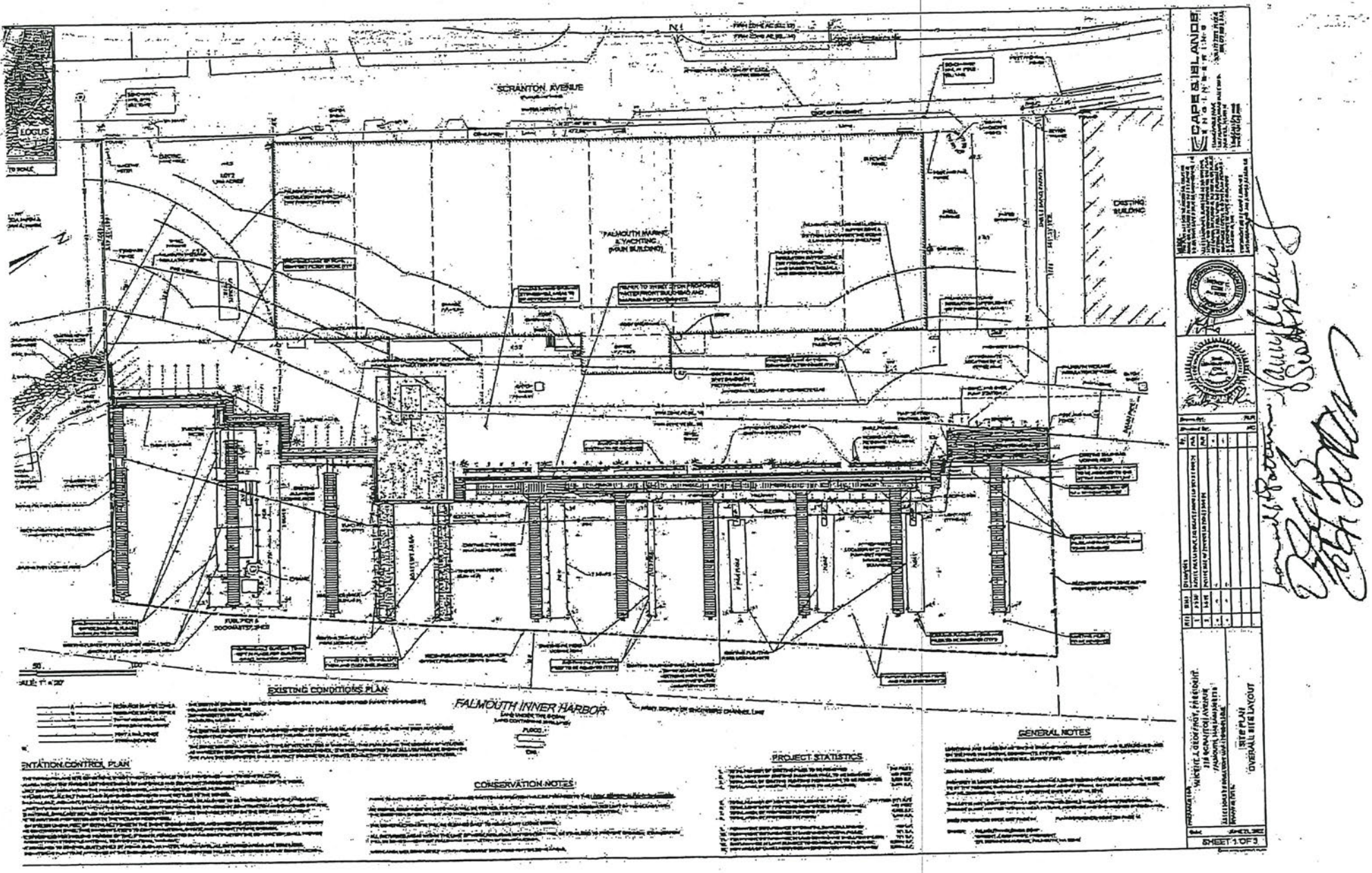
Douglas C. Brown

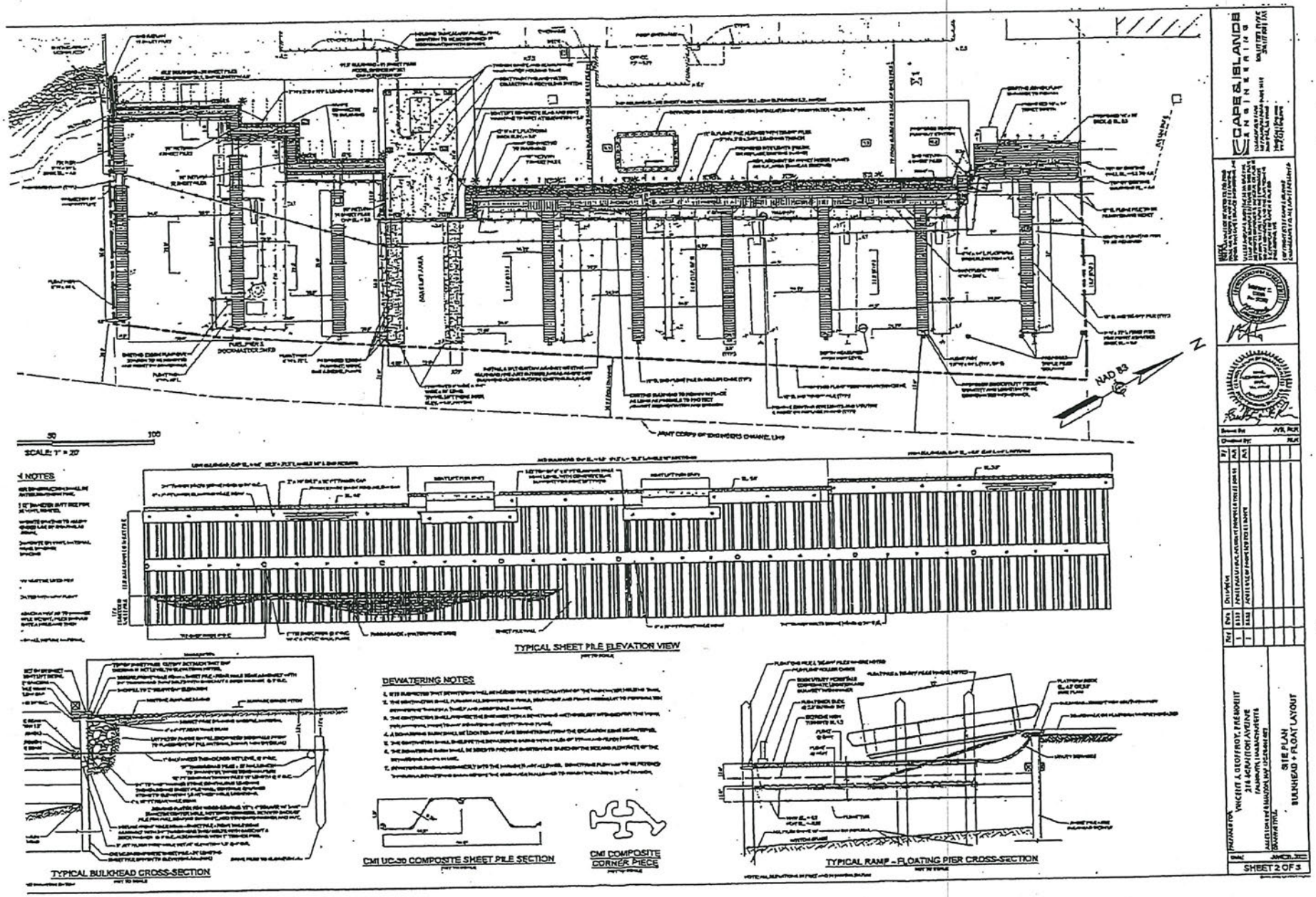
Onjalé Scott Price, Vice Chair

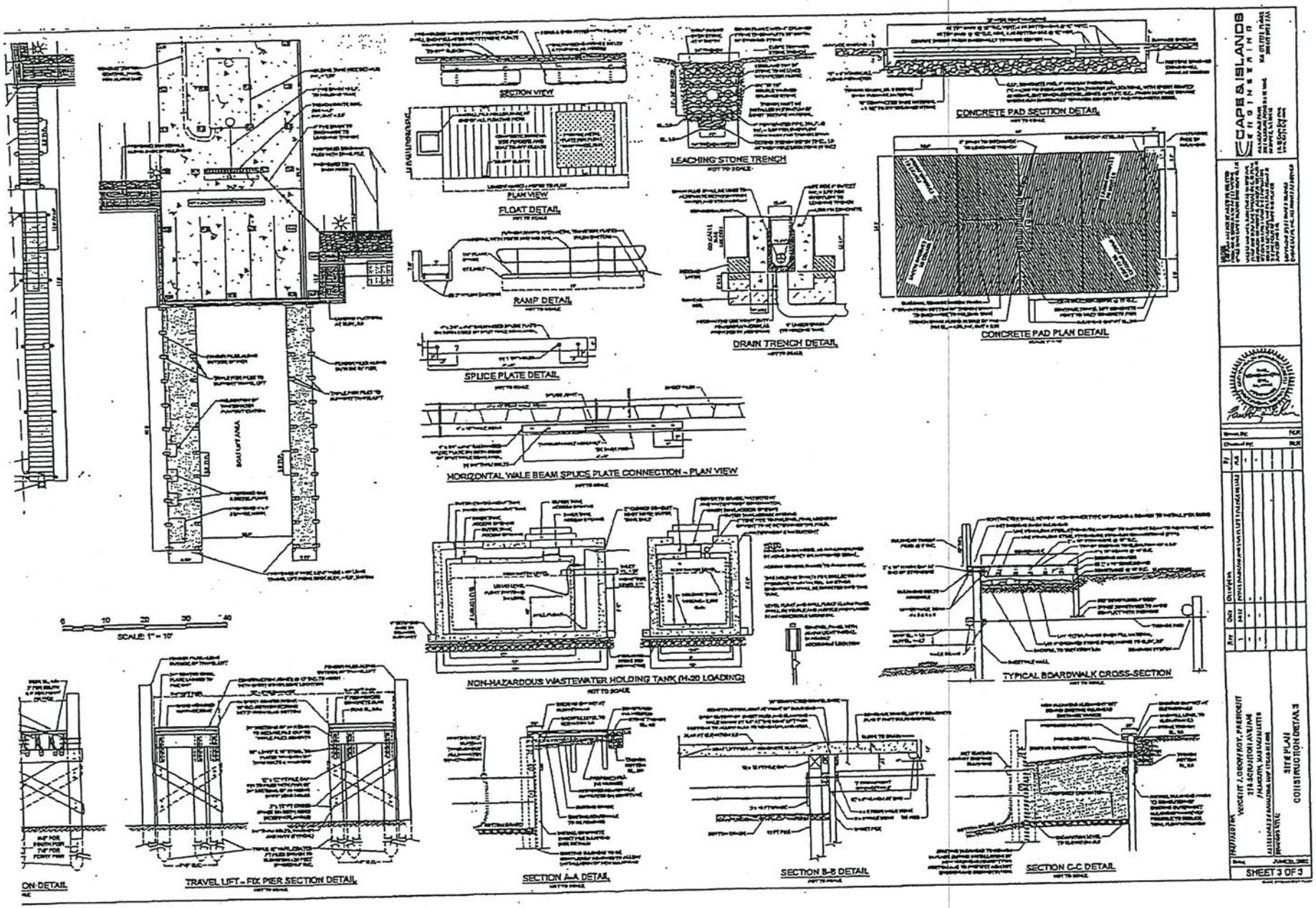
Edwin (Scott) P. Zylinski II

Samuel H. Patterson

cc: Conservation Commission
Marine and Environmental Services
Planning Board
Building Department
Health Department
Robert H. Ament, Esquire, Ament Klauer LLP
Cape & Islands Engineering
Abutters


SCRANTON AVENUE
EXISTING CONDITIONS PLAN
FALMOUTH INNER HARBOR
EXISTING BUILDING
GENERAL NOTES
PROJECT STATISTICS
CONSERVATION NOTES
SHEET 1 OF 3


SCALE: 1" = 20'
NOTES
TYPICAL SHEET PILE ELEVATION VIEW
DEWATERING NOTES
TYPICAL BULKHEAD CROSS-SECTION
CMI UC-30 COMPOSITE SHEET PILE SECTION
CMI COMPOSITE CORNER PIECE
TYPICAL RAMP - FLOATING PIER CROSS-SECTION
NAD 83
SITE PLAN
BULKHEAD + FLOAT LAYOUT
SHEET 2 OF 3


SECTION VIEW
PLAN VIEW
FLOAT DETAIL
NOT TO SCALE
RAMP DETAIL
SPLICE PLATE DETAIL
LEACHING STONE TRENCH
DRAIN TRENCH DETAIL
CONCRETE PAD SECTION DETAIL
CONCRETE PAD PLAN DETAIL
HORIZONTAL WALE BEAM SPLICE PLATE CONNECTION - PLAN VIEW
NON-HAZARDOUS WASTEWATER HOLDING TANK (H-20 LOADING)
TYPICAL BOARDWALK CROSS-SECTION
SCALE: 1" = 10'
TRAVEL LIFT - FIX PIER SECTION DETAIL
SECTION A-A DETAIL
SECTION B-B DETAIL
SECTION C-C DETAIL
CAPE & ISLANDS
ENGINEERING
SITE PLAN
CONSTRUCTION DETAILS
SHEET 3 OF 3

MODIFICATION OF

ATTACHMENT TO APPLICATION TO FALMOUTH SELECT BOARD FOR SPECIAL PERMIT TO ALTER WETLANDS

APPLICANT: FALMOUTH HOLDINGS CORP. PROPERTY: 278 SCRANTON AVENUE

Existing Wetlands Permits		
1.	Chapter 91 Licenses No. 403, 623, 2123, 2490, 2686, 2996, 3110, 3848, 3967, 3968, 4030 and 6057	Bulkheads, floats, piers, piles, ramps, boat landing ramp and dredge
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5.	Order of Conditions, DEP 25-3443	Piers, floats and piles reconfiguration (Permit expired, no work performed)
6.	Board of Selectmen Approval	Issued April 29, 2008

7. Proposed Activities and Construction Methodology

The project will begin with the initial demolition phase. In this phase the site will be fitted with all necessary erosion and sedimentation controls as noted in the application drawings. All existing utilities affected within this work will be temporarily terminated or turned off for the work to proceed. The existing ticket office will be razed along with all existing piers and all debris will be removed and properly disposed. The existing bulkhead will remain in-place until further in construction when the new bulkhead is located within the alignment of the existing bulkhead.

The next phase is the installation of the new composite sheet pile bulkhead. A silt boom shall be placed along the waterside of the existing bulkhead. The new bulkhead work will begin along the north end of the existing bulkhead. The initial 240 feet of bulkhead will be installed by opening a trench behind the existing bulkhead, maintaining the existing bulkhead in-place to act as a barrier and protect against sedimentation. Once installation reaches the point of the first 90-degree turn to meet the bulkhead at the travel lift area, the contractor shall excavate the area between the existing bulkhead and the newly installed 240-feet sheet pile bulkhead to a depth of elevation -5.0' NAVD88. From this point on the entirety of the existing bulkhead can be removed as new bulkhead is installed following the new alignment.

The new bulkhead will be installed in a systematic process starting at the north side of the property and working along the shoreline. A crane will be used to drive the sheet piles in-place. The crane may be on a barge on land for this installation. In its most basic terms, the new bulkhead location will be established by erecting a false frame for driving sheet piling in the proposed location. The bulkhead installation is typical for this marine construction activity.

Once the new bulkhead is in place, the contractor can install the proposed fix and floating piers as well as the proposed travel lift with all the associated pile installation. Pile installation will be performed by driving the piles in place with a barge mounted crane. The fix pier and travel lift superstructure construction are built once the piles are set. The floating piers will be manufactured offsite and transported to the site. The floating piers are positions in the harbor once the float piles are set.

The last phase is for the contractor to transition to all the upland improvements such as the new ticket office building, boardwalks, stormwater leaching trenches, concrete wash pad and subsurface holding tank installation. Ultimately the contractor shall re-establish all the necessary utilities and restore the crushed shell/stone area to complete the work.

Town of Falmouth

MICHAEL PALMER
TOWN CLERK

59 Town Hall Square, Falmouth, Massachusetts 02540
(508) 495-7353 Fax (508) 457-2511

CERTIFICATION OF NO APPEAL

I, Michael Palmer, Town Clerk of the Town of Falmouth, hereby certify that the Board of Selectmen's vote was filed in this office on July 12, 2023 and that no Notice of Appeal on this vote was received during the twenty days (20) next after such receipt and recording of said vote.

Michael Palmer
Town Clerk

Date: August 2, 2023

RE: Falmouth Holdings Corp.

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:
25-4779
MassDEP File #
1375206
eDEP Transaction #
Falmouth
City/Town

A. General Information

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

1. From: Falmouth
Conservation Commission

2. This issuance is for (check one): a. ☐ Order of Conditions b. ☒ Amended Order of Conditions

3. To: Applicant:

Boyce (a. First Name) | Campsen (b. Last Name)
ACME Falmouth MA LLC (c. Organization)
268 Coleman Blvd, Suite 2D (d. Mailing Address)
Mount Pleasant (e. City/Town) | SC (f. State) | 29464 (g. Zip Code)

4. Property Owner (if different from applicant):

a. First Name | b. Last Name
c. Organization
d. Mailing Address
e. City/Town | f. State | g. Zip Code

5. Project Location:

278 Scranton Avenue (a. Street Address) | Falmouth (b. City/Town)
47C 06 (c. Assessors Map/Plat Number) | 012 002 (d. Parcel/Lot Number)
Latitude and Longitude, if known: d m s (d. Latitude) | d m s (e. Longitude)

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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A. General Information (cont.)

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

Barnstable	
a. County	b. Certificate Number (if registered land)
8807	84
c. Book	d. Page

7. Dates:

2/26/2025	3/12/2025	4/9/2025
a. Date Notice of Intent Filed	b. Date Public Hearing Closed	c. Date of Issuance

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

Site Plan	
a. Plan Title	
Cape and Island Engineering	Matthew C. Costa, PLS
b. Prepared By	c. Signed and Stamped by
2/25/2025	1" = 20'
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. ☒ Public Water Supply b. ☒ Land Containing Shellfish c. ☒ Prevention of Pollution
d. ☒ Private Water Supply e. ☒ Fisheries f. ☒ Protection of Wildlife Habitat
g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

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

Approved subject to:

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

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B. Findings (cont.)

Denied because:

b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

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

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

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B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☒ Land Under the Ocean	123 a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐ Coastal Beaches	a. square feet	b. square feet	c. nourishment (cu yd)	d. nourishment (cu yd)
14. ☐ Coastal Dunes	a. square feet	b. square feet	c. nourishment (cu yd)	d. nourishment (cu yd)
15. ☒ Coastal Banks	483 a. linear feet	b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. ☒ Land Containing Shellfish	123 a. square feet	b. square feet	c. square feet	d. square feet
20. ☐ 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. ☒ Land Subject to Coastal Storm Flowage	8,500 a. square feet	b. square feet		
22. ☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

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B. Findings (cont.)

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

23. ☐ Restoration/Enhancement *:

a. square feet of BVW _____ b. square feet of salt marsh _____

24. ☐ Stream Crossing(s):

a. number of new stream crossings _____ b. number of replacement stream crossings _____

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
   a. The work is a maintenance dredging project as provided for in the Act; or
   b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
   c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 9/30/2025 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.

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 then two square feet or more than three square feet in size bearing the words,

    "Massachusetts Department of Environmental Protection" [or, "MassDEP"]

    "File Number 25-4779 "

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.

12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.

13. The work shall conform to the plans and special conditions referenced in this order.

14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.

15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

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

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

19. The work associated with this Order (the "Project")
    (1) ☒ is subject to the Massachusetts Stormwater Standards
    (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

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

    a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

    b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
    i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
    ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
    iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;

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

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

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

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

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

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

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

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

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

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):

Stormwater Management Report and Design Calculations

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

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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No

2. The Falmouth Conservation Commission hereby finds (check one that applies):

   a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

   1. Municipal Ordinance or Bylaw | 2. Citation

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

   b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

   Falmouth Wetlands Bylaw / Regulations (1. Municipal Ordinance or Bylaw) | CH 235 / FWR 10.00 (2. Citation)

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

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

AMENDED ORDER OF CONDITIONS

Boyce Campsen
ACME Falmouth MA LLC
278 Scranton Avenue, Falmouth
DEP # 25-4779

FINDINGS:

1. The applicant proposes to amend the existing order of conditions (OOC) for DEP #25-4779 to change the proposed layout of the marina piers with a overall reduction in square footage of the marina footprint.

INTERESTS

1. Storm Damage Prevention
2. Flood Control
3. Pollution Prevention
4. Protection of private and public water supply
5. Protection of groundwater
6. Protection of fisheries
7. Protection of land containing shellfish
8. Protection of wildlife habitat

STANDARD CONDITIONS

1. Permission is granted to Boyce Campsen, ACME Falmouth MA LLC, 278 Scranton Avenue MA to Amend the existing Order of Conditions (DEP #25-4779) to change the proposed layout of the marina piers with an overall reduction in square footage of the marina footprint according to the plan prepared by Cape and Islands Engineering, Inc., dated June 21, 2022 with a final revision February 25, 2025 and entitled "Site Plan" (sheets 1-3) and subject to the following Standard and Special Conditions.

2. This Order applies to the Mass. General Laws, Chapter 131, sec. 40 and to the Wetland Protection Bylaw of the Town of Falmouth.

3. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.

4. 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.

5. It is the applicant's responsibility to provide all contractors with a copy of this Order and to ensure that all workers are informed of the Conditions of this Order before they begin work at the site.

6. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. If this Order is based on a professionally rendered drawing then a letter from an engineer or architect certifying full compliance and an "Existing Conditions" plan must accompany the Request for a Certificate of Compliance.

7. The Conservation Administrator shall be notified 10 days prior to the start of the work at the site and all work conditioned by this Order shall be done under his/her supervision. The Conservation Administrator has the authority to issue an Enforcement Order if work does not comply with the terms or intent of these conditions. No work may begin until all permits, approvals and variances have been granted by the issuing authority.

8. 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.

9. 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 Protection By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the Wetlands Protection 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. 623 (1980).

10. Prior to any work commencing, proof of recording of this Order of Conditions at the Barnstable County Registry of Deeds must be received by the Conservation Commission.

11. Prior to any work commencing, 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.

12. Prior to any work commencing, 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.

13. Prior to any work commencing, at least 10 days advance **written** notification shall be provided to the Conservation Commission.

14. Prior to any work commencing, copies of necessary permits, licenses and approvals are to be submitted to the Conservation Commission.

15. The Order of Conditions expires three (3) years from the original date of issuance. Any Amendments to the Order of Conditions **do not** extend the Original Order. You may request an Extension to the original Order of Conditions, in writing, at least 30 days prior to the expiration.

16. Any other proposed activities (alteration, fill, excavation or removal of vegetation) within any Resource Area or within 100 feet of any Resource Area will require that the applicant obtain all necessary permits from the Conservation Commission.

17. 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.

18. Issuance of the Order of Conditions does not relieve the permittee from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.

19. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.

20. Application for a Certificate of Compliance shall be made in writing immediately following completion of all work authorized under this Order of Conditions and Permit. If this Order is based on a professionally rendered drawing then a letter from an engineer or architect certifying full compliance and an "Existing Conditions" plan must accompany a Request for Compliance.

21. All cuttings/debris, etc. are to be kept out of the Resource Areas.

22. The construction site is to be cleaned daily to remove any loose debris.

23. Before work can begin the Town of Falmouth Conservation Commission Contractor Form is to be submitted to the Conservation Department, identifying the General Contractor (GC) and signed by the GC confirming that he/she has read and understands the Order of Conditions and that he/she 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 #8(b).

24. Any changes to the plan of record noted in Standard Condition 1 above, no matter how minor in scope, including, but not restricted to, changes in the building footprint and appendages such as decks, addition and/or modification of accessory structures, changes in landscape features such as patios, retaining walls, plantings, removal of vegetation, the modification of finished grades, etc. require that the applicant obtain the permission of the Conservation Commission *before* undertaking the modified work. Depending on the scope of the change, said permission may be obtained by filing for an Administrative

Approval, an amended Order of Conditions, or entirely new Notice of Intent. Failure to comply with this condition may subject the applicant to an enforcement order and/or fines.

25. All Findings, Standard, and Special Conditions from the original Conservation Commission Order of Conditions remain in full force and effect.

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

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:
25-4779
MassDEP File #
1375206
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.

4/9/2025
1. 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.

4
2. Number of Signers

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

Signature	Printed Name
Jennifer L. Lincoln	Jennifer L. Lincoln, Conservation Administrator
Jamie Mathews	Jamie Mathews, Chair
Courtney Bird	Courtney Bird, Vice Chair
Ronald Driscoll	Ronald Driscoll
Stephen Patton	Stephen Patton

☒ by hand delivery on 4/9/2025
Date

☐ by certified mail, return receipt requested, on
Date

Cape & Islands Engineering

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:
25-4779
MassDEP File #
1375206
eDEP Transaction #
Falmouth
City/Town

F. Appeals

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

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

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

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

Provided by MassDEP:
25-4779
MassDEP File #
1375206
eDEP Transaction #
Falmouth
City/Town

G. Recording Information

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

Conservation Commission

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

To:

Conservation Commission

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

Project Location | MassDEP File Number

Has been recorded at the Registry of Deeds of:

County | Book | Page

for: Property Owner

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

Book | Page

In accordance with the Order of Conditions issued on:

Date

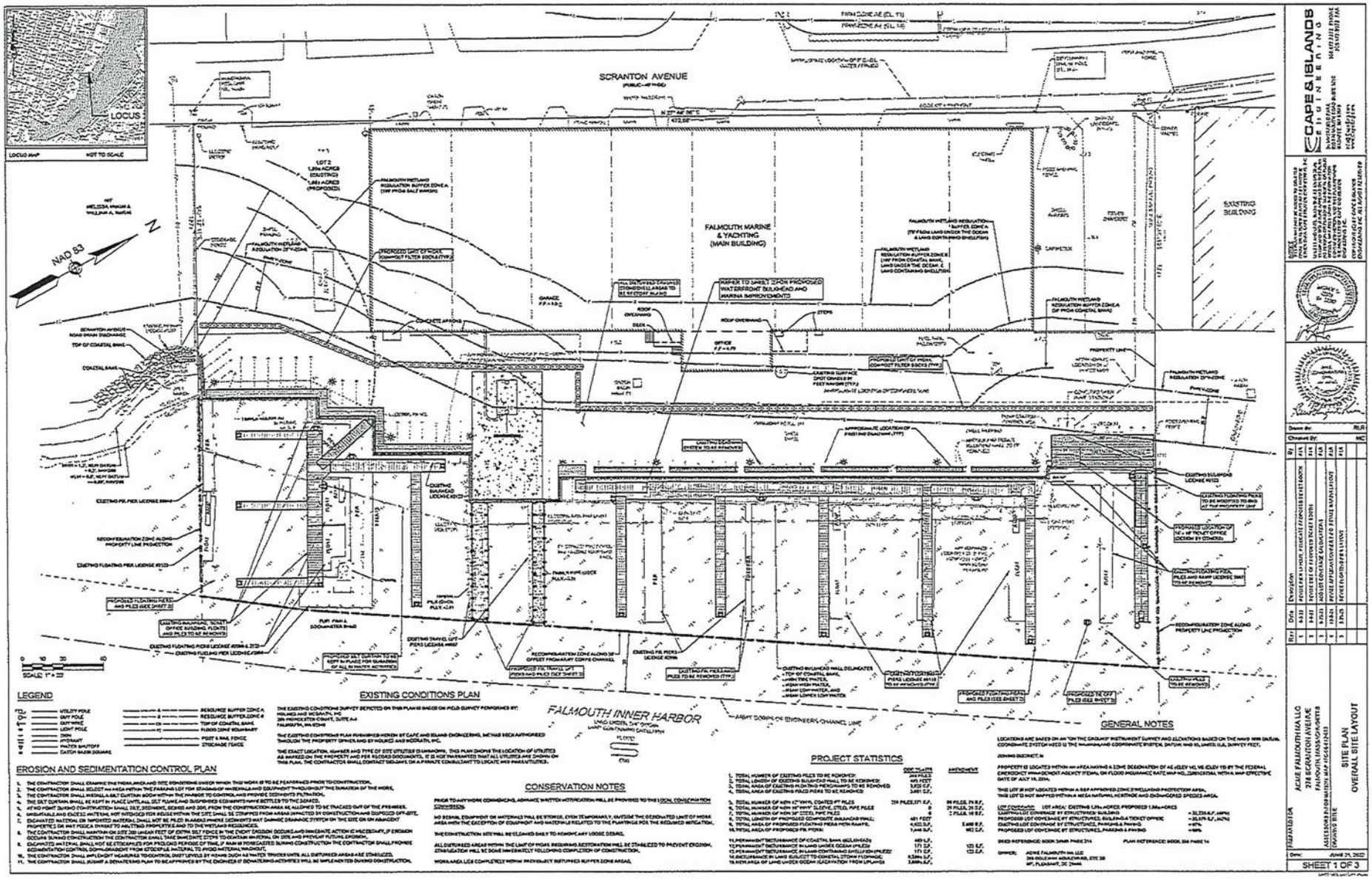
If recorded land, the instrument number identifying this transaction is:

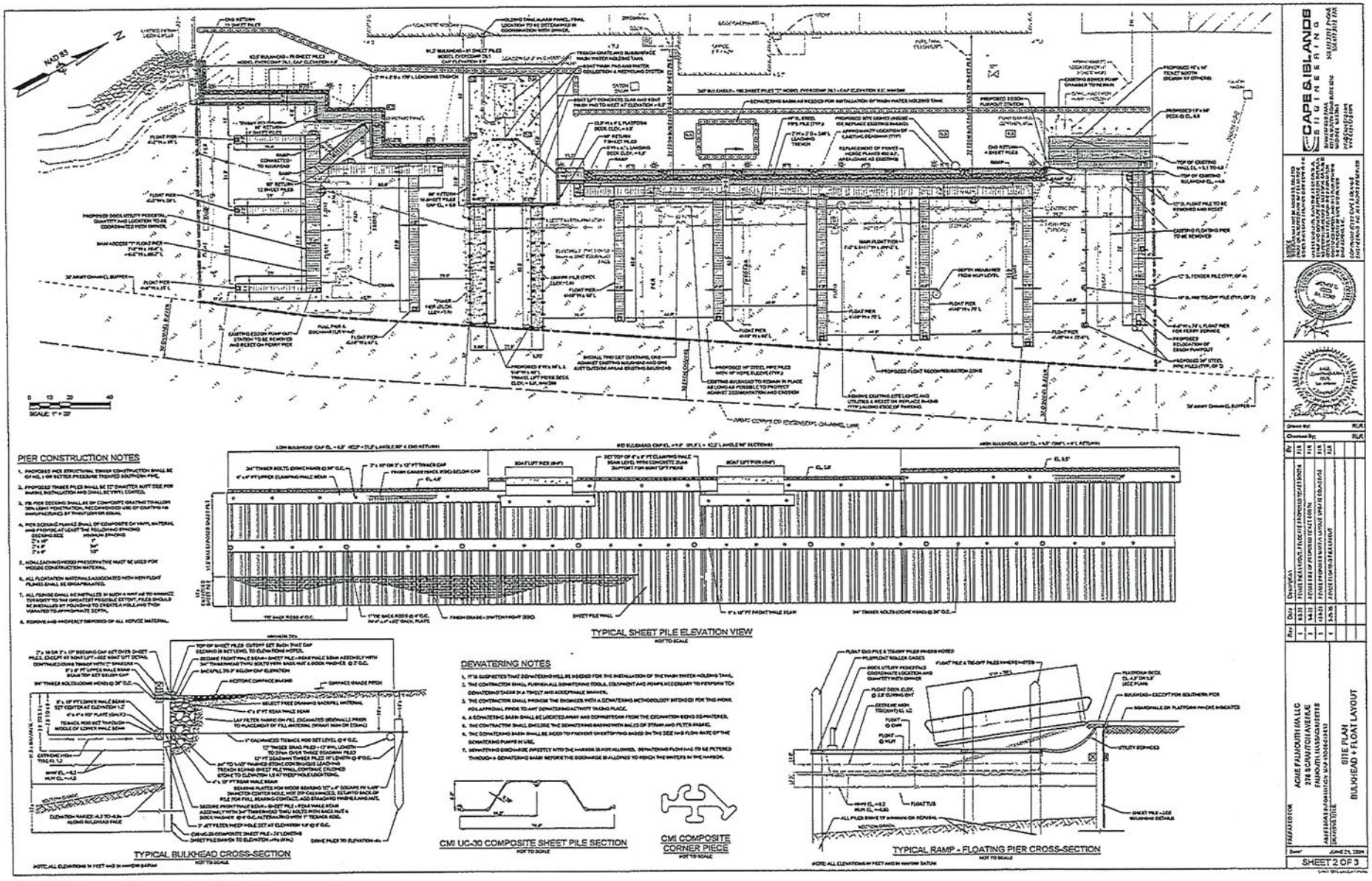
Instrument Number

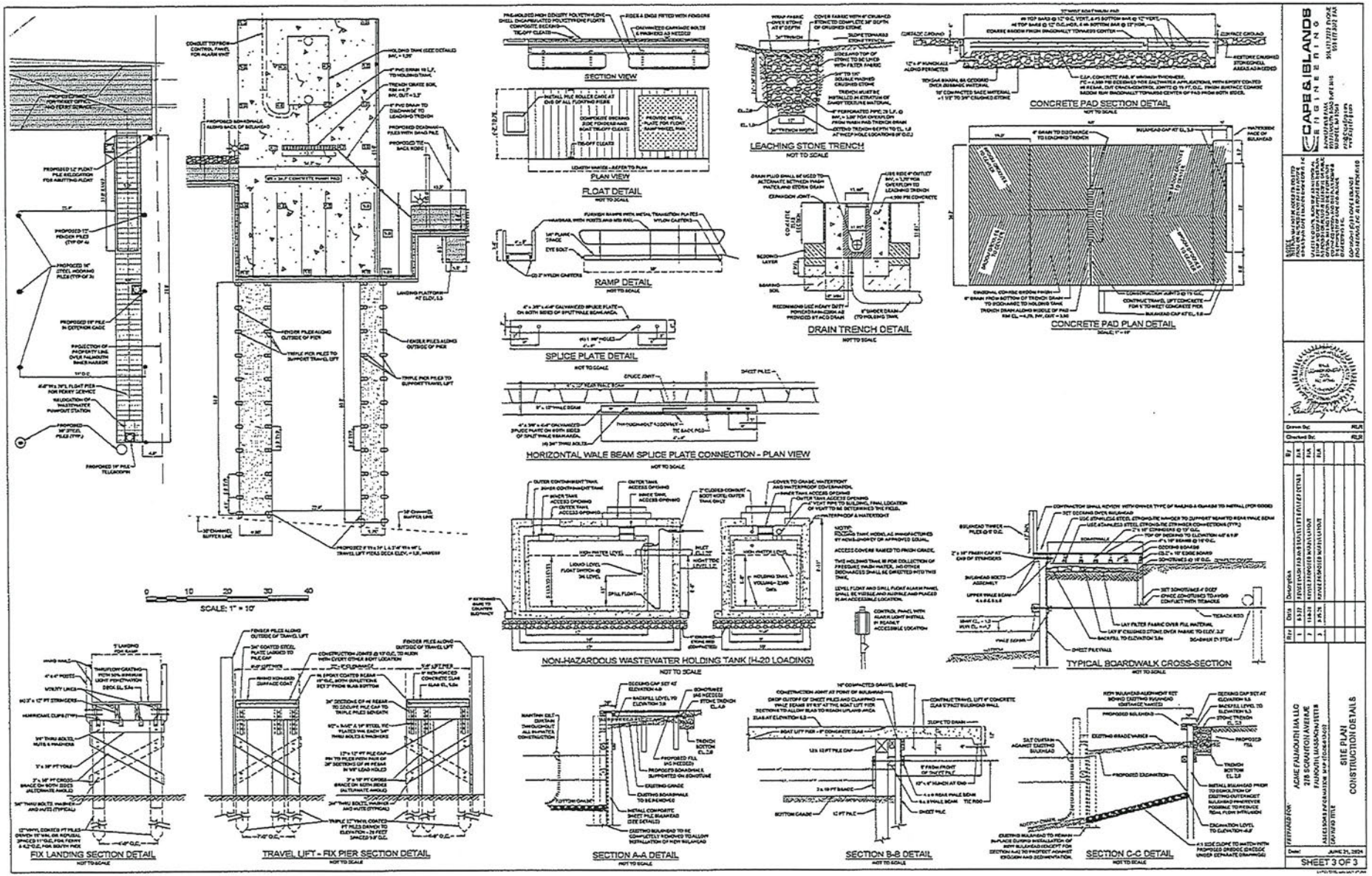
If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant


SCRANTON AVENUE
FALMOUTH MARINE & YACHTING (MAIN BUILDING)
EXISTING BUILDINGS
FALMOUTH INNER HARBOR
LOCUS
LOCUS MAP NOT TO SCALE
NAD 83
SCALE: 1" = 20'
LEGEND
EXISTING CONDITIONS PLAN
EROSION AND SEDIMENTATION CONTROL PLAN
CONSERVATION NOTES
PROJECT STATISTICS
GENERAL NOTES
CAPE & ISLANDS ENGINEERING
ACME FALMOUTH MA LLC
278 SCRANTON AVENUE
FALMOUTH, MASSACHUSETTS
ASSESSORS INFORMATION: MAP 105 LOT 43 & 51
EXISTING SITE
SITE PLAN
OVERALL SITE LAYOUT
Drawn By: RLR
Checked By: MC
Date: JUNE 24, 2022
SHEET 1 OF 3


PIER CONSTRUCTION NOTES
DEWATERING NOTES
TYPICAL SHEET PILE ELEVATION VIEW
TYPICAL BULKHEAD CROSS-SECTION
CMI UC-30 COMPOSITE SHEET PILE SECTION
CMI COMPOSITE CORNER PIECE
TYPICAL RAMP - FLOATING PIER CROSS-SECTION
CAPE & ISLANDS ENGINEERING
ACME FALMOUTH MA LLC
278 SCRANTON AVENUE
FALMOUTH, MASSACHUSETTS
SITE PLAN
BULKHEAD + FLOAT LAYOUT
SHEET 2 OF 3


SECTION VIEW
PLAN VIEW
FLOAT DETAIL
NOT TO SCALE
LEACHING STONE TRENCH
NOT TO SCALE
CONCRETE PAD SECTION DETAIL
NOT TO SCALE
RAMP DETAIL
NOT TO SCALE
DRAIN TRENCH DETAIL
NOT TO SCALE
CONCRETE PAD PLAN DETAIL
SCALE: 1" = 10'
SPLICE PLATE DETAIL
NOT TO SCALE
HORIZONTAL WALE BEAM SPLICE PLATE CONNECTION - PLAN VIEW
NOT TO SCALE
NON-HAZARDOUS WASTEWATER HOLDING TANK (H-20 LOADING)
NOT TO SCALE
TYPICAL BOARDWALK CROSS-SECTION
NOT TO SCALE
FIX LANDING SECTION DETAIL
NOT TO SCALE
TRAVEL LIFT - FIX PIER SECTION DETAIL
NOT TO SCALE
SECTION A-A DETAIL
NOT TO SCALE
SECTION B-B DETAIL
NOT TO SCALE
SECTION C-C DETAIL
NOT TO SCALE
CAPE & ISLANDS ENGINEERING
PREPARED FOR:
ACME FALMOUTH MA LLC
278 SCRANTON AVENUE
FALMOUTH, MASSACHUSETTS
ASSESSOR'S REFERENCE MAP 51 PARCEL 5
CATEGORY STATE
SITE PLAN
CONSTRUCTION DETAILS
Drawn By: MLR
Checked By: MLR
Date: JUNE 24, 2024
SHEET 3 OF 3

RECEIVED

APR 28 2025

Town of Falmouth Assessing Department BOARD OF ASSESSORS

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 47C Section 06 Parcel 012 Lot 002
Map _____ Section _____ Parcel _____ Lot _____
Map _____ Section _____ Parcel _____ Lot _____

Lot size of subject property: _____

Location of subject property: 278 Scranton Ave., 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'

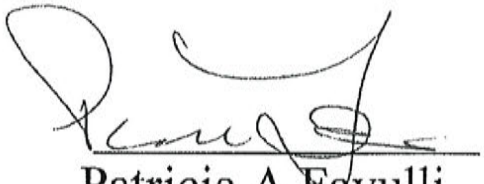
_____ Properties within 300' or abutters abutter to abutter whichever is closest

_____ Properties within 100'

_____ Other (specify)_____

Fee. $25.00 Total N/A

47C 06 012 002
278 SCRANTON
AVE



Patricia A Favulli
Director of
Assessing
Town of Falmouth
May 5, 2025,2025

HARBORWAY CORPORATION
60 SWING LN
FALMOUTH, MA 02540

HARBORWAY CORPORATION
60 SWING LN
FALMOUTH, MA 02540

BARONAS TRUSTEE JANE E GOGUEN TRUSTEE JUDY A
80 SHERWOOD ST
ROSLINDALE, MA 02131

SCARLATA STEVEN J SCARLATA ANNMARIE T
67 SWING LN
FALMOUTH, MA 02540

MURPHY JAMES L GORHAM CHRISTINE
69 SWING LN
FALMOUTH, MA 02540

BEARCE TRUSTEE DAVID W BEARCE TRUSTEE ELLEN M
13093 CASTLE HARBOR DR
NAPLES, FL 34110

MCNALLY DONALD MCNALLY PAULA E
15 LOWRY RD
FALMOUTH, MA 02540

OCONNELL TRUSTEE N HARBOR SIDE REALTY TRUST
760 E 8TH ST
SOUTH BOSTON, MA 02127-3403

SIMMLER CHRISTOPHER R OMALLEY SIMMLER NORINE
15 FRANCES AVE
FALMOUTH, MA 02540

SIMMLER CHRISTOPHER R OMALLEY SIMMLER NORINE
15 FRANCES AVE
FALMOUTH, MA 02540

REYNOLDS POWERS TRUSTEE ELIZABETH POWERS TRUSTEE ELIZABETH JEAN
127 FRONT ST
MARBLEHEAD, MA 01945

WYMAN PETER J WYMAN JULIE A
14 FRANCES AVE
FALMOUTH, MA 02540

STEEL TRUSTEE JEAN E HARKNESS TRUSTEE GAIL A
251 SCRANTON AVE
FALMOUTH, MA 02540

CONNOLLY MARK
253 SCRANTON AVE
FALMOUTH, MA 02540

FALMOUTH HOLDINGS CORP
278 SCRANTON AVE
FALMOUTH, MA 02540-3401

FALMOUTH HOLDINGS CORP
278 SCRANTON AVE
FALMOUTH, MA 02540-3401

SLOBODKIN ANDREA J
8 LOWRY RD
FALMOUTH, MA 02540

KENT TRUSTEE BARRY M KENT TRUSTEE VICTORIA J
287 SCRANTON AVE
FALMOUTH, MA 02540

FERNALD TRUSTEE BEVERLY F X MESSINA SR FAMILY IRREV TR
61 OAK LEDGE DR
BRAINTREE, MA 02184

PEKENIA JOHN A PEKENIA BARBARA F
295 SCRANTON AVE
FALMOUTH, MA 02540-3472

FALTON PROPERTIES LLC
67 SOUTH BEDFORD ST
BURLINGTON, MA 01803

BOYAJIAN JOHN BOYAJIAN STACIA
121 GLAZEN LN
WAYLAND, MA 01778

HARBORWAY CORPORATION
60 SWING LN
FALMOUTH, MA 02540

MCKIM TRUSTEE MELISSA MCKIM TRUSTEE WILLIAM A
40 TURNERS WAY
NORWELL, MA 02061

FLYING BRIDGE RESTAURANT CORP
12 WASHINGTON ST
WELLESLEY HILLS, MA 02481-1772

ROBERT TRUSTEE WILLIAM C FALCO NOMINEE TRUST
12 WASHINGTON ST
WELLESLEY, MA 02481-1772

Town of Falmouth, MA Abutters Report

300ft. Abutters of Property 47C 06 012 002
at 278 SCRANTON AVE

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 04/15/2025.

Property ID	Address	Owner 1	Owner 2	Owner Address	Owner City/State/Zip
47C 05 004 004	45 SWING LN	HARBORWAY CORPORATION		60 SWING LN	FALMOUTH, MA 02540
47C 05 005 005	57 SWING LN	HARBORWAY CORPORATION		60 SWING LN	FALMOUTH, MA 02540
47C 05 006 006	65 SWING LN	BARONAS TRUSTEE JANE E	GOGUEN TRUSTEE JUDY A	80 SHERWOOD ST	ROSLINDALE, MA 02131
47C 05 007 007	67 SWING LN	SCARLATA STEVEN J	SCARLATA ANNMARIE T	67 SWING LN	FALMOUTH, MA 02540
47C 05 008 064	69 SWING LN	MURPHY JAMES L	GORHAM CHRISTINE	69 SWING LN	FALMOUTH, MA 02540
47C 05 009 065	14 LOWRY RD	BEARCE TRUSTEE DAVID W	BEARCE TRUSTEE ELLEN M	13093 CASTLE HARBOR DR	NAPLES, FL 34110
47C 05 010 010	15 LOWRY RD	MCNALLY DONALD	MCNALLY PAULA E	15 LOWRY RD	FALMOUTH, MA 02540
47C 05 019 001	241 SCRANTON AVE	OCONNELL TRUSTEE N	HARBOR SIDE REALTY TRUST	760 E 8TH ST	SOUTH BOSTON, MA 02127-3403
47C 05 021 002	0 FRANCES AVE	SIMMLER CHRISTOPHER R	OMALLEY SIMMLER NORINE	15 FRANCES AVE	FALMOUTH, MA 02540
47C 05 022 003	15 FRANCES AVE	SIMMLER CHRISTOPHER R	OMALLEY SIMMLER NORINE	15 FRANCES AVE	FALMOUTH, MA 02540
47C 05 027 004	0 FRANCES AVE	REYNOLDS POWERS TRUSTEE ELIZABETH	POWERS TRUSTEE ELIZABETH JEAN	127 FRONT ST	MARBLEHEAD, MA 01945
47C 05 030 003A	14 FRANCES AVE	WYMAN PETER J	WYMAN JULIE A	14 FRANCES AVE	FALMOUTH, MA 02540
47C 05 033 002A	251 SCRANTON AVE	STEEL TRUSTEE JEAN E	HARKNESS TRUSTEE GAIL A	251 SCRANTON AVE	FALMOUTH, MA 02540

Town of Falmouth, MA Abutters Report

300ft. Abutters of Property 47C 06 012 002
at 278 SCRANTON AVE

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47C 05 035 003A	253 SCRANTON AVE	CONNOLLY MARK		253 SCRANTON AVE	FALMOUTH, MA 02540
47C 05 036 002A	0 SCRANTON AVE	FALMOUTH HOLDINGS CORP		278 SCRANTON AVE	FALMOUTH, MA 02540-3401
47C 05 037 000	0 SCRANTON AVE	FALMOUTH HOLDINGS CORP		278 SCRANTON AVE	FALMOUTH, MA 02540-3401
47C 05 038 000B	8 LOWRY RD	SLOBODKIN ANDREA J		8 LOWRY RD	FALMOUTH, MA 02540
47C 05 039 000A	287 SCRANTON AVE	KENT TRUSTEE BARRY M	KENT TRUSTEE VICTORIA J	287 SCRANTON AVE	FALMOUTH, MA 02540
47C 05 040 000	291 SCRANTON AVE	FERNALD TRUSTEE BEVERLY	F X MESSINA SR FAMILY IRREV TR	61 OAK LEDGE DR	BRAINTREE, MA 02184
47C 05 041 000	295 SCRANTON AVE	PEKENIA JOHN A	PEKENIA BARBARA F	295 SCRANTON AVE	FALMOUTH, MA 02540-3472
47C 05 042 000	301 SCRANTON AVE	FALTON PROPERTIES LLC		67 SOUTH BEDFORD ST	BURLINGTON, MA 01803
47C 05 043 001	305 SCRANTON AVE	BOYAJIAN JOHN	BOYAJIAN STACIA	121 GLAZEN LN	WAYLAND, MA 01778
47C 05 045 000	0 SCRANTON AVE	HARBORWAY CORPORATION		60 SWING LN	FALMOUTH, MA 02540
47C 06 008 003	306 SCRANTON AVE	MCKIM TRUSTEE MELISSA	MCKIM TRUSTEE WILLIAM A	40 TURNERS WAY	NORWELL, MA 02061
47C 06 015 004	220 SCRANTON AVE	FLYING BRIDGE RESTAURANT CORP		12 WASHINGTON ST	WELLESLEY HILLS, MA 02481-1772
47C 06 015 005	250 SCRANTON AVE	ROBERT TRUSTEE WILLIAM C	FALCO NOMINEE TRUST	12 WASHINGTON ST	WELLESLEY, MA 02481-1772

Diane Davidson

From: Diane Davidson
Sent: Thursday, May 8, 2025 4:24 PM
To: Falmouth Conservation Commission; Gregg Fraser; Roy Martinson
Subject: Special Permit Application-Wetlands/Dock-278 Scranton Ave.-ACME
Attachments: 278 Scranton Ave. - ACME amendment of special permit package filed 04.10.25.pdf; WETLAND LEGAL NOTICE - 2025 - ACME - 278 Scranton Ave.pdf

To All,

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

Applicant: ACME Falmouth MA LLC
Location: 278 Scranton Ave., Falmouth (Falmouth Marine and Yachting Center)
Proposed Work: To modify approved layout of fixed and floating piers within previously legally altered area
Body of Water: Falmouth Inner Harbor

The applicant has provided a copy of the Order of Conditions dated 4/9/25. If you have any comments, please send by Wednesday, May 14.

The hearing is scheduled at the Select Board meeting on Monday, May 19, 2025 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.

Diane Davidson

From: Alissa Bergeron
Sent: Friday, May 9, 2025 12:39 PM
To: Diane Davidson
Cc: Jennifer Lincoln
Subject: RE: Special Permit Application-Wetlands/Dock-278 Scranton Ave.-ACME

Hi Diane,

Thank you for sending this over. The proposed plan matches what was approved by the Commission.

Alissa Bergeron
Conservation Agent
Town of Falmouth, MA
alissa.bergeron@falmouthma.gov
Office: (508) 495-7492

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Thursday, May 8, 2025 4:24 PM
To: Falmouth Conservation Commission <concom@falmouthma.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>; Roy Martinson <chuck.martinsen@falmouthma.gov>
Subject: Special Permit Application-Wetlands/Dock-278 Scranton Ave.-ACME

To All,

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

Applicant: ACME Falmouth MA LLC
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Proposed Work: To modify approved layout of fixed and floating piers within previously legally altered area
Body of Water: Falmouth Inner Harbor

The applicant has provided a copy of the Order of Conditions dated 4/9/25. If you have any comments, please send by Wednesday, May 14.

The hearing is scheduled at the Select Board meeting on Monday, May 19, 2025 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

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Diane Davidson, Office Manager
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Wetlands/Dredge Hearing – ACME Falmouth MA LLC – application to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Avenue, 850+/- c.y. of material to be removed with off-site upland disposal, in the waters of Falmouth Inner Harbor **(10 minutes)**

Purpose:
The Select Board will conduct a public hearing and consider the approval of an application by ACME Falmouth MA LLC to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Avenue, 850+/- c.y. of material to be removed with off-site upland disposal, in the waters of Falmouth Inner Harbor.

Background/Summary:

- The public hearing was properly noticed in the Falmouth Enterprise on May 2 and May 9, 2025.
- According to a letter submitted by Ament Klauer LLP on April 10, 2025 (see attached), Acme Falmouth MA LLC ("Acme Marina") is applying to the Select Board for a Special Permit under the Falmouth Zoning Bylaw Wetlands Regulation, Falmouth Code Section 240-14.8, to allow dredging of a portion of Falmouth Inner Harbor along 278 Scranton Avenue, where Acme Marina proposes to redevelop the entire Falmouth Marine waterfront.
- The waterfront improvements - reconstructing the bulkhead across the length of the marina, and installing new fixed and floating piers, a new boat travel-lift and a new ticket booth for the Falmouth-Edgartown Ferry Service - are the subject of a separate application filed herewith, requesting modification of the currently valid special permit issued to the prior owner, Falmouth Holdings Corp., in 2022/2023.
- According to the applicant, the dredging will enhance the marina's operation while minimizing adverse impacts to wetland resource areas by providing adequate boating water depths.

Recommended Actions:

Department Recommendation:
The Town Manager recommends that the Select Board conduct the public hearing and, after considering the information presented, consider the approval of the application by ACME Falmouth MA LLC to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Avenue, 850+/- c.y. of material to be removed with off-site upland disposal, in the waters of Falmouth Inner Harbor.

Options:

- Motion to approve the application by ACME Falmouth MA LLC to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Avenue, 850+/- c.y. of material to be removed with off-site upland disposal, in the waters of Falmouth Inner Harbor, as presented.
- Motion to deny the approval of the application by ACME Falmouth MA LLC to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Avenue, 850+/- c.y. of material to be removed with off-site upland disposal, in the waters of Falmouth Inner Harbor.

Town Manager's Comments:
The Town Manager recommends that the Select Board conduct the public hearing and, after considering the information presented, consider the approval of the application by ACME Falmouth MA LLC to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Avenue, 850+/- c.y. of material to be removed with off-site upland disposal, in the waters of Falmouth Inner Harbor.

Budget:
Applicable? (yes or no):
No.
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A.

Attachments:
1. ACME - 278 Scranton Ave - Dredging

TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone: (508) 495-7320
townmanager@falmouthma.gov

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of ACME Falmouth MA LLC for permission to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Ave., Falmouth, MA; 850 +/- c.y. of material to be removed with off-site upland disposal. Area affected is Falmouth Inner Harbor. 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, May 2, 2025 and Friday, May 9, 2025; Falmouth Enterprise.

Municipal Legal Notices

Public Hearing Notice
Falmouth Board of Health

On May 19, 2025, the Falmouth Board of Health will hold a public hearing on a proposed septic system regulation, named FHR 15.15, that would be added to the existing local regulation to Title 5 named FHR-15.0 SUPPLEMENTS TO 310 CMR 15.000: THE STATE ENVIRONMENTAL CODE TITLE 5. The hearing will be held at 5:30 p.m. in the Falmouth High School Auditorium, 874 Gifford Street Extension, Falmouth, MA 02540 . The regulation will require Best Available Nitrogen Reducing Technologies, also called I/A or denitrifying systems, be installed on septic systems on properties located in Nitrogen Sensitive Areas that seek to increase wastewater flow thus meeting the definition of New Construction in Title 5 – 310 CMR 15.000. New Construction refers to properties that increase wastewater flow at their property and includes new homes being built, raze and rebuilds of existing homes and existing homes looking to increase the number of bedrooms. This would also include commercial properties that are also seeking to increase wastewater flow. The purpose of this proposed regulation is to regulate the introduction of new sources of nitrogen pollution from on-site sewage disposal systems in Nitrogen Sensitive Areas and to work towards compliance with nitrogen reduction requirements in in Title 5. Nitrogen Sensitive Areas include any of the following areas in Falmouth sensitive to the discharge of nitrogen pollution: those defined in 310 CMR 15.214 as either public and private water supply protection areas or natural resource protection areas; those designated as Districts of Critical Planning Concern by Barnstable County under Barnstable County Ordinance 96-1; and watersheds determined by the Commonwealth of Massachusetts to be nitrogen impaired and listed in the most recent Clean Water Act Section 303d Integrated Report, whether or not a Total Maximum Daily Load (TMDL) is available. This regulation would require the Best Available Nitrogen Reducing Technology have a Total Nitrogen effluent performance value of 10 mg/L or less. Future sewer service area shall not be required to incorporate Best Available Nitrogen Reducing Technology if the design for a sewer service connection for the property has been funded by an Article in Town Meeting. Structures that have incorporated the Best Available Nitrogen Reducing Technology in their subsurface sewage disposal system shall not be required to connect to the sewer for a period of 15 years after the sewer project has been completed, or 20 years after a Nitrogen Reducing System has been installed, whichever is shorter. The complete proposed regulation can be provided by visiting the Health Department during normal business hours or visiting the Health Department page of the Town of Falmouth website https://www.falmouthma.gov/273/Health or by calling the Falmouth Health Department at 508-495-7485.

May 2, 2205
May 9, 2025
May 16, 2025

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

Applicant: Francis J Wencek Trustee

Location: 80 Southview Way
Map# 28 05 011 117

PROPOSAL: Site Plan Review application to construct an attached accessory dwelling unit at the above-referenced property.

DATE & TIME: Tuesday, May 13, 2025 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
Clerk/Secretary

May 2, 2025

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, May 14, 2025, at 7:00 PM.**

In accordance with Section 1, Chapter 2 of the Acts of 2025, relating to the 2020 novel Coronavirus outbreak, **the May 14, 2025, public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.**
Alternative public access to this meeting shall be provided in the following manner:
1. The meeting will be televised via Falmouth Community Television.
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 Chat function will be read into the record at the appropriate points in the meeting.
a. Zoom Login instructions:
i. Instructions and the meeting link for this specific meeting can be found at the following web address: http://www.falmouthma.gov/Conservation
ii. Please plan on 10-15 minutes of preparation time to log in though it may be less 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 concom@falmouthma.gov **at least 5 hours** 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 an alternative means of real-time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to concom@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

Matthew Philbrick, 17 Foster Road, Falmouth, MA – For permission to reconstruct two decks.

Alice Elizabeth Jones Crafford, Trustee, 0 Associates Road (Map/Parcel: 24-05-009-022D), Falmouth, MA – For permission to conduct minor invasive species management and restoration.

Larry Budnick, 331 Menauhant Road, Falmouth, MA – For permission to install a pool, patio, and equipment pad.

Joan Elizabeth Doyle, 10 Montgomery Court, Falmouth, MA – For permission to reconstruct a deck.

Moira McGoldrick, 29 Hunt Street, Falmouth, MA – For permission to construct an addition and install a drywell.

TSM Realty Holdings LLC, 32 Chapoquoit Road, Falmouth, MA – For permission to install a new Title V sewage disposal system and four drywells.

Sam Holloway, Bellingham Marine, 278 Scranton Avenue, Falmouth, MA – For permission to establish land-based geotechnical test borings.

REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT

Jim McLoughlin, Town of Falmouth Department of Public Works, Chapoquoit Road, Falmouth, MA – For permission to repair a sinkhole, under-sheet the seawall, and install guardrails.

Mark Stuart and Breena Urban, 3 Providence Street and 0 Little Bay Street (Map/Parcel 46A-18-000-000N), Falmouth, MA – For permission to replace a deteriorated concrete wall with a vinyl sheet piling.

REQUESTS TO AMEND AN EXISTING ORDER OF CONDITIONS

Pinsonneault Builders, 362 Acapesket Road, Falmouth, MA – Request to amend the Order of Conditions for MA DEP# 25-4831 to revise the planting plan.

Friends of Nobska Light, Inc., 233 Nobska Road, Falmouth, MA – Request to amend the Order of Conditions for MA DEP# 25-4897 to revise the planting plan.

Menauhant Yacht Club, 68 Yacht Club Road, Falmouth, MA - Request to amend the Order of Conditions for MA DEP# 25-4963 to reconfigure an existing, licensed dock.

By Order of: Jamie Mathews, Chairman
Falmouth Conservation Commission

May 2, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Taylor May Carroll, Trustee of the TMC Family Trust for permission to extend the existing pier by 25', to a total length of 76', located at 115 Childs River Road, East Falmouth, MA. Area affected is Childs River. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of ACME Falmouth MA LLC for permission to modify approved layout of fixed and floating piers within previously legally altered area at 278 Scranton Ave., Falmouth, MA (Falmouth Marine and Yachting Center). Area affected is Falmouth Inner Harbor. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of ACME Falmouth MA LLC for permission to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Ave., Falmouth, MA; 850 +/- c.y. of material to be removed with off-site upland disposal. Area affected is Falmouth Inner Harbor. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

Falmouth Early Edition
An e-newsletter with Falmouth specific news sent each Tuesday

Tides For Points On Vineyard Sound, Buzzards Bay & Cape Cod Bay

		POPPONESSET		FALMOUTH		WOODS HOLE (WHOI) GREAT HARBOR		WEST FALMOUTH		CAPE COD CANAL BUZZARDS BAY		CAPE COD CANAL (EAST)		BARNSTABLE HARBOR	
		HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE
FRIDAY	AM	5:13	11:31	2:54	9:30	12:26	8:27	12:02	5:55	1:14	8:59	3:15	9:43	3:21	10:09
MAY 2	PM	6:01	11:45	3:42	9:44	12:47	8:22	12:35	5:52	1:41	9:19	3:59	9:57	4:09	10:23
SATURDAY	AM	6:12		3:53	10:30	1:24	9:28	1:02	7:31	2:14	9:55	4:14	10:40	4:20	11:09
MAY 3	PM	7:04	12:51	4:45	10:46	1:43	9:40	1:36	7:19	2:39	10:18	4:59	10:57	5:12	11:25
SUNDAY	AM	7:16	12:47	4:57	11:32	2:20	10:29	2:00	9:17	3:12	10:50	5:15	11:39	5:24	
MAY 4	PM	8:08	1:33	5:49	11:51	2:37	10:51	2:33	9:42	3:37	11:16	6:01	11:59	6:16	12:11
MONDAY	AM	8:22	1:52	6:03		3:16	11:24	2:55	10:24	4:12	11:44	6:17		6:30	12:30
MAY 5	PM	9:10	2:35	6:51	12:34	3:34	11:58	3:29	10:57	4:39		7:03	12:38	7:18	1:13
TUESDAY	AM	9:27	2:57	7:08	12:56	4:13		3:52	11:18	5:20	12:13	7:20	1:01	7:35	1:35
MAY 6	PM	10:09	3:35	7:50	1:34	4:34	12:10	4:28	11:53	5:47	12:36	8:02	1:33	8:17	2:13
WEDNESDAY	AM	10:29	4:00	8:10	1:59	5:08	12:54	4:52		6:25	1:06	8:21	2:01	8:37	2:38
MAY 7	PM	11:02	4:30	8:43	2:29	5:28	12:49	5:23	12:00	6:44	1:22	8:53	2:27	9:10	3:08
THURSDAY	AM	11:25	4:58	9:06	2:57	5:55	1:49	5:45	12:37	7:15	1:54	9:14	2:55	9:33	3:36
MAY 8	PM	11:47	5:19	9:28	3:18	6:15	1:13	6:09	12:29	7:30	2:05	9:37	3:14	9:55	3:57

May 2, 2025 - Sunrise is at 5:33AM; sunset is at 7:46 PM

508-563-7136
Shipyard Lane
Cataumet, MA

KINGMAN YACHT CENTER

LOVE YOUR BOAT, HATE YOUR ELECTRONICS? KINGMAN HAS WHAT YOU'RE LOOKING FOR.

FRIENDS OF FALMOUTH DOGS
FALMOUTH, MA.

By ANNA DOS SANTOS
P.O. Box 438,
Falmouth, MA 02541-0438
Tel 508-548-7742
friendsoffalmouthdogs.org

Friends of Falmouth Dogs is helping a family rehome their 8-year-old Lab mix, **Malakai**. He loves people, walking and cuddling and is a couch potato much of the time, just hanging out with his humans and his stuffed animals. Malakai's current owner thinks he would do best with no other pets in the house and is more comfortable with older children. He's neutered, fully vaccinated, house-trained and ready to be loved by a new family. Call us at 508-548-7742 to meet him.


Malakai

We have a smart, white fluffy dog that is looking for a new, calm home. **Monet** is an 8-year-old American Eskimo dog that will be happiest in a home with no children, no other dogs and definitely no cats! Monet is an excellent walker who enjoys meeting people when he is out and about and usually ignores other dogs he meets. One of his favorite things to do is go for car rides. Except for being a little overweight, Monet is in excellent health, neutered and fully vaccinated. Call us at 508-548-7742 to make an appointment to meet Monet.


Monet

Little Rosie, a 11-year-old Schnauzer, is a senior dog that still has a lot of energy and life in her. She loves walking and gets along very well with all of our volunteers. She lived with small children and another dog back in Texas. She was surrendered to a rescue we work with because the family just had another baby and two demanding jobs and were a bit overwhelmed. Little Rosie is in good health, is fully vaccinated and spayed. Schedule a meet and greet with Little Rosie by calling 508-548-7742.


Little Rosie

Jimmy Dean, our 11½-year-old brown Dachshund mix who weighs about 23 pounds is looking for his new permanent home. Due to his shyness and fear of new people, we had him stay with two different foster families to gain confidence and become accustomed to new people. In both homes, he bonded with the primary female in the family within a few weeks and tolerates other members of the family. In both cases, the families had other dogs that helped Jimmy Dean settle into the family. We would recommend a home with a female dog that is larger than Jimmy, as he has a fair amount of energy to play. He is up to date on all his vaccines, microchipped and has been neutered. If you would like to meet him, please call the shelter at 508-548-7742.


Jimmy Dean

Are you looking for a cuddle companion? Then come in and meet **Leo**, a 9-year-old Pomeranian mix. He comes to us from Georgia after his owner moved to a nursing home. Leo is black and white, neutered, house-trained, fully vaccinated and weighs about 13 pounds. His rescue mom says he is lots of fun and likes to play with her dog and her pet flying squirrels, and tolerates her cats. He's currently staying with one of our foster moms and she loves him already. We do know that Leo has a narrowing of a portion of his trachea that can cause him to cough, but he is on a medication that helps reduce the coughing significantly. This will likely be a lifetime medicine. Call us at 508-548-7742 for an appointment to meet him.


Leo

Juan Pablo, an 10-year-old Chihuahua mix, arrived from Texas and is a real cutie. He's staying with a local foster family who report that he settled right in and made himself at home. Sleeping in a crate was not a problem for Juan Pablo and lounging around the house makes him happy, too. He's all black, weighs about 17 pounds, is up to date on vaccines and is very friendly. JP's owners in Texas surrendered him due to changes in the family and think JP would be happiest with older or no children in the home. Call for an appointment at 508-548-7742 to meet Juan Pablo.


Juan Pablo

Monetary donations are always needed here at the shelter so we can continue caring for the dogs in our custody and help low income dog owners pay for veterinary care and dog food. Our goal is that with our help, many more dogs will stay healthy—or get healthy—and live longer and happier lives. The Cape Cod Foundation provides grant funding to us, and we are supremely grateful for its support. Unfortunately, our costs exceed our grant support. If you would like to help provide medical care for the dogs in our care and in our community, donations by check (PO Box 438, Falmouth, MA 02541) or PayPal (www.friendsoffalmouthdogs.org) are always welcomed.

Friends of Falmouth Dogs holds MA License #0183.

Municipal Legal Notices

Falmouth Zoning Board of Appeals
Notice of Public Hearing for June 5, 2025

Notice is hereby given of the following Public Hearing @ 6:00pm and Open Meeting in the Select Board's Meeting Room, Town Hall, Falmouth, MA, on *Thursday, June 5, 2025*

Continuation(s)
#018-25 Dooley, 26 Boston Street, East Falmouth
#019-25 Berggren, 33 Martin Road, East Falmouth

Application #052-24(R COURT ORDERED RE-MAID, Lawrence T. and Valerie N. Sullivan: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A and 240-11.3A(4) of the Code of Falmouth to raze the existing accessory structure (garage) and construct a single-family dwelling, exceeding 20% lot coverage by structures. The subject property is 0 (lot 8) Melrose Avenue, Falmouth, Ma.

Application #029-25 Scott Lutz: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A. of the Code of Falmouth to raze and rebuild the existing, non-conforming, single family dwelling. **The subject property is 65 Cypress Street, Teaticket, Ma.**

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

May 9, 2025
May 16, 2025

TOWN OF FALMOUTH
SELECT BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Falmouth Theatre Guild located at 58 Highfield Drive, Falmouth, MA has applied for an Entertainment License and a Sunday Entertainment License.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall, on Monday, May 19, 2025, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of ACME Falmouth MA LLC for permission to modify approved layout of fixed and floating piers within previously legally altered area at 278 Scranton Ave., Falmouth, MA (Falmouth Marine and Yachting Center). Area affected is Falmouth Inner Harbor. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

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, May 21, 2025, at 7:00 PM.**

In accordance with Section 1, Chapter 2 of the Acts of 2025, relating to the 2020 novel Coronavirus outbreak, the **May 21, 2025, public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.** Alternative public access to this meeting shall be provided in the following manner:
1. The meeting will be televised via Falmouth Community Television.
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 Chat function will be read into the record at the appropriate points in the meeting.
a. Zoom Login instructions:
i. Instructions and the meeting link for this specific meeting can be found at the following web address: http://www.falmouthma.gov/Conservation
ii. Please plan on 10-15 minutes of preparation time to log in though it may be less 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 concom@falmouthma.gov at least 5 hours 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 an alternative means of real-time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to concom@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

Afleen and Charles Breen, 18 Spartina Place, Falmouth, MA – For permission to vista prune according to FWR 10.18(10)(b).

Andrea Rosen, 15 Bay Shore Drive, North Falmouth, MA – For permission to construct a screened porch and install mitigation plantings.

Ray Dumont, 460 Menauhant Road, East Falmouth, MA – For permission to upgrade an existing sewage disposal system.

Novo Builds, LLC, 5 Shaume Road, Falmouth, MA – For permission to remove an existing deck, construct a new deck, and remove gravel. Joseph Scott Teller and Kerri Murphy Teller, 87 Colonial Way, Falmouth, MA – For permission to install a pool, a covered patio with outdoor kitchen, a firepit, and a rinse station; to relocate a shed; and to install a drywell.

By Order of: Jamie Mathews, Chairman
Falmouth Conservation Commission

May 9, 2025

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

Applicant: Carlos Santos

Location: 116 Jamie Ln
Map# 27 06 018 009

PROPOSAL: Site Plan Review application to construct an attached accessory dwelling unit at the above-referenced property.

DATE & TIME: Tuesday, May 27, 2025 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
Clerk/Secretary

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of ACME Falmouth MA LLC for permission to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Ave., Falmouth, MA, 850 +/- c.y. of material to be removed with off-site upland disposal. Area affected is Falmouth Inner Harbor. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that
Blue Moon Sea Grille, Incl d/b/a Hooked has applied for an All Alcoholic Beverages Restaurant License to be exercised at 153 Main Street, Falmouth, MA.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, May 19, 2025 at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

Applicant: Lucelena A. Pereira

Location: 15 Deepwood Dr.
Map# 27 05 011 056N

PROPOSAL: Site Plan Review application to construct an attached accessory dwelling unit at the above-referenced property.

DATE & TIME: Tuesday, May 27, 2025 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
Clerk/Secretary

May 9, 2025

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, May 21, 2025, upon the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission To install two (2) new JO poles to be labeled 126/27-5 and 126/27-25 and two anchor and guy wires Two (2) JO Poles 126/27-5 and 126/27-25, two anchers and guy wires This pole location is necessary to provide electric service to #187 Central Avenue.

Per Order of the Falmouth Select Board

May 9, 2025

TOWN OF FALMOUTH
SELECT BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Blue Moon Sea Grille, Inc. d/b/a Hooked located at 153 Main Street, Falmouth, MA has applied for an Entertainment License and a Sunday Entertainment License.

A hearing on the above applications will be held in the Select Board Meeting Room, Falmouth Town Hall, on Monday, May 19, 2025, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

LICENSING BOARD
Nancy Robbins Taylor
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May 9, 2025

PUBLIC HEARING NOTICE

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Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

Public Hearing Notice
Falmouth Board of Health

On May 19, 2025, the Falmouth Board of Health will hold a public hearing on a proposed septic system regulation, named FHR 15.15, that would be added to the existing local regulation to Title 5 named FHR-15.0 SUPPLEMENTS TO 310 CMR 15.000: THE STATE ENVIRONMENTAL CODE TITLE 5. The hearing will be held at 5:30 p.m. in the Falmouth High School Auditorium, 874 Gifford Street Extension, Falmouth, MA 02540 . The regulation will require Best Available Nitrogen Reducing Technologies, also called I/A or denitrifying systems, be installed on septic systems on properties located in Nitrogen Sensitive Areas that seek to increase wastewater flow thus meeting the definition of New Construction in Title 5 – 310 CMR 15.000. New Construction refers to properties that increase wastewater flow at their property and includes new homes being built, raze and rebuilds of existing homes and existing homes looking to increase the number of bedrooms. This would also include commercial properties that are also seeking to increase wastewater flow. The purpose of this proposed regulation is to regulate the introduction of new sources of nitrogen pollution from on-site sewage disposal systems in Nitrogen Sensitive Areas and to work towards compliance with nitrogen reduction requirements in in Title 5. Nitrogen Sensitive Areas include any of the following areas in Falmouth sensitive to the discharge of nitrogen pollution: those defined in 310 CMR 15.214 as either public and private water supply protection areas or natural resource protection areas; those designated as Districts of Critical Planning Concern by Barnstable County under Barnstable County Ordinance 96-1; and watersheds determined by the Commonwealth of Massachusetts to be nitrogen impaired and listed in the most recent Clean Water Act Section 303d Integrated Report, whether or not a Total Maximum Daily Load (TMDL) is available. This regulation would require the Best Available Nitrogen Reducing Technology have a Total Nitrogen effluent performance value of 10 mg/L or less. Future sewer service area shall not be required to incorporate Best Available Nitrogen Reducing Technology if the design for a sewer service connection for the property has been funded by an Article in Town Meeting. Structures that have incorporated the Best Available Nitrogen Reducing Technology in their subsurface sewage disposal system shall not be required to connect to the sewer for a period of 15 years after the sewer project has been completed, or 20 years after a Nitrogen Reducing System has been installed, whichever is shorter. The complete proposed regulation can be provided by visiting the Health Department during normal business hours or visiting the Health Department page of the Town of Falmouth website https://www.falmouthma.gov/273/Health or by calling the Falmouth Health Department at 508-495-7485.

May 2, 2205
May 9, 2025
May 16, 2025

Tides For Points On Vineyard Sound, Buzzards Bay & Cape Cod Bay

		POPPONESSET		FALMOUTH		WOODS HOLE (WHOI) GREAT HARBOR		WEST FALMOUTH		CAPE COD CANAL BUZZARDS BAY		CAPE COD CANAL (EAST)		BARNSTABLE HARBOR	
		HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE
FRIDAY	AM		5:48	9:54	3:47	6:37	2:39	6:29	1:15	7:57	2:41	10:01	3:43	10:21	4:26
MAY 9	PM	12:13	6:01	10:08	4:00	6:58	12:45	6:48	12:38	8:10	2:46	10:16	3:57	10:35	4:39
SATURDAY	AM	12:27	6:32	10:37	4:31	7:18	3:18	7:08	1:46	8:37	3:27	10:44	4:27	11:04	5:10
MAY 10	PM	12:56	6:40	10:44	4:39	7:40	1:03	7:26	12:44	8:49	3:28	10:54	4:38	11:11	5:18
SUNDAY	AM	1:03	7:11	11:16	5:10	8:00	3:45	7:46	2:01	9:17	4:10	11:24	5:09	11:43	5:49
MAY 11	PM	1:35	7:17	11:20	5:16	8:22	1:40	8:03	1:06	9:29	4:07	11:31	5:18	11:47	5:55
MONDAY	AM	1:39	7:49	11:55	5:48	8:42	4:02	8:25	2:11	9:57	4:48		5:50		6:27
MAY 12	PM	2:14	7:54	11:56	5:53	9:03	2:27	8:43	1:38	10:09	2:37	12:04	5:58	12:22	6:32
TUESDAY	AM	2:15	8:27		6:26	9:24	4:22	9:06	2:37	10:36	5:22	12:08	6:31	12:23	7:05
MAY 13	PM	2:52	8:32	12:33	6:31	9:44	3:16	9:24	2:15	10:47	3:19	12:43	6:39	1:00	7:10
WEDNESDAY	AM	2:51	9:05	12:32	7:04	10:04	4:56	9:48	3:10	11:12	5:54	12:46	7:11	12:59	7:43
MAY 14	PM	3:31	9:10	1:12	7:09	10:25	4:02	10:06	2:55	11:22	4:03	1:22	7:19	1:39	7:48
THURSDAY	AM	3:30	9:45	1:11	7:44	10:46	5:41	10:31	3:44	11:45	6:29	1:25	7:53	1:38	8:23
MAY 15	PM	4:11	9:50	1:52	7:49	11:08	4:46	10:49	3:35	11:56	4:41	2:02	8:00	2:19	8:28

May 9, 2025 - Sunrise is at 5:27AM; sunset is at 7:54 PM

508-563-7136
Shipyard Lane
Cataumet, MA
KINGMAN YACHT CENTER
LOVE YOUR BOAT, HATE YOUR ELECTRONICS? KINGMAN HAS WHAT YOU'RE LOOKING FOR.

By ANNA DOS SANTOS
P.O. Box 438,
Falmouth, MA 02541-0438
Tel 508-548-7742
friendsoffalmouthdogs.org

After another busy week of meet and greets, we are happy to report that Little Rosie, our Schnauzer mix, and Juan Pablo, our Chihuahua mix, have both found new, loving homes. Many happy years to both of them!



Roo

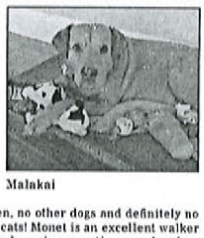
If you are looking for a young Lab mix, then Roo might be the dog for you. He's about 7 months old and full of energy. Roo would love to have a brother or sister dog to play with, but his play energy is too much for cats. He's a happy dog that likes people and other dogs, but has not been around small children, so that's an open question. Vaccinations are up to date, he's fully housetrained and will be neutered at our expense. Call 508-548-7742 to meet Roo.

Are you looking for a cuddle companion? Then come in and meet **Leo**, a 9-year-old Pomeranian mix. He comes to us from Georgia after his owner moved to a nursing home. Leo is black and white, neutered, house-trained, fully vaccinated and weighs about 13 pounds. His rescue mom says he's lots of fun and likes to play with her dog and her pet flying squirrels and tolerates her cats. He's currently staying with one of our foster moms and she loves him already. We do know that Leo has a narrowing of a portion of his trachea that can cause him to cough, but he is on a medication that helps reduce the coughing significantly. This will likely be a lifetime medicine. Call us at 508-548-7742 for an appointment to meet Leo.



Leo

We are helping a family rehome their 8-year-old Lab mix, **Malakai**. He loves people, walking and cuddling, and is a couch potato much of the time, just hanging out with his humans and his stuffed animals. Malakai's current owner thinks he would do best with no other pets in the house and is more comfortable with older children. He's neutered, fully vaccinated, house-trained and ready to be loved by a new family. Call us at 508-548-7742 to meet him.



Malakai

We have a smart, white fluffy dog that is looking for a new, calm home. **Monet** is an 8-year-old American Eskimo dog that will be happiest in a home with no children, no other dogs and definitely no cats! Monet is an excellent walker who enjoys meeting people when he is out and about, and usually ignores other dogs he meets. One of his favorite things to do is go for car rides. Except for being a little overweight, Monet is in excellent health, neutered and fully vaccinated. Call us at 508-548-7742 to make an appointment to meet Monet.



Monet

Jimmy Dean, our 1½-year-old brown Dachshund mix who weighs about 23 pounds, is looking for his new permanent home. Due to his shyness and fear of new people, we had him stay with two different foster families to gain confidence and become accustomed to new people. In both homes, he bonded with the primary female in the family within a few weeks and gradually became comfortable with the other members of the family. In both cases, the families had other dogs that helped Jimmy Dean settle into the family. We would recommend a home with a female dog that is larger than Jimmy, as he has a fair amount of energy to play. He is up to date on all his vaccines, microchipped and has been neutered. If you would like to meet him, please call the shelter at 508-548-7742.



Jimmy Dean

Monetary donations are always needed here at the shelter so we can continue caring for the dogs in our custody and help low-income dog owners pay for veterinary care and dog food. Our goal is that with our help, many more dogs will stay healthy—or get healthy—and live longer and happier lives. The Cape Cod Foundation provides grant funding to us, and we are supremely grateful for its support. Unfortunately, our costs exceed our grant support. If you would like to help provide medical care for the dogs in our care and in our community, donations by check (PO Box 438, Falmouth, MA 02541) or PayPal (www.friendsoffalmouthdogs.org) are always welcomed.

Friends of Falmouth Dogs holds MA License #0183.

AMENT KLAUER LLP
Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

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Telephone (508) 540-6555
Fax (508) 457-1293
Website: www.amentklauer.com

RECEIVED
APR 10 2025
SELECT BOARD OFFICE

April 10, 2025
Filed by hand delivery and by email to townmanager@falmouthma.gov

Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Re: Application for Special Permit for dredging in Falmouth Inner Harbor
Town Code Section 240-14.8
Acme Falmouth MA LLC, applicant, 278 Scranton Avenue, Falmouth, MA 02540

Dear Select Board Members:

Acme Falmouth MA LLC ("Acme Marina") hereby applies to the Select Board for a Special Permit under the Falmouth Zoning Bylaw Wetlands Regulation, Falmouth Code Section 240-14.8, to allow dredging of a portion of Falmouth Inner Harbor along 278 Scranton Avenue, where Acme Marina proposes to redevelop the entire Falmouth Marine waterfront. The waterfront improvements - reconstructing the bulkhead across the length of the marina, and installing new fixed and floating piers, a new boat travel-lift and a new ticket booth for the Falmouth-Edgartown Ferry Service – are the subject of a separate application filed herewith, requesting modification of the currently valid special permit issued to the prior owner, Falmouth Holdings Corp., in 2022/2023. The dredging will enhance the marina's operation while minimizing adverse impacts to wetland resource areas by providing adequate boating water depths.

On April 9, 2025, the Falmouth Conservation Commission issued its Order of Conditions to allow the dredging which is the subject of this application to the Select Board. Most of the subject area has been dredged previously at least to the depth being requested, under prior permits issued by the Conservation Commission, the Select Board and the Commonwealth's Department of Environmental Protection (Chapter 91 License). The property history, including prior permitting, the construction methodology, and project impacts, are described in detail in the Notice of Intent prepared by Cape & Islands Engineering and submitted to the Conservation Commission on February 26, 2025, a copy of which is filed herewith and made a part of this application. Cape & Islands Engineering also prepared the plans included in this filing.

Filed herewith are the following:

1. Application for Special Permit (two copies);

2. Check to the Town of Falmouth for the filing fee of $75.00; CK# 8590

3. Two full size copies of plans prepared by Cape & Islands Engineering for Acme Falmouth MA LLC, 278 Scranton Avenue, Falmouth, Massachusetts, Sheet 1 ("Site Plan Overall Site Layout"), Sheet 2 ("Site Plan Bulkhead + Float Layout") and Sheet 3 (Site Plan Construction Details"), all dated June 21, 2024 and last revised 2-25-25;

4. Copy of the Notice of Intent filed with the Conservation Commission on February 26, 2025.

5. Copy of the Order of Conditions (DEP #25-5054) issued by the Falmouth Conservation Commission on April 9, 2025.

Please schedule the Select Board's hearing on this application. Since Acme Marina is also submitting herewith a separate request to amend the 2022/2023 Special Permit to adjust the configuration of the proposed fixed and floating piers, please schedule both matters for the same night.

Please contact me with any questions. Thank you for your assistance.

Very truly yours,

Bob Ament

Robert H. Ament, Esquire

RHA/gmb
Enclosure

cc: Jay Kehoe, General Manager, Acme Falmouth MA LLC, General Manager

APR 10, 2025 AM 10:18
TOWN CLERK
RECEIVED

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APR 10 2025
SELECTMEN'S OFFICE

TOWN OF FALMOUTH
BOARD OF SELECTMEN

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

To the Board of Selectmen
Falmouth, MA

Date: April 10, 2025

The undersigned hereby applies to the Board of Selectmen as required by Section 240-14.8 of the Zoning Bylaws, for a permit to alter, as indicated below, the following described premises:

OWNER: Acme Falmouth MA LLC (full name) 278 Scranton Avenue, Falmouth, MA 02540 (address)

AGENT: Robert H. Ament, Esq. Ament Klauer LLP (full name) 39 Town Hall Square, Falmouth, MA 02540 (address)

APPLICANT: Acme Falmouth MA LLC (full name) 268 Coleman Blvd., Suite 2D, Mount Pleasant, SC 29464 (address)

1. Location of Property: Map 47C Section 06 Parcel 012 Lot 002

Street Name and House Number 278 Scranton Ave., Falmouth, MA 02540

2. Body of water, marsh or stream affected: Falmouth Inner Harbor

3. Description of property and project site: Maintenance and Improvement dredging of 850±, cu. yds. of material in Falmouth Inner Harbor

a. Dimensions, Acreage of total parcel: 473' ± x 150' ±; 1.97 ± acres

b. Length of water marsh frontage: 509' ±

c. Dimensions of area to be dredged: 16,250 s.f. Depth 7'

d. Dimensions of area to be filled: NA

e. Volume of dredging spoil to be moved: 850± cu. yds.

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: Bourne Integrated Solid Waste Management Facility, Bourne, MA

f. Describe proposed riprap or bulkheading, if any: NA

g. Other (docks, piers and etc.) NA

h. Method (equipment to be used) for proposed work: See "3.0 Proposed Project" section of Notice of Intent Application, a copy of which is filed herewith and made a part hereof

4. Purpose of proposed work: Provide adequate water depths for vessels, while better protecting wetland resource areas

5. Zoning which governs area: Marine

6. Date of application for permit to dredge or fill from the Commonwealth of Mass: to be filed after receipt of Select Board decision Army Engineers pending

7. Has a permit ever been approved or refused for this location by State, Federal or Local Authority? See list of Existing Wetlands Permits included in Notice of Intent Application and see Falmouth Conservation Commission Order of Conditions issued April , 2025

8. Remarks

9. Project Summary for legal notice: Perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Avenue, 850± c.y. of material to be removed with off-site upland disposal

Owner:
Acme Falmouth MA LLC
268 Coleman Blvd, Suite 2D, Mount Pleasant, SC 29464
(Name & Address)

TEL #: 843-860-7254

Agent: Robert H. Ament
Robert H. Ament, Esq., Ament Klauer LLP, 39 Town Hall Square, Falmouth, MA 02540
(Name & Address)

TEL #: 508-540-6555

Applicant: Same

(Name & Address)

TEL #:

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

CAPE & ISLANDS ENGINEERING

NOTICE OF INTENT

Filing under the Massachusetts Wetlands Protection Act, (MWPA, M.G.L. Chapter 131, Section 40) and its implementing regulations (310 CMR 10.00) and the Falmouth Wetlands Protection Bylaw, (Chapter 235 of the Code of Falmouth) and the Falmouth Wetland Regulations (FWR 10.00)

Project:

Maintenance & Improvement Dredging

Location:

278 Scranton Avenue, Falmouth, MA

Owner and Applicant:

ACME Falmouth MA LLC
c/o Boyce Campsen
268 Coleman Blvd, Suite 2D
Mount Pleasant, SC 29464

Prepared by
CAPE & ISLANDS ENGINEERING, INC.
800 Falmouth Road, Suite 301C
Mashpee, MA 02649
(508) 477-7272

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1.0 OVERVIEW

1.1 Introduction

Cape and Islands Engineering, Inc. is submitting this Notice of Intent (NOI) Application, on behalf of the applicant and property owner, ACME Falmouth MA LLC, c/o Boyce Campsen, for the proposed maintenance dredging of approximately 850 cubic yards (cy) of material in Falmouth Inner Harbor with off-site upland disposal. Additionally, the applicant requests a term of the anticipated Order of Conditions be issued for a five (5) year term, in accordance with 310 CMR 10.05 (6)(d), in order to obtain necessary permit applications in that time period and avoid requesting extensions to the Order of Conditions.

Work will take place within Land Under the Ocean, Land Containing Shellfish, Land Subject to Coastal Storm Flowage, and within 100-feet of Coastal Resources. All the work is within previously, legally altered area, and within Conservation Commission jurisdiction.

1.2 Applicable Regulations

This application has been filed in accordance with the Massachusetts Wetlands Protection Act, (MWPA, M.G.L. Chapter 131, Section 40) and its implementing regulations (310 CMR 10.00) and the Falmouth Wetlands Protection Bylaw, (Chapter 235 of the Code of Falmouth) and the Falmouth Wetland Regulations (FWR 10.00).

2.0 BACKGROUND

2.1 Existing Conditions

The project site is located at 278 Scranton Ave., Falmouth, MA, along the western side of Falmouth Inner Harbor. The property is a private marine district zoned parcel, occupied by a commercial building, bulkhead along the entire waterfront side, commercial fixed and floating piers, a boat travel lift, a ticket office building and other associated improvements with utilities. The property contains approximately 1.95 acres of land area and is entirely legally altered. Several local and state permits allow for the current development on the property (refer to permit table below).

The property is developed with buildings, crushed shell and crushed stone driveways, paved driveways, timber bulkheads, and fixed and floating piers. Bordering the property to the north is a similar marine use property and to the south is a residential property. Across the harbor there is another marina development and more residential properties.

2.2 Property History

The property has been in operation as a commercial marina since at least the 1940s (according to town assessors records) providing boat service, storage, docking, pump-out service and fueling service. The current waterfront improvements include a timber bulkhead, floating and fixed piers, a travel lift, all built between the early 1940s (Lic.2490, 2686 & 2996), late 1950s (Lic.4030 & Lic.3967), early 1970s (Lic.6057) and the early 1980s (Lic.623), and later some permits consolidated into one license in 1990 (Lic.2123). Six of these prior permits include dredging (Licenses 2490, 2686, 2996, 5039, 6057 and 623) in front of the bulkheads. Three of these licenses (Licenses 2490, 2996 & 6057) permitted dredge to depths of up at least 8-feet below Mean Low Water level.

The following environmental permits have been issued for the property:

Existing Wetlands Permits		
1.	Chapter 91 Licenses No. 623, 2123, 2490, 2686, 2996, 3110, 3967, 3968, 4030, 5039 and 6057	Bulkheads, floats, piers, piles, ramps, boat landing ramp and dredge
2.	Chapter 91 License No 12293	Pier, ramp & pile replacements
3.	Order of Conditions, DEP 25-1836	Bulkhead reconstruction (Permit expired, no work performed)
4.	Order of Conditions, DEP 25-1972	Restroom addition and boat sewer pump-out facility Certificate of Compliance issued 5-13-2014
5.	Order of Conditions, DEP 25-3443	Piers, floats and piles reconfiguration (Permit expired, no work performed)
6.	Order of Conditions, DEP 25-4523	Redesign of Marina and Bulkhead
7.	Board of Selectmen Approval	Issued November 23, 1988
8.	Board of Selectmen Approval	Issued April 29, 2008
9.	Board of Selectmen Approval	Issued November 1, 2022
10.	License WW01-0000224	Issued September 21, 2023

The six licenses in the table above that are highlighted in gray indicate permits that allowed dredge activities within the proposed dredge area for this application. Refer to the graphic plan for a visual comparison.

2.3 Site Characteristics

The resource areas on or within 100 feet of the site include Land under the Ocean, Land Containing Shellfish, Land Subject to Coastal Storm Flowage, Salt Marsh, Coastal Beach, and Coastal Bank. The resource areas were delineated, marked, and located by an on the ground instrument survey. The resource area boundaries are shown on the application drawings.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) community panel number 25001C0736J, effective July 16, 2014, the property is located within the 100-year floodplain as indicated by Flood Zone AE (E.L. 14) and VE (E.L. 15) (NAV88). As such the entire property is located within land subject to coastal storm flowage.

The Massachusetts Natural Heritage and Endangered Species Program (NHESP) Atlas (15th edition, August 1, 2021) and MassGIS online were consulted to confirm that the site does not fall within Estimated Habitats of Rare Wildlife or Priority Habitats of Rare Species. There are no vernal pools within 300 feet of the site or eelgrass bed within 100-feet of the work limits.

According to MassMapper and Falmouth GIS the project site is not located within the limits of an Area of Critical Environmental Concern, Outstanding Resource Waters, or Zone II Wellhead Protection Areas. The site is located within the local Coastal Pond Overlay District. The property is commercial in use and is subject to Massachusetts Stormwater Standards.

3.0 PROPOSED PROJECT

3.1 Scope of Work

The project proposes to perform maintenance dredging of approximately 850 cy of material in Falmouth Inner Harbor with off-site upland disposal. Dredge material will be dewatered on site and disposed of at a suitable off-site upland location. This permit is to seek maintenance dredge approval for the project footprint as shown on the attached plans and to achieve adequate clearance depths within the marina.

Upon approval from the local Conservation Commission and prior to dredge, a 401 Water Quality Certificate and a Chapter 91 Waterways License for the proposed work will be obtained from the Department of Environmental Protection. A project involving the repair of the existing bulkhead and the replacement of serval piers, ramps, and floats was recently approved under OOC 25-4779, and an amendment to the marina layout design is filed simultaneously to this application. The proposed dredge project is scheduled in junction with the approved marina improvement project and will be reflected in the state licenses.

This permit seeks on-going maintenance dredge approval for the entire project footprint as shown on the attached plans.

3.2 Construction Methodology

The Order of Conditions and signage will be posted at the site and designated areas staged for construction. The contractor shall contact and coordinate with the Falmouth Shellfish Constable and Harbormaster prior to the start of dredge activities. The project will be completed in one phase and efforts will be coordinated to minimize construction time and disturbance within and around the subject resource areas.

The landward limit of work will be defined by the existing driveway and parking areas within the property. A construction entrance stone pad is proposed to prevent soil tracking on public roadways. A compost roll with a silt fence backing will be installed along the upland side of the existing bulkhead to filter and surface runoff from land. Within the waters of Inner Harbor, a silt curtain will define the seaward limit of the work and control sedimentation during the dredge activities.

Dredging activities will be done in one phase from both land and from a barge. The dredging will be performed mechanically using a crane with a clamshell bucket. A portion of the dredge work will be performed by a crane operating on land and a portion will need to be performed from a barge due to the limited reach from on-land equipment. No dredge is proposed above MLW.

Dewatering and dredge material loading area will be located in the upland, within developed driveway and parking areas. Drained dredge material loaded into trucks transported for final disposal at an approved off-site upland location. The project will be performed as one phase and implemented in the general manner outlined below. Variations will depend on unforeseen obstacles, contractor availability if implementation of new or more efficient management of construction resources are available.

3.3 Maintenance & Improvement Dredging

The accompanying plan identifies the location of the proposed dredge. A calculated volume of 850 cy of material needs to be removed within 16,250 square feet (sf) of Falmouth Inner Harbor to maintain and achieve the desired 7-foot water depth for continued operation of the marina. Current depths of the marina range between 3.3 and 4.5 feet below the water's surface at Mean Low Water (MLW). The areas requiring a 7-foot water depth was determined and designed with a standard 4:1 side-slope to minimize further siltation and to avoid negative impact to the bulkheads and other shoreline features.

The total dredge area consists of both Maintenance Dredge for a 10,150 square feet area, and Improvement Dredge for a 6,100 square feet area, based, and compared to prior dredge permits within this area.

Of the total dredge volume, Maintenance Dredge will account for approximately 540 cubic yards of material within the 10,150 sq.ft. area that has been previously dredged. As noted above, prior licenses allowed dredge depths of at least 8-feet below MLW. The proposed dredge in this area is to a depth of 7-feet below MLW.

Of the total dredge volume, Improvement Dredge will account for approximately 310 cubic yards of material within the 6,400 sq.ft. area that has been previously dredged. However, prior dredge permits in this area were to depths of up to 6-feet below MLW. The proposed dredge in this area increases the depth by 1-foot to a depth of 7-feet below MLW.

3.4 Dewatering & Disposal

The project includes erosion controls consisting of a straw wattle limit of work and a track out sediment control pad at the existing gravel drive adjacent to Scranton Avenue as shown on the plan. The contractor shall maintain the erosion control measures in good working conditions throughout the duration of the project and replace as needed.

Dredge material will be placed directly into a dewatering containment area as shown on the accompanying plan and dewatered in place prior to transport. A row of siltation curtains will be installed around the entire dredge operation area to confine and limit any turbidity during the dredge operation.

All dewatering and effluent control shall be provided by placing dredge material within a dewatering containment area located and constructed as shown on the design plans. The base will have a layer of 3/4" to 1" diameter stone; the sides will be of two rows of straw bales with filter cloth covering their inside, top and outside as well as extend 3 feet on the base. The length/width of the dewatering containment area shall be approximately 30' x 40' (or sufficient size) to contain the amount of the dredge each day during removal.

Once the dredge material has completely dewatered, the material will be loaded to dumped trucks and transported off site and disposed of at Bourne Integrated Solid Waste Management facility. And once the work is complete, the dewatering basin will be removed, and the site will be returned to its pre-dredging condition. This small dredge project will likely generate approximately 15 to 25 disposal trips depending on the transport truck used (10-wheeler or tractor trailer). It is believed that the material will ultimately be disposed of at the lined landfill Bourne Integrated Solid Waste Management facility located at 201 MacArthur Boulevard in Bourne, MA. There are no known hazardous sites near the project area.

Dewatering of dredge material may be performed within the barge to a limited amount based on the capacity of the barge. Most likely, dewatering operation will take place within the dewatering basin located in the driveway upland areas.

The contractor shall be responsible for protecting the offload area from damage during the dredge material removal process and will maintain the site clean daily where any land work is performed and will restore the site to its preconstruction condition after work is complete. The maintenance dredging will be subject to all existing special conditions and time of the year restrictions.

4.0 AVOIDANCE & MINIMIZATION MEASURES

4.1 Anticipated Impacts

Dredging activities will impact approximately 16,250sf of Land Under the Ocean and Land Containing Shellfish and operations will be undertaken over approximately 8,500 sf of parking and driveway areas withing LSCSF. Construction access and staging as well as dewatering activities will occur within the 100-foot Buffer Zone to several wetland resource areas associated with Falmouth Inner Harbor.

No adverse impacts are anticipated. All land-based heavy equipment will be located within existing developed areas. Proper dewatering, siltation and turbidity controls will be implemented to avoid undue siltation into the harbor. All proposed work areas are within previous legally altered areas. Any impacts to the resource areas will only be temporary.

The project has been designed to incorporate methodologies and measures that will result in an overall benefit to the resource areas by providing adequate water depths to vessels and reduce propped sediments from the use of the marina. All disturbances will be kept to the minimum necessary to complete the work.

4.2 Avoidance & Minimization Measures

Prior to the start of work, site conditions will be thoroughly examined under which work is to be performed. The contractor shall select a confined area within the parking lot for staging of materials and equipment throughout the duration of work. Floating siltation curtains will then be installed within the harbor to define the limits of work and minimize turbidity during the dredge operations. The silt curtain shall be kept in place until tall silt plume and suspended sediment have settled to the seabed.

Dewatering systems will be installed within maintained parking and driveway areas to control and filter water from the dredge material. At no point during dredging shall silt, sediment, erosion, debris, and soil from the work area be allowed to be tracked out the premises. The contractor shall install and maintain a construction entrance (crushed stone track-out pad). Excavated material shall not be pilled in areas where sediments may damage drainage systems on the site or on adjacent properties or may pose a threat to abutting properties and to the wetland resources.

The project has been designed to incorporate construction methodologies that reduce the temporary impacts and provide for long term environmental benefits. All disturbances will be kept to the minimum necessary. Impacts to the resource areas will be controlled, resulting in an overall site improvement that better protects the values of the resource areas while providing adequate and continued use of this private marine.

5.0 APPLICABLE PERFORMANCE STANDARDS

The proposed work falls within Land Subject to Coastal Storm Flowage, Land Under the Ocean, Land Containing Shellfish, and within 100-feet of Falmouth Coastal Bank, Coastal Beach, and Salt Marsh. The following is a discussion of how the proposed project meets state and local performance standards for each resource area impacted.

5.1 Resource Area Buffer Zone

Definitions and performance standards for local Buffer Zone designations are set forth in FWR 10.18. The No Disturbance Zone A as defined in FWR 10.15(5)(1)(d) is measured at the most landward buffer zone designation, 100-feet from Salt marsh and 75-feet from Land Under the Ocean associated with Falmouth Inner Harbor. Zone B is defined from the edge of Buffer Zone A to 100-feet from the resource boundaries.

The majority of the lot falls within the 100-foot Buffer Zone to resource areas. The entire lot is developed and there will be no permanent impacts or increase to impervious surfaces within 100-feet of resource areas as a result of project activities. The Buffer Zone will be used for construction level access and staging as well as dewatering activities. There will be no ground disturbance within the Buffer Zone and the area will be returned to pre-existing conditions upon completion.

5.2 Land Subject to Coastal Storm Flowage (LSCSF)

Local definitions and performance standards for activities within LSCSF are set forth in FWR 10.38. The entire property is located within the 100-year floodplain defined by FEMA Flood Zones VE (El. 15) and AE (El. 14). The site also falls entirely within the Limit of Moderate Wave Action.

The project area is not a Critical Erosion Area as shown on maps prepared by the Massachusetts CZM Shoreline Change Analysis project. The proposed work within the LSCSF is temporary in nature and will consist of using the existing developed parking and driveway areas for staging, dewatering and maneuvering of machinery. No adverse effect on the LSCSF interests will result from these activities. No change in the topography or any significant elevation or horizontal movement of existing landforms are proposed that in any way would result in increased height; velocity and/or horizontal extent of storm flowage. Rather the work will provide relief in depth elevation that may better protect against storm surges.

The proposed project will not induce cumulative adverse impacts to the function, characteristics, or value of LSCSF.

5.3 Land Under the Ocean

Definitions and performance standards for Land Under the Ocean (LUO) are set forth in 310 CMR 10.25 and FWR 10.25. LUO consists of the land below MLW associated with Falmouth Inner Harbor, immediately seaward of the bulkhead wall. As it exists today, Falmouth Inner Harbor is a man-made expansion of Deacon's Pond, that was separated from Vineyard Sound until the early 1900's. The dredge work will result in 850 cy of sediment removal across 16,250sf within LUO to provide the desired 7-foot water depth suitable for the marina use and docking of boats.

The proposed project is a minimal dredging project to maintain the marina's operation needs. The limited dredging footprint minimizes adverse impacts on changes in bottom topography, water circulation marine productivity, turbidity and improves navigation. The work will not adversely affect the adjacent resource's ability to prevent storm damage. The site is not located in rare species habitat or within mapped seagrass beds.

The proposed project activities will not induce cumulative impairment of the resource area's functional characteristics.

5.4 Land Containing Shellfish

The resource area referred to as "Land Containing Shellfish" is defined on-site as the area of land below the MLW mark and under the waterbody of Falmouth Inner Harbor, as shown on the site plan. According to MassMapper, the limits of Harbor Inner Harbor are suitable shellfish habitat for quahog. Definitions and performance standards for Land Containing Shellfish are set for in 310 CMR 10.34 and FWR 10.34. Approximately 16,250 sf of impacts to Land Containing Shellfish will occur as a result of the dredging activities.

A shellfish study has not been performed. The area is presumed to contain shellfish; however, this area is not open to shell fishing as Falmouth Inner Harbor is a heavily developed and used for

commercial and private marinas. A copy of this application and plan has been sent to the Falmouth Harbormaster and the Falmouth Shellfish Constable for review and comment.

The proposed project includes 16,250sf of dredging with an area that has been documented to contain shellfish. As noted by the Falmouth Shellfish Constable, Chuck Martinsen, Falmouth Inner Harbor is currently closed to shell fishing, however, water quality in the harbor has improved to such levels that it is anticipated to be re-opened for shell fishing. The applicant will coordinate with the Falmouth Shellfish Constable prior to the dredging to relocate any existing shellfish within the dredge area, or to mitigate as directed.

Similar to other recently approved dredge projects in Falmouth Inner Harbor, the applicant also proposes to donate approximately 5,000, R-8mm "Field Plant", (Quahog M. mercenaria) sized 11.0mm – 16.4mm to a location approved by the Shellfish Constable in addition to relaying any shellfish uncovered during construction to a location approved by the Falmouth Shellfish Constable.

Any recommended shellfish impact mitigation measures or time of year restrictions will be incorporated to the project in accordance with directives by the Division of Marine Fisheries.

The proposed project meets or exceeds these performance standards; therefore, the proposed project activities will not induce any impairment of the Land Containing Shellfish functional characteristics.

5.5 Coastal Bank

The property does not have a Coastal Bank as defined and set forth in 310 CMR 10.30. However the existing seawalls (bulkheads) are considered Falmouth Coastal Banks as set forth in FWR 10.30. The entire Falmouth Coastal Bank system on the property and within 100-feet of the project has been altered with man-made structures in the form of vertical bulkheads or riprap retained revetments.

The proposed dredge activity is not proposed on the bulkhead. The bulkhead is not an eroding Coastal Bank and therefore not a sediment source to the shoreline system. The bulkhead's main function is storm damage prevention and flood control as a vertical barrier. The dredge is proposed to reach the edge of the bulkhead but results in no alterations to the bulkhead. No work will be performed on or within the Coastal Bank.

The proposed project meets or exceeds these performance standards. The proposed project activities not have an adverse effect on the stability of the Coastal Bank and will improve wildlife habitat.

5.6 Coastal Beach

Definitions and performance standards for Coastal Beaches are set forth in 310 CMR 10.27 and FWR 10.27. Coastal Beach exists on the southern abutting property from the seaward edge of the existing marina riprap to the mean low water line. Dredging activities will occur within 0-50 feet of Coastal Beach.

No work is proposed on or within the Coastal Beach. All of the work is proposed below the Mean Low Water. The sedimentation curtains will prevent erosion or the downward drift of sediment. A graduated dredge slope will further prevent sediment loss from the beach. Sediment size or transport, and water circulation will not be adversely affected by project activities.

The proposed project meets or exceeds these performance standards. The proposed project activities will not induce any impairment of the Coastal Beach's functional characteristics.

5.7 Salt Marsh

Definitions and performance standards for Salt Marsh are set for in 310 CMR 10.32 and FWR 10.32. Two small patches of Salt Marsh are located along the seaward side of the existing licensed Rip Rap on the southern abutting property, as located on the plan.

There is no work proposed on or within the Salt Marsh areas. The proposed dredge is located within 50-feet but no closer than 25-feet from the closest edge of the Salt Marsh areas. Construction Best Management Practices including the installation of sedimentation and/or erosion controls will be put into place to avoid any temporary impacts to the Salt Marsh and adjacent resource areas. No permanent impacts to Salt Marsh are anticipated as a part of the project. The work will not have an adverse effect on the productivity, growth, or distribution of vegetation of the Salt Marsh.

The proposed project meets all of the applicable performance standards and proposed activities will not induce cumulative impairment of the Salt Marsh functional characteristics.

6.0 SUMMARY

6.1 Performance Standard Metrics

The existing wetland resources, anticipated project impacts and the proposed mitigation measures associated with this project have been fully documented within this Notice of Intent application. Based on the information provided in this application it is asserted that the following project features would result in a benefit to the associated resource area and will not have an adverse effect on the subject resource area(s) values and functional characteristics. The project should be approved for the following reasons:

- Mitigation and erosion control measures are in place to minimize sedimentation and turbidity during dredge operations.
- All dredge material will be removed and disposed of at an approved upland location.
- The proposed dredging, calculated as 850 cy, minimizes adverse impacts to in-water wetland resource areas by providing adequate boating water depths.
- The project will not cause unacceptable significant or cumulative effect upon the Resource Area values.
- The project is properly balanced to both preserve the Applicants rights as waterfront property owners and provide for an overall improvement to the subject resource area values.
- The project conforms to the Massachusetts Wetlands Protection Act, (MWPA, M.G.L. Chapter 131, Section 40) and its implementing regulations (310 CMR 10.00) and the Falmouth Wetlands Protection Bylaw, (Chapter 235 of the Code of Falmouth) and the Falmouth Wetland Regulations (FWR 10.00) and will not cause unacceptable significant or cumulative effect upon the resource area values.

The Applicant has demonstrated and documented evidence that this project meets or exceeds all the relevant performance standards set forth in the governing regulations and respectfully request this project be approved and that an Order of Conditions be issued to the applicant through its representative.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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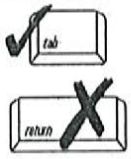
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A. General Information

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. From: Falmouth
Conservation Commission

2. This issuance is for (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

BOYCE
a. First Name

CAMPSEN
b. Last Name

ACME FALMOUTH MA LLC
c. Organization

268 COLEMAN BLVD, SUITE 2D
d. Mailing Address

MOUNT PLEASANT
e. City/Town

SC
f. State

29464
g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

278 SCRANTON AVENUE
a. Street Address

FALMOUTH
b. City/Town

47C 06
c. Assessors Map/Plat Number

012 002
d. Parcel/Lot Number

Latitude and Longitude, if known: d m s
d. Latitude

d m s
e. Longitude

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A. General Information (cont.)

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

Barnstable	
a. County	b. Certificate Number (if registered land)
36585	214
c. Book	d. Page

7. Dates:

2/26/2025	3/12/2025	4/9/2025
a. Date Notice of Intent Filed	b. Date Public Hearing Closed	c. Date of Issuance

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

SITE PLAN OF PROPOSED DREDGE	
a. Plan Title	
CAPE & ISLANDS ENGINEERING	RAUL LIZARDI-RIVERA, P.E., MATTHEW C. COSTA, P.L.S.
b. Prepared By	
12/4/2024	1"=20'
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. ☐ Public Water Supply b. ☒ Land Containing Shellfish c. ☐ Prevention of Pollution
d. ☐ Private Water Supply e. ☒ Fisheries f. ☒ Protection of Wildlife Habitat
g. ☐ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

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

Approved subject to:

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

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B. Findings (cont.)

Denied because:

b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

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

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

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B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☒ Land Under the Ocean	16,250 a. square feet	b. square feet		
	850 c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐ Coastal Beaches	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. ☐ Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
15. ☐ Coastal Banks	a. linear feet	b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. ☒ Land Containing Shellfish	16,250 a. square feet	b. square feet	c. square feet	d. square feet
20. ☐ 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. ☒ Land Subject to Coastal Storm Flowage	8,500 a. square feet	b. square feet		
22. ☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

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B. Findings (cont.)

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

23. ☐ Restoration/Enhancement *:

a. square feet of BVW _____ b. square feet of salt marsh _____

24. ☐ Stream Crossing(s):

a. number of new stream crossings _____ b. number of replacement stream crossings _____

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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

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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 then two square feet or more than three square feet in size bearing the words,

    "Massachusetts Department of Environmental Protection" [or, "MassDEP"]

    "File Number 25-5054 "

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.

12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.

13. The work shall conform to the plans and special conditions referenced in this order.

14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.

15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

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

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

19. The work associated with this Order (the "Project")
    (1) ☒ is subject to the Massachusetts Stormwater Standards
    (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

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

    a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

    b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:

    i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;

    ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;

    iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;

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

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

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

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

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

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

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

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 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.

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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):

Stormwater Management Report And Design Calculations

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

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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No

2. The Falmouth Conservation Commission hereby finds (check one that applies):

   a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

   _____ (1. Municipal Ordinance or Bylaw) _____ (2. Citation)

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

   b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

   Falmouth Wetlands Bylaw / Regulations (1. Municipal Ordinance or Bylaw) — CH 235 / FWR 10.00

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

   The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

   See Attached

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E. Signatures

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

4/9/2025
1. 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.

4
2. Number of Signers

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

Falmouth Conservation Commission

Signature	Printed Name
	Jennifer L. Lincoln, Conservation Administrator
	Jamie Mathews, Chair
	Courtney Bird, Vice Chair
	Ronald Driscoll
	Stephen Patton

☐ by hand delivery on 4/9/2025
Date

☐ by certified mail, return receipt requested, on
Date

Kevin O'Kon
Cape & Islands Engineering

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:
25-5054
MassDEP File #
1862628
eDEP Transaction #
Falmouth
City/Town

F. Appeals

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

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

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

Massachusetts Department of Environmental Protection
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G. Recording Information

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

Falmouth
Conservation Commission

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

To:

Falmouth
Conservation Commission

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

Project Location | 25- MassDEP File Number

Has been recorded at the Registry of Deeds of:

Barnstable (County) | Book | Page

for: Property Owner

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

Book | Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

Signature of Applicant

Falmouth Conservation Commission

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

Boyce Campsen
ACME Falmouth MA LLC
278 Scranton Avenue, Falmouth
DEP # 25- 5054

FINDINGS

1. The applicant proposes to perform both maintenance and improvement dredging in a 16,250 square foot area within Falmouth Inner Harbor. Dredging will achieve the desired 7' water depth; current depths range from 3.3-4.5'. Dredge material will be placed in a 30'x40' dewatering basin located in the adjacent parking area and once dewatered it will be removed offsite to an upland disposal area. A silt boom/curtain will define the limit of work within the harbor.

2. The Division of Marine Fisheries (DMF) has recommended a time-of-year (TOY) restriction for all in water activities from January 15th - May 31st to protect sensitive life stages of winter flounder.

3. Resource areas onsite and within 100 feet of the proposed project include Land Subject to Coastal Storm Flowage (LSCSF), Land Under Ocean, Land Containing Shellfish, Coastal Bank (manmade) and Resource Area Buffer.

INTERESTS

1. Storm Damage Prevention
2. Flood Control
3. Protection of fisheries
4. Protection of land containing shellfish
5. Protection of wildlife habitat

STANDARD CONDITIONS

1. Permission is granted to Boyce Campsen, ACME Falmouth MA LLC, 278 Scranton Avenue Falmouth, MA, to perform both maintenance and improvement dredging in a 16,250 square foot area within Falmouth Inner Harbor according to the narrative and plan prepared by Cape and Islands Engineering, Inc., dated December 4, 2024 and entitled "Site Plan of Proposed Dredge" and subject to the following Standard and Special Conditions.

2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.

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

4. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error, all work will have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.

5. Issuance of the Order of Conditions does not relieve the permittee from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.

6. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner. The Conservation Commission as well as its staff and agents have the authority to issue an Enforcement Order if work does not comply with the terms or intent of the conditions contained herein or the plans herein referenced.

7. The Order of Conditions expires three (3) years from the original date of issuance. Any Amendments to the Order of Conditions **do not** extend the Original Order. You may request an Extension to the original Order of Conditions, in writing, at least 30 days prior to the expiration. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.

8. Prior to any work commencing:

    a. Proof of recording of this Order of Conditions at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
    b. At least 10 days advance **written** notification shall be provided to the Conservation Commission.
    c. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
    d. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.

9. 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.

10. Any other proposed activities (alteration, fill, excavation or removal of vegetation) within any Resource Area or within 100 feet of any Resource Area will require that the applicant obtain all necessary permits from the Conservation Commission.

11. 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. The document shall be submitted with the ten (10) day start work notification required by Standard Condition #8(b).

12. Any changes to the plan of record noted in Standard Condition 1 above, no matter how minor in scope, including, but not restricted to, changes in the building footprint and appendages such as decks, addition and/or modification of accessory structures, changes in landscape features such as patios, retaining walls, plantings, removal of vegetation, the modification of finished grades, etc. require that the applicant obtain the permission of the Conservation Commission *before* undertaking the modified work. Depending on the scope of the change, said permission may be obtained by filing for an Administrative Approval, an amended Order of Conditions, or entirely new Notice of Intent. Failure to comply with this condition may subject the applicant to an enforcement order and/or fines.

13. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. If this Order is based on a professionally rendered drawing then a letter must be submitted from an engineer or architect certifying full compliance and any deviation from the approved plans, as well as, an "Existing Conditions" plan. This plan shall include ALL structure and landscape features including patios, retaining walls, ornamental plantings, native plantings, AC units, steps, outdoor showers, walkways, etc. Any mitigation trees for the project shall be located and identified to species. Any mitigation shrubs for the project shall be delineated on the plan, labeled as "native buffer shrubs" and the final square footage noted. A request for a Certificate of Compliance shall be made in writing immediately following completion of all work including permanently stabilizing the site with vegetation.

SPECIAL CONDITIONS

1. A time-of-year restriction for all in water activities from January 15th - May 31st of any year to protect sensitive life stages of winter flounder. However, work may occur within the TOY period if the proposed silt curtain is installed prior to January 15th.

2. With the 10 day start work notification required by Standard Condition #8(b) a photo of the silt boom/curtain shall be submitted.

3. No Certificate of Compliance will be issued until the entire project is completed.

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

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: 25-5056
MassDEP File # 1862628
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. 4/9/2025 — 1. Date of Issuance

Please indicate the number of members who will sign this form. 4 — 2. Number of Signers
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.

Falmouth Conservation Commission

Signature	Printed Name
Jennifer L Lincoln	Jennifer L. Lincoln, Conservation Administrator
Jennifer L Lincoln	Jamie Mathews, Chair
Jennifer L Lincoln	Courtney Bird, Vice Chair
Jennifer L Lincoln	Ronald Driscoll
Jennifer L Lincoln	Stephen Patton

☐ by hand delivery on — Date

☐ by certified mail, return receipt requested, on — Date

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

Massachusetts Department of Environmental Protection
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Falmouth
Conservation Commission

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Date

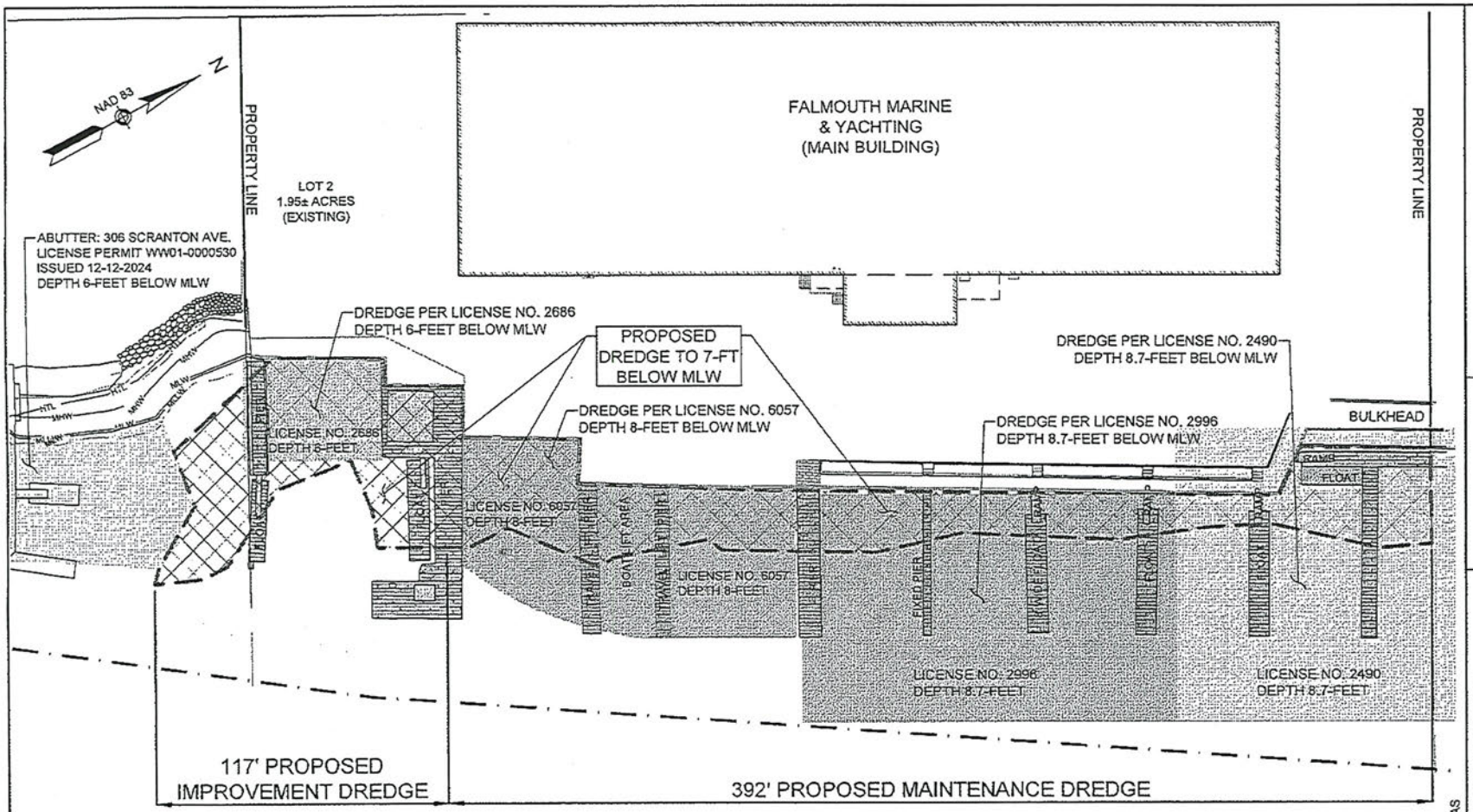
If recorded land, the instrument number identifying this transaction is:

Instrument Number

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

Document Number

Signature of Applicant



GENERAL NOTES

LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY AND ELEVATIONS BASED ON THE NAVD 1988 DATUM. COORDINATE SYSTEM USED IS THE MA-MAINLAND COORDINATE SYSTEM, DATUM: NAD 83, UNITS: U.S. SURVEY FEET.

ANY SOUNDINGS SHOWN, WITHIN WATER BODYS, INDICATE THE DEPTH BELOW MEAN LOW WATER (IN TIDAL WATERS) OR DEPTH BELOW ORDINARY HIGH WATER (IN NON-TIDAL WATERS).

OWNER: ACME MARINA COMPANY
268 COLEMAN BOULEVARD, STE 2D
MT. PLEASANT, SC 29464

LICENSES LEGEND

- MASS DPW LICENSE NO. 2686: DREDGE DEPTH = 6'
- MASS DPW LICENSE NO. 6057: DREDGE DEPTH = 8'
- MASS DPW LICENSE NO. 2996: DREDGE DEPTH = 8.7'
- MASS DPW LICENSE NO. 2490: DREDGE DEPTH = 8.7'
- MASS DPW LICENSE NO. WW01-0000530: DREDGE DEPTH = 6'

PROPOSED DREDGING NOTES

1.	TOTAL PROPOSED DREDGE:	16,250 SQUARE FEET AREA	850 CY DREDGE VOLUME
2.	PROPOSED MAINTENANCE DREDGE:	9,400 SQUARE FEET AREA	540 CY DREDGE VOLUME
3.	PROPOSED IMPROVEMENT DREDGE:	6,100 SQUARE FEET AREA	310 CY DREDGE VOLUME

MAINTENANCE DREDGE IS THE AREAS TO BE DREDGED TO 7-FEET BELOW MEAN LOW WATER WITHIN PREVIOUSLY LICENSED DREDGE AREAS TO AT LEAST 7-FEET BELOW MLW PER LICENSES NO. 6057, 5490 & 2996.

IMPROVEMENT DREDGE IS THE AREAS TO BE DREDGED TO 7-FEET BELOW MEAN LOW WATER WITHIN AREAS THAT EITHER NO RECORD DREDGE PERMIT IS KNOWN OR AREAS THAT WERE PREVIOUSLY DREDGE BUT NOT TO A DEPTH OF AT LEAST 7-FEET BELOW MLW.

0 20 40 80
SCALE: 1"=40'

SCRANTON_278_ACME_DREDGE

REV.: 3/18/25 - REVISE DREDGE AREAS

CAPE & ISLANDS ENGINEERING
SUMMERFIELD PARK
800 FALMOUTH ROAD SUITE 301C
MASHPEE, MA 02649
508.477.7272 PHONE
508.477.9072 FAX
www.CapeEng.com

NOTICE
THIS PLAN MAY NOT BE ADDED TO, DELETED FROM, OR ALTERED BY ANY WAY BY ANYONE OTHER THAN CAPE & ISLANDS ENGINEERING, INC.

UNLESS AND UNTIL SUCH TIME AS AN ORIGINAL STAMP AND SIGNATURE APPEARS ON THIS PLAN NO PERSON OR PERSONS, MUNICIPAL OR PUBLIC OFFICIAL MAY RELY ON THE INFORMATION CONTAINED HEREIN, AND THIS PLAN REMAINS THE PROPERTY OF CAPE AND ISLANDS ENGINEERING, INC.

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Prepared For: ACME MARINA COMPANY
268 COLEMAN BOULEVARD, STE 2D
MT. PLEASANT, SC 29464

Project: 278 SCRANTON AVENUE
FALMOUTH, MASSACHUSETTS
ASSESSOR'S ID: MAP 47C-06-012-002

Drawing Title: PROPOSED DREDGE COMPARISON WITH PRIOR DREDGE LICENSES

Drawn By: RLR Checked: RLR

Date: FEBRUARY 10, 2025

GRAPHIC PLAN: G-101

RECEIVED

APR 28 2025

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 47C Section 06 Parcel 012 Lot 002
Map _____ Section _____ Parcel _____ Lot _____
Map _____ Section _____ Parcel _____ Lot _____

Lot size of subject property: _____

Location of subject property: 278 Scranton Ave., 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

47C 06 012 002
278 SCRANTON
AVE



Patricia A Favulli
Director of
Assessing
Town of Falmouth
May 5, 2025,2025

HARBORWAY CORPORATION
60 SWING LN
FALMOUTH, MA 02540

HARBORWAY CORPORATION
60 SWING LN
FALMOUTH, MA 02540

BARONAS TRUSTEE JANE E GOGUEN TRUSTEE JUDY A
80 SHERWOOD ST
ROSLINDALE, MA 02131

SCARLATA STEVEN J SCARLATA ANNMARIE T
67 SWING LN
FALMOUTH, MA 02540

MURPHY JAMES L GORHAM CHRISTINE
69 SWING LN
FALMOUTH, MA 02540

BEARCE TRUSTEE DAVID W BEARCE TRUSTEE ELLEN M
13093 CASTLE HARBOR DR
NAPLES, FL 34110

MCNALLY DONALD MCNALLY PAULA E
15 LOWRY RD
FALMOUTH, MA 02540

OCONNELL TRUSTEE N HARBOR SIDE REALTY TRUST
760 E 8TH ST
SOUTH BOSTON, MA 02127-3403

SIMMLER CHRISTOPHER R OMALLEY SIMMLER NORINE
15 FRANCES AVE
FALMOUTH, MA 02540

SIMMLER CHRISTOPHER R OMALLEY SIMMLER NORINE
15 FRANCES AVE
FALMOUTH, MA 02540

REYNOLDS POWERS TRUSTEE ELIZABETH POWERS TRUSTEE ELIZABETH JEAN
127 FRONT ST
MARBLEHEAD, MA 01945

WYMAN PETER J WYMAN JULIE A
14 FRANCES AVE
FALMOUTH, MA 02540

STEEL TRUSTEE JEAN E HARKNESS TRUSTEE GAIL A
251 SCRANTON AVE
FALMOUTH, MA 02540

CONNOLLY MARK
253 SCRANTON AVE
FALMOUTH, MA 02540

FALMOUTH HOLDINGS CORP
278 SCRANTON AVE
FALMOUTH, MA 02540-3401

FALMOUTH HOLDINGS CORP
278 SCRANTON AVE
FALMOUTH, MA 02540-3401

SLOBODKIN ANDREA J
8 LOWRY RD
FALMOUTH, MA 02540

KENT TRUSTEE BARRY M KENT TRUSTEE VICTORIA J
287 SCRANTON AVE
FALMOUTH, MA 02540

FERNALD TRUSTEE BEVERLY F X MESSINA SR FAMILY IRREV TR
61 OAK LEDGE DR
BRAINTREE, MA 02184

PEKENIA JOHN A PEKENIA BARBARA F
295 SCRANTON AVE
FALMOUTH, MA 02540-3472

FALTON PROPERTIES LLC
67 SOUTH BEDFORD ST
BURLINGTON, MA 01803

BOYAJIAN JOHN BOYAJIAN STACIA
121 GLAZEN LN
WAYLAND, MA 01778

HARBORWAY CORPORATION
60 SWING LN
FALMOUTH, MA 02540

MCKIM TRUSTEE MELISSA MCKIM TRUSTEE WILLIAM A
40 TURNERS WAY
NORWELL, MA 02061

FLYING BRIDGE RESTAURANT CORP
12 WASHINGTON ST
WELLESLEY HILLS, MA 02481-1772

ROBERT TRUSTEE WILLIAM C FALCO NOMINEE TRUST
12 WASHINGTON ST
WELLESLEY, MA 02481-1772

Town of Falmouth, MA Abutters Report

300ft. Abutters of Property 47C 06 012 002
at 278 SCRANTON AVE

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 04/15/2025.

Property ID	Address	Owner 1	Owner 2	Owner Address	Owner City/State/Zip
47C 05 004 004	45 SWING LN	HARBORWAY CORPORATION		60 SWING LN	FALMOUTH, MA 02540
47C 05 005 005	57 SWING LN	HARBORWAY CORPORATION		60 SWING LN	FALMOUTH, MA 02540
47C 05 006 006	65 SWING LN	BARONAS TRUSTEE JANE E	GOGUEN TRUSTEE JUDY A	80 SHERWOOD ST	ROSLINDALE, MA 02131
47C 05 007 007	67 SWING LN	SCARLATA STEVEN J	SCARLATA ANNMARIE T	67 SWING LN	FALMOUTH, MA 02540
47C 05 008 064	69 SWING LN	MURPHY JAMES L	GORHAM CHRISTINE	69 SWING LN	FALMOUTH, MA 02540
47C 05 009 065	14 LOWRY RD	BEARCE TRUSTEE DAVID W	BEARCE TRUSTEE ELLEN M	13093 CASTLE HARBOR DR	NAPLES, FL 34110
47C 05 010 010	15 LOWRY RD	MCNALLY DONALD	MCNALLY PAULA E	15 LOWRY RD	FALMOUTH, MA 02540
47C 05 019 001	241 SCRANTON AVE	OCONNELL TRUSTEE N	HARBOR SIDE REALTY TRUST	760 E 8TH ST	SOUTH BOSTON, MA 02127-3403
47C 05 021 002	0 FRANCES AVE	SIMMLER CHRISTOPHER R	OMALLEY SIMMLER NORINE	15 FRANCES AVE	FALMOUTH, MA 02540
47C 05 022 003	15 FRANCES AVE	SIMMLER CHRISTOPHER R	OMALLEY SIMMLER NORINE	15 FRANCES AVE	FALMOUTH, MA 02540
47C 05 027 004	0 FRANCES AVE	REYNOLDS POWERS TRUSTEE ELIZABETH	POWERS TRUSTEE ELIZABETH JEAN	127 FRONT ST	MARBLEHEAD, MA 01945
47C 05 030 003A	14 FRANCES AVE	WYMAN PETER J	WYMAN JULIE A	14 FRANCES AVE	FALMOUTH, MA 02540
47C 05 033 002A	251 SCRANTON AVE	STEEL TRUSTEE JEAN E	HARKNESS TRUSTEE GAIL A	251 SCRANTON AVE	FALMOUTH, MA 02540

Town of Falmouth, MA Abutters Report

300ft. Abutters of Property 47C 06 012 002
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47C 05 035 003A	253 SCRANTON AVE	CONNOLLY MARK		253 SCRANTON AVE	FALMOUTH, MA 02540
47C 05 036 002A	0 SCRANTON AVE	FALMOUTH HOLDINGS CORP		278 SCRANTON AVE	FALMOUTH, MA 02540-3401
47C 05 037 000	0 SCRANTON AVE	FALMOUTH HOLDINGS CORP		278 SCRANTON AVE	FALMOUTH, MA 02540-3401
47C 05 038 000B	8 LOWRY RD	SLOBODKIN ANDREA J		8 LOWRY RD	FALMOUTH, MA 02540
47C 05 039 000A	287 SCRANTON AVE	KENT TRUSTEE BARRY M	KENT TRUSTEE VICTORIA J	287 SCRANTON AVE	FALMOUTH, MA 02540
47C 05 040 000	291 SCRANTON AVE	FERNALD TRUSTEE BEVERLY	F X MESSINA SR FAMILY IRREV TR	61 OAK LEDGE DR	BRAINTREE, MA 02184
47C 05 041 000	295 SCRANTON AVE	PEKENIA JOHN A	PEKENIA BARBARA F	295 SCRANTON AVE	FALMOUTH, MA 02540-3472
47C 05 042 000	301 SCRANTON AVE	FALTON PROPERTIES LLC		67 SOUTH BEDFORD ST	BURLINGTON, MA 01803
47C 05 043 001	305 SCRANTON AVE	BOYAJIAN JOHN	BOYAJIAN STACIA	121 GLAZEN LN	WAYLAND, MA 01778
47C 05 045 000	0 SCRANTON AVE	HARBORWAY CORPORATION		60 SWING LN	FALMOUTH, MA 02540
47C 06 008 003	306 SCRANTON AVE	MCKIM TRUSTEE MELISSA	MCKIM TRUSTEE WILLIAM A	40 TURNERS WAY	NORWELL, MA 02061
47C 06 015 004	220 SCRANTON AVE	FLYING BRIDGE RESTAURANT CORP		12 WASHINGTON ST	WELLESLEY HILLS, MA 02481-1772
47C 06 015 005	250 SCRANTON AVE	ROBERT TRUSTEE WILLIAM C	FALCO NOMINEE TRUST	12 WASHINGTON ST	WELLESLEY, MA 02481-1772

Diane Davidson

From: Diane Davidson
Sent: Thursday, May 8, 2025 4:28 PM
To: Falmouth Conservation Commission; Gregg Fraser; Roy Martinson
Subject: Special Permit Application-Dredge-278 Scranton Ave.-ACME
Attachments: 278 Scranton Ave. - ACME dredging special permit package filed 04.10.25.pdf; WETLAND LEGAL NOTICE - 2025 - ACME - 278 Scranton Ave - Dredge.pdf

To All,

The Select Board has received the attached application for a special permit for maintenance and improvement dredging:

Applicant: ACME Falmouth MA LLC
Location: 278 Scranton Ave., Falmouth
Proposed Work: To perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Ave., Falmouth, MA; 850 +/- c.y. of material to be removed with off-site upland disposal.
Body of Water: Falmouth Inner Harbor

The applicant has provided a copy of the Order of Conditions dated 4/9/25. If you have any comments, please send by Wednesday, May 14.

The hearing is scheduled at the Select Board meeting on Monday, May 19, 2025 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.

Item: 3.d.

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Phyllis Downey, Administrative Assistant
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider the application by Falmouth Theatre Guild for an annual Entertainment License and Sunday Entertainment License to be executed at Highfield Theater, 58 Highfield Drive, Falmouth **(10 minutes)**

Purpose:
The Select Board will conduct a public hearing and consider a vote to approve the application for an annual Entertainment License and Sunday Entertainment License by Falmouth Theatre Guild at Highfield Theater, 58 Highfield Drive, Falmouth.

Background/Summary:

- The complete application was received on May 2, 2025.
- According to the application, the Falmouth Theater Guild intends to conduct theatrical performances and limited musical performances and dance recitals on various weekends, Friday and Saturday from 7:00-10:00 PM and Sundays from 2:00-5:00 PM.
- The Fire Rescue Department conducted a life safety inspection on April 24, 2025, and found that the venue met the requirements of the 2015 International Building Code.
- The Building Commissioner approved the attached signed, stamped Floor Plan on May 2, 2025.
- A Public Hearing Notice was emailed to Directors-at-Large Todd Saddler and Tomas McCahill on May 3, 2025.
- A receipt of the first class mailing was received on May 6, 2025.
- The application was sent for review; Police, Planning, and Fire Rescue responded that there were no objections.
- Confirmation of publication of the Public Hearing Notice in the Falmouth Enterprise newspaper has been received.

Recommended Actions:

Department Recommendation:
The Town Manager's Office recommends the approval of the application for an annual Entertainment License and Sunday Entertainment License by Falmouth Theatre Guild at

Highfield Theater, 58 Highfield Drive, Falmouth, as presented.

Options:

- Motion to approve the application for an annual Entertainment License and Sunday Entertainment License by Falmouth Theatre Guild at Highfield Theater, 58 Highfield Drive, Falmouth.
- Motion to deny the application for an annual Entertainment License and Sunday Entertainment License by Falmouth Theatre Guild at Highfield Theater, 58 Highfield Drive, Falmouth.
- Some other Select Board approved alternative.

Town Manager's Comments:
Followign the public hearing, the Town Manager recommends that the Select Board approve the application for an annual Entertainment License and Sunday Entertainment License by Falmouth Theatre Guild at Highfield Theater, 58 Highfield Drive, Falmouth, as presented.

Budget:
Applicable? (yes or no):
No
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:
1. Falmouth Theatre Guild-Public-Entertainment-Sunday Entertainment License application + floor plan
2. Falmouth Theatre Guild-Confidential-Entertainment-Sunday Entertainment License application + floor plan
3. Falmouth Theatre Guild-Entertainment Hearing Advertising-Falmouth Enterprise Legal Notices 05-09-2025 (002)
4. Falmouth Theatre Guild-First Class Mail Reciept

TOWN OF FALMOUTH
SELECT BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Falmouth Theatre Guild located at 58 Highfield Drive, Falmouth, MA has applied for an Entertainment License and a Sunday Entertainment License.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall, on Monday, May 19, 2025, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

Publication date: Friday, May 9, 2025; Falmouth Enterprise

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

RECEIVED
MAR 18 2025
incomplete
SELECT BOARD OFFICE

ENTERTAINMENT LICENSE APPLICATION

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

Required fields are outlined in red.

NAME OF BUSINESS: Falmouth Theatre Guild D/B/A

ADDRESS: PO Box 383

TOWN: Falmouth STATE: MA ZIP CODE: 02541

NAME OF OWNER/MANAGER: Tomas Mc Cahill

TELEPHONE #: 774-392 3299 EMAIL: tm.tmmccahill.com

MAILING ADDRESS: PO Box 383, Falmouth MA 02541

LOCATION OF ENTERTAINMENT ON PREMISES: Highfield Theatre 58 Highfield Dr Falmouth, MA 02540

DAYS OF ENTERTAINMENT: variable each year

HOURS OF ENTERTAINMENT: Fri/Sat 7-10p, Sunday 2-5p

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

Theatrical presentations of plays and musicals, as well as limited musical performances/dance recitals

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

SUNDAY ENTERTAINMENT: NO ☐ YES ☑ (if YES, complete a separate Sunday Entertainment application - contact Select Board office)

1. DANCING By Patrons ☐ No Dancing ☑

2. MUSIC Recorded ☑ Live ☑ Amplified ☑ Acoustic ☐ Other ☐

I certify that this application contains a true description of the entertainment provided by this establishment and that I have complied with M.G.L. Chapter 140, Section 183A, Paragraph 3, by stating whether as part of the concert, dance exhibition, cabaret and public show any person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any female person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the breast below the top of the areola, or any simulation thereof.

DATE 2/27/25 X Thomas McCahill, TD

Signature - OWNER or MANAGER

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

Fees payable to Town of Falmouth

State Fee, $50.00
Municipal Fee, $ 75.00

THE COMMONWEALTH OF MASSACHUSETTS
Town of Falmouth, MA
LICENSE
For
PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is Highfield Theatre in or on the property at No. 58 Highfield Dr, Falmouth, MA 02540 (*address*)
The Licensee *or* Authorized representative, Falmouth Theatre Guild, Inc in accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
		Regular Hours: Sunday 1:00 PM - Midnight - $50 check to Commonwealth of Massachusetts; $75 check to Town of Falmouth
Various	7-10 PM 2-5pm	
		***Fee of $75 payable to Town of Falmouth by Money Order or Certified Bank Check only.**

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

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

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

Do not write in this box

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

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

FORM 90 **(Revised 2015)**

Narrative Document for the Entertainment License for the Town of Falmouth

Greetings to the Select Board of Falmouth!

We, the members of the Falmouth Theatre Guild, Inc, would like to thank you for your review of the Entertainment License for the 2025 Season.

Due to prior oversight, we are newly requesting the license this year. Our theatre produces several shows throughout the year, which include *Whistle Down the Wind*, by Andrew Lloyd Webber, Gale Edwards, and Patricia Louisiana Knop and *The Addams Family Musical*, by Marshall Brickman and Rick Elise this year.

We look forward to your approval of the license and hopefully we will see you at a performance at the theatre!

FEB 2 8 2025

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: Tomas McCahill

Address of person requesting abutters list: 58 Highfield Dr
Falmouth, MA 02540

Phone: 774-392-32XX

Abutters to (subject property): Map 38 Section 01 Parcel 015 Lot 000F ✓
Map ____ Section ____ Parcel ____ Lot ____
Map ____ Section ____ Parcel ____ Lot ____

Lot size of subject property: ____

Location of subject property: 58 Highfield Dr. ✓
Falmouth, MA 02540

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) $25 check #4441

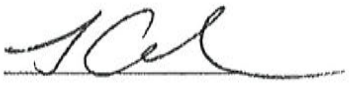
Fee. $25.00 Total 25

tm.tmccahill@gmail.com

5

58 HIGHFIELD DR

CERTIFIED



Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
March 6, 2025

Town of Falmouth, MA Abutters Report

300ft. Abutters of Property 38 01 015 000F at 58 HIGHFIELD DR

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 02/28/2025.

Property ID	Address	Owner 1	Owner 2	Owner Address	Owner City/State/Zip
38 01 001 000	0 HIGHFIELD DR OFF	FALMOUTH TOWN OF	CONSERVATION COMMISSION	59 TOWN HALL SQ	FALMOUTH, MA 02540
38 01 011 001U	45 HIGHFIELD DR	OSTROFF MYLES L	OSTROFF MEGHAN M	PO BOX 104	FALMOUTH, MA 02541
38 01 011 002	44 HIGHFIELD DR	BOARDMAN MARK C	BOARDMAN LINDA T	44 HIGHFIELD DR	FALMOUTH, MA 02540
38 01 011 002U	45 HIGHFIELD DR	LLOYD JAMES E	LLOYD CAROLINE S	45 HIGHFIELD DR	FALMOUTH, MA 02540-2347
38 01 011 003U	45 HIGHFIELD DR	NOLAN ROBERT W	ENGLISH KATHLEEN A	PO BOX 783	FALMOUTH, MA 02541
38 01 011 004U	45 HIGHFIELD DR	OCONNOR TRUSTEE BRIGID M	B M OCONNOR 2017 REV LIV TR	45 HIGHFIELD DR	FALMOUTH, MA 02540
38 01 011 005U	45 HIGHFIELD DR	PEAL RICHARD W	PEAL PATRICIA M	45 HIGHFIELD DR	FALMOUTH, MA 02540
38 01 011 006U	45 HIGHFIELD DR	HEBB LAWRENCE B	BONAT MICHELLE M	340 CORONADO AVE	HALF MOON BAY, CA 94019
38 01 011A 001	37 HIGHFIELD DR	CAPE COD CURLING CLUB INC		PO BOX 396	FALMOUTH, MA 02541-0396
38 01 011B 003	33 HIGHFIELD DR	TJO SPORTS FALMOUTH REALTY LLC		PO BOX 603	FALMOUTH, MA 02541
38 01 011C 004	7 HIGHFIELD DR	FALMOUTH ACADEMY INC		7 HIGHFIELD DR	FALMOUTH, MA 02540-2303
38 01 015 000G	56 HIGHFIELD DR	FALMOUTH TOWN OF		59 TOWN HALL SQ	FALMOUTH, MA 02540-2761
38 01 015 000H	0 HIGHFIELD DR	FALMOUTH TOWN OF	BOARD OF SELECTMEN	59 TOWN HALL SQ	FALMOUTH, MA 02540-2761

FALMOUTH TOWN OF CONSERVATION COMMISSION
59 TOWN HALL SQ
FALMOUTH, MA 02540

OSTROFF MYLES L OSTROFF MEGHAN M
PO BOX 104
FALMOUTH, MA 02541

BOARDMAN MARK C BOARDMAN LINDA T
44 HIGHFIELD DR
FALMOUTH, MA 02540

LLOYD JAMES E LLOYD CAROLINE S
45 HIGHFIELD DR
FALMOUTH, MA 02540-2347

NOLAN ROBERT W ENGLISH KATHLEEN A
PO BOX 783
FALMOUTH, MA 02541

OCONNOR TRUSTEE BRIGID M B M OCONNOR
2017 REV LIV TR
45 HIGHFIELD DR
FALMOUTH, MA 02540

PEAL RICHARD W PEAL PATRICIA M
45 HIGHFIELD DR
FALMOUTH, MA 02540

HEBB LAWRENCE B BONAT MICHELLE M
340 CORONADO AVE
HALF MOON BAY, CA 94019

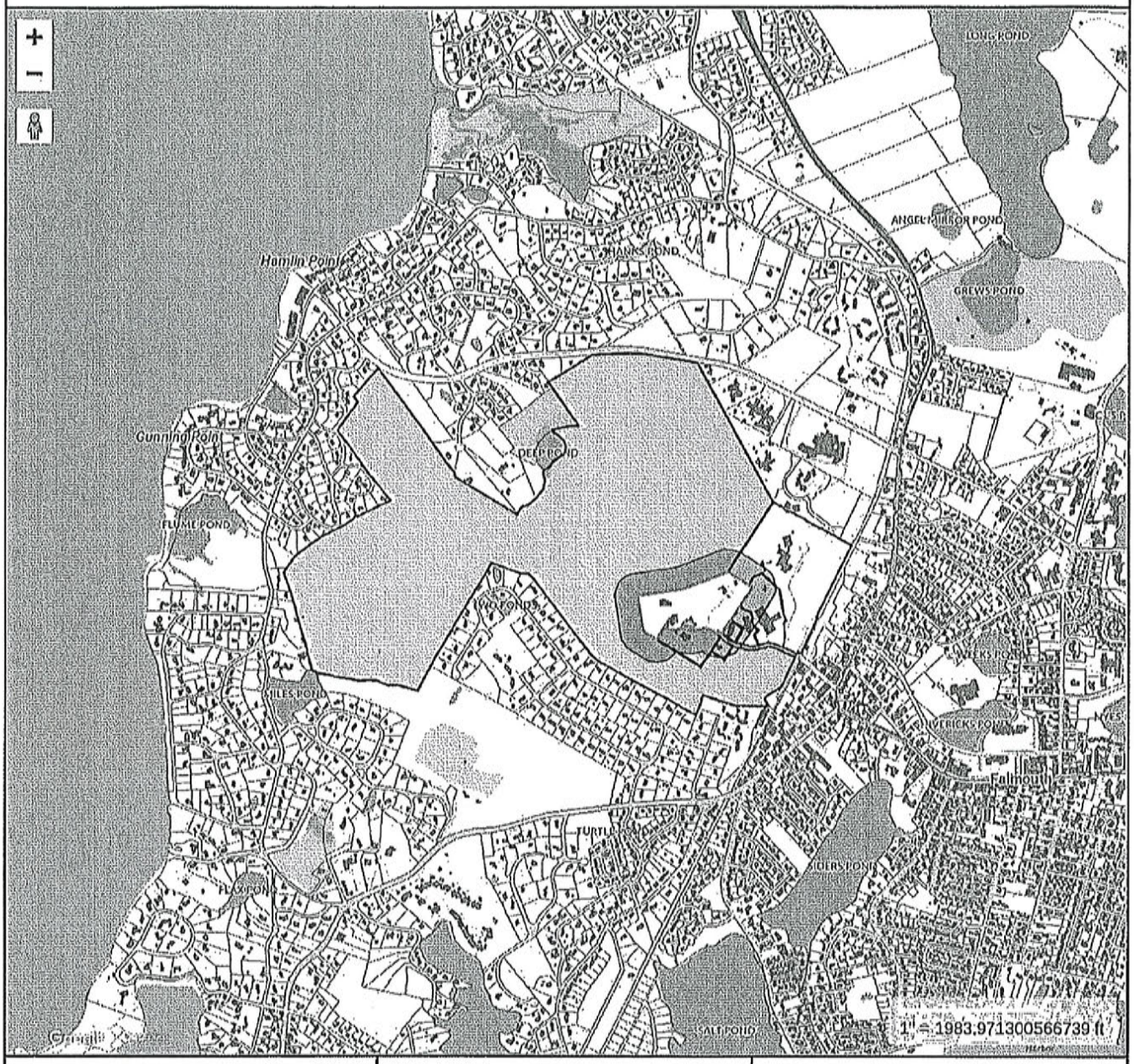
CAPE COD CURLING CLUB INC
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FALMOUTH, MA 02541-0396

TJO SPORTS FALMOUTH REALTY LLC
PO BOX 603
FALMOUTH, MA 02541

FALMOUTH ACADEMY INC
7 HIGHFIELD DR
FALMOUTH, MA 02540-2303

FALMOUTH TOWN OF
59 TOWN HALL SQ
FALMOUTH, MA 02540-2761

FALMOUTH TOWN OF BOARD OF SELECTMEN
59 TOWN HALL SQ
FALMOUTH, MA 02540-2761



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 01/31/2025
Data updated 02/28/2025

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

RECEIVED
MAY - 2 2025
SELECT BOARD OFFICE

Building Commissioner's Sign-off Sheet
Complete prior to applying for:
Annual Entertainment or Sunday Entertainment License

APPLICANT: Falmouth Theatre Guild Todd Sadler 508-322-1041

ADDRESS: 58 Highfield Dr PO Box 383 Falmouth MA 02541

LICENSE APPLIED FOR: Annual Entertainment & Sunday License

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

a. A Floor Plan completed and stamped by an *Engineer or Architect* to the Building Commissioner's office. The Plan must include all seating, parking, and the occupancy load calculation.

b. For outdoor seating, submit a plot plan or site plan completed by a *Certified Land Surveyor.*

Plan submitted & drawn by: Off the Wall Design

Plan number: _____

Plan date: 4/30/2025

Revision date: _____

_____

_____

Notes: _____

Building Commissioner: X _____

Date: 5-2-25

Giampietro Architects

April 25, 2025

Highfield Theater
58 Highfield Drive
Falmouth, MA 02540

Architectural Narrative-Regarding Occupant Safety

Building Description

- Theater Building-Assembly Use Group A
- Wood Framed Structure
- No Fire Protection

Applicable Building Code: 2015 IBC & 9th Edition
Massachusetts Amendments

Existing Conditions:

- Section 1029-Assembly
- Occupancy Load: 302 Fixed Seats
  28 Other Occupants
  330 Total Occupants

- **Section 1029.2 Assembly Main Exit**
- Main Exit Sufficient Capacity to Accommodate not less than ½ the total occupancy load.
- 333 / 2 = 165 x .2" per occupant = 33" minimum exit width.
- Table 1006.3.1 Minimum Number of Exits
- Less than 500 occupants: 2 exits are required – **There are 4 existing exits.**
- **Section 1029.6 Capacity of Isles**
- **Section 1029.6.1 Assembly without smoke protection**.
  Assembly area =302 occupants
  Isle Width: 302/2 = 151 x .2" = 30.2" minimum isle width.
  Existing isle width= 39"
- **Section 1029.7 Travel Distance**
  Maximum distance without a sprinkler system=200 feet at the common path of travel.
  Actual travel distance = 85 feet

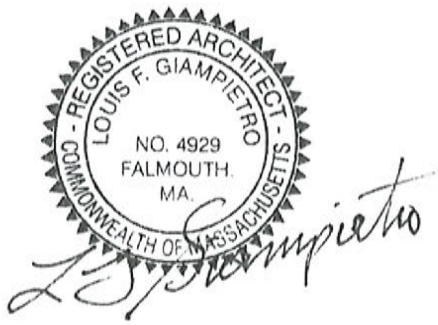
Existing Required Safety Features and Appliances.

- Lighted exit signs are located at each exit as required.
- Interior emergency lights are located as required.
- Pull stations, strobe lights and smoke detection devices are in place.

Note: The Falmouth Fire Department completed its inspection of the facility on 4/24/2025

Upon a visual inspection of this building, it appears to comply with the requirements of the 2015 International Building code including the Massachusetts Amendments for Occupant Safety.

Respectfully Submitted,



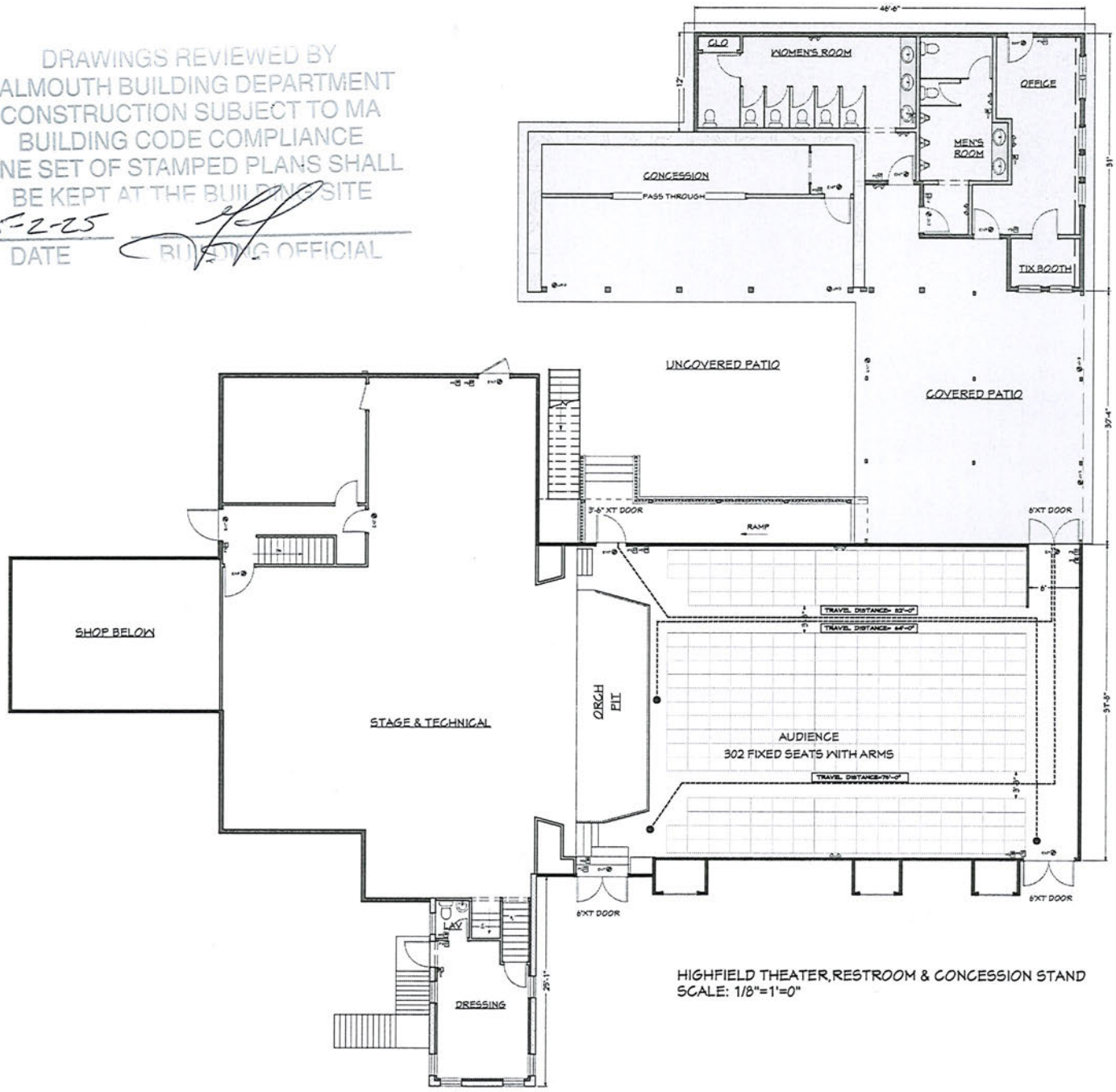
Louis F. Giampietro

Architectural: Louis F. Giampietro, P.C.

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

5-2-25
DATE

BUILDING OFFICIAL



HIGHFIELD THEATER, RESTROOM & CONCESSION STAND
SCALE: 1/8"=1'=0"

FOR OCCUPANT SAFETY ONLY-4/30/2025

COMMONWEALTH OF MASSACHUSETTS
REGISTERED ARCHITECT
LOUIS F. GIAMPIETRO
NO. 4929
FALMOUTH, MA

NO.	DESCRIPTION	BY	DATE

PROJECT DESCRIPTION:
The Highfield Theater
58 Highfield Drive
Falmouth, MA

DRAWN BY
Off The Wall Design
Margaret Woll
84 Forest Street
Pembroke, MA 02359
339-933-2620

DATE:
4/30/2025

SCALE:
1/4"=1'-0"
UNLESS NOTED

SHEET:
A-1

Municipal Legal Notices

Falmouth Zoning Board of Appeals
Notice of Public Hearing for
June 5, 2025

Notice is hereby given of the following **Public Hearing @ 6:00pm and Open Meeting** in the Select Board's Meeting Room, Town Hall, Falmouth, MA. on ***Thursday, June 5, 2025***

Continuation(s)
#018-25 Dooley, 28 Boston Street, East Falmouth
#019-25 Berggren, 33 Martin Road, East Falmouth

Application #062-24R COURT ORDERED REMAND, Lawrence T. and Valerie N. Sullivan: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A and 240-11.3A(4) of the Code of Falmouth to raze the existing accessory structure (garage) and construct a single-family dwelling, exceeding 20% lot coverage by structures. **The subject property is 0 (lot 8) Melrose Avenue, Falmouth, Ma.**
Application #029-25 Scott Lutz: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A. of the Code of Falmouth to raze and rebuild the existing, non-conforming, single-family dwelling. **The subject property is 65 Cypress Street, Teaticket, Ma.**

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

May 9, 2025
May 16, 2025

TOWN OF FALMOUTH
SELECT BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Falmouth Theatre Guild located at 58 Highfield Drive, Falmouth, MA has applied for an Entertainment License and a Sunday Entertainment License.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall, on Monday, May 19, 2025, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of ACME Falmouth MA LLC for permission to modify approved layout of fixed and floating piers within previously legally altered area at 278 Scranton Ave., Falmouth, MA (Falmouth Marine and Yachting Center). Area affected is Falmouth Inner Harbor. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

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, May 21, 2025, at 7:00 PM.**

In accordance with Section 1, Chapter 2 of the Acts of 2025, relating to the 2020 novel Coronavirus outbreak, **the May 21, 2025, public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.**
Alternative public access to this meeting shall be provided in the following manner:
1. The meeting will be televised via Falmouth Community Television.
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 Chat function will be read into the record at the appropriate points in the meeting.
a. Zoom Login instructions:
i. Instructions and the meeting link for this specific meeting can be found at the following web address: http://www.falmouthma.gov/Conservation
ii. Please plan on 10-15 minutes of preparation time to log in though it may be less 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 concom@falmouthma.gov **at least 5 hours 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 an alternative means of real-time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to concom@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

Arleen and Charles Breen, 18 Spartina Place, Falmouth, MA – For permission to vista prune according to FWR 10.18(10)(b).

Andrea Rosen, 15 Bay Shore Drive, North Falmouth, MA – For permission to construct a screened porch and install mitigation plantings.

Ray Dumont, 460 Menauhant Road, East Falmouth, MA – For permission to upgrade an existing sewage disposal system.

Novo Builds, LLC, 5 Shaume Road, Falmouth, MA – For permission to remove an existing deck, construct a new deck, and remove gravel. Joseph Scott Tellier and Kerri Murphy Tellier, 87 Colonial Way, Falmouth, MA – For permission to install a pool, a covered patio with outdoor kitchen, a firepit, and a rinse station; to relocate a shed; and to install a drywell.

By Order of: Jamie Mathews, Chairman
Falmouth Conservation Commission

May 9, 2025

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

Applicant: Carlos Santos

Location: 116 Jamie Ln
Map# 27 06 018 009

PROPOSAL: Site Plan Review application to construct an attached accessory dwelling unit at the above-referenced property.

DATE & TIME: Tuesday, May 27, 2025 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
Clerk/Secretary

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of ACME Falmouth MA LLC for permission to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Ave., Falmouth, MA; 850 +/- c.y. of material to be removed with off-site upland disposal. Area affected is Falmouth Inner Harbor. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that
Blue Moon Sea Grille, Incl d/b/a Hooked has applied for an All Alcoholic Beverages Restaurant License to be exercised at 153 Main Street, Falmouth, MA.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, May 19, 2025 at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

Applicant: Lucelena A. Pereira

Location: 15 Deepwood Dr.
Map# 27 05 011 056N

PROPOSAL: Site Plan Review application to construct an attached accessory dwelling unit at the above-referenced property.

DATE & TIME: Tuesday, May 27, 2025 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
Clerk/Secretary

May 9, 2025

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, May 21, 2025, upon the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission To install two (2) new JO poles to be labeled 126/27-5 and 126/27-25 and two anchor and guy wires **Two (2) JO Poles 126/27-5 and 126/27-25, two anchors and guy wires** This pole location is necessary to provide electric service to #187 Central Avenue.

Per Order of the Falmouth Select Board

May 9, 2025

TOWN OF FALMOUTH
SELECT BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Blue Moon Sea Grille, Inc. d/b/a Hooked located at 153 Main Street, Falmouth, MA has applied for an Entertainment License and a Sunday Entertainment License.

A hearing on the above applications will be held in the Select Board Meeting Room, Falmouth Town Hall, on Monday, May 19, 2025, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Taylor May Carroll, Trustee of the TMC Family Trust for permission to extend the existing pier by 25', to a total length of 76', located at 115 Childs River Road, East Falmouth, MA. Area affected is Childs River. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

Public Hearing Notice
Falmouth Board of Health

On May 19, 2025, the Falmouth Board of Health will hold a public hearing on a proposed septic system regulation, named FHR 15.15, that would be added to the existing local regulation to Title 5 named FHR-15.0 SUPPLEMENTS TO 310 CMR 15.000: THE STATE ENVIRONMENTAL CODE TITLE 5. The hearing will be held at 5:30 p.m. in the Falmouth High School Auditorium, 874 Gifford Street Extension, Falmouth, MA 02540 . The regulation will require Best Available Nitrogen Reducing Technologies, also called I/A or denitrifying systems, be installed on septic systems on properties located in Nitrogen Sensitive Areas that seek to increase wastewater flow thus meeting the definition of New Construction in Title 5 – 310 CMR 15.000. New Construction refers to properties that increase wastewater flow at their property and includes new homes being built, raze and rebuilds of existing homes and existing homes looking to increase the number of bedrooms. This would also include commercial properties that are also seeking to increase wastewater flow. The purpose of this proposed regulation is to regulate the introduction of new sources of nitrogen pollution from on-site sewage disposal systems in Nitrogen Sensitive Areas and to work towards compliance with nitrogen reduction requirements in in Title 5. Nitrogen Sensitive Areas include any of the following areas in Falmouth sensitive to the discharge of nitrogen pollution: those defined in 310 CMR 15.214 as either public and private water supply protection areas or natural resource protection areas; those designated as Districts of Critical Planning Concern by Barnstable County under Barnstable County Ordinance 96-1; and watersheds determined by the Commonwealth of Massachusetts to be nitrogen impaired and listed in the most recent Clean Water Act Section 303d Integrated Report, whether or not a Total Maximum Daily Load (TMDL) is available. This regulation would require the Best Available Nitrogen Reducing Technology have a Total Nitrogen effluent performance value of 10 mg/L or less. Future sewer service area shall not be required to incorporate Best Available Nitrogen Reducing Technology if the design for a sewer service connection for the property has been funded by an Article in Town Meeting. Structures that have incorporated the Best Available Nitrogen Reducing Technology in their subsurface sewage disposal system shall not be required to connect to the sewer for a period of 15 years after the sewer project has been completed, or 20 years after a Nitrogen Reducing System has been installed, whichever is shorter. The complete proposed regulation can be provided by visiting the Health Department during normal business hours or visiting the Health Department page of the Town of Falmouth website https://www.falmouthma.gov/273/Health or by calling the Falmouth Health Department at 508-495-7485.

May 2, 2205
May 9, 2025
May 16, 2025

Tides For Points On Vineyard Sound, Buzzards Bay & Cape Cod Bay

		POPPONESSET		FALMOUTH		WOODS HOLE (WHOI) GREAT HARBOR		WEST FALMOUTH		CAPE COD CANAL BUZZARDS BAY		CAPE COD CANAL (EAST)		BARNSTABLE HARBOR	
		HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE
FRIDAY	AM		5:48	9:54	3:47	6:37	2:39	6:29	1:15	7:57	2:41	10:01	3:43	10:21	4:26
MAY 9	PM	12:13	6:01	10:08	4:00	6:58	12:45	6:48	12:38	8:10	2:46	10:16	3:57	10:35	4:39
SATURDAY	AM	12:27	6:32	10:37	4:31	7:18	3:18	7:08	1:46	8:37	3:27	10:44	4:27	11:04	5:10
MAY 10	PM	12:56	6:40	10:44	4:39	7:40	1:03	7:26	12:44	8:49	3:28	10:54	4:38	11:11	5:18
SUNDAY	AM	1:03	7:11	11:16	5:10	8:00	3:45	7:46	2:01	9:17	4:10	11:24	5:09	11:43	5:49
MAY 11	PM	1:35	7:17	11:20	5:16	8:22	1:40	8:03	1:06	9:29	4:07	11:31	5:18	11:47	5:55
MONDAY	AM	1:39	7:49	11:55	5:48	8:42	4:02	8:25	2:11	9:57	4:48		5:50		6:27
MAY 12	PM	2:14	7:54	11:56	5:53	9:03	2:27	8:43	1:38	10:09	2:37	12:04	5:58	12:22	6:32
TUESDAY	AM	2:15	8:27		6:26	9:24	4:22	9:06	2:37	10:36	5:22	12:08	6:31	12:23	7:05
MAY 13	PM	2:52	8:32	12:33	6:31	9:44	3:16	9:24	2:15	10:47	3:19	12:43	6:39	1:00	7:10
WEDNESDAY	AM	2:51	9:05	12:32	7:04	10:04	4:56	9:48	3:10	11:12	5:54	12:46	7:11	12:59	7:43
MAY 14	PM	3:31	9:10	1:12	7:09	10:25	4:02	10:06	2:55	11:22	4:03	1:22	7:19	1:39	7:48
THURSDAY	AM	3:30	9:45	1:11	7:44	10:46	5:41	10:31	3:44	11:45	6:29	1:25	7:53	1:38	8:23
MAY 15	PM	4:11	9:50	1:52	7:49	11:08	4:46	10:49	3:35	11:56	4:41	2:02	8:00	2:19	8:28

May 9, 2025 - Sunrise is at 5:27AM; sunset is at 7:54 PM

508-563-7136
Shipyard Lane
Cataumet, MA
KINGMAN YACHT KYC CENTER
LOVE YOUR BOAT, HATE YOUR ELECTRONICS? KINGMAN HAS WHAT YOU'RE LOOKING FOR.

By ANNA DOS SANTOS
P.O. Box 438,
Falmouth, MA 02541-0438
Tel 508-548-7742
friendsoffalmouthdogs.org

After another busy week of meet and greets, we are happy to report that Little Rosie, our Schnauzer mix, and Juan Pablo, our Chihuahua mix, have both found new, loving homes. Many happy years to both of them!


Roo

If you are looking for a young Lab mix, then **Roo** might be the dog for you. He's about 7 months old and full of energy. Roo would love to have a brother or sister dog to play with, but his play energy is too much for cats. He's a happy dog that likes people and other dogs, but has not been around small children, so that's an open question. Vaccinations are up to date, he's fully housetrained and will be neutered at our expense. Call 508-548-7742 to meet Roo.

Are you looking for a cuddle companion? Then come in and meet **Leo**, a 9-year-old Pomeranian mix. He comes to us from Georgia after his owner moved to a nursing home. Leo is black and white, neutered, house-trained, fully vaccinated and weighs about 13 pounds. His rescue mom says he's lots of fun and likes to play with her dog and her pet flying squirrels and tolerates her cats. He's currently staying with one of our foster moms and she loves him already. We do know that Leo has a narrowing of a portion of his trachea that can cause him to cough, but he is on a medication that helps reduce the coughing significantly. This will likely be a lifetime medicine. Call us at 508-548-7742 for an appointment to meet Leo.


Leo

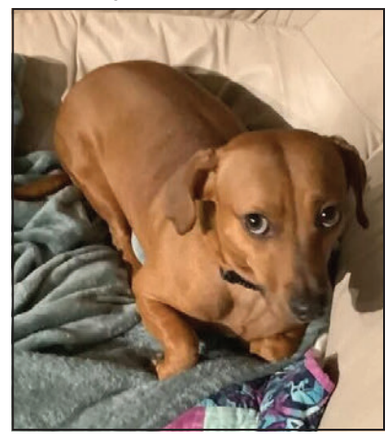
We are helping a family rehome their 8-year-old Lab mix, **Malakai**. He loves people, walking and cuddling, and is a couch potato much of the time, just hanging out with his humans and his stuffed animals. Malakai's current owner thinks he would do best with no other pets in the house and is more comfortable with older children. He's neutered, fully vaccinated, house-trained and ready to be loved by a new family. Call us at 508-548-7742 to meet him.


Malakai

We have a smart, white fluffy dog that is looking for a new, calm home. **Monet** is an 8-year-old American Eskimo dog that will be happiest in a home with no children, no other dogs and definitely no cats! Monet is an excellent walker who enjoys meeting people when he is out and about, and usually ignores other dogs he meets. One of his favorite things to do is go for car rides. Except for being a little overweight, Monet is in excellent health, neutered and fully vaccinated. Call us at 508-548-7742 to make an appointment to meet Monet.


Monet

Jimmy Dean, our 1½-year-old brown Dachshund mix who weighs about 23 pounds, is looking for his new permanent home. Due to his shyness and fear of new people, we had him stay with two different foster families to gain confidence and become accustomed to new people. In both homes, he bonded with the primary female in the family within a few weeks and gradually became comfortable with the other members of the family. In both cases, the families had other dogs that helped Jimmy Dean settle into the family. We would recommend a home with a female dog that is larger than Jimmy, as he has a fair amount of energy to play. He is up to date on all his vaccines, microchipped and has been neutered. If you would like to meet him, please call the shelter at 508-548-7742.


Jimmy Dean

Monetary donations are always needed here at the shelter so we can continue caring for the dogs in our custody and help low-income dog owners pay for veterinary care and dog food. Our goal is that with our help, many more dogs will stay healthy—or get healthy—and live longer and happier lives. The Cape Cod Foundation provides grant funding to us, and we are supremely grateful for its support. Unfortunately, our costs exceed our grant support. If you would like to help provide medical care for the dogs in our care and in our community, donations by check (PO Box 438, Falmouth, MA 02541) or PayPal (www.friendsoffalmouthdogs.org) are always welcomed.

Friends of Falmouth Dogs holds MA License #0183.

UNITED STATES POSTAL SERVICE.

NORTH PLYMOUTH
283 COURT ST
PLYMOUTH, MA 02362-9998
(800)275-8777

05/06/2025 01:34 PM

Product	Qty	Unit Price	Price
First-Class Mail® Letter Falmouth, MA 02540 Weight: 0 lb 0.30 oz Estimated Delivery Date Thu 05/08/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02540 Weight: 0 lb 0.30 oz Estimated Delivery Date Thu 05/08/2025	1		$0.73
First-Class Mail® Letter Half Moon Bay, CA 94019 Weight: 0 lb 0.30 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02540 Weight: 0 lb 0.30 oz Estimated Delivery Date Thu 05/08/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02541 Weight: 0 lb 0.30 oz Estimated Delivery Date Thu 05/08/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02541 Weight: 0 lb 0.30 oz Estimated Delivery Date Thu 05/08/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02540 Weight: 0 lb 0.30 oz Estimated Delivery Date Thu 05/08/2025	1		$0.73
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First-Class Mail® Letter Falmouth, MA 02540 Weight: 0 lb 0.30 oz Estimated Delivery Date Thu 05/08/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02540 Weight: 0 lb 0.30 oz Estimated Delivery Date Thu 05/08/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02541 Weight: 0 lb 0.30 oz Estimated Delivery Date Thu 05/08/2025	1		$0.73

Grand Total:	$9.49
Debit Card Remit	$9.49

Card Name: VISA
Account #: XXXXXXXXXXXX4316
Approval #: 383668
Transaction #: 329
Receipt #: 058146
Debit Card Purchase: $9.49
AID: A0000000980840 Contactless
AL: US DEBIT

Preview your Mail
Track your Packages
Sign up for FREE @
https://informeddelivery.usps.com

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: https://postalexperience.com/Pos
or scan this code with your mobile device,

or call 1-800-410-7420.

UFN: 246243-0362
Receipt #: 840-50280066-1-9319968-2
Clerk: 1

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Phyllis Downey, Administrative Assistant
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider the application by Blue Moon Sea Grille, Inc. d/b/a Hooked for an All Alcoholic Beverages Restaurant License - 153 Main Street, Falmouth. Entertainment, Sunday Entertainment and Common Victualler Licenses are also scheduled for review. **(10 minutes)**

Purpose:
The Select Board will conduct a public hearing and consider the approval of an application by Blue Moon Sea Grille, Inc. d/b/a Hooked for an All Alcoholic Beverages Restaurant License to be executed at 153 Main Street, Falmouth.

Entertainment, Sunday Entertainment, and Common Victualler Licenses have also been submitted.

Background/Summary:

- A complete application was received on May 2, 2025.
- The proposed manager, Edmond Richardi, has a Town of Falmouth background check scheduled for May 21, 2025.
- The application has been reviewed by the Police, Health, and Fire & Rescue Departments.
- The Building Commissioner has reviewed and approved the attached Floor Plan stamped and signed on April 24, 2025.
- A Site Plan Review Decision is included with the application.
- Ament Klauer, LLP obtained a certified list of abutters for immediate abutters and churches and schools within 500'.
- Ament Klauer, LLP mailed the Public Hearing Notice to the abutters by Certified Mail and provided an affidavit of mailing.
- Ament Klauer, LLP caused the hearing notice to be published in the May 9th edition of the Falmouth Enterprise and provided a copy of the advertising proof.

Recommended Actions:
Department Recommendation:

The Town Manager's Office recommends approval of the application by Blue Moon Sea Grille, Inc. d/b/a Hooked for an All Alcoholic Beverages Restaurant License to be executed at 153 Main Street, Falmouth as presented.

Options:

- Motion to approve the application by Blue Moon Sea Grille, Inc. d/b/a Hooked for an All Alcoholic Beverages Restaurant License to be executed at 153 Main Street, Falmouth as presented.

- Motion to deny the application by Blue Moon Sea Grille, Inc. d/b/a Hooked for an All Alcoholic Beverages Restaurant License to be executed at 153 Main Street, Falmouth as presented.

- Some other Select Board approved alternative.

Town Manager's Comments:
Following the public hearing, the Town Manager recommends that the Select Board approve the application by Blue Moon Sea Grille, Inc. d/b/a Hooked for an All Alcoholic Beverages Restaurant License to be executed at 153 Main Street, Falmouth as presented.

Budget:
Applicable? (yes or no):
No
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:
1. Blue Moon Sea Grille, Inc.- LIQUOR LICENSE - PUBLIC Application 05.19.25
2. Blue Moon Sea Grille, Inc.- LIQUOR LICENSE - CONFIDENTIAL Application 05.19.25
3. Blue Moon Sea Grille, Inc-Advertising-Falmouth Enterprise Legal Notices
4. HOOKED - LIQUOR -ENTERTAINMENT FLOOR PLANS 04.24.25

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Blue Moon Sea Grille, Incl d/b/a Hooked has applied for an All Alcoholic Beverages Restaurant License to be exercised at 153 Main Street, Falmouth, MA.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, May 19, 2025 at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

Publication date: Friday, May 9, 2025; Falmouth Enterprise

LICENSE APPLICATION REVIEW

Restaurant/Business: Blue Moon Sea Grille, Inc. d/b/a Hooked

Address: 153 Main Street, Falmouth

License Type: All Alcoholic Beverages Restaurant License

☒ **New License** _____

☐ **Transfer of License** _____

☐ **Change of License** _____

☒ Police	No objection provided the background check does not reveal disqualifying information
☐ Fire	No objections
☐ Building	
☐ Health	No issues
☐ Zoning	
☐ Planning	
☐ DPW	

NOTES: *Background check scheduled for May 21st at 3:00 pme*

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

APPLICATION FOR A NEW LICENSE

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 Blue Moon Sea Grille, Inc. d/b/a Hooked Bar & Grill

ADDRESS 153 Main Street

CITY/TOWN Falmouth **STATE** MA **ZIP CODE** 02540

For the following transactions (Check all that apply):

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

APPLICATION FOR A NEW LICENSE

Municipality: Falmouth

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
On-Premises	§12 Restaurant	All Alcoholic Beverages	Annual

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

Applicant seeks a liquor license for a predominantly seafood-based restaurant and bar. In addition, the applicant intends to have a small space available for live musical performances.

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

2. BUSINESS ENTITY INFORMATION

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

Entity Name: Blue Moon Sea Grille, Inc. FEIN: 20-4612875

DBA: Hooked Bar & Grill Manager of Record: Edmond M. Richardi

Street Address: 153 Main Street, Falmouth, MA 02540

Phone: [redacted] Email: info@hookedbarandgrill.com

Alternative Phone: [redacted] Website: https://www.hookedbarandgrill.com

3. DESCRIPTION OF PREMISES

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

1 story structure with outdoor patio and basement. Basement floor (1,980 s.f.) for storage, First Floor (2,415 s.f.) with two entrances and three exits (two entrances/exits in the main portion of the restaurant and an exit in the kitchen).

Total Square Footage: 4,395 Number of Entrances: 2 Seating Capacity: 117

Number of Floors: 1.5 Number of Exits: 3 Occupancy Number: 130

4. APPLICATION CONTACT

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

Name: Kevin P. Klauer II, Esq. Phone: 508-540-6555

Title: Attorney Email: Kevin@amentklauer.com

1

5. CORPORATE STRUCTURE

Entity Legal Structure: Corporation

Date of Incorporation: December 31, 2012

State of Incorporation: Massachusetts

Is the Corporation publicly traded? ○ Yes ◉ No

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

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

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

Name of Principal	Residential Address	SSN	DOB
Edmond M. Richardi	681 Falmouth Road, A-11	[redacted]	[redacted]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
President, Director	100%	◉ Yes ○ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB
John T. Richardi	71 West Way, Mashpee, MA 02649	[redacted]	[redacted]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Treasurer, Secretary	0%	◉ Yes ○ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB
Michael Richardi	32 Nichols Road, East Falmouth, MA 02536	[redacted]	[redacted]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Director	0%	◉ Yes ○ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		○ Yes ○ No	○ Yes ○ No	○ Yes ○ No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		○ Yes ○ No	○ Yes ○ No	○ Yes ○ No

Additional pages attached? ○ Yes ⊗ No

CRIMINAL HISTORY

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

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

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

Name	License Type	License Name	Municipality
Edmond M. Richardi	Sec. 12, On Premises	Rose M. Corp. d/b/a The Wharf	Falmouth, MA
Edmond M. Richardi	Sec. 12, On Premises	The Falmouth Raw Bar, Inc.	Falmouth, MA
Edmond M. Richardi	Sec. 12, On Premises	Fidde Corporation d/b/a Sopranos	Mashpee, MA

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

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

Name	License Type	License Name	Municipality
Edmond M. Richardi	Sec. 12, On Premises	Northeast Steakhouse and Sports Bar, Inc.	Hyannis, MA

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

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

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation
8/15/14	The Falmouth Raw Bar, Inc.	Falmouth, MA	Service of alcohol to a person under 21 years of age

7. OCCUPANCY OF PREMISES

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

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

Please indicate by what means the applicant will occupy the premises: Lease

Landlord Name: Bogosian Development LLC

Landlord Phone: (774) 255-1709 Landlord Email: mark@longfellowdb.com

Landlord Address: 850 Main Street, Falmouth, MA 02540

Lease Beginning Date: 2/1/22 Rent per Month: [redacted]

Lease Ending Date: 1/31/32 Rent per Year: [redacted]

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

3

APPLICANT'S STATEMENT

I, Edmond M. Richardi (Authorized Signatory) the: ☐ sole proprietor; ☐ partner; ☑ corporate principal; ☐ LLC/LLP manager

of Blue Moon Sea Grille, Inc. (Name of the Entity/Corporation)

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

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

(1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;

(2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;

(3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;

(4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;

(5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;

(6) I understand that all statements and representations made become conditions of the license;

(7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;

(8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and

(9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

(10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: Edmond M Richardi Date: 4/3/25

Title: President

10. MANAGER APPLICATION

A. MANAGER INFORMATION

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

Proposed Manager Name: Edmond M. Richardi | Date of Birth: [redacted] | SSN: [redacted]

Residential Address: 681 Falmouth Road, A-11, Mashpee, MA 02649

Email: info@hookedbarandgrill.com | Phone: [redacted]

Please indicate how many hours per week you intend to be on the licensed premises: 40+

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen/Qualified Alien under the Immigration and Nationality Act? (●) Yes ( ) No

If yes, attach one of the following documents: US Passport, Voter's Certificate, Birth Certificate, Naturalization Papers, Permanent Resident Card "Green Card", or Employment Authorization Document.

Have you ever been convicted of a state, federal, or military crime? ( ) Yes (●) No

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

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

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

Start Date	End Date	Position	Employer	Supervisor Name
2018	Present	Manager	Rose M. Corp. d/b/a The Wharf Restaurant	Self
2008	2018	Manager	The Falmouth Raw Bar, Inc.	Self
2004	2018	Manager	Sopranos Ristorante	Self

D. PRIOR DISCIPLINARY ACTION

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

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation
8/15/24	The Falmouth Raw Bar, Inc.	MA	Falmouth	Service of alcohol to a person under 21 years of age

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: Edmond M Richardi | Date: 4/2/25

Phyllis Downey

From: Kevin Klauer <kevin@amentklauer.com>
Sent: Thursday, May 1, 2025 2:13 PM
To: Phyllis Downey
Cc: Gabriele Bruce; Diane Davidson; Mike Renshaw
Subject: RE: [EXTERNAL] - RE: Blue Moon Return of applications

Hi Phyllis,

Yes, I can confirm that Edmond Richardi is the sole shareholder of Blue Moon Sea Grille, Inc. My apologies on the prior misstatement, John has been my primary contact, so I confused the two names in my prior email.

Regards,

Kevin P. Klauer II, Esq.
Ament Klauer LLP
39 Town Hall Square
Falmouth, MA 02540
Telephone: (508) 540-6555
Fax: (508) 457-1293
Email: kevin@amentklauer.com

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Feel free to visit our website at www.amentklauer.com

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Any documents attached hereto are transmitted for discussion purposes only and create no binding obligation. The parties will be bound only if and when copies are signed by and delivered to all parties.

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Thursday, May 01, 2025 2:11 PM
To: Kevin Klauer <kevin@amentklauer.com>
Cc: Gabriele Bruce <gbruce@amentklauer.com>; Diane Davidson <diane.davidson@falmouthma.gov>; Mike Renshaw <mike.renshaw@falmouthma.gov>
Subject: RE: [EXTERNAL] - RE: Blue Moon Return of applications

Hi Kevin,

As we discussed, may I please confirm that Edmond Richardi is the sole member of the LLC with 100% interest?

Phyllis Downey
Town of Falmouth Select Board/Town Manager Office
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: Kevin Klauer <kevin@amentklauer.com>
Sent: Thursday, May 1, 2025 12:33 PM

ENTITY VOTE

The Board of Directors or LLC Managers of Blue Moon Sea Grille, Inc.
Entity Name

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

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on April 2, 2025
Date of Meeting

For the following transactions (Check all that apply):

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

"VOTED: To authorize Edmond M. Richardi
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 Edmond M. Richardi
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

Edmond M. Richardi
(Print Name)

For Corporations ONLY
A true copy attest,

Corporation Clerk's Signature

John T. Richardi
(Print Name)

The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: $250.00

Secretary of the Commonwealth, Corporations Division
One Ashburton Place, 17th floor
Boston, MA 02108-1512
Telephone: (617) 727-9640

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

Identification Number: 001496551

ARTICLE I

The exact name of the corporation is:

BLUE MOON SEA GRILLE, INC.

ARTICLE II

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

ARTICLE III

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

Class of Stock	Par Value Per Share Enter **0** if no Par	Total Authorized by Articles of Organization or Amendments		Total Issued and Outstanding
		Num of Shares	*Total Par Value*	*Num of Shares*
CNP	$0.00000	10,000	$0.00	10

G.L. C156D eliminates the concept of par value, however a corporation may specify par value in Article III. See G.L. C156D Section 6.21 and the comments thereto.

ARTICLE IV

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

ARTICLE V

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

ARTICLE VI

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

Note: The preceding six (6) articles are considered to be permanent and may be changed only by filing appropriate articles of amendment.

ARTICLE VII

The effective date of organization and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a *later* effective date is desired, specify such date, which may not be later than the *90th day* after the articles are received for filing.

Later Effective Date: Time:

ARTICLE VIII

The information contained in Article VIII is not a permanent part of the Articles of Organization.

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

Name: EDMOND M. RICHARDI
No. and Street: 681 FALMOUTH ROAD
City or Town: MASHPEE State: MA Zip: 02649 Country: USA

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

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	EDMOND M RICHARDI	681 FALMOUTH ROAD MASHPEE, MA 02649 USA
TREASURER	EDMOND M RICHARDI	681 FALMOUTH ROAD MASHPEE, MA 02649 USA
SECRETARY	EDMOND M RICHARDI	681 FALMOUTH ROAD MASHPEE, MA 02649 USA
DIRECTOR	EDMOND M RICHARDI	681 FALMOUTH ROAD MASHPEE, MA 02649 USA

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

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

OPERATION OF A RESTAURANT

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

No. and Street: 681 FAMOUTH ROAD
City or Town: MASHPEE State: MA Zip: 02649 Country: USA

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

No. and Street: 681 FALMOUTH ROAD

City or Town: MASHPEE State: MA Zip: 02649 Country: USA

which is

X its principal office

__ an office of its secretary/assistant secretary

__ an office of its transfer agent

__ its registered office

Signed this 24 Day of March, 2021 at 1:59:34 PM by the incorporator(s). *(If an existing corporation is acting as incorporator, type in the exact name of the business entity, the state or other jurisdiction where it was incorporated, the name of the person signing on behalf of said business entity and the title he/she holds or other authority by which such action is taken.)*

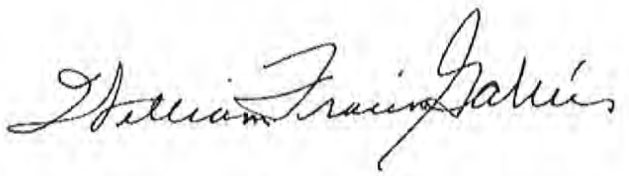
EDMOND M. RICHARDI

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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:

March 24, 2021 01:57 PM



WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

The Commonwealth of Massachusetts, William Francis Galvin

Corporations Division

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

Statement of Change of Supplemental Information

(General Laws, Chapter 156D, Section 2.02 AND Section 8.45; 950 CMR 113.17)

No Fee

Identification Number: 001496551

1. Exact name of the corporation:

BLUE MOON SEA GRILLE, INC.

2. Current registered office address:

Agent name: EDMOND M. RICHARDI

Number and street: 681 FALMOUTH ROAD

Address 2:

City or town: MASHPEE State: MA Zip code: 02649

3. The following supplemental information has changed:

☐ Names and street addresses of the directors, president, treasurer, secretary

Title	Individual Name	Address
PRESIDENT	EDMOND M RICHARDI	681 FALMOUTH ROAD MASHPEE, MA 02649 USA
TREASURER	JOHN T RICHARDI	71 WEST WAY MASHPEE, MA 02649 USA
SECRETARY	JOHN T RICHARDI	71 WEST WAY MASHPEE, MA 02649 USA
DIRECTOR	MICHAEL RICHARDI	681 FALMOUTH ROAD MASHPEE, MA 02649 USA
DIRECTOR	EDMOND M RICHARDI	681 FALMOUTH ROAD MASHPEE, MA 02649 USA

☐ Fiscal year end:

December 31

☐ Type of business in which the corporation intends to engage:

OPERATION OF A RESTAURANT

☐ Principal office address:

Number and street: 681 FAMOUTH ROAD

Address 2:

City or town:	MASHPEE	State:	MA	Zip code:	02649
Country:	UNITED STATES				

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

Number and street:	118				
Address 2:	WATERHOUSE ROAD				
City or town:	BOURNE	State:	MA	Zip code:	02532
Country:	UNITED STATES				

Which is:

☑ its principal office
☐ an office of its transfer agent
☐ an office of its secretary/assistant secretary
☐ its registered office

Signed by EDMOND M. RICHARDI , its PRESIDENT

on this 26 Day of January, 2024

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:

January 26, 2024 03:26 PM



WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

TIPS® | 360 TRAINING™
A 360TRAINING COMPANY

CERTIFICATE OF COMPLETION

This certifies that

Edmond Richardi

is awarded this certificate for

TIPS On-Premise Alcohol Server Training

Hours	Completion Date	Expiration Date	Certificate #
3.00	03/13/2025	03/12/2028	ON-000036406666

Official Signature

THIS CERTIFICATE IS NON-TRANSFERABLE

COMMERCIAL LEASE (this or the "Lease")

1. PARTIES:

Bogosian Development LLC, a Massachusetts Limited Liability Company with a mailing address of 367 Main Street, Falmouth, MA 02540, hereinafter "Lessor", which expression shall include its heirs, successors, and assigns where the context so admits, does hereby lease to **Blue Moon Sea Grille, Inc.**, a Massachusetts Corporation, with a principal office located at 681 Falmouth Road, Unit A1-1, Mashpee, MA 02649, hereinafter "Lessee", which expression shall include its successors and assigns where the context so admits, and Lessee hereby leases the following described premises:

2. PREMISES:

A portion of the structure known as and numbered 153-159 Main Street, Falmouth, MA 02540, being Unit 1, bordering Town Hall Square and being known as 153 Main Street, consisting of total area of 2,200 ± s.f., located partly on the upper level of the structure and partly on the basement level, which area, hereinafter referred to as "the premises," is shown on the drawings attached hereto as Exhibits A1 and A2 (floor plans) and Exhibit B (site plan). For Lessor's title to the property of which the premises are a part, see deed recorded with Barnstable Registry of Deeds in Book 33250, Page 155. Lessee shall have non-exclusive access to the area of the property behind the building to bring in and use a dumpster which shall be the sole property of and for the sole use by Lessee (discussed below) and for the parking of vehicles (subject to the legal right of vehicular access to the area of the property behind the building). For the sake of clarity, this Lease does not confer any rights upon Lessee to access or use the roof of the building of which the premises forms a part. Any such access or use would be memorialized by a separate agreement entered into between Lessor and Lessee, each in their sole discretion, with separate rent to be agreed upon. For no additional rent, during the Lease term Lessee may use the way, approximately 14 feet in width, extending along the southeast side of the premises, from Main Street about 88 feet to the rear line of the building of which the premises are a part (the "Easement Area"), for outdoor restaurant seating, provided:

A) Prior to seeking any permits that provide for such outdoor dining, whether from the Zoning Board of Appeals, Board of Selectmen or otherwise, Lessee shall obtain Lessor's approval of plans showing all improvements to be made within the way. Lessee acknowledges that the maximum allowed lot coverage by structures is 70%, meaning that the area of any dining deck or patio may be limited to about 900 square feet. Lessee shall obtain a plan, certified by a registered land surveyor, confirming the existing conditions and showing proposed improvements;

B) Lessee shall be responsible for obtaining all governmental approvals, at Lessee's sole cost and expense, for Lessee's use of the way, including, without limitation, any required approvals from the Zoning Board of Appeals, Board of Selectmen or the Alcoholic Beverage Control Commission;

The Cooperative Bank of Cape Cod

April 29, 2025

RE: Blue Moon Sea Grille

To Whom It May Concern:

We are writing this letter upon the request of our client. Blue Moon Sea Grille has been a client of this bank since 2023 with both depository and credit facilities. They are a valued customer in good standing at our bank handling all matters as agreed.

Should you have any questions and/or comments, please do not hesitate to contact me at 508-568-1205 or via e-mail: abrainson@mycapecodbank.com.

Sincerely,

Allyson Brainson

Allyson Brainson
First Vice President | Business Banking Market Leader
25 Benjamin Franklin Way
Hyannis, MA 02601

Falmouth Planning Board
59 Town Hall Square, Falmouth, MA 02540
Telephone: 508-495-7440 Fax: 508.495.7443 email: planning@falmouthma.gov

March 6, 2023

Gary Street, Building Commissioner
Falmouth Town Hall
59 Town Hall Square
Falmouth, Massachusetts 02540

Re: Site Plan Review Decision – Blue Moon Sea Grille, Inc.
159 Main Street – 47A 07 070 000

Dear Gary,

At its meeting on February 28, 2023, the Planning Board voted to approve the application of Blue Moon Sea Grille, Inc. to develop a Class 1 restaurant with outdoor deck at 159 Main Street, under Article XXXIX (39) (now known as Section 240-12.2) Site Plan Review of the Zoning Bylaw for a plan entitled: *"Building Permit Plot Plan in Falmouth, Massachusetts Prepared For Ament Klauer LLP"*, scale 1"=20', dated January 23, 2023, prepared by R.A.S. Associates, along with architectural plan entitled *"Proposed Floor Plan & Elevation"*, prepared by Giampietro Architects, dated 6/3/2022 with latest revision of 1/16/2023, with the following:

FINDINGS:

The 8,276 square foot lot is located in the Business 1 (B1) zoning district and currently contains a 5,046 square foot structure, containing three commercial businesses (Lighthouse Station at Woods Hole, The Gilded Oyster, and The Reel Station Co.). No off-street parking is available on the property.

The proposed project includes developing a 130-seat (74 inside and 56 outside), Class 1 restaurant with a 91' x 14' outdoor deck. The deck will have a fully accessible ramp allowing access to and from Main Street, a secondary set of stairs at the back portion, and access to the inside of the restaurant.

The property's dumpster will be relocated and enclosed by a stockade fence as shown on the proposed site plan.

Access to the rear of the building will occur over the property at 131 Main Street, owned by the Dabon, Inc., and through a license agreement is limited to trash removal only.

Cavossa Disposal Corporation provided a letter indicating that they would be able to accommodate the trash removal needs of the proposed 130-seat restaurant with the same trucks and with the same frequency of collection trips as currently in place.

The site cannot accommodate off-street parking, therefore the applicant is seeking a Special Permit from the Zoning Board of Appeals for a full parking reduction under Section 240-107B (now known as Section 240-14.1F(3)a).

The applicant has committed as a condition of approval to make a good faith effort to prohibit or minimize employee parking on Main Street, within Town Hall Square, and in other nearby downtown public lots during peak business periods. The applicant has agreed to monitor employee commuting and parking and to implement policies to achieve that goal.

The landscaping plan provided by the applicant includes the addition of a concrete pad with a bicycle rack, a new sitting bench, the replacement and relocation of an existing sitting bench; the removal of a walkway with stairs and replacement with landscaping, the closing off an opening in the existing wall and the removal of the existing chain link fence on the wall, and the addition of new plantings.

All of the proposed landscaping will occur on town property; therefore, the applicant intends to seek a license from the Select Board for permission to implement the landscaping improvements. All details of the proposed improvements (type of plantings, bench and bike rack materials, future maintenance, etc.) will be included in that license request.

The proposed project introduces another restaurant on Main Street which is in keeping with the existing area while improving the existing landscaping features.

The applicant secured a Certificate of Appropriateness from the Historical Commission on November 17, 2022; however, will likely need to amend said certificate with the addition of the 6' high deck wall and gate.

The new use (Class 1 restaurant) is a by-right use in the Business 1 (B1) zoning district and the construction will be limited to the 159 Main Street portion of the property.

The proposed plan shows the construction of an outdoor deck over a "Way" as labeled on the proposed site plan. The Board has no ability to resolve the private property dispute in this matter and understands a building permit may not be issued in the absence of unequivocal property rights. The Board defers that building permit decision to the Building Commissioner.

The Town of Falmouth departments have reviewed and commented on the above-mentioned site plan and the Planning Board finds that the applicant has adequately addressed the comments.

The Planning Board's review does not include Building Code & Zoning review and the Board defers to the Building Commissioner.

The application conforms to all the requirements found in Article XXXIX (39) of the Zoning Bylaw.

CONDITIONS:

1. The plan shall be constructed as approved. Any changes shall be reviewed by the Planning Board to determine if a modification of this decision is necessary. Pursuant to Section 240-183B (now known as Section 240-2.1C) of the Zoning Bylaw, no permit for full or partial occupancy shall be issued until the Planning Board is satisfied that the conditions of this approval and predecessor approvals have been met.

2. The applicant shall obtain an approved Street Opening Permit and post any required bond with the Engineering Division prior to start of construction. The Applicant shall complete the work as approved by the Engineering Division in the Street Opening Permit.

3. The project shall not direct any stormwater runoff to public property, abutters, or public right of ways and shall meet all applicable standards set forth in the Building Code as determined by the Building Commissioner.

4. Construction of this project shall follow the Town's "Soil Erosion & Sediment Control Standard Conditions" document.

5. Upon completion of construction, the applicant shall post the address for this residence per the Town Code §99-1 Affixing of legible numbers required; time limit for compliance.

6. Access to the rear of the building will be limited to trash removal only as specified in the license agreement with Dabon, Inc. The applicant shall return to the Planning Board for a modification to this Site Plan Review decision if said agreement is terminated or modified in any way.

7. At no time shall any delivery of goods or needed services in support of the proposed restaurant occur at the rear of the building. Deliveries shall be limited to the hours between 6:00 AM and 8:00 AM.

8. The applicant shall implement policies to prohibit or reduce employee parking on Main Street, within Town Hall Square, and in other nearby downtown public parking lots during peak business periods.

9. The applicant shall seek approval from the Select Board for the proposed landscaping located on town property and shall include the necessary details (type of plantings, bench and bike rack materials, future maintenance, etc.) within that request.

10. All construction operations for the onsite work should be maintained on the property, including but not limited to material storage, construction vehicles, and contractor parking.

Sincerely,

Jed C Gk

Jed Cornock, AICP
Town Planner

cc: Applicant



ZONING DISTRICT TABLE
BUSINESS 1

MINIMUM REQUIREMENTS		EXISTING CONDITIONS	
LOT AREA	N/A	LOT COVERAGE BY STRUCTURES	58.3%
LOT WIDTH	N/A		
FRONTAGE	N/A		
FRONT SETBACK	N/A	LOT COVERAGE BY STRUCTURES/PAVING PARKING	66.5%
SIDE SETBACK	N/A		
REAR SETBACK	N/A		
MAXIMUM PERCENT			
LOT COVERAGE BY STRUCTURES	70%		
LOT COVERAGE BY STRUCTURES /PAVING PARKING	90%	PROPOSED CONDITIONS	
		LOT COVERAGE BY STRUCTURES	73.8%
		LOT COVERAGE BY STRUCTURES/PAVING PARKING	79.8%

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ASSESSORS REFERENCE
Parcel ID: 47A 07 070 000

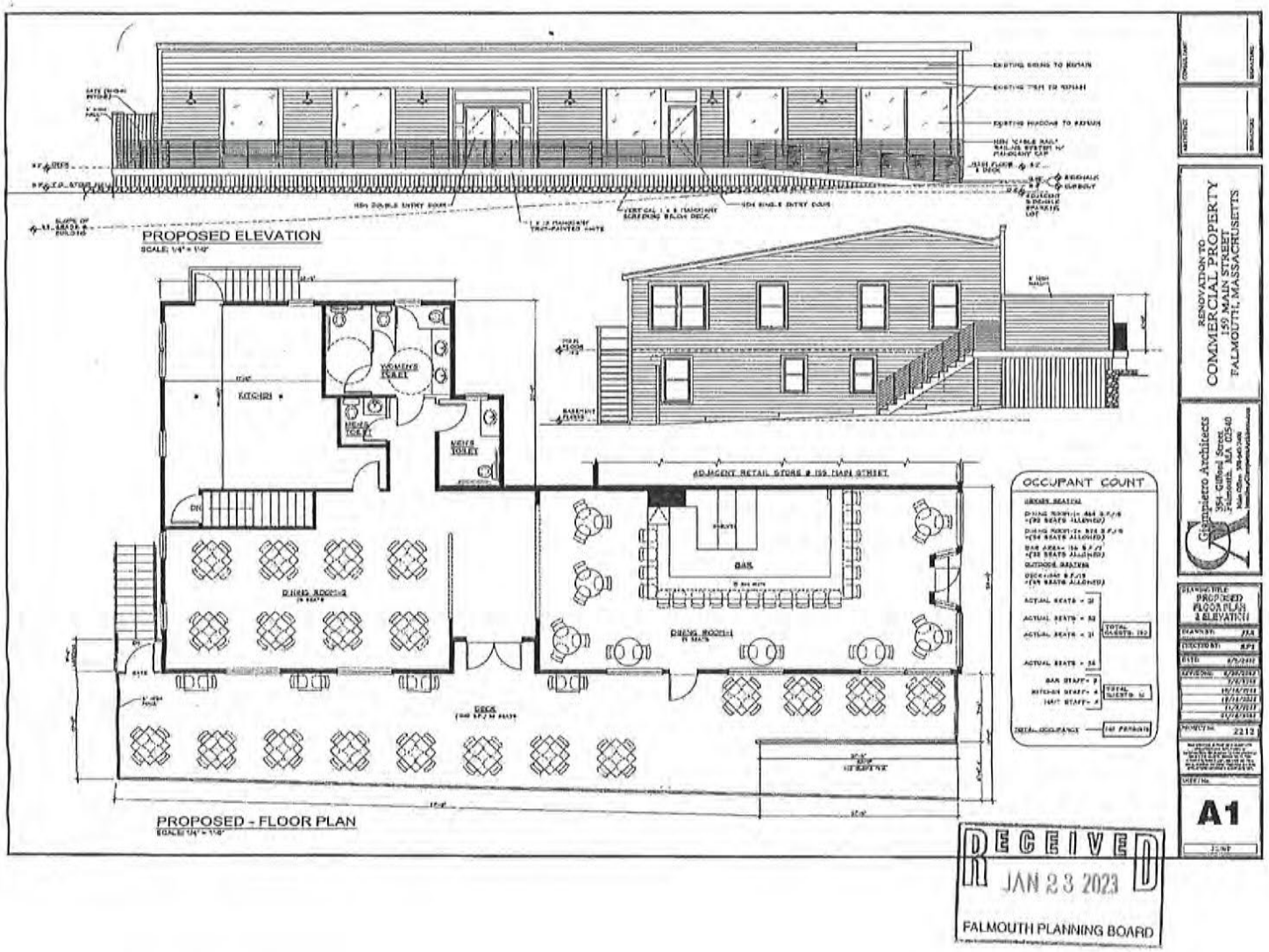
TITLE REFERENCE
Barnstable County Registry of Deeds
Deed Book 3.3250, Page 155.
See also L.C. Plan Nos. 20500 A,B,D & L.C. Plan No. 11322 B, Plan Book No. 222, Page 139.

OWNER OF RECORD
Bagosian Development LLC
367 Main Street
Falmouth, Massachusetts

Building Permit Plot Plan
in
FALMOUTH, MASSACHUSETTS
prepared for
Ament Klauer LLP

R.A.S. Associates
Civil Engineers – Land Surveyors
Land Use Consultants
30 Gerdyn Drive, Plymouth, Massachusetts 02360 (508) 224-9088
P.O. Box 79, Falmouth, Massachusetts 02541 (508) 760-2033
"Serving Cape Cod and the South Shore continuously since 1983"

DATE: January 23, 2023	JOB NO.: 22-0250
COMP./DESIGN: S.W.C.	CHECK: S.W.C.
DRAWN: S.W.C.	SCALE: 1" = 20'


PROPOSED ELEVATION
SCALE: 1/4" = 1'-0"
PROPOSED - FLOOR PLAN
KITCHEN
WOMEN'S TOILET
MEN'S TOILET
MEN'S TOILET
DINING ROOM #2
DINING ROOM #1
BAR
DECK
ADJACENT RETAIL STORE @ 159 MAIN STREET
OCCUPANT COUNT
RENOVATION TO
COMMERCIAL PROPERTY
159 MAIN STREET
FALMOUTH, MASSACHUSETTS
Giampietro Architects
PROPOSED
FLOOR PLAN
& ELEVATION
A1
RECEIVED
JAN 23 2023
FALMOUTH PLANNING BOARD

Falmouth Planning Board
59 Town Hall Square, Falmouth, MA 02540
Telephone: 508-495-7440 Fax: 508.495.7443 email: planning@falmouthma.gov

October 31, 2023

Gary Street, Building Commissioner
Falmouth Town Hall
59 Town Hall Square
Falmouth, Massachusetts 02540

Re: Site Plan Review Modification Decision – Blue Moon Sea Grille, Inc.
159 Main Street – 47A 07 070 000

Dear Gary,

At its meeting on October 24, 2023, the Planning Board voted to approve the application of Blue Moon Sea Grille, Inc. to modify the previous Site Plan Review approval on February 28, 2023, to now develop a Class 1 restaurant with an outdoor patio at 153 Main Street, under Section 240-12.2 Site Plan Review of the Zoning Bylaw for a plan entitled: *"Plot Plan of Proposed Patio for #159 Main Prepared For Blue Moon Sea Grille, Inc. in Falmouth"*, scale 1"=10', dated August 30, 2023, prepared by Falmouth Engineering, Inc., along with an architectural plan entitled *"Proposed Floor Plan & Elevation"*, scale 3/16"=1'0", dated 6/26/2023 with latest revision of August 21, 2023, prepared by Giampietro Architects, with the following:

FINDINGS:

The 8,276 square foot lot is located in the Business 1 (B1) zoning district and currently contains a 5,046 square foot structure, containing three commercial businesses (Lighthouse Station at Woods Hole, The Gilded Oyster, and The Reel Station Co.). No off-street parking is available on the property.

The applicant is proposing to modify their previously approved Site Plan Review application by constructing a first-floor pervious patio with a fully accessible ramp rather than the previously requested 91' x 14' wooden deck.

Additionally, there are now 59 seats proposed on the patio while 78 seats are proposed inside of the restaurant, for a total of 137 seats. The previous approval included a 130-seat restaurant; therefore, this modification represents an increase of 7 seats (3 outside and 4 inside).

Lot coverage by structures will now only increase from the existing 58.3% to 59.97%, negating the need for the previously approved Special Permit which allowed for lot coverage

to exceed 70% in the Business 1 (B1) district. Meanwhile, the lot coverage by parking/paving will decrease from 65.5% to 63.4% and the maximum amount allowed in B1 is 90%.

The applicant received a variance from the Select Board for the flow neutral bylaw stamped in with the Town Clerk on August 25, 2022, which allowed 130 seats. In order to have an occupancy of 137 seats, the applicant will likely need to receive an amended variance from the Select Board.

The property's dumpster will be relocated and enclosed by a stockade fence as shown on the proposed site plan. According to correspondence received with the modification application, the property owner may be able to establish a broader prescriptive easement, for access to the dumpster, from Dabon, Inc, owners of 131 Main Street, based on the decades of documented access. If not, the property owner also owns 23 Town Hall Square, known as Timber Axe Bar, and the dumpster at 23 Town Hall Square could be used for the subject property's trash disposal.

The applicant has committed as a condition of approval to make a good faith effort to prohibit or minimize employee parking on Main Street, within Town Hall Square, and in other nearby downtown public lots during peak business periods. The applicant has agreed to monitor employee commuting and parking and to implement policies to achieve that goal.

The updated landscaping plan provided by the applicant includes the addition of a concrete pad with a bicycle rack, the replacement two existing sitting benches, upgrades to the existing planting bed located between the existing sidewalk and the stone retaining wall, modifications to the stairs that provide access to the property from the sidewalk, and the removal of the existing chain link fence on the retaining wall.

As all of the proposed landscaping is proposed on town property, the applicant intends to seek a license from the Select Board for permission to implement said improvements. Therefore, all details of the proposed improvements (type of plantings, bench and bike rack materials, future maintenance, etc.) will be under the purview of the Select Board, rather than the Planning Board as would generally be the case with Site Plan Review.

The proposed project introduces another restaurant on Main Street which is in keeping with the existing area while improving the existing landscaping features.

The applicant secured an amended Certificate of Appropriateness from the Historical Commission on October 3, 2023.

The new use (Class 1 restaurant) is a by-right use in the Business 1 (B1) zoning district and the construction will be limited to the 153 Main Street portion of the property.

The proposed plan shows the construction of an outdoor deck over a "Way" as labeled on the proposed site plan. The Board has no ability to resolve the private property dispute in this matter and understands a building permit may not be issued in the absence of unequivocal property rights. The Board defers that building permit decision to the Building Commissioner.

The Town of Falmouth departments have reviewed and commented on the above-mentioned site plan and the Planning Board finds that the applicant has adequately addressed the comments.

The Planning Board's review does not include Building Code & Zoning review and the Board defers to the Building Commissioner.

The application conforms to all the requirements found in Section 240-12.2 of the Zoning Bylaw.

CONDITIONS:

1. The plan shall be constructed as approved. Any changes shall be reviewed by the Planning Board to determine if a modification of this decision is necessary. Pursuant to Section 240-2.1C of the Zoning Bylaw, no permit for full or partial occupancy shall be issued until the Planning Board is satisfied that the conditions of this approval and predecessor approvals have been met.

2. The applicant shall obtain an approved Street Opening Permit and post any required bond with the Engineering Division prior to start of construction. The Applicant shall complete the work as approved by the Engineering Division in the Street Opening Permit.

3. The project shall not direct any stormwater runoff to public property, abutters, or public right of ways and shall meet all applicable standards set forth in the Building Code as determined by the Building Commissioner.

4. Construction of this project shall follow the Town's "Soil Erosion & Sediment Control Standard Conditions" document.

5. Upon completion of construction, the applicant shall post the address for this business per the Town Code §99-1 Affixing of legible numbers required; time limit for compliance.

6. Access to the rear of the building will be limited to trash removal only as specified in the draft license agreement with Dabon, Inc. The applicant shall be able to utilize the dumpster located at 23 Town Hall Square for rubbish removal in the event that the future license agreement with Dabon, Inc. is never fully executed, terminated, or modified in any way.

7. At no time shall any delivery of goods or needed services in support of the proposed restaurant occur at the rear of the building. Deliveries shall be limited to the hours between 6:00 AM and 8:00 AM.

8. The applicant shall implement policies to prohibit or reduce employee parking on Main Street, within Town Hall Square, and in other nearby downtown public parking lots during peak business periods.

9. The applicant shall seek approval from the Select Board for the proposed landscaping located on town property and shall include the necessary details (type of plantings, bench and bike rack materials, future maintenance, etc.) within that request.

10. All construction operations for the onsite work should be maintained on the property, including but not limited to material storage, construction vehicles, and contractor parking.

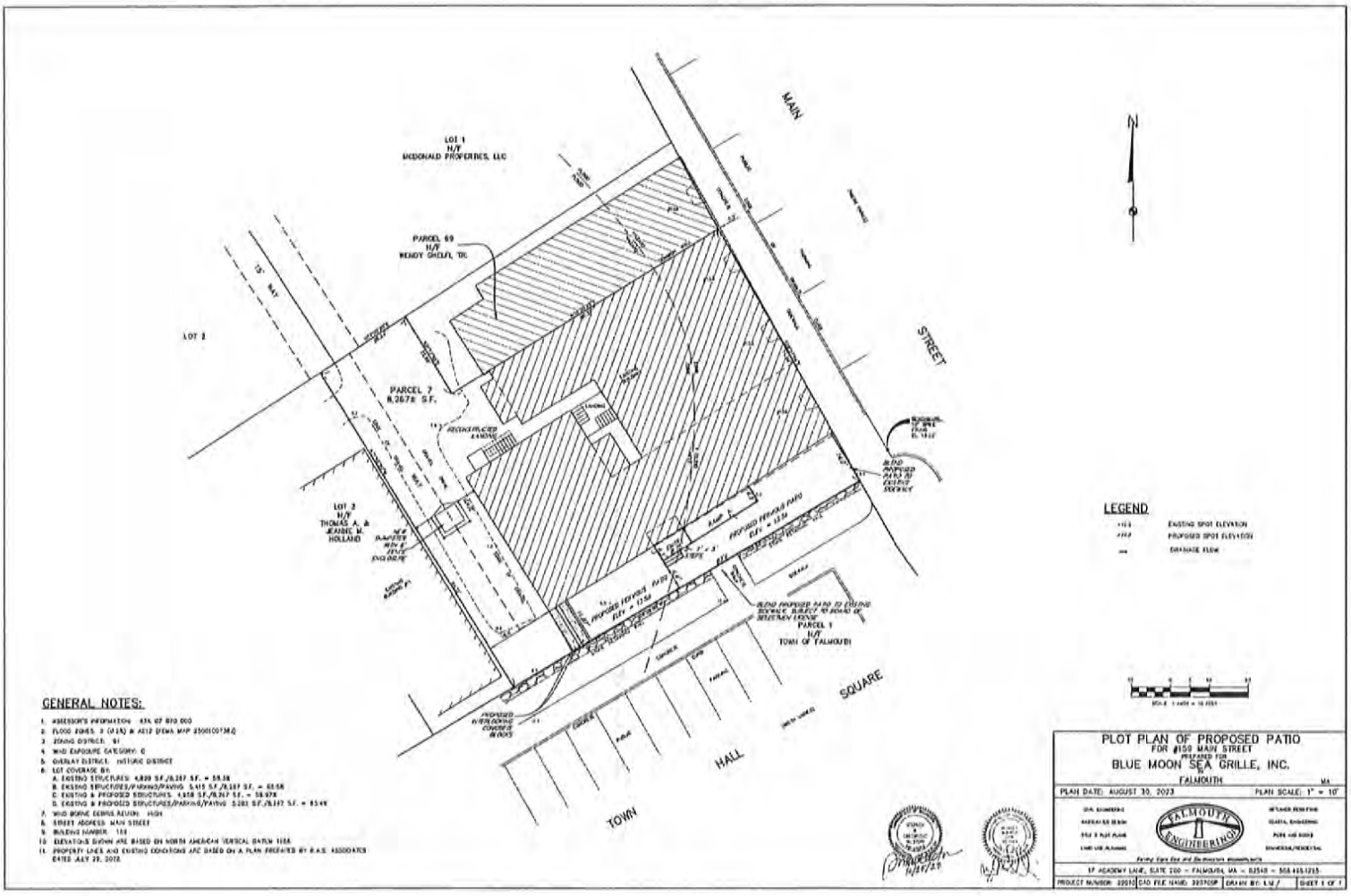
11. The applicant will need to obtain an amended variance from the Flow Neutral Bylaw from the Select Board of the increase in seating from 130 to 137.

Sincerely,

Jed C Gk

Jed Cornock, AICP
Town Planner

cc: Applicant



GENERAL NOTES:

1. ASSESSOR'S INFORMATION: 43A 07 B10 000
2. FLOOD ZONES: X (0.2%) & AE12 (FEMA MAP 25001C0136J)
3. ZONING DISTRICT: B1
4. WIND EXPOSURE CATEGORY: C
5. OVERLAY DISTRICT: HISTORIC DISTRICT
6. LOT COVERAGE BY:
   A. EXISTING STRUCTURES: 4,830 SF./8,267 S.F. = 58.4%
   B. EXISTING STRUCTURES/PARKING/PAVING: 5,415 S.F./8,267 S.F. = 65.5%
   C. EXISTING & PROPOSED STRUCTURES: 4,858 S.F./8,267 S.F. = 58.8%
   D. EXISTING & PROPOSED STRUCTURES/PARKING/PAVING: 5,080 S.F./8,267 S.F. = 61.4%
7. WIND BORNE DEBRIS REGION: HIGH
8. STREET ADDRESS: MAIN STREET
9. BUILDING NUMBER: 159
10. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.
11. PROPERTY LINES AND EXISTING CONDITIONS ARE BASED ON A PLAN PREPARED BY D.A.S. ASSOCIATES DATED JULY 27, 2012.

PLOT PLAN OF PROPOSED PATIO

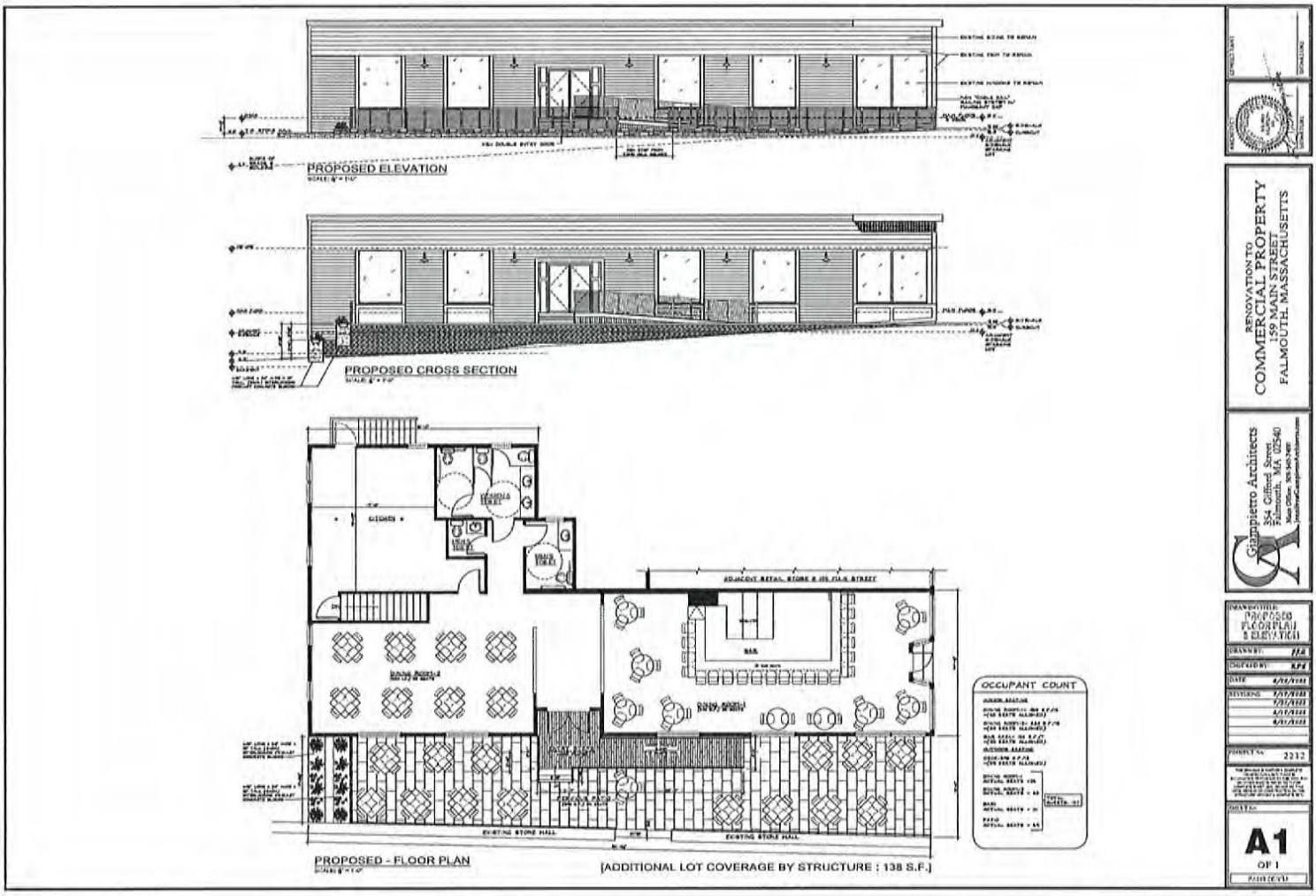
FOR #159 MAIN STREET
PREPARED FOR
BLUE MOON SEA GRILLE, INC.
FALMOUTH, MA

PLAN DATE: AUGUST 30, 2023 | PLAN SCALE: 1" = 10'

FALMOUTH ENGINEERING

57 ACADEMY LANE, SUITE 200 – FALMOUTH, MA – 02540 – 508.495.1215

PROJECT NUMBER: 22010 | CAD FILE NAME: 22010P | DRAWN BY: LW/ | SHEET 1 OF 1


PROPOSED ELEVATION
PROPOSED CROSS SECTION
PROPOSED - FLOOR PLAN
OCCUPANT COUNT
EXISTING STONE WALL
EXISTING STONE WALL
[ADDITIONAL LOT COVERAGE BY STRUCTURE : 138 S.F.]
RENOVATION TO
COMMERCIAL PROPERTY
159 MAIN STREET
FALMOUTH, MASSACHUSETTS
Giampietro Architects
PROPOSED
FLOORPLAN
& ELEVATION
A1
OF 1

Town of Falmouth

BUSINESS CERTIFICATE (DBA)

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

Blue Moon Sea Grille, Inc. d/b/a Hooked Bar & Grill (Business Name) — Restaurant (Type of Business)

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

159 Main Street, Falmouth (Address of Business) — 774-612-3137 (Phone Number)

By the following named person(s):

Owner 1 Edmond M. Richardi (Full Name) — 159 Main Street, Falmouth, MA 02540 (Address)

Edmond M Richardi (Signature) — 774-612-3137 (Phone Number)

Owner 2 _____ (Full Name) _____ (Address)

_____ (Signature) _____ (Phone Number)

****

Commonwealth of Massachusetts
County of Barnstable

On this 2nd day of April, 2025, before me, the undersigned notary public, personally appeared Edmond M. Richardi, proved to me through satisfactory evidence of identification, to be the person whose name is signed on the preceding or attached document in my presence.

Notary Public Signature

(seal)

KEVIN P. KLAUER II
Notary Public, Commonwealth of Massachusetts
My Commission Expires January 11, 2030

****

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

Received Date April 24, 2025

Expiration Date April 24, 2029

Michael Palmer, Town Clerk

all abutters

APR 24 2025

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: Gabrick - Amentklaver LLP

Address of person requesting abutters list: 39 Town Hall Square
Falmouth, MA 02540

Phone: 508-540-6555

Abutters to (subject property): Map 47A Section 07 Parcel 070 Lot 000
Map_____ Section_____ Parcel_____ Lot_____
Map_____ Section_____ Parcel_____ Lot_____

Lot size of subject property: 0.191 acres

Location of subject property: 153 Main Street

Check one:

_____ Direct abutters (includes properties across street)

_____ Direct abutters in local Historic District (includes properties across the street) within 100"

_____ Immediate abutters (includes only properties with a common property line)

✓ Immediate abutters plus churches and schools within 500'

_____ Properties within 300'

_____ Properties within 300' or abutters abutter to abutter whichever is closest

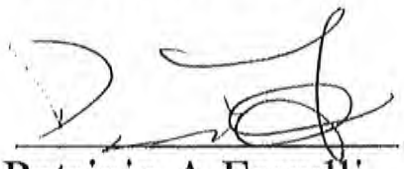
_____ Properties within 100'

_____ Other (specify)_____

Fee. $25.00 Total $25.00 Ck # 8626

EMAIL jbruce@amentklaver.com

47A 07 070 000
153 MAIN ST



Patricia A Favulli
Director of
Assessing
Town of Falmouth
April 30,2025

PARISH OF SAINT BARNABAS
PO BOX 203
FALMOUTH, MA 02541

PARISH OF SAINT BARNABAS
PO BOX 203
FALMOUTH, MA 02540

MEHTA RICHI
156 MAIN ST
FALMOUTH, MA 02540

MAGGIO MARGARET M MILLETT II JERRY DAVIS
137 MAIN ST
FALMOUTH, MA 02540

MCDONALD PROPERTIES LLC
105 N BOURNES POND RD
E FALMOUTH, MA 02536

HOLLAND THOMAS A HOLLAND JEANNE M
PO BOX 172
CATAUMET, MA 02534-0172

Town of Falmouth, MA Abutters Report

100ft. Abutters of Property 47A 07 069 000
at 149 MAIN ST

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 04/15/2025.

Property ID	Address	Owner 1	Owner 2	Owner Address	Owner City/State/Zip
47A 07 063 000	103 MAIN ST	PARISH OF SAINT BARNABAS		PO BOX 203	FALMOUTH, MA 02541
47A 07 067A 002	135 MAIN ST	PARISH OF SAINT BARNABAS		PO BOX 203	FALMOUTH, MA 02540
47A 07 067B 000A	137 MAIN ST	MEHTA RICHI		156 MAIN ST	FALMOUTH, MA 02540
47A 07 067B 000B	137 MAIN ST	MAGGIO MARGARET M	MILLETT II JERRY DAVIS	137 MAIN ST	FALMOUTH, MA 02540
47A 07 068 001	145 MAIN ST	MCDONALD PROPERTIES LLC		105 N BOURNES POND RD	E FALMOUTH, MA 02536
47A 07 071A 003	11 TOWN HALL SQUARE	HOLLAND THOMAS A	HOLLAND JEANNE M	PO BOX 172	CATAUMET, MA 02534-0172

Complete prior to applying for:
New Liquor License

APPLICANT: Blue Moon Sea Grille, Inc. d/b/a Hooked Bar & Grill

ADDRESS: 159 Main Street, Falmouth

LICENSE APPLIED FOR: All Alcohol License

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

a. **A Floor Plan completed and stamped by an Engineer or Architect to the Building Commissioner's office. The Plan must include all seating, parking, and the occupancy load calculation.**

b. **For outdoor seating, submit either a Landscape Plan or Certified Plot Plan/Site Plan,** *see Building Commissioner's office for details.*

Plan Submitted & Drawn by: Russ Crockford, Giampietro Architects
Plan Number: Project No. 2212
Plan Date: 4/6/24
Revision date: 4/23/24, 5/2/24 ; 3/10/25, 3/20/25 ; 4/8/25. 4/18/25

NOTES:

Building Commissioner: X

DATE: 4-24-25

Town Planner: X

Date: 4/24/25

Phyllis Downey

From: Brian Reid <brian.reid@falmouthpolicema.gov>
Sent: Monday, May 5, 2025 8:44 AM
To: Phyllis Downey; Boyd Demello; Gary Street; Jed Cornock; Morgan Cardoso; Scott McGann
Subject: Re: Phyllis Downey shared the folder "BLUE MOON-APPLICATION REVIEWS ONE DRIVE" with you

No objection from Police, as long as the applicant complies with the procedure and the required background check does not reveal any disqualifying information.

Brian L. Reid
Captain of Operations and Specialized Services
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
774-255-4527 Ext. 4502

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Friday, May 2, 2025 4:38 PM
To: Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Gary Street <gary.street@falmouthma.gov>; Jed Cornock <jed.cornock@falmouthma.gov>; Morgan Cardoso <morgan.cardoso@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>
Subject: Phyllis Downey shared the folder "BLUE MOON-APPLICATION REVIEWS ONE DRIVE" with you



Phyllis Downey invited you to view a folder

Good afternoon,

Below please find a link to the applications by Blue Moon Sea Grille, Inc. d/b/a Hooked located at 153 Main Street for a Common Victualler, Entertainment, Sunday Entertainment, and Liquor License.

• The proposed manager has been asked to schedule a background check but has not done so yet.

Phyllis Downey

From: Boyd Demello <boyd.demello@falmouthfirema.gov>
Sent: Monday, May 5, 2025 8:50 AM
To: Phyllis Downey; Brian Reid; Gary Street; Jed Cornock; Morgan Cardoso; Scott McGann
Subject: RE: Phyllis Downey shared the folder "BLUE MOON-APPLICATION REVIEWS ONE DRIVE" with you

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: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Friday, May 2, 2025 16:39
To: Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Gary Street <gary.street@falmouthma.gov>; Jed Cornock <jed.cornock@falmouthma.gov>; Morgan Cardoso <morgan.cardoso@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>
Subject: Phyllis Downey shared the folder "BLUE MOON-APPLICATION REVIEWS ONE DRIVE" with you



Phyllis Downey invited you to view a folder

Good afternoon,

Below please find a link to the applications by Blue Moon Sea Grille, Inc. d/b/a Hooked located at 153 Main Street for a Common Victualler, Entertainment, Sunday Entertainment, and Liquor License.

Phyllis Downey

From: Morgan Cardoso
Sent: Monday, May 5, 2025 4:08 PM
To: Phyllis Downey
Cc: Scott McGann
Subject: RE: Phyllis Downey shared the folder "BLUE MOON-APPLICATION REVIEWS ONE DRIVE" with you

No issues with Health, we have received an application.

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: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Friday, May 2, 2025 4:42 PM
To: Boyd Demello <boyd.demello_falmouthfirema.gov#EXT#@falmouthmassus.onmicrosoft.com>; Brian Reid <brian.reid_falmouthpolicema.gov#EXT#@falmouthmassus.onmicrosoft.com>; Gary Street <gary.street@falmouthma.gov>; Jed Cornock <jed.cornock@falmouthma.gov>; Morgan Cardoso <morgan.cardoso@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>
Subject: Phyllis Downey shared the folder "BLUE MOON-APPLICATION REVIEWS ONE DRIVE" with you

Phyllis Downey invited you to view a folder

Good afternoon,
Below please find a link to applications by Blue Moon Sea Grille, Inc. d/b/a

AFFIDAVIT OF NOTICE OF MAILING TO ABUTTERS AND OTHERS

Re: Application of Blue Moon Sea Grille, Inc. d/b/a Hooked for an All-Alcoholic Beverages Restaurant License at 153 Main Street, Falmouth, MA 02540

To the Licensing Board for the Town of Falmouth

I, Kevin P. Klauer II, hereby certify that on May 9, 2025, I caused publication of a Notice of Public Hearing of the hearing scheduled for May 19, 2025, on the above-referenced application, in the Falmouth Enterprise. I further certify that within three days after publication of notice of the hearing scheduled for May 19, 2025, on the above-referenced application, I caused a copy of the published notice to be sent by registered (certified) USPS mail to each of the persons appearing upon the assessors' most recent valuation list as the owners of the properties abutting on the premises where the license is intended to be exercised.

There are no hospitals within the radius of five hundred (500) feet of said proposed location to be licensed, but there is one church within the radius of five hundred (500) feet from said location proposed to be licensed, namely: Parish of Saint Barnabas.

A copy of the letter mailed and the notice published are attached hereto, along with proofs of mailing of said notice and the certified Abutters List.

Signed and subscribed to under the penalties of perjury this 12th day of May, 2025.

Kevin P. Klauer II, Esquire

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

On this 12th day of May, 2025, before me, the undersigned notary public, personally appeared Kevin P. Klauer II, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed above, and acknowledged to me that he signed it voluntarily as his free act and deed and for its stated purpose.

Gabriele M. Bruce
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires April 14, 2028

Notary Public:
My Commission Expires: 4-14-28

AMENT KLAUER LLP
Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

Telephone (508) 540-6555
Fax (508) 457-1293
Website: www.amentklauer.com

May 9, 2025

Parish of Saint Barnabas
P. O. Box 203
Falmouth, MA 02541

Re: Liquor License Hearing

Dear Abutter:

Enclosed is a legal notice of the Select Board's hearing to be held on Monday, May 19, 2025 at 6:45 p.m. in Falmouth Town Hall on the application of Blue Moon Sea Grille, Inc. d/b/a Hooked for an All Alcoholic Beverages Restaurant License at 153 Main Street in Falmouth. You are receiving this notice as required by Massachusetts law, as you are located within 500 feet of 153 Main Street.

For purposes of complying with certain notice requirements, we inform you of the provision in Chapter 138 Section 15A, second sentence of the second paragraph (copy enclosed), that reads, "The notice sent to such school, church or hospital shall indicate the necessity of a written objection to prevent the issuance or transfer of such license under the provisions of section sixteen C."

If you have any questions about this application, please contact me at 508-540-6555.

Very truly yours,

Kevin P. Klauer

Kevin P. Klauer, Esquire

KPK/gmb
Enclosure

Part I	ADMINISTRATION OF THE GOVERNMENT
Title XX	PUBLIC SAFETY AND GOOD ORDER
Chapter 138	ALCOHOLIC LIQUORS
Section 15A	APPLICATION FOR LICENSES; STATEMENT OF BENEFICIAL INTERESTS; CORPORATE STOCK TRANSFERS; FILING NOTATION; PUBLICATION OF NOTICE; HEARING; PLAN OF PREMISES; TRANSFERS; NOTICE TO ABUTTING PROPERTY OWNERS; COMPLAINTS; APPEALS; CANCELLATION OF LICENSES

Section 15A. All applications for an original license under sections twelve and fifteen shall be made on a form or forms to be prescribed by the commission and shall include a sworn statement by the applicant giving the names and addresses of all persons who have a direct or indirect beneficial interest in said license. No stock in a corporation holding a license to sell alcoholic beverages shall be transferred, pledged, or issued without first obtaining the permission of the local licensing authorities and the commission. Provisions of this section shall not apply to stockholders of a corporation whose stock is listed for sale to the general public with the Securities and Exchange Commission and who hold less than ten per cent of the outstanding stock entitled to vote at the annual meeting of said corporation. Notation of the date and hour of filing shall be made on every application. Within ten days after receipt of any such application, the local licensing authorities shall cause a notice thereof to be published at the expense of the applicant. Such notice shall be published in the city or town wherein the license is intended to be exercised or, if no newspaper is published in such city or town, in a newspaper, published within the commonwealth, providing general circulation in such city or town, or if there is no newspaper providing general circulation in such city or town, then in a daily newspaper published in the county wherein such license is intended to be exercised. After such publication the name of the newspaper publishing such notice shall be noted by the local licensing authorities on the application for a license. The notice shall set forth the name of the applicant in full, the kind of license applied for, a description of the location and area where the license is intended to be exercised, designating, if practicable, the street and number. No application shall be acted upon by the local licensing authorities except after hearing thereon which shall be held not sooner than ten calendar days after the publication of such notice. An affidavit of the person making such publication on behalf of such authorities, together with an attested copy of the notice published, shall be filed in the office of such authorities, and a certified copy of such affidavit shall be prima facie evidence that such notice has been published in accordance with this section. Where there are no premises actually in existence at the time the application is made, the applicant may file with the local licensing authorities a plan showing the actual dimensions of premises which are to be constructed on which the license is to be exercised. The local licensing authorities may thereafter grant a license upon the condition that such license shall issue upon completion of such premises according to said plan, and the decision of the licensing authorities as to whether or not said plan has been complied with shall be final.

Every applicant for an original license under section twelve, fifteen or thirty A, or for a transfer of such a license from one location to another, or an applicant for a change in the description of a licensed premises, or someone in his behalf, shall, within three days after publication as hereinbefore provided, cause a copy of the published notice to be sent by registered mail to each of the persons appearing upon the assessors' most recent valuation list as the owners of the property abutting on the premises where the license is intended to be exercised and, if a school, which gives not less than the minimum instruction and training to children of compulsory school age required by chapter seventy-one, or a church or hospital, is located within a radius of five hundred feet from said premises, to such school, church or hospital. The notice sent to such school, church or hospital shall indicate the necessity of a written objection to prevent the issuance or transfer of such license under the provisions of section sixteen C. An affidavit of the applicant or of the person mailing such notice in his behalf, together with an attested copy of the notice mailed, shall be filed in the office of the local licensing authorities, and a certified copy of such affidavit shall be prima facie evidence that such notice has been mailed in accordance with this section. If any abutter or the authorities in charge of any such school, church or hospital shall make complaint in writing to the local licensing authorities that such license was granted or transferred hereunder without such notice having been mailed to him or them as required hereby, and after due hearing it appears that such notice was not mailed as aforesaid, the local licensing authorities may cancel the license. Any person who has filed a complaint with the local licensing authorities under this section who is aggrieved by the action of such authorities in refusing to cancel a license hereunder or by their failure to act upon such a complaint within a period of thirty days may appeal to the commission in writing within five days following receipt of written notice of such action or within five days following the expiration of the thirty day period, and the commission may, after hearing, cancel such a license and in such event, shall send notice of the cancellation to the local licensing authorities. Nothing herein contained shall be construed to prohibit a licensee whose license has been cancelled by the local licensing authorities under authority contained in this section from appealing to the commission as provided in section sixty-seven. No application by the same applicant for the same type of license to be exercised on the same premises may be filed within one year of the date of his last prior application except in the discretion of the licensing authorities.

AMENT KLAUER LLP
Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

Telephone (508) 540-6555
Fax (508) 457-1293
Website: www.amentklauer.com

May 9, 2025

Richi Mehta
156 Main Street
Falmouth, MA 02540

Re: Liquor License Hearing

Dear Abutter:

Enclosed is a legal notice of the Select Board's hearing to be held on Monday, May 19, 2025 at 6:45 p.m. in Falmouth Town Hall on the application of Blue Moon Sea Grille, Inc. d/b/a Hooked for an All Alcoholic Beverages Restaurant License at 153 Main Street in Falmouth. You are receiving this notice as required by Massachusetts law, as you are a record owner of property abutting that location.

If you have any questions about this application, please contact me at 508-540-6555.

Very truly yours,

Kevin P. Klauer

Kevin P. Klauer, Esquire

KPK/gmb
Enclosure

AMENT KLAUER LLP
Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

Telephone (508) 540-6555
Fax (508) 457-1293
Website: www.amentklauer.com

May 9, 2025

Margaret M. Maggio
Jerry Davis Millett II
137 Main Street
Falmouth, MA 02540

Re: Liquor License Hearing

Dear Abutter:

Enclosed is a legal notice of the Select Board's hearing to be held on Monday, May 19, 2025 at 6:45 p.m. in Falmouth Town Hall on the application of Blue Moon Sea Grille, Inc. d/b/a Hooked for an All Alcoholic Beverages Restaurant License at 153 Main Street in Falmouth. You are receiving this notice as required by Massachusetts law, as you are a record owner of property abutting that location.

If you have any questions about this application, please contact me at 508-540-6555.

Very truly yours,

Kevin P. Klauer

Kevin P. Klauer, Esquire

- CAB -

KPK/gmb
Enclosure

AMENT KLAUER LLP
Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

Telephone (508) 540-6555
Fax (508) 457-1293
Website: www.amentklauer.com

May 9, 2025

McDonald Properties LLC
105 N. Bournes Pond Road
East Falmouth, MA 02536

Re: Liquor License Hearing

Dear Abutter:

Enclosed is a legal notice of the Select Board's hearing to be held on Monday, May 19, 2025 at 6:45 p.m. in Falmouth Town Hall on the application of Blue Moon Sea Grille, Inc. d/b/a Hooked for an All Alcoholic Beverages Restaurant License at 153 Main Street in Falmouth. You are receiving this notice as required by Massachusetts law, as you are a record owner of property abutting that location.

If you have any questions about this application, please contact me at 508-540-6555.

Very truly yours,

Kevin P. Klauer, Esquire

KPK/gmb
Enclosure

AMENT KLAUER LLP
Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

Telephone (508) 540-6555
Fax (508) 457-1293
Website: www.amentklauer.com

May 9, 2025

Thomas A. Holland
Jeanne M. Holland
P. O. Box 172
Cataumet, MA 02534-0172

Re: Liquor License Hearing

Dear Abutter;

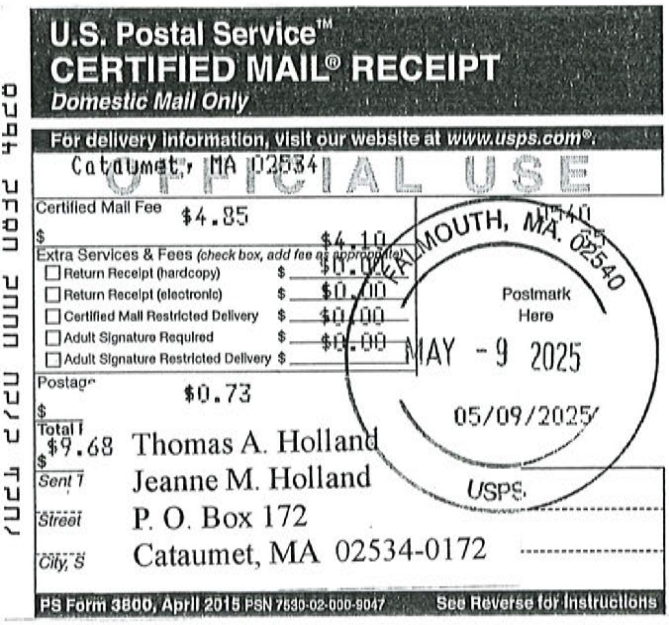
Enclosed is a legal notice of the Select Board's hearing to be held on Monday, May 19, 2025 at 6:45 p.m. in Falmouth Town Hall on the application of Blue Moon Sea Grille, Inc. d/b/a Hooked for an All Alcoholic Beverages Restaurant License at 153 Main Street in Falmouth. You are receiving this notice as required by Massachusetts law, as you are a record owner of property abutting that location.

If you have any questions about this application, please contact me at 508-540-6555.

Very truly yours,

Kevin P. Klauer, Esquire

KPK/gmb
Enclosure



U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Cataumet, MA 02534

OFFICIAL USE

Certified Mail Fee $4.85
Extra Services & Fees (check box, add fee as appropriate)
- Return Receipt (hardcopy) $4.10
- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.73

Total Postage $9.68

Sent To Thomas A. Holland
Jeanne M. Holland

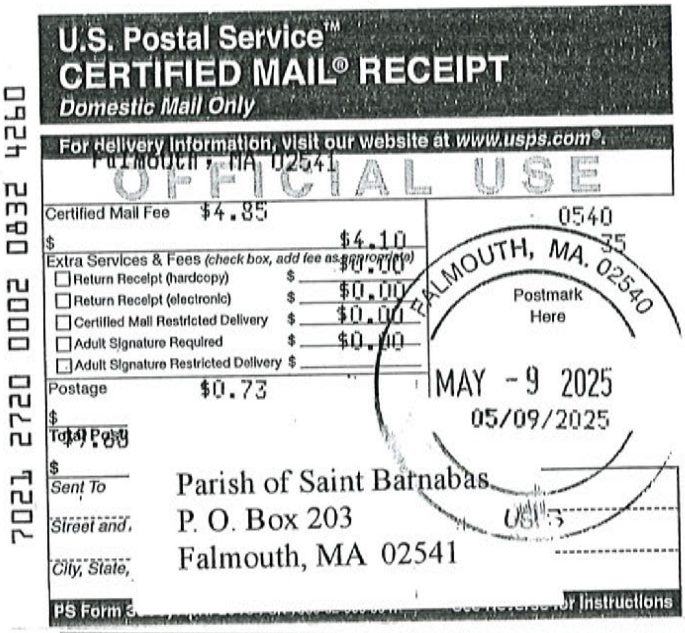
Street P. O. Box 172

City, S Cataumet, MA 02534-0172

FALMOUTH, MA. 02540 0540 35
Postmark Here
MAY - 9 2025
05/09/2025
USPS

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7021 2720 0002 0832 4260



U.S. Postal Service™
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Falmouth, MA 02541

OFFICIAL USE

Certified Mail Fee $4.85
Extra Services & Fees (check box, add fee as appropriate)
- Return Receipt (hardcopy) $4.10
- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.73

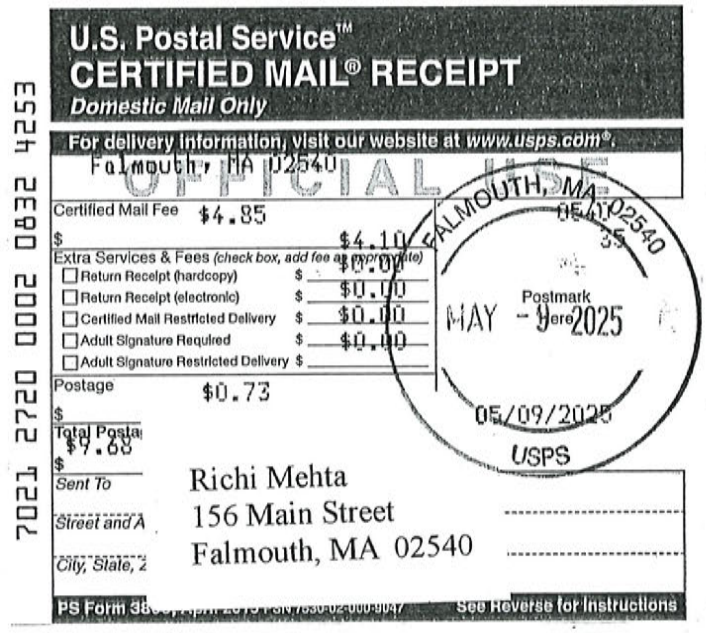
Total Postage $9.68

Sent To Parish of Saint Barnabas
Street and P. O. Box 203
City, State, Falmouth, MA 02541

FALMOUTH, MA. 02540 0540 35
Postmark Here
MAY - 9 2025
05/09/2025
USPS

PS Form 3 ... Instructions

7021 2720 0002 0832 4260



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Falmouth, MA 02540

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Extra Services & Fees (check box, add fee as appropriate)
- Return Receipt (hardcopy) $4.10
- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.73

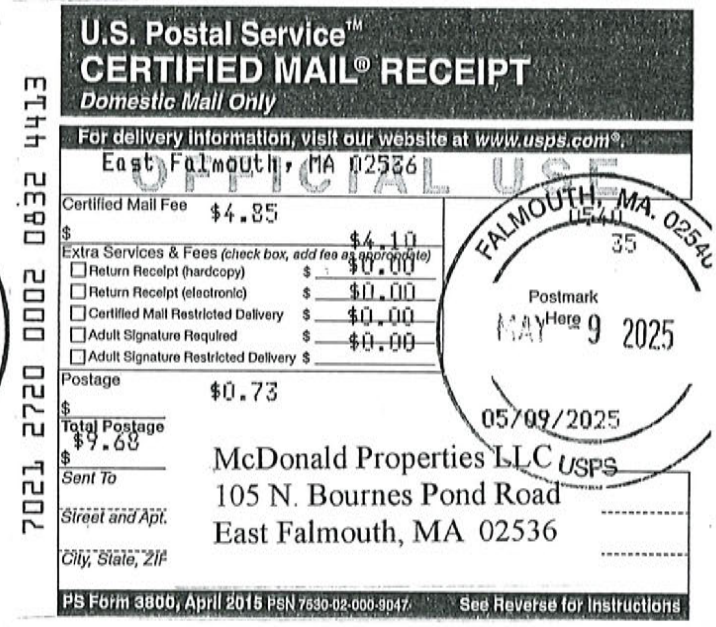
Total Postage $9.68

Sent To Richi Mehta
Street and A 156 Main Street
City, State, Z Falmouth, MA 02540

FALMOUTH, MA. 02540 0540 35
Postmark Here
MAY - 9 2025
05/09/2025
USPS

PS Form 38... See Reverse for Instructions

7021 2720 0002 0832 4253



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East Falmouth, MA 02536

OFFICIAL USE

Certified Mail Fee $4.85
Extra Services & Fees (check box, add fee as appropriate)
- Return Receipt (hardcopy) $4.10
- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.73

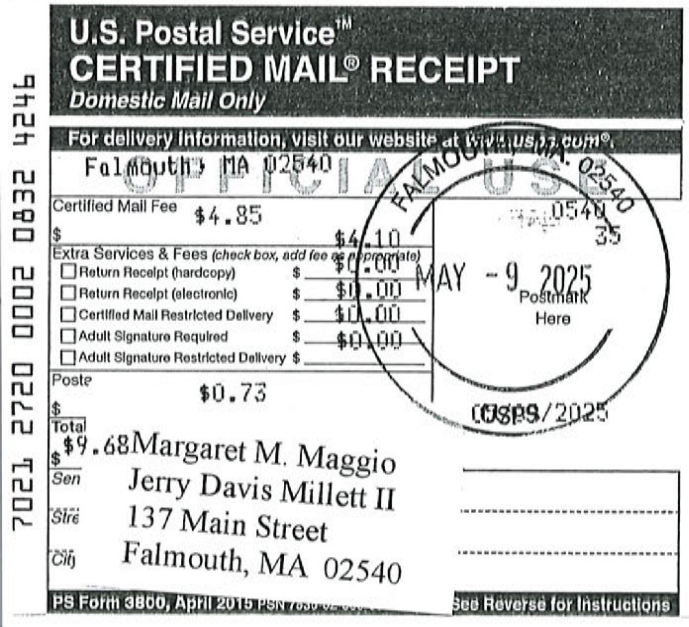
Total Postage $9.68

Sent To McDonald Properties LLC
Street and Apt. 105 N. Bournes Pond Road
City, State, ZIP East Falmouth, MA 02536

FALMOUTH, MA. 02540 0540 35
Postmark Here
MAY - 9 2025
05/09/2025
USPS

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7021 2720 0002 0832 4413



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Falmouth, MA 02540

OFFICIAL USE

Certified Mail Fee $4.85
Extra Services & Fees (check box, add fee as appropriate)
- Return Receipt (hardcopy) $4.10
- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Poste $0.73

Total $9.68

Sen Margaret M. Maggio
Jerry Davis Millett II
Stre 137 Main Street
City Falmouth, MA 02540

FALMOUTH, MA. 02540 0540 35
MAY - 9 2025
Postmark Here
USPS/2025

PS Form 3800, April 2015 PSN ... See Reverse for Instructions

7021 2720 0002 0832 4246



LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Blue Moon Sea Grille, Incl d/b/a Hooked has applied for an All Alcoholic Beverages Restaurant License to be exercised at 153 Main Street, Falmouth, MA.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, May 19, 2025 at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

Publication date: Friday, May 9, 2025; Falmouth Enterprise

Municipal Legal Notices

outh Zoning Board of Appeals
otice of Public Hearing for
June 5, 2025

hereby given of the following **Public @ 6:00pm and Open Meeting** in t Board's Meeting Room, Town Hall, , MA. on ***Thursday, June 5, 2025***

ation(s)
Dooley, 28 Boston Street, East

Berggren, 33 Martin Road, East

on #062-24R COURT ORDERED RE-awrence T. and Valerie N. Sullivan: o the Zoning Board of Appeals for a rmit pursuant to section(s) 240-10.2A 11.3A(4) of the Code of Falmouth to existing accessory structure (garage) struct a single-family dwelling, ex-20% lot coverage by structures. **The roperty is 0 (lot 8) Melrose Avenue, h, Ma.**

ion #029-25 Scott Lutz: Applied ning Board of Appeals for a special ursuant to section(s) 240-10.2A. of of Falmouth to raze and rebuild the on-conforming, single-family dwelling. **ject property is 65 Cypress Street, , Ma.**

available in the Board of Appeals Office all for review by interested parties.

May 9, 2025
May 16, 2025

TOWN OF FALMOUTH
SELECT BOARD
TICE OF PUBLIC HEARING

hereby given under Chapter 140 83A of the General Laws as amend-apter 299 of the Acts of 1926 and ents thereto, that Falmouth Theatre ated at 58 Highfield Drive, Falmouth, pplied for an Entertainment License nday Entertainment License.

on the above application will be held in Board Meeting Room, Falmouth Town Monday, May 19, 2025, at 6:45 pm.

nts may be sent to selectboard@ na.gov.

of the Select Board

NG BOARD
obbins Taylor
cott) P. Zylinski, II
C. Brown
Mascali
M. H. Goldstone

May 9, 2025

UBLIC HEARING NOTICE

In accordance with Section 1, Chapter 2 of the Acts of 2025, relating to the 2020 novel Coronavirus outbreak, **the May 21, 2025, public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.** Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Falmouth Community Television.
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 Chat function will be read into the record at the appropriate points in the meeting.
a. Zoom Login instructions:
i. Instructions and the meeting link for this specific meeting can be found at the following web address: http://www.falmouthma.gov/Conservation
ii. Please plan on 10-15 minutes of preparation time to log in though it may be less 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 concom@falmouthma.gov **at least 5 hours 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 an alternative means of real-time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to concom@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

Arleen and Charles Breen, 18 Spartina Place, Falmouth, MA – For permission to vista prune according to FWR 10.18(10)(b).

Andrea Rosen, 15 Bay Shore Drive, North Falmouth, MA – For permission to construct a screened porch and install mitigation plantings.

Ray Dumont, 460 Menauhant Road, East Falmouth, MA – For permission to upgrade an existing sewage disposal system.

Novo Builds, LLC, 5 Shaume Road, Falmouth, MA – For permission to remove an existing

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
Clerk/Secretary

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of ACME Falmouth MA LLC for permission to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Ave., Falmouth, MA; 850 +/- c.y. of material to be removed with off-site upland disposal. Area affected is Falmouth Inner Harbor. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that
Blue Moon Sea Grille, Incl d/b/a Hooked has applied for an All Alcoholic Beverages Restaurant License to be exercised at 153 Main Street, Falmouth, MA.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, May 19, 2025 at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

Applicant: Lucelena A. Pereira

Location: 15 Deepwood Dr

Department Room at 3:00 p.m. on Wednesday, May 21, 2025, upon the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission To install two (2) new JO poles to be labeled 126/27-5 and 126/27-25 and two anchor and guy wires **Two (2) JO Poles 126/27-5 and 126/27-25, two anchors and guy wires** This pole location is necessary to provide electric service to #187 Central Avenue.

Per Order of the Falmouth Select Board

May 9, 2025

TOWN OF FALMOUTH
SELECT BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Blue Moon Sea Grille, Inc. d/b/a Hooked located at 153 Main Street, Falmouth, MA has applied for an Entertainment License and a Sunday Entertainment License.

A hearing on the above applications will be held in the Select Board Meeting Room, Falmouth Town Hall, on Monday, May 19, 2025, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Taylor May Carroll, Trustee of the TMC Family Trust for permission to extend the existing pier by 25', to a total length of 76', located at 115 Childs River Road, East Falmouth, MA. Area affected is Childs River. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

Public Hearing Notice
Falmouth Board of Health

On May 19, 2025, the Falmouth Board of Health will hold a public hearing [illegible]

all abutters

APR 24 2025

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: Gabaiele - Amentklauer LLP

Address of person requesting abutters list: 39 Town Hall Square
Falmouth, MA 02540

Phone: 508-540-6555

Abutters to (subject property): Map 47A Section 07 Parcel 070 Lot 001
Map _____ Section _____ Parcel _____ Lot _____
Map _____ Section _____ Parcel _____ Lot _____

Lot size of subject property: 0.191 acres

Location of subject property: 153 Main Street

Check one:

_____ Direct abutters (includes properties across street)

_____ Direct abutters in local Historic District (includes properties across the street) within 100"

_____ Immediate abutters (includes only properties with a common property line)

✓ Immediate abutters plus churches and schools within 500'

_____ Properties within 300'

_____ Properties within 300' or abutters abutter to abutter whichever is closest

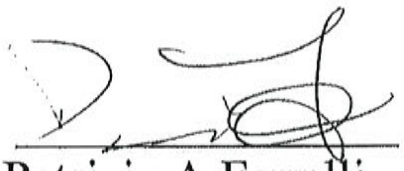
_____ Properties within 100'

_____ Other (specify)_____

Fee. $25.00 Total $25.00 Ck # 8626 Jw

EMAIL jbruce@amentklauer.com

47A 07 070 000
153 MAIN ST



Patricia A Favulli
Director of
Assessing
Town of Falmouth
April 30,2025

PARISH OF SAINT BARNABAS
PO BOX 203
FALMOUTH, MA 02541

PARISH OF SAINT BARNABAS
PO BOX 203
FALMOUTH, MA 02540

MEHTA RICHI
156 MAIN ST
FALMOUTH, MA 02540

MAGGIO MARGARET M MILLETT II JERRY DAVIS
137 MAIN ST
FALMOUTH, MA 02540

MCDONALD PROPERTIES LLC
105 N BOURNES POND RD
E FALMOUTH, MA 02536

HOLLAND THOMAS A HOLLAND JEANNE M
PO BOX 172
CATAUMET, MA 02534-0172

Town of Falmouth, MA Abutters Report

100ft. Abutters of Property 47A 07 069 000
at 149 MAIN ST

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 04/15/2025.

Property ID	Address	Owner 1	Owner 2	Owner Address	Owner City/State/Zip
47A 07 063 000	103 MAIN ST	PARISH OF SAINT BARNABAS		PO BOX 203	FALMOUTH, MA 02541
47A 07 067A 002	135 MAIN ST	PARISH OF SAINT BARNABAS		PO BOX 203	FALMOUTH, MA 02540
47A 07 067B 000A	137 MAIN ST	MEHTA RICHI		156 MAIN ST	FALMOUTH, MA 02540
47A 07 067B 000B	137 MAIN ST	MAGGIO MARGARET M	MILLETT II JERRY DAVIS	137 MAIN ST	FALMOUTH, MA 02540
47A 07 068 001	145 MAIN ST	MCDONALD PROPERTIES LLC		105 N BOURNES POND RD	E FALMOUTH, MA 02536
47A 07 071A 003	11 TOWN HALL SQUARE	HOLLAND THOMAS A	HOLLAND JEANNE M	PO BOX 172	CATAUMET, MA 02534-0172

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Blue Moon Sea Grille, Incl d/b/a Hooked has applied for an All Alcoholic Beverages Restaurant License to be exercised at 153 Main Street, Falmouth, MA.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, May 19, 2025 at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

Municipal Legal Notices

Falmouth Zoning Board of Appeals
Notice of Public Hearing for
June 5, 2025

Notice is hereby given of the following **Public Hearing @ 6:00pm and Open Meeting** in the Select Board's Meeting Room, Town Hall, Falmouth, MA, on **Thursday, June 5, 2025**

Continuation(s)
#018-25 Dooley, 26 Boston Street, East Falmouth
#019-25 Berggren, 33 Martin Road, East Falmouth

Application #062-24R COURT ORDERED RE: MAND. Lawrence T. and Valerie N. Sullivan: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A and 240-11.3A(4) of the Code of Falmouth to raze the existing accessory structure (garage) and construct a single-family dwelling, exceeding 20% lot coverage by structures. The **subject property is 0 (lot B) Melrose Avenue, Falmouth, Ma.**

Application #029-25 Scott Lutz: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A of the Code of Falmouth to raze and rebuild the existing, non-conforming, single-family dwelling. **The subject property is 65 Cypress Street, Teaticket, Ma.**

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

May 9, 2025
May 16, 2025

TOWN OF FALMOUTH
SELECT BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Falmouth Theatre Guild located at 58 Highfield Drive, Falmouth, MA has applied for an Entertainment License and a Sunday Entertainment License.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall, on Monday, May 19, 2025, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of ACME Falmouth MA LLC for permission to modify approved layout of fixed and floating piers within previously legally altered area at 278 Scranton Ave., Falmouth, MA (Falmouth Marine and Yachting Center). Area affected is Falmouth Inner Harbor. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

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, May 21, 2025, at 7:00 P.M.**

In accordance with Section 1, Chapter 2 of the Acts of 2025, relating to the 2020 novel Coronavirus outbreak, **the May 21, 2025, public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.** Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Falmouth Community Television.
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 Chat function will be read into the record at the appropriate points in the meeting.
   a. Zoom Login Instructions:
   i. Instructions and the meeting link for this specific meeting can be found at the following web address: http://www.falmouthma.gov/Conservation
   ii. Please plan on 10-15 minutes of preparation time to log in though it may be less 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 concom@falmouthma.gov **at least 5 hours 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 an alternative means of real-time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to concom@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

Arleen and Charles Breen, 18 Spartina Place, Falmouth, MA – For permission to vista prune according to FWR 10.18(10)(b).

Andrea Rosen, 15 Bay Shore Drive, North Falmouth, MA – For permission to construct a screened porch and install mitigation plantings.

Ray Dumont, 460 Menauhant Road, East Falmouth, MA – For permission to upgrade an existing sewage disposal system.

Nova Builds, LLC, 5 Shaume Road, Falmouth, MA – For permission to remove an existing deck, construct a new deck, and remove gravel.

Joseph Scott Telfer and Kerri Murphy Telfer, 87 Colonial Way, Falmouth, MA – For permission to install a pool, a covered patio with outdoor kitchen, a firepit, and a rinse station; to relocate a shed; and to install a drywell.

By Order of: Jamie Mathews, Chairman
Falmouth Conservation Commission

May 9, 2025

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

Applicant: Carlos Santos

Location: 116 Jamie Ln
Map# 27 06 018 009

PROPOSAL: Site Plan Review application to construct an attached accessory dwelling unit at the above-referenced property.

DATE & TIME: Tuesday, May 27, 2025 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
Clerk/Secretary

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of ACME Falmouth MA LLC for permission to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Ave., Falmouth, MA; 650 +/- c.y. of material to be removed with off-site upland disposal. Area affected is Falmouth Inner Harbor. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that
Blue Moon Sea Grille, Incl d/b/a Hooked has applied for an All Alcoholic Beverages Restaurant License to be exercised at 153 Main Street, Falmouth, MA.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, May 19, 2025 at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

Applicant: Lucelena A. Pereira

Location: 15 Deepwood Dr.
Map# 27 05 011 056N

PROPOSAL: Site Plan Review application to construct an attached accessory dwelling unit at the above-referenced property.

DATE & TIME: Tuesday, May 27, 2025 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
Clerk/Secretary

May 9, 2025

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, May 21, 2025, upon the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission To install two (2) new JO poles to be labeled 126/27-5 and 126/27-25 and two anchor and guy wires **Two (2) JO Poles 126/27-5 and 126/27-25, two anchors and guy wires** This pole location is necessary to provide electric service to #187 Central Avenue.

Per Order of the Falmouth Select Board

May 9, 2025

TOWN OF FALMOUTH
SELECT BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Blue Moon Sea Grille, Inc. d/b/a Hooked located at 153 Main Street, Falmouth, MA has applied for an Entertainment License and a Sunday Entertainment License.

A hearing on the above applications will be held in the Select Board Meeting Room, Falmouth Town Hall, on Monday, May 19, 2025, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Taylor May Carroll, Trustee of the TMC Family Trust for permission to extend the existing pier by 25', to a total length of 76', located at 115 Childs River Road, East Falmouth, MA. Area affected is Childs River. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

Public Hearing Notice
Falmouth Board of Health

On May 19, 2025, the Falmouth Board of Health will hold a public hearing on a proposed septic system regulation, named FHR 15.15, that would be added to the existing local regulation to Title 5 named FHR-15.0 SUPPLEMENTS TO 310 CMR 15.000: THE STATE ENVIRONMENTAL CODE TITLE 5. The hearing will be held at 5:30 p.m. in the Falmouth High School Auditorium, 874 Gifford Street Extension, Falmouth, MA 02540 . The regulation will require Best Available Nitrogen Reducing Technologies, also called I/A or denitrifying systems, be installed on septic systems on properties located in Nitrogen Sensitive Areas that seek to increase wastewater flow thus meeting the definition of New Construction in Title 5 – 310 CMR 15.000. New Construction refers to properties that increase wastewater flow at their property and includes new homes being built, raze and rebuilds of existing homes and existing homes looking to increase the number of bedrooms. This would also include commercial properties that are also seeking to increase wastewater flow. The purpose of this proposed regulation is to regulate the introduction of new sources of nitrogen pollution from on-site sewage disposal systems in Nitrogen Sensitive Areas and to work towards compliance with nitrogen reduction requirements in in Title 5. Nitrogen Sensitive Areas include any of the following areas in Falmouth sensitive to the discharge of nitrogen pollution: those defined in 310 CMR 15.214 as either public and private water supply protection areas or natural resource protection areas; those designated as Districts of Critical Planning Concern by Barnstable County under Barnstable County Ordinance 90-1; and watersheds determined by the Commonwealth of Massachusetts to be nitrogen impaired and listed in the most recent Clean Water Act Section 303d Integrated Report, whether or not a Total Maximum Daily Load (TMDL) is available. This regulation would require the Best Available Nitrogen Reducing Technology have a Total Nitrogen effluent performance value of 10 mg/L or less. Future sewer service area shall not be required to incorporate Best Available Nitrogen Reducing Technology if the design for a sewer service connection for the property has been funded by an Article in Town Meeting. Structures that have incorporated the Best Available Nitrogen Reducing Technology in their subsurface sewage disposal system shall not be required to connect to the sewer for a period of 15 years after the sewer project has been completed, or 20 years after a Nitrogen Reducing System has been installed, whichever is shorter. The complete proposed regulation can be provided by visiting the Health Department during normal business hours or visiting the Health Department page of the Town of Falmouth website https://www.falmouthma.gov/273/Health or by calling the Falmouth Health Department at 508-495-7485.

May 2, 2205
May 9, 2025
May 16, 2025

Tides For Points On Vineyard Sound, Buzzards Bay & Cape Cod Bay

		POPPONESSET		FALMOUTH		WOODS HOLE (WHOI) GREAT HARBOR		WEST FALMOUTH		CAPE COD CANAL BUZZARDS BAY		CAPE COD CANAL (EAST)		BARNSTABLE HARBOR	
		HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE	HIGH TIDE	LOW TIDE
FRIDAY	AM		5:48	9:54	3:47	6:37	2:39	6:29	1:15	7:57	2:41	10:01	3:43	10:21	4:26
MAY 9	PM	12:13	6:01	10:08	4:00	6:58	12:45	6:48	12:38	8:10	2:46	10:16	3:57	10:35	4:39
SATURDAY	AM	12:27	6:32	10:37	4:31	7:18	3:18	7:08	1:46	8:37	3:27	10:41	4:27	11:04	5:10
MAY 10	PM	12:56	6:40	10:44	4:39	7:40	1:03	7:26	12:44	8:49	3:28	10:54	4:38	11:11	5:18
SUNDAY	AM	1:03	7:11	11:16	5:10	8:00	3:45	7:46	2:01	9:17	4:10	11:24	5:09	11:43	5:49
MAY 11	PM	1:35	7:17	11:20	5:16	8:22	1:40	8:03	1:06	9:29	4:07	11:31	5:18	11:47	5:55
MONDAY	AM	1:39	7:49	11:55	5:48	8:42	4:02	8:25	2:11	9:57	4:48		5:50		6:27
MAY 12	PM	2:14	7:54	11:56	5:53	9:03	2:27	8:43	1:38	10:09	2:37	12:04	5:58	12:22	6:32
TUESDAY	AM	2:15	8:27		6:26	9:24	4:22	9:06	2:37	10:36	5:22	12:08	6:31	12:23	7:05
MAY 13	PM	2:52	8:32	12:33	6:31	9:44	3:16	9:24	2:15	10:47	3:19	12:43	6:39	1:00	7:10
WEDNESDAY	AM	2:51	9:05	12:32	7:04	10:04	4:56	9:48	3:10	11:12	5:54	12:46	7:11	12:59	7:43
MAY 14	PM	3:31	9:10	1:12	7:09	10:25	4:02	10:06	2:55	11:22	4:03	1:22	7:19	1:39	7:48
THURSDAY	AM	3:30	9:45	1:11	7:44	10:46	5:41	10:31	3:44	11:45	6:29	1:25	7:53	1:38	8:23
MAY 15	PM	4:11	9:50	1:52	7:49	11:08	4:46	10:49	3:35	11:56	4:41	2:02	8:00	2:19	8:28

May 9, 2025 - Sunrise is at 5:27AM; sunset is at 7:54 PM

508-563-7136
Shipyard Lane
Cataumet, MA

KINGMAN
YACHT CENTER

LOVE YOUR BOAT, HATE YOUR ELECTRONICS? KINGMAN HAS WHAT YOU'RE LOOKING FOR.

FRIENDS OF FALMOUTH DOGS
FALMOUTH, MA.

By ANNA DOS SANTOS
P.O. Box 438,
Falmouth, MA 02541-0438
Tel 508-548-7742
friendsoffalmouthdogs.org

After another busy week of meet and greets, we are happy to report that Little Rosie, our Schnauzer mix, and Juan Pablo, our Chihuahua mix, have both found new, loving homes. Many happy years to both of them!



Roo

If you are looking for a young Lab mix, then **Roo** might be the dog for you. He's about 7 months old and full of energy. Roo would love to have a brother or sister dog to play with, but his play energy is too much for cats. He's a happy dog that likes people and other dogs, but has not been around small children, so that's an open question. Vaccinations are up to date, he's fully housetrained and will be neutered at our expense. Call 508-548-7742 to meet Roo.

Are you looking for a cuddle companion? Then come in and meet **Leo**, a 9-year-old Pomeranian mix. He comes to us from Georgia after his owner moved to a nursing home. Leo is black and white, neutered, house-trained, fully vaccinated and weighs about 13 pounds. His rescue mom says he's lots of fun and likes to play with her dog and her pet flying squirrels and tolerates her cats. He's currently staying with one of our foster moms and she loves him already. We do know that Leo has a narrowing of a portion of his trachea that can cause him to cough, but he is on a medication that helps reduce the coughing significantly. This will likely be a lifetime medicine. Call us at 508-548-7742 for an appointment to meet Leo.



Leo

We are helping a family rehome their 8-year-old Lab mix, **Malakai**. He loves people, walking and cuddling, and is a couch potato much of the time, just hanging out with his humans and his stuffed animals. Malakai's current owner thinks he would do best with no other pets in the house and is more comfortable with older children. He's neutered, fully vaccinated, house-trained and ready to be loved by a new family. Call us at 508-548-7742 to meet him.



Malakai

We have a smart, white fluffy dog that is looking for a new, calm home. **Monet** is an 8-year-old American Eskimo dog that will be happiest in a home with no children, no other dogs and definitely no cats! Monet is an excellent walker who enjoys meeting people when he is out and about, and usually ignores other dogs he meets. One of his favorite things to do is go for car rides. Except for being a little overweight, Monet is in excellent health, neutered and fully vaccinated. Call us at 508-548-7742 to make an appointment to meet Monet.



Monet

Jimmy Dean, our 1½-year-old brown Dachshund mix who weighs about 23 pounds, is looking for his new permanent home. Due to his shyness and fear of new people, we had him stay with two different foster families to gain confidence and become accustomed to new people. In both homes, he bonded with the primary female in the family within a few weeks and gradually became comfortable with the other members of the family. In both cases, the families had other dogs that helped Jimmy Dean settle into the family. We would recommend a home with a female dog that is larger than Jimmy, as he has a fair amount of energy to play. He is up to date on all his vaccines, microchipped and has been neutered. If you would like to meet him, please call the shelter at 508-548-7742.



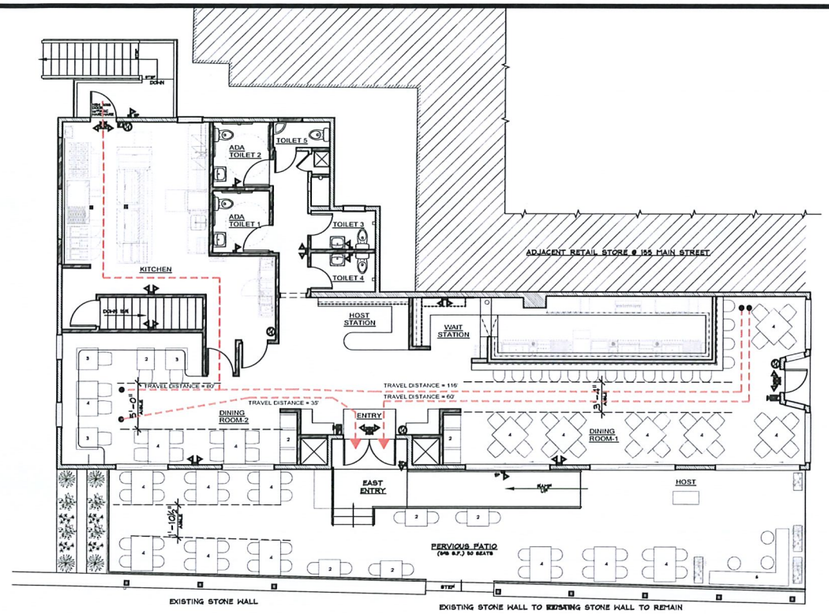
Jimmy Dean

Monetary donations are always needed here at the shelter so we can continue caring for the dogs in our custody and help low-income dog owners pay for veterinary care and dog food. Our goal is that with our help, many more dogs will stay healthy—or get healthy—and live longer and happier lives. The Cape Cod Foundation provides grant funding to us, and we are supremely grateful for its support. Unfortunately, our costs exceed our grant support. If you would like to help provide medical care for the dogs in our care and in our community, donations by check (PO Box 438, Falmouth, MA 02541) or PayPal (www.friendsoffalmouthdogs.org) are always welcomed.

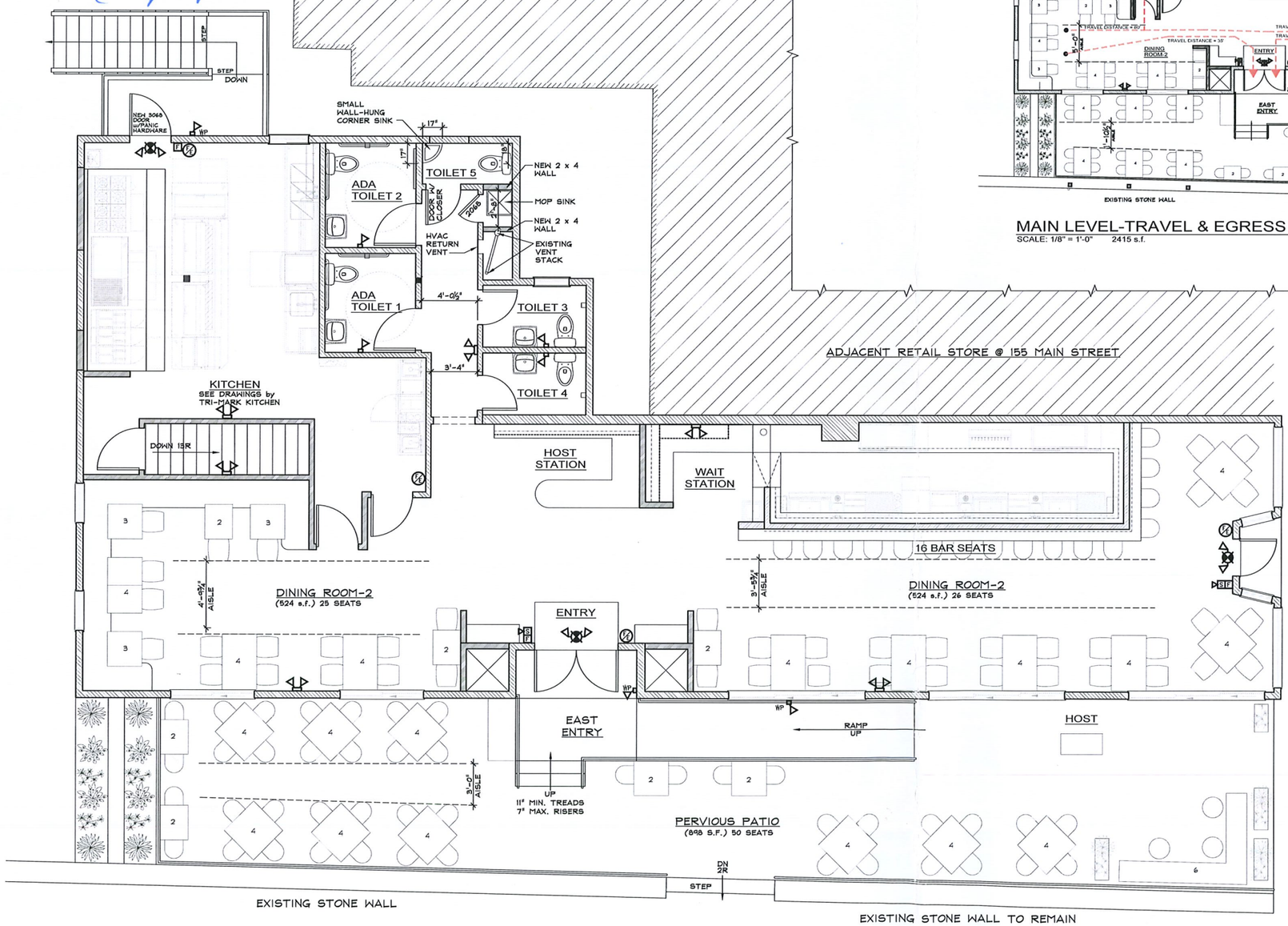
Friends of Falmouth Dogs holds MA License #0183.

DRAWINGS REVIEWED
BY
FALMOUTH BUILDING DEPARTMENT
CONSTRUCTION SUBJECT TO MA BUILDING CODE
COMPLIANCE
One set of stamped plans shall
be kept at the building site

4-24-25
Date



MAIN LEVEL-TRAVEL & EGRESS PLAN
SCALE: 1/8" = 1'-0" 2415 s.f.



MAIN LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0" 2252 s.f.

OCCUPANT COUNT

INDOOR SEATING

DINING ROOM-1=(26 SEATS)
DINING ROOM-2=(25 SEATS)
BAR AREA=(16 SEATS)

OUTDOOR SEATING

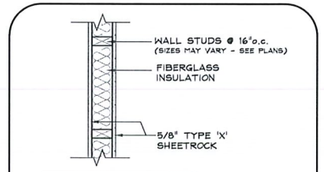
PATIO=(44 DINING)
(6 WAITING)

TOTAL SEATS: 117

TOTAL ALLOWED OCCUPANCY: 130

FIRE PROTECTION SYMBOL LEGEND:

- DOUBLE HEAD EMERGENCY LIGHT
- SINGLE HEAD EMERGENCY LIGHT WP = WATERPROOF
- EXIT SIGN ARROW INDICATES DIRECTION TO EXIT
- EXIT SIGN w/EMERGENCY LIGHT
- HORN + STROBE ALERT
- (SILENT) STROBE ALERT
- FIRE ALARM PULL
- FIRE EXTINGUISHER
- SMOKE DETECTOR
- HEAT DETECTOR
- CARBON MONOXIDE DETECTOR
- COMBINATION SMOKE & CARBON MONOXIDE DETECTOR
- VENT FAN
- THERMOSTAT



INTERIOR WALL PARTITION- FIRE SEPARATION DETAIL

CONSULTANT
SIGNATURE

ARCHITECT
REGISTERED ARCHITECT - ELISABETTA GIAMPIETRO - LOUIS - NO. 4629 - REGISTERED - COMMONWEALTH OF MASSACHUSETTS
SIGNATURE

RENOVATIONS TO:
COMMERCIAL PROPERTY
159 MAIN STREET
FALMOUTH, MASSACHUSETTS

Giampietro Architects
354 Gifford Street
Falmouth, MA 02540
Tel: 508-540-7400
Fax: 508-540-0220

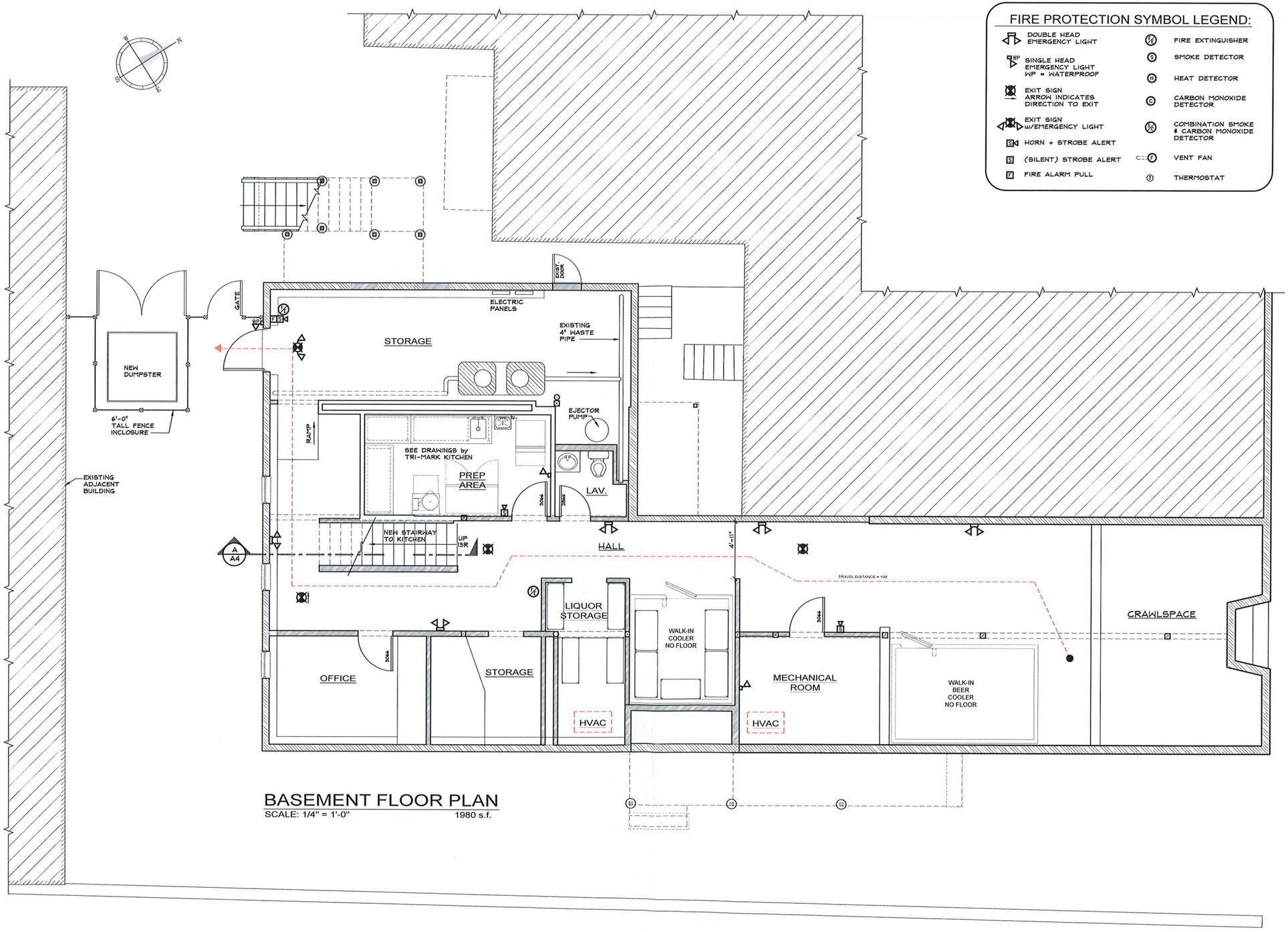
DRAWING TITLE: MAIN LEVEL FLOOR PLAN

DRAWN BY:	JJL
CHECKED BY:	RPG
DATE:	04/05/2024
REVISIONS:	04/23/2024
	05/02/2024
	03/10/2026
	3/20/2026
	4/08/2026
	4/18/2026
PROJECT No.	2212

THIS DRAWING IS PART OF A COMPLETE ARCHITECTURAL SET. THERE IS INFORMATION PERTAINING TO THIS DRAWING ON OTHER SHEETS. REFER TO T1 FOR COMPLETE SHEET LIST. DO NOT DO TAKE OFFS, BIDDING OR CONSTRUCTION ON THIS STRUCTURE WITHOUT A COMPLETE SET.

SHEET No.
A2

CONSTRUCTION DOCS.



BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0" 1980 s.f.

FIRE PROTECTION SYMBOL LEGEND:

- DOUBLE HEAD EMERGENCY LIGHT
- SINGLE HEAD EMERGENCY LIGHT WP = WATERPROOF
- EXIT SIGN ARROW INDICATES DIRECTION TO EXIT
- EXIT SIGN w/EMERGENCY LIGHT
- HORN + STROBE ALERT
- (SILENT) STROBE ALERT
- FIRE ALARM PULL
- FIRE EXTINGUISHER
- SMOKE DETECTOR
- HEAT DETECTOR
- CARBON MONOXIDE DETECTOR
- COMBINATION SMOKE & CARBON MONOXIDE DETECTOR
- VENT FAN
- THERMOSTAT

CONSULTANT SIGNATURE

ARCHITECT SIGNATURE

RENOVATIONS TO:
COMMERCIAL PROPERTY
159 MAIN STREET
FALMOUTH, MASSACHUSETTS

Giampietro Architects
354 Gifford Street
Falmouth, MA 02540
Tel: 508-540-7400
Fax: 508-540-0220

DRAWING TITLE: BASEMENT FLOOR PLAN

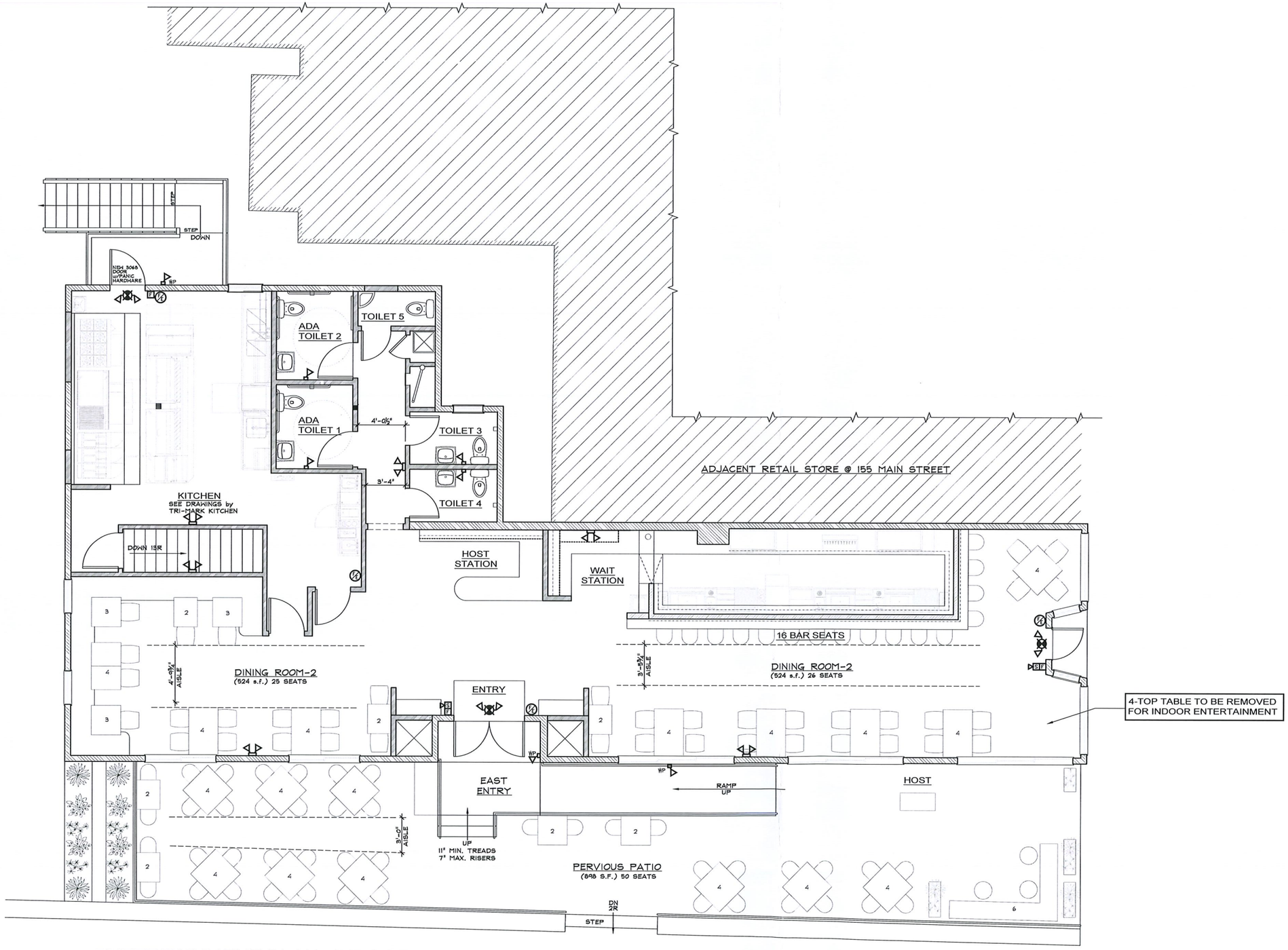
DRAWN BY: JJ.U
CHECKED BY: RPG
DATE: 04/18/2026
REVISIONS:

PROJECT No. 2212

THIS DRAWING IS PART OF A COMPLETE ARCHITECTURAL SET. THERE IS INFORMATION PERTAINING TO THIS DRAWING ON OTHER SHEETS. REFER TO T1 FOR COMPLETE SHEET LIST. DO NOT DO TAKE OFFS, BIDDING OR CONSTRUCTION ON THIS STRUCTURE WITHOUT A COMPLETE SET.

SHEET No. **A6**

CONSTRUCTION DOCS.



ENTERTAINMENT PLAN- *INDOOR*

SCALE: 1/4" = 1'-0"

CONSULTANT

SIGNATURE

ARCHITECT

LOUIS GIAMPIETRO REGISTERED ARCHITECT - SUSSCRIBER - PROFESSIONAL CORPORATION NO. 8629 FALMOUTH, MA

SIGNATURE

RENOVATIONS TO:
COMMERCIAL PROPERTY
159 MAIN STREET
FALMOUTH, MASSACHUSETTS

Giampietro Architects
354 Gifford Street
Falmouth, MA 02540
Tel: 508-540-7400
Fax: 508-540-0220

DRAWING TITLE: ENTERTAINMENT PLAN

DRAWN BY: JJL

CHECKED BY: RPG

DATE: 04/08/2026

REVISIONS:

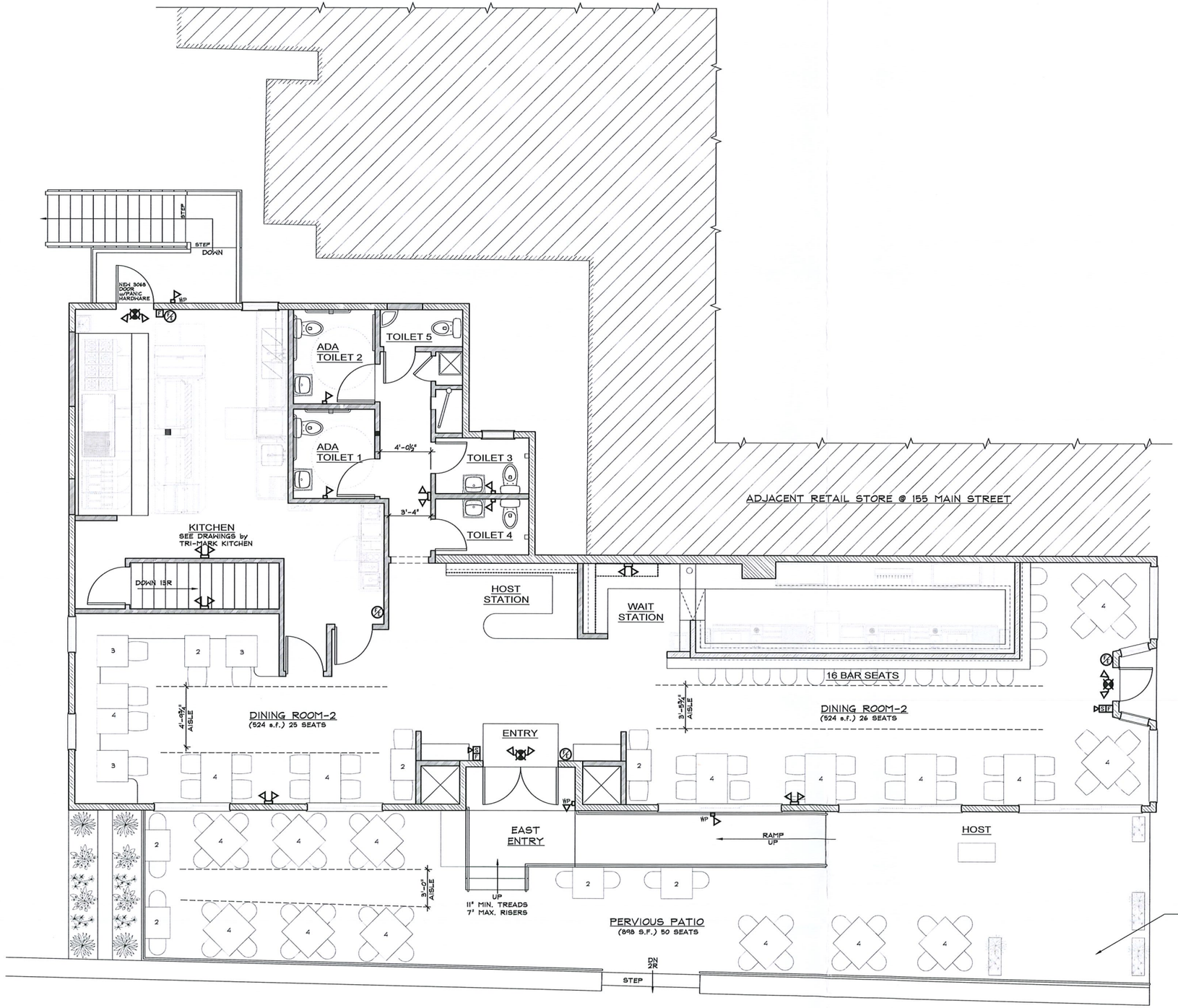
PROJECT No. 2212

THIS DRAWING IS PART OF A COMPLETE ARCHITECTURAL SET. THERE IS INFORMATION PERTAINING TO THIS DRAWING ON OTHER SHEETS. REFER TO T1 FOR COMPLETE SHEET LIST. DO NOT DO TAKE OFFS, BIDDING OR CONSTRUCTION ON THIS STRUCTURE WITHOUT A COMPLETE SET.

SHEET No.

A7

CONSTRUCTION DOCS.



ENTERTAINMENT PLAN- *OUTDOOR*

SCALE: 1/4" = 1'-0"

ARCHITECT

CONSULTANT

URE

REGISTERED ARCHITECT - SLEEPER ASSOCIATES
LOUIS F. GIAMPIETRO
NO. 4629
FALMOUTH, MA.
REGISTERED PROFESSIONAL ENGINEER - FIRE PROTECTION

RENOVATIONS TO:
COMMERCIAL PROPERTY
159 MAIN STREET
FALMOUTH, MASSACHUSETTS

Giampietro Architects
354 Gifford Street
Falmouth, MA 02540
Tel: 508-540-7400
Fax: 508-540-0220

DRAWING TITLE:
ENTERTAINMENT PLAN

DRAWN BY: JJM

CHECKED BY: RPG

DATE: 04/08/2026

REVISIONS:

PROJECT No. 2212

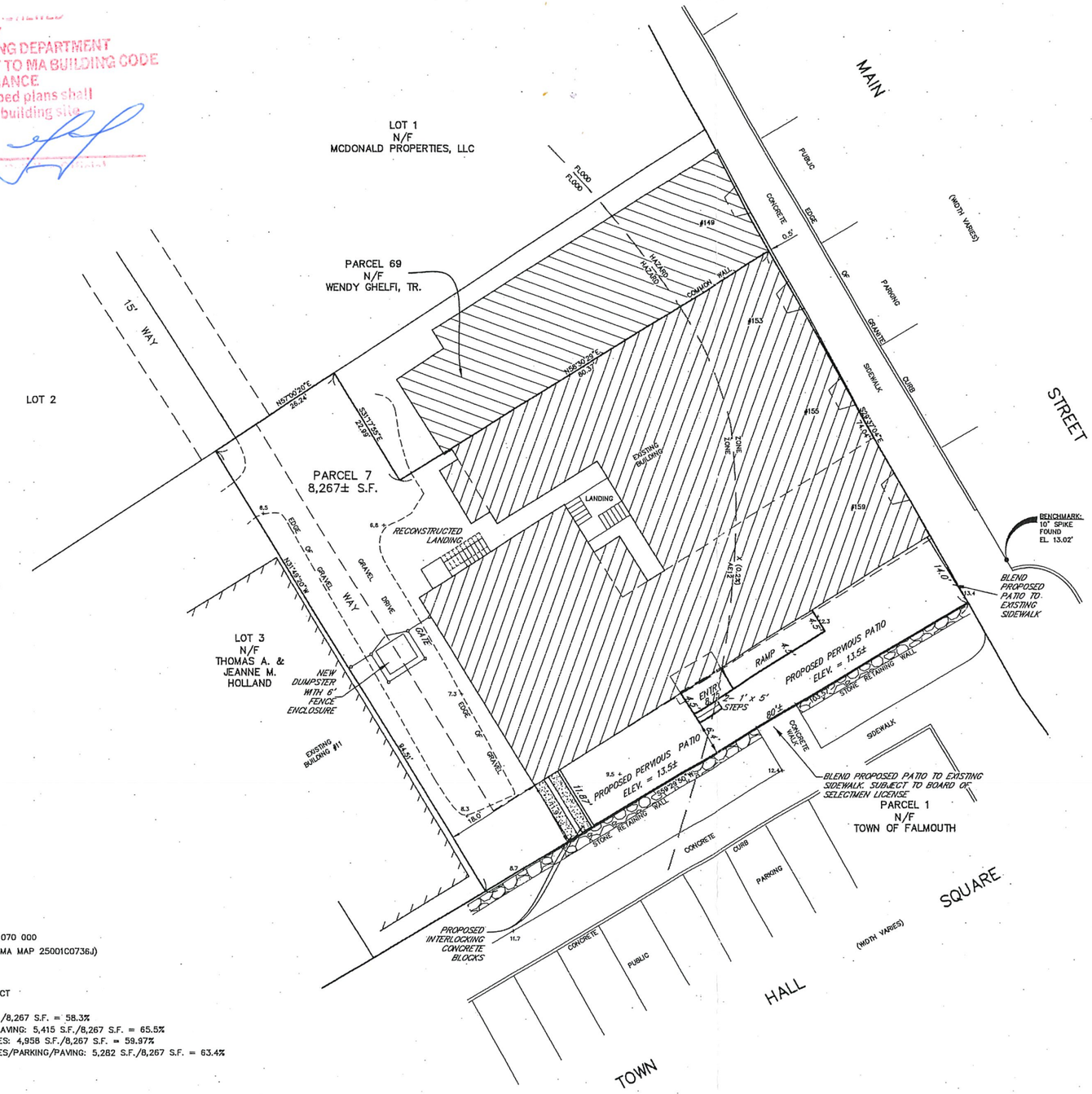
THIS DRAWING IS PART OF A COMPLETE ARCHITECTURAL SET. THERE IS INFORMATION PERTAINING TO THIS DRAWING ON OTHER SHEETS. REFER TO T1 FOR COMPLETE SHEET LIST. DO NOT DO TAKE OFFS, BIDDING OR CONSTRUCTION ON THIS STRUCTURE WITHOUT A COMPLETE SET.

SHEET No.

A8

CONSTRUCTION DOCS.

BY
FALMOUTH BUILDING DEPARTMENT
CONSTRUCTION SUBJECT TO MA BUILDING CODE
COMPLIANCE
One set of stamped plans shall
be kept at the building site
4-24-25



GENERAL NOTES:

1. ASSESSOR'S INFORMATION: 47A 07 070 000
2. FLOOD ZONES: X (0.2%) & AE12 (FEMA MAP 25001C0736J)
3. ZONING DISTRICT: B1
4. WIND EXPOSURE CATEGORY: C
5. OVERLAY DISTRICT: HISTORIC DISTRICT
6. LOT COVERAGE BY:
   A. EXISTING STRUCTURES: 4,820 S.F./8,267 S.F. = 58.3%
   B. EXISTING STRUCTURES/PARKING/PAVING: 5,415 S.F./8,267 S.F. = 65.5%
   C. EXISTING & PROPOSED STRUCTURES: 4,958 S.F./8,267 S.F. = 59.97%
   D. EXISTING & PROPOSED STRUCTURES/PARKING/PAVING: 5,282 S.F./8,267 S.F. = 63.4%
7. WIND BORNE DEBRIS REGION: HIGH
8. STREET ADDRESS: MAIN STREET
9. BUILDING NUMBER: 159
10. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.
11. PROPERTY LINES AND EXISTING CONDITIONS ARE BASED ON A PLAN PREPARED BY R.A.S. ASSOCIATES DATED JULY 29, 2022.

LEGEND

+12.5	EXISTING SPOT ELEVATION
x14.0	PROPOSED SPOT ELEVATION
➡	DRAINAGE FLOW

10 0 5 10 20
SCALE: 1 INCH = 10 FEET

PLOT PLAN OF PROPOSED PATIO
FOR #159 MAIN STREET
PREPARED FOR
BLUE MOON SEA GRILLE, INC.
IN
FALMOUTH MA

PLAN DATE: AUGUST 30, 2023 PLAN SCALE: 1" = 10'

CIVIL ENGINEERING
WASTEWATER DESIGN
TITLE 5 PLOT PLANS
LAND USE PLANNING
WETLANDS PERMITTING
COASTAL ENGINEERING
PIERS AND DOCKS
COMMERCIAL/RESIDENTIAL
FALMOUTH ENGINEERING
Serving Cape Cod and Southeastern Massachusetts
17 ACADEMY LANE, SUITE 200 – FALMOUTH, MA – 02540 – 508.495.1225

PROJECT NUMBER: 22070 | CAD FILE NAME: 22070SP | DRAWN BY: L.M./ | SHEET 1 OF 1

Item: 3.f.

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Phyllis Downey, Administrative Assistant
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider the application by Blue Moon Sea Grille, Inc. d/b/a Hooked for an annual Entertainment and Sunday Entertainment License - 153 Main Street, Falmouth - Wednesday through Saturday 4:00 pm to 10:00 pm and Sundays 11:00 am to 4:00 pm. **(10 minutes)**

Purpose:
The Select Board will conduct a public hearing and consider the approval of the application by Blue Moon Sea Grille, Inc. d/b/a Hooked for an Entertainment License and a Sunday Entertainment License to be executed at 153 Main Street, Falmouth.

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Background/Summary:

- A complete application was received on May 2, 2025.
- The application was reviewed by the Police, Health, and Fire & Rescue Departments, and no issues or concerns were identified.
- A Public Hearing Notice was generated and emailed to the applicant's attorney, Ament Klauer, LLP.
- Ament Klauer, LLP obtained a certified list of abutters for properties within 300' and forwarded the Public Hearing Notice to the abutters by First Class Mail.
- Ament Klauer, LLP caused the hearing notice to be published in the May 9th edition of the Falmouth Enterprise.

Recommended Actions:

Department Recommendation:
The Town Manager's Office recommends the application by Blue Moon Sea Grille, Inc. d/b/a Hooked for an Entertainment License and a Sunday Entertainment License to be executed at 153 Main Street, Falmouth be approved as presented.

Options:

- Motion to approve the application by Blue Moon Sea Grille, Inc. d/b/a Hooked for an Entertainment License and a Sunday Entertainment License located at 153 Main Street,

Falmouth be approved as presented.

- Motion to deny the application by Blue Moon Sea Grille, Inc. d/b/a Hooked for an Entertainment License and a Sunday Entertainment License located at 153 Main Street, Falmouth be approved as presented.
- Some other Select Board approved alternative.

Town Manager's Comments:
Following the public hearing, the Town Manager recommends that the Select Board considers the approval of the application by Blue Moon Sea Grille, Inc. d/b/a Hooked for an Entertainment License and a Sunday Entertainment License located at 153 Main Street, Falmouth as presented.

Budget:

Applicable? (yes or no):
No

Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:

1. Blue Moon Sea Grille, Inc.- ENTERTAINMENT License Application 05.19.25
2. Blue Moon Sea Grille, Inc-Advertising-Falmouth Enterprise Legal Notices ENTERTAINMENT

TOWN OF FALMOUTH
SELECT BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Blue Moon Sea Grille, Inc. d/b/a Hooked located at 153 Main Street, Falmouth, MA has applied for an Entertainment License and a Sunday Entertainment License.

A hearing on the above applications will be held in the Select Board Meeting Room, Falmouth Town Hall, on Monday, May 19, 2025, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

Publication date: Friday, May 9, 2025; Falmouth Enterprise

LICENSE APPLICATION REVIEW

Restaurant/Business: Blue Moon Sea Grille, Inc. d/b/a Hooked

Address: 153 Main Street, Falmouth

License Type: Entertainment License, and Sunday Entertainment License

☒ **New License** _____

☐ **Transfer of License** _____

☐ **Change of License** _____

☒ Police	No objection provided the background check does not reveal disqualifying information
☐ Fire	No objections
☐ Building	
☐ Health	No issues
☐ Zoning	
☐ Planning	
☐ DPW	

NOTES:

Town of Falmouth

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

ENTERTAINMENT LICENSE APPLICATION

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

Required fields are outlined in red.

NAME OF BUSINESS: Blue Moon Sea Grille, Inc. D/B/A Hooked Bar & Grill

ADDRESS: 153 Main Street

TOWN: Falmouth STATE: MA ZIP CODE: 02540

NAME OF OWNER/MANAGER: Edmond M. Richardi

TELEPHONE #: [redacted] EMAIL: info@hookedbarandgrill.com

MAILING ADDRESS: 681 Falmouth Road, A-11, Mashpee, MA 02649

LOCATION OF ENTERTAINMENT ON PREMISES: Within dining room or on outdoor patio

DAYS OF ENTERTAINMENT: Wednesday through Sunday

HOURS OF ENTERTAINMENT: 4:00 PM - 10:00 PM FID# 20-4612875

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

Indoor entertainment will be recorded music, solo musicians or duos with entertainment occurring within in the dining room, playing mostly acoustic music.
Outdoor entertainment will be solo musicians or duos, with entertainment occurring on the patio. Outdoor entertainment house limited to 4:00-7:30 PM.

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

SUNDAY ENTERTAINMENT: NO ☐ YES ☑ (If YES, complete a separate Sunday Entertainment application - contact Select Board office)

1. DANCING By Patrons ☑ No Dancing ☐

2. MUSIC Recorded ☑ Live ☑ Amplified ☑ Acoustic ☑ Other ☐

I certify that this application contains a true description of the entertainment provided by this establishment and that I have complied with M.G.L. Chapter 140, Section 183A, Paragraph 3, by stating whether as part of the concert, dance exhibition, cabaret and public show any person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any female person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the breast below the top of the areola, or any simulation thereof.

DATE 4/2/25 X [signature]

Signature - OWNER or MANAGER

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

Fees payable to Town of Falmouth

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

THE COMMONWEALTH OF MASSACHUSETTS
Town OF Falmouth

LICENSE

For
PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is Blue Moon Sea Grille, Inc. d/b/a Hooked Bar & Grill in or on the property at No. 153 Main Street, Falmouth, MA 02540 (*address*)

The Licensee *or* Authorized representative, Edmond M. Richardi in accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
Sundays	11AM-4PM	Entertainment will consist of one or two musicians playing acoustic music and/or recorded music.

Hon. _____ Mayor/ Chairman of Board of Selectman, Town of Falmouth (*City or Town*)

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

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

Do not write in this box

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

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

FORM 90 (Revised 2015)

Entertainment

APR 24 2025

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: Gabrielle - Amsterdam LLP

Address of person requesting abutters list: 39 Town Hall Square
Falmouth, MA 02540

Phone: 508 540 6755

Abutters to (subject property): Map 47D Section 07 Parcel 070 Lot 000
Map ____ Section ____ Parcel ____ Lot ____
Map ____ Section ____ Parcel ____ Lot ____

Lot size of subject property: 0.191 acres

Location of subject property: 153 Main Street

Check one:

____ Direct abutters (includes properties across street)

____ Direct abutters in local Historic District (includes properties across the street) within 100"

____ Immediate abutters (includes only properties with a common property line)

____ Immediate abutters plus churches and schools within 500'

✓ Properties within 300'

____ Properties within 300' or abutters abutter to abutter whichever is closest

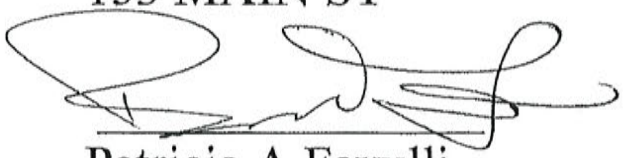
____ Properties within 100'

____ Other (specify) ____

Fee. $25.00 Total $25.00 CK # 8626

EMAIL gbruce@amsterklaver.com

47A 07 070 000
153 MAIN ST



Patricia A Favulli
Director of
Assessing
Town of Falmouth
April 30,2025

Town of Falmouth, MA Abutters Report

300ft. Abutters of Property 47A 07 070 000
at 153 MAIN ST

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 04/15/2025.

Property ID	Address	Owner 1	Owner 2	Owner Address	Owner City/State/Zip
38A 09 009 000A	214 MAIN ST	KINCHLA PROPERTIES LLC		220 MAIN ST	FALMOUTH, MA 02540
38A 09 010 000B	17 ACADEMY LN	MARINER PROPERTIES LLC		222 MAIN ST	FALMOUTH, MA 02540
38A 09 011 000	200 MAIN ST	KINCHLA-LLC		220 MAIN ST	FALMOUTH, MA 02540
38A 09 012 000	188 MAIN ST	188 MAIN ST LLC		322 FOX HOLLOW WAY	MANCHESTER, NH 03104
38A 09 013 000	176 MAIN ST	SPELLBOUND HIGH POINT PROPERTIES LLC		323 MANLEY ST	WEST BRIDGEWATER, MA 02379
38A 09 013A 000	20 ACADEMY LN	FALMOUTH TOWN OF		59 TOWN HALL SQ	FALMOUTH, MA 02540-2761
38A 09 014 000B	156 MAIN ST	MARINE LODGE A F & A M		PO BOX 545	FALMOUTH, MA 02541-0545
38A 09 014 000BT	166 MAIN ST	MARINE LODGE A F & A M		PO BOX 545	FALMOUTH, MA 02541-0545
38A 09 015 000	150 MAIN ST	SYNH LLC		1249 BEACON ST	BROOKLINE, MA 02446
38A 09 016 000	120 MAIN ST	UNITED STATES OF AMERICA	FEDERAL BUILDING	1522 K ST NW	WASHINGTON, DC 20005-1202
38A 09 016A 000	0 MAIN ST	FALMOUTH TOWN OF		59 TOWN HALL SQ	FALMOUTH, MA 02540-2761
47A 07 063 000	103 MAIN ST	PARISH OF SAINT BARNABAS		PO BOX 203	FALMOUTH, MA 02541
47A 07 064 001	117 MAIN ST	MARKANTONIS PROPERTIES LLC		17 HIGHWOOD WAY	MASHPEE, MA 02649

Town of Falmouth, MA Abutters Report

300ft. Abutters of Property 47A 07 070 000
at 153 MAIN ST

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 04/15/2025.

47A 07 065 002	127 MAIN ST	MARKANTONIS PROPERTIES LLC		17 HIGHWOOD WAY	MASHPEE, MA 02649
47A 07 066 000	131 MAIN ST	DABON LLC		131 MAIN ST	FALMOUTH, MA 02540
47A 07 067 000	0 MAIN ST	PARISH OF SAINT BARNABAS		97 MAIN ST	FALMOUTH, MA 02540-2652
47A 07 067A 002	135 MAIN ST	PARISH OF SAINT BARNABAS		PO BOX 203	FALMOUTH, MA 02540
47A 07 067B 000A	137 MAIN ST	MEHTA RICHI		156 MAIN ST	FALMOUTH, MA 02540
47A 07 067B 000B	137 MAIN ST	MAGGIO MARGARET M	MILLETT II JERRY DAVIS	137 MAIN ST	FALMOUTH, MA 02540
47A 07 068 001	145 MAIN ST	MCDONALD PROPERTIES LLC		105 N BOURNES POND RD	E FALMOUTH, MA 02536
47A 07 069 000	149 MAIN ST	GHELFI TRUSTEE WENDY	MCELROY REAL ESTATE TRUST	240 HILL AND PLAIN RD	E FALMOUTH, MA 02536-3994
47A 07 071 004	23 TOWN HALL SQUARE	BOGOSIAN DEVELOPMENT LLC		866 MAIN ST	OSTERVILLE, MA 02655
47A 07 071A 003	11 TOWN HALL SQUARE	HOLLAND THOMAS A	HOLLAND JEANNE M	PO BOX 172	CATAUMET, MA 02534-0172
47A 07 071B 005	39 TOWN HALL SQUARE	AMENT TRUSTEE ROBERT H	C/O CENTER FALMOUTH TRUST	39 TOWN HALL SQUARE	FALMOUTH, MA 02540-0919
47A 08 001 000	59 TOWN HALL SQUARE	FALMOUTH TOWN OF		59 TOWN HALL SQ	FALMOUTH, MA 02540-2761
47A 08 002 007	177 MAIN ST	HAJJAR TRUSTEE CHARLES C	HAJJAR TRUSTEE ANNE TAMER	30 ADAMS ST	MILTON, MA 02186
47A 08 002A 008	107 TOWN HALL SQUARE	JEMIJO LIMITED PARTNERSHIP		35 PIN OAK WAY	FALMOUTH, MA 02540-2660

Town of Falmouth, MA Abutters Report

300ft. Abutters of Property 47A 07 070 000
at 153 MAIN ST

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 04/15/2025.

47A 08 002B 005	1 CHANCERY LN	FALMOUTH HOUSING TRUST INC		PO BOX 465	FALMOUTH, MA 02541
47A 08 002C 012	101 TOWN HALL SQUARE	LEBHERZ JR TRUSTEE GEORGE H	LEBHERZ TRUSTEE CHRISTOPHER G	PO BOX 546	FALMOUTH, MA 02541-0546
47A 08 003 001A	189 MAIN ST	ROTHMAN TRUSTEE STUART J	MAIN AND CHANCERY NOMINEE TR	907 MASSACHUSETTS AVE	CAMBRIDGE, MA 02139
47A 08 004 002B	193 MAIN ST	ROTHMAN TRUSTEE STUART J	MAIN AND CHANCERY NOMINEE TR	907 MASSACHUSETTS AVE	CAMBRIDGE, MA 02139
47A 08 005A 003	8 CHANCERY LN	ROTHMAN TRUSTEE STUART J	MAIN AND CHANCERY NOMINEE TR	907 MASSACHUSETTS AVE	CAMBRIDGE, MA 02139
47A 08 005A 004	25 GLENWOOD AVE	CLARK TRUSTEE JEAN F	W CLARK TRUST	35A NORTH MAIN ST	FALMOUTH, MA 02540
47A 08 006 004	33 GLENWOOD AVE	CLARK TRUSTEE JEAN F	W CLARK TRUST	35A NORTH MAIN ST	FALMOUTH, MA 02540
47A 08 012 001	199 MAIN ST	199 MAIN ST LLC		5301 WISCONSIN AVE NW	WASHINGTON, DC 20015

KINCHLA PROPERTIES LLC
220 MAIN ST
FALMOUTH, MA 02540

MARINER PROPERTIES LLC
222 MAIN ST
FALMOUTH, MA 02540

KINCHLA LLC
220 MAIN ST
FALMOUTH, MA 02540

188 MAIN ST LLC
322 FOX HOLLOW WAY
MANCHESTER, NH 03104

SPELLBOUND HIGH POINT PROPERTIES LLC
323 MANLEY ST
WEST BRIDGEWATER, MA 02379

FALMOUTH TOWN OF
59 TOWN HALL SQ
FALMOUTH, MA 02540-2761

MARINE LODGE A F & A M
PO BOX 545
FALMOUTH, MA 02541-0545

MARINE LODGE A F & A M
PO BOX 545
FALMOUTH, MA 02541-0545

SYNH LLC
1249 BEACON ST
BROOKLINE, MA 02446

UNITED STATES OF AMERICA FEDERAL BUILDING
1522 K ST NW
WASHINGTON, DC 20005-1202

FALMOUTH TOWN OF
59 TOWN HALL SQ
FALMOUTH, MA 02540-2761

PARISH OF SAINT BARNABAS
PO BOX 203
FALMOUTH, MA 02541

MARKANTONIS PROPERTIES LLC
17 HIGHWOOD WAY
MASHPEE, MA 02649

MARKANTONIS PROPERTIES LLC
17 HIGHWOOD WAY
MASHPEE, MA 02649

DABON LLC
131 MAIN ST
FALMOUTH, MA 02540

PARISH OF SAINT BARNABAS
97 MAIN ST
FALMOUTH, MA 02540-2652

PARISH OF SAINT BARNABAS
PO BOX 203
FALMOUTH, MA 02540

MEHTA RICHI
156 MAIN ST
FALMOUTH, MA 02540

MAGGIO MARGARET M MILLETT II JERRY DAVIS
137 MAIN ST
FALMOUTH, MA 02540

MCDONALD PROPERTIES LLC
105 N BOURNES POND RD
E FALMOUTH, MA 02536

GHELFI TRUSTEE WENDY MCELROY REAL ESTATE TRUST
240 HILL AND PLAIN RD
E FALMOUTH, MA 02536-3994

BOGOSIAN DEVELOPMENT LLC
866 MAIN ST
OSTERVILLE, MA 02655

HOLLAND THOMAS A HOLLAND JEANNE M
PO BOX 172
CATAUMET, MA 02534-0172

AMENT TRUSTEE ROBERT H C/O CENTER FALMOUTH TRUST
39 TOWN HALL SQUARE
FALMOUTH, MA 02540-0919

FALMOUTH TOWN OF
59 TOWN HALL SQ
FALMOUTH, MA 02540-2761

HAJJAR TRUSTEE CHARLES C HAJJAR TRUSTEE ANNE TAMER
30 ADAMS ST
MILTON, MA 02186

JEMIJO LIMITED PARTNERSHIP
35 PIN OAK WAY
FALMOUTH, MA 02540-2660

FALMOUTH HOUSING TRUST INC
PO BOX 465
FALMOUTH, MA 02541

LEBHERZ JR TRUSTEE GEORGE H LEBHERZ TRUSTEE CHRISTOPHER G
PO BOX 546
FALMOUTH, MA 02541-0546

ROTHMAN TRUSTEE STUART J MAIN AND CHANCERY NOMINEE TR
907 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

ROTHMAN TRUSTEE STUART J MAIN AND
CHANCERY NOMINEE TR
907 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

ROTHMAN TRUSTEE STUART J MAIN AND
CHANCERY NOMINEE TR
907 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

CLARK TRUSTEE JEAN F W CLARK TRUST
35A NORTH MAIN ST
FALMOUTH, MA 02540

CLARK TRUSTEE JEAN F W CLARK TRUST
35A NORTH MAIN ST
FALMOUTH, MA 02540

199 MAIN ST LLC
5301 WISCONSIN AVE NW
WASHINGTON, DC 20015

Building Commissioner's Sign-off Sheet
Complete prior to applying for:
Annual Entertainment or Sunday Entertainment License

APPLICANT: Blue Moon Sea Grille, Inc. d/b/a Hooked Bar & Grill

ADDRESS: 153 159 Main Street, Falmouth

LICENSE APPLIED FOR: Annual Entertainment & Sunday Entertainment License

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

a. A Floor Plan completed and stamped by an *Engineer or Architect* to the Building Commissioner's office. The Plan must include all seating, parking, and the occupancy load calculation.

b. For outdoor seating, submit a plot plan or site plan completed by a *Certified Land Surveyor.*

Plan submitted & drawn by: Russ Crockford, Giampietro Architects

Plan number: Project No. 2212

Plan date: April 5, 2024

Revision date: 4/23/24, 5/2/24, 3/10/25, 3/20/25
4/8/25, 4/18/25

Notes:

Building Commissioner: X

Date: 4-24-25

AFFIDAVIT OF PUBLICATOIN
AND
NOTICE OF MAILING TO ABUTTERS

Re: Application of Blue Moon Sea Grille, Inc. d/b/a Hooked for an Entertainment License and Sunday Entertainment License at 153 Main Street, Falmouth, MA 02540

To the Licensing Board for the Town of Falmouth

I, Kevin P. Klauer II, hereby certify that on May 9, 2025, I caused publication of a Notice of Public Hearing of the hearing scheduled for May 19, 2025, on the above-referenced application, in the Falmouth Enterprise. I further certify that a copy of the published notice was mailed via first-class mail to each of the persons appearing upon the assessors' most recent valuation list as the owners of the properties within 300' of the premises where the license is intended to be exercised.

A Certified Abutters List, proof of publication as well as a copy of the letter mailed along with proof of mailing are attached hereto.

Signed and subscribed to under the penalties of perjury this 12th day of May, 2025.

Kevin P. Klauer II, Esquire

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

On this 12th day of May, 2025, before me, the undersigned notary public, personally appeared Kevin P. Klauer II, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed above, and acknowledged to me that he signed it voluntarily as his free act and deed and for its stated purpose.

Gabriele M. Bruce
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires April 14, 2028

Notary Public:
My Commission Expires: 4-14-28

Entertainment

APR 2 4 2025

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: Gabrielle – Amsel Klauer LLP

Address of person requesting abutters list: 39 Town Hall Square
Falmouth, MA 02540

Phone: 508 540 6755

Abutters to (subject property): Map 47P Section 07 Parcel 070 Lot 000
Map____ Section____ Parcel____ Lot____
Map____ Section____ Parcel____ Lot____

Lot size of subject property: 0.191 acres

Location of subject property: 153 Main Street

Check one:

_____ Direct abutters (includes properties across street)

_____ Direct abutters in local Historic District (includes properties across the street) within 100"

_____ Immediate abutters (includes only properties with a common property line)

_____ Immediate abutters plus churches and schools within 500'

✓ Properties within 300'

_____ Properties within 300' or abutters abutter to abutter whichever is closest

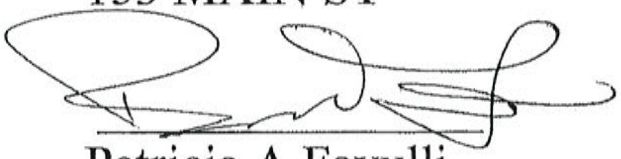
_____ Properties within 100'

_____ Other (specify)_____

Fee. $25.00 Total $25.00 CK # 8626

EMAIL gbruce@amsel klauer.com

47A 07 070 000
153 MAIN ST



Patricia A Favulli
Director of
Assessing
Town of Falmouth
April 30,2025

Town of Falmouth, MA Abutters Report

300ft. Abutters of Property 47A 07 070 000
at 153 MAIN ST

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 04/15/2025.

Property ID	Address	Owner 1	Owner 2	Owner Address	Owner City/State/Zip
38A 09 009 000A	214 MAIN ST	KINCHLA PROPERTIES LLC		220 MAIN ST	FALMOUTH, MA 02540
38A 09 010 000B	17 ACADEMY LN	MARINER PROPERTIES LLC		222 MAIN ST	FALMOUTH, MA 02540
38A 09 011 000	200 MAIN ST	KINCHLA-LLC		220 MAIN ST	FALMOUTH, MA 02540
38A 09 012 000	188 MAIN ST	188 MAIN ST LLC		322 FOX HOLLOW WAY	MANCHESTER, NH 03104
38A 09 013 000	176 MAIN ST	SPELLBOUND HIGH POINT PROPERTIES LLC		323 MANLEY ST	WEST BRIDGEWATER, MA 02379
38A 09 013A 000	20 ACADEMY LN	FALMOUTH TOWN OF		59 TOWN HALL SQ	FALMOUTH, MA 02540-2761
38A 09 014 000B	156 MAIN ST	MARINE LODGE A F & A M		PO BOX 545	FALMOUTH, MA 02541-0545
38A 09 014 000BT	166 MAIN ST	MARINE LODGE A F & A M		PO BOX 545	FALMOUTH, MA 02541-0545
38A 09 015 000	150 MAIN ST	SYNH LLC		1249 BEACON ST	BROOKLINE, MA 02446
38A 09 016 000	120 MAIN ST	UNITED STATES OF AMERICA	FEDERAL BUILDING	1522 K ST NW	WASHINGTON, DC 20005-1202
38A 09 016A 000	0 MAIN ST	FALMOUTH TOWN OF		59 TOWN HALL SQ	FALMOUTH, MA 02540-2761
47A 07 063 000	103 MAIN ST	PARISH OF SAINT BARNABAS		PO BOX 203	FALMOUTH, MA 02541
47A 07 064 001	117 MAIN ST	MARKANTONIS PROPERTIES LLC		17 HIGHWOOD WAY	MASHPEE, MA 02649

Town of Falmouth, MA Abutters Report

300ft. Abutters of Property 47A 07 070 000
at 153 MAIN ST

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 04/15/2025.

47A 07 065 002	127 MAIN ST	MARKANTONIS PROPERTIES LLC		17 HIGHWOOD WAY	MASHPEE, MA 02649
47A 07 066 000	131 MAIN ST	DABON LLC		131 MAIN ST	FALMOUTH, MA 02540
47A 07 067 000	0 MAIN ST	PARISH OF SAINT BARNABAS		97 MAIN ST	FALMOUTH, MA 02540-2652
47A 07 067A 002	135 MAIN ST	PARISH OF SAINT BARNABAS		PO BOX 203	FALMOUTH, MA 02540
47A 07 067B 000A	137 MAIN ST	MEHTA RICHI		156 MAIN ST	FALMOUTH, MA 02540
47A 07 067B 000B	137 MAIN ST	MAGGIO MARGARET M	MILLETT II JERRY DAVIS	137 MAIN ST	FALMOUTH, MA 02540
47A 07 068 001	145 MAIN ST	MCDONALD PROPERTIES LLC		105 N BOURNES POND RD	E FALMOUTH, MA 02536
47A 07 069 000	149 MAIN ST	GHELFI TRUSTEE WENDY	MCELROY REAL ESTATE TRUST	240 HILL AND PLAIN RD	E FALMOUTH, MA 02536-3994
47A 07 071 004	23 TOWN HALL SQUARE	BOGOSIAN DEVELOPMENT LLC		866 MAIN ST	OSTERVILLE, MA 02655
47A 07 071A 003	11 TOWN HALL SQUARE	HOLLAND THOMAS A	HOLLAND JEANNE M	PO BOX 172	CATAUMET, MA 02534-0172
47A 07 071B 005	39 TOWN HALL SQUARE	AMENT TRUSTEE ROBERT H	C/O CENTER FALMOUTH TRUST	39 TOWN HALL SQUARE	FALMOUTH, MA 02540-0919
47A 08 001 000	59 TOWN HALL SQUARE	FALMOUTH TOWN OF		59 TOWN HALL SQ	FALMOUTH, MA 02540-2761
47A 08 002 007	177 MAIN ST	HAJJAR TRUSTEE CHARLES C	HAJJAR TRUSTEE ANNE TAMER	30 ADAMS ST	MILTON, MA 02186
47A 08 002A 008	107 TOWN HALL SQUARE	JEMIJO LIMITED PARTNERSHIP		35 PIN OAK WAY	FALMOUTH, MA 02540-2660

Town of Falmouth, MA Abutters Report

300ft. Abutters of Property 47A 07 070 000
at 153 MAIN ST

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 04/15/2025.

47A 08 002B 005	1 CHANCERY LN	FALMOUTH HOUSING TRUST INC		PO BOX 465	FALMOUTH, MA 02541
47A 08 002C 012	101 TOWN HALL SQUARE	LEBHERZ JR TRUSTEE GEORGE H	LEBHERZ TRUSTEE CHRISTOPHER G	PO BOX 546	FALMOUTH, MA 02541-0546
47A 08 003 001A	189 MAIN ST	ROTHMAN TRUSTEE STUART J	MAIN AND CHANCERY NOMINEE TR	907 MASSACHUSETTS AVE	CAMBRIDGE, MA 02139
47A 08 004 002B	193 MAIN ST	ROTHMAN TRUSTEE STUART J	MAIN AND CHANCERY NOMINEE TR	907 MASSACHUSETTS AVE	CAMBRIDGE, MA 02139
47A 08 005A 003	8 CHANCERY LN	ROTHMAN TRUSTEE STUART J	MAIN AND CHANCERY NOMINEE TR	907 MASSACHUSETTS AVE	CAMBRIDGE, MA 02139
47A 08 005A 004	25 GLENWOOD AVE	CLARK TRUSTEE JEAN F	W CLARK TRUST	35A NORTH MAIN ST	FALMOUTH, MA 02540
47A 08 006 004	33 GLENWOOD AVE	CLARK TRUSTEE JEAN F	W CLARK TRUST	35A NORTH MAIN ST	FALMOUTH, MA 02540
47A 08 012 001	199 MAIN ST	199 MAIN ST LLC		5301 WISCONSIN AVE NW	WASHINGTON, DC 20015

ROTHMAN TRUSTEE STUART J MAIN AND
CHANCERY NOMINEE TR
907 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

ROTHMAN TRUSTEE STUART J MAIN AND
CHANCERY NOMINEE TR
907 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

CLARK TRUSTEE JEAN F W CLARK TRUST
35A NORTH MAIN ST
FALMOUTH, MA 02540

CLARK TRUSTEE JEAN F W CLARK TRUST
35A NORTH MAIN ST
FALMOUTH, MA 02540

199 MAIN ST LLC
5301 WISCONSIN AVE NW
WASHINGTON, DC 20015

KINCHLA PROPERTIES LLC
220 MAIN ST
FALMOUTH, MA 02540

MARINER PROPERTIES LLC
222 MAIN ST
FALMOUTH, MA 02540

KINCHLA LLC
220 MAIN ST
FALMOUTH, MA 02540

188 MAIN ST LLC
322 FOX HOLLOW WAY
MANCHESTER, NH 03104

SPELLBOUND HIGH POINT PROPERTIES LLC
323 MANLEY ST
WEST BRIDGEWATER, MA 02379

FALMOUTH TOWN OF
59 TOWN HALL SQ
FALMOUTH, MA 02540-2761

MARINE LODGE A F & A M
PO BOX 545
FALMOUTH, MA 02541-0545

MARINE LODGE A F & A M
PO BOX 545
FALMOUTH, MA 02541-0545

SYNH LLC
1249 BEACON ST
BROOKLINE, MA 02446

UNITED STATES OF AMERICA FEDERAL BUILDING
1522 K ST NW
WASHINGTON, DC 20005-1202

FALMOUTH TOWN OF
59 TOWN HALL SQ
FALMOUTH, MA 02540-2761

PARISH OF SAINT BARNABAS
PO BOX 203
FALMOUTH, MA 02541

MARKANTONIS PROPERTIES LLC
17 HIGHWOOD WAY
MASHPEE, MA 02649

MARKANTONIS PROPERTIES LLC
17 HIGHWOOD WAY
MASHPEE, MA 02649

DABON LLC
131 MAIN ST
FALMOUTH, MA 02540

PARISH OF SAINT BARNABAS
97 MAIN ST
FALMOUTH, MA 02540-2652

PARISH OF SAINT BARNABAS
PO BOX 203
FALMOUTH, MA 02540

MEHTA RICHI
156 MAIN ST
FALMOUTH, MA 02540

MAGGIO MARGARET M MILLETT II JERRY DAVIS
137 MAIN ST
FALMOUTH, MA 02540

MCDONALD PROPERTIES LLC
105 N BOURNES POND RD
E FALMOUTH, MA 02536

GHELFI TRUSTEE WENDY MCELROY REAL ESTATE TRUST
240 HILL AND PLAIN RD
E FALMOUTH, MA 02536-3994

BOGOSIAN DEVELOPMENT LLC
866 MAIN ST
OSTERVILLE, MA 02655

HOLLAND THOMAS A HOLLAND JEANNE M
PO BOX 172
CATAUMET, MA 02534-0172

AMENT TRUSTEE ROBERT H C/O CENTER FALMOUTH TRUST
39 TOWN HALL SQUARE
FALMOUTH, MA 02540-0919

FALMOUTH TOWN OF
59 TOWN HALL SQ
FALMOUTH, MA 02540-2761

HAJJAR TRUSTEE CHARLES C HAJJAR TRUSTEE ANNE TAMER
30 ADAMS ST
MILTON, MA 02186

JEMIJO LIMITED PARTNERSHIP
35 PIN OAK WAY
FALMOUTH, MA 02540-2660

FALMOUTH HOUSING TRUST INC
PO BOX 465
FALMOUTH, MA 02541

LEBHERZ JR TRUSTEE GEORGE H LEBHERZ TRUSTEE CHRISTOPHER G
PO BOX 546
FALMOUTH, MA 02541-0546

ROTHMAN TRUSTEE STUART J MAIN AND CHANCERY NOMINEE TR
907 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

Municipal Legal Notices

iuth Zoning Board of Appeals
)tice of Public Hearing for
June 5, 2025

hereby given of the following **Public**
@ 6:00pm and Open Meeting in
Board's Meeting Room, Town Hall,
, MA. on ***Thursday, June 5, 2025***

tion(s)
Dooley, 28 Boston Street, East

Berggren, 33 Martin Road, East

on #062-24R COURT ORDERED RE-
awrence T. and Valerie N. Sullivan:
the Zoning Board of Appeals for a
rmit pursuant to section(s) 240-10.2A
11.3A(4) of the Code of Falmouth to
xisting accessory structure (garage)
truct a single-family dwelling, ex-
0% lot coverage by structures. **The**
roperty is 0 (lot 8) Melrose Avenue,
, Ma.
ion #029-25 Scott Lutz: Applied
ning Board of Appeals for a special
rsuant to section(s) 240-10.2A. of
of Falmouth to raze and rebuild the
on-conforming, single-family dwelling.
ct property is 65 Cypress Street,
, Ma.

vailable in the Board of Appeals Office
all for review by interested parties.

May 9, 2025
May 16, 2025

TOWN OF FALMOUTH
SELECT BOARD
TICE OF PUBLIC HEARING

hereby given under Chapter 140
93A of the General Laws as amend-
apter 299 of the Acts of 1926 and
nts thereto, that Falmouth Theatre
ted at 58 Highfield Drive, Falmouth,
pplied for an Entertainment License
day Entertainment License.

on the above application will be held in
Board Meeting Room, Falmouth Town
onday, May 19, 2025, at 6:45 pm.

ts may be sent to selectboard@
a.gov.

of the Select Board

NG BOARD
bbins Taylor
ott) P. Zylinski, II
. Brown
Mascali
M. H. Goldstone

May 9, 2025

UBLIC HEARING NOTICE

In accordance with Section 1, Chapter 2 of the Acts of 2025, relating to the 2020 novel Coronavirus outbreak, **the May 21, 2025, public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.** Alternative public access to this meeting shall be provided in the following manner:
1. The meeting will be televised via Falmouth Community Television.
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 Chat function will be read into the record at the appropriate points in the meeting.
a. Zoom Login instructions:
i. Instructions and the meeting link for this specific meeting can be found at the following web address: http://www.falmouthma.gov/Conservation
ii. Please plan on 10-15 minutes of preparation time to log in though it may be less 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 concom@falmouthma.gov **at least 5 hours 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 an alternative means of real-time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to concom@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

Arleen and Charles Breen, 18 Spartina Place, Falmouth, MA – For permission to vista prune according to FWR 10.18(10)(b).

Andrea Rosen, 15 Bay Shore Drive, North Falmouth, MA – For permission to construct a screened porch and install mitigation plantings.

Ray Dumont, 460 Menauhant Road, East Falmouth, MA – For permission to upgrade an existing sewage disposal system.

Novo Builds, LLC, 5 Shaume Road, Falmouth, MA – For permission to remove an existing

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
Clerk/Secretary

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of ACME Falmouth MA LLC for permission to perform maintenance and improvement dredging within Falmouth Inner Harbor adjacent to 278 Scranton Ave., Falmouth, MA; 850 +/- c.y. of material to be removed with off-site upland disposal. Area affected is Falmouth Inner Harbor. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that
Blue Moon Sea Grille, Incl d/b/a Hooked has applied for an All Alcoholic Beverages Restaurant License to be exercised at 153 Main Street, Falmouth, MA.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, May 19, 2025 at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

Applicant: Lucelena A. Pereira

Location: 15 Deepwood Dr.

Department Room at 3:00 p.m. on Wednesday, May 21, 2025, upon the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission To install two (2) new JO poles to be labeled 126/27-5 and 126/27-25 and two anchor and guy wires **Two (2) JO Poles 126/27-5 and 126/27-25, two anchors and guy wires** This pole location is necessary to provide electric service to #187 Central Avenue.

Per Order of the Falmouth Select Board

May 9, 2025

TOWN OF FALMOUTH
SELECT BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Blue Moon Sea Grille, Inc. d/b/a Hooked located at 153 Main Street, Falmouth, MA has applied for an Entertainment License and a Sunday Entertainment License.

A hearing on the above applications will be held in the Select Board Meeting Room, Falmouth Town Hall, on Monday, May 19, 2025, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, May 19, 2025 at 6:45 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Taylor May Carroll, Trustee of the TMC Family Trust for permission to extend the existing pier by 25', to a total length of 76', located at 115 Childs River Road, East Falmouth, MA. Area affected is Childs River. Interested parties may review the file on this application at the Office of the Select Board.

Per Order of the
Falmouth Select Board

May 2, 2025
May 9, 2025

Public Hearing Notice
Falmouth Board of Health
On May 19, 2025, the Falmouth Board of Health will hold a public hearing

AMENT KLAUER LLP
Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

Telephone (508) 540-6555
Fax (508) 457-1293
Website: www.amentklauer.com

May 9, 2025

Dear Abutters:

Enclosed is a legal notice of the Select Board's hearing to be held on Monday, May 19, 2024 at 6:45 p.m. in Falmouth Town Hall on the application of Blue Moon Sea Grille, Inc. d/b/a Hooked for an Entertainment License and Sunday Entertainment License at 153 Main Street in Falmouth. You are receiving this notice as required by Massachusetts law, as you are a record owner of property within 300' of that location.

If you have any questions about this application, please contact me at 508-540-6555.

Very truly yours,

Kevin P. Klauer, Esquire

KPK/gmb
Enclosure

TOWN OF FALMOUTH
SELECT BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Blue Moon Sea Grille, Inc. d/b/a Hooked located at 153 Main Street, Falmouth, MA has applied for an Entertainment License and a Sunday Entertainment License.

A hearing on the above applications will be held in the Select Board Meeting Room, Falmouth Town Hall, on Monday, May 19, 2025, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

Publication date: Friday, May 9, 2025; Falmouth Enterprise

UNITED STATES POSTAL SERVICE.

FALMOUTH
120 MAIN ST
FALMOUTH, MA 02540-9998
(800)275-8777

05/09/2025 10:36 AM

Product	Qty	Unit Price	Price
First-Class Mail® Letter Falmouth, MA 02540 Weight: 0 lb 0.70 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02540 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02540 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Manchester, NH 03104 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter West Bridgewater, MA 02379 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02540 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02541 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Brookline, MA 02446 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Washington, DC 20005 Weight: 0 lb 0.60 oz Estimated Delivery Date Tue 05/13/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02541 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Mashpee, MA 02649 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02540 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02540 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02540 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter East Falmouth, MA 02536 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter East Falmouth, MA 02536 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Osterville, MA 02655 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Cataumet, MA 02534 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02540 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Milton, MA 02186 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02540 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02541 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Falmouth, MA 02541 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Cambridge, MA 02139 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 05/12/2025	1		$0.73
First-Class Mail® Letter Cataumet, MA 02534 Weight: 0 lb 0.80 oz Estimated Delivery Date Mon 05/12/2025 Certified Mail® Tracking #: 70212720000208324628 Return Receipt Tracking #: 9590 9402 7129 1251 1919 82 Total	1		$0.73 $4.85 $4.10 $9.68
First-Class Mail® Letter East Falmouth, MA 02536 Weight: 0 lb 0.80 oz Estimated Delivery Date Mon 05/12/2025 Certified Mail® Tracking #: 70212720000208324413 Return Receipt Tracking #: 9590 9402 7129 1251 1920 33 Total	1		$0.73 $4.85 $4.10 $9.68
First-Class Mail® Letter Falmouth, MA 02540 Weight: 0 lb 0.80 oz Estimated Delivery Date Mon 05/12/2025 Certified Mail® Tracking #: 70212720000208324246 Return Receipt Tracking #: 9590 9402 7129 1251 1920 26 Total	1		$0.73 $4.85 $4.10 $9.68
First-Class Mail® Letter Falmouth, MA 02540 Weight: 0 lb 0.80 oz Estimated Delivery Date Mon 05/12/2025 Certified Mail® Tracking #: 70212720000208324253 Return Receipt Tracking #: 9590 9402 7129 1251 1920 19 Total	1		$0.73 $4.85 $4.10 $9.68
First-Class Mail® Letter Falmouth, MA 02541 Weight: 0 lb 0.90 oz Estimated Delivery Date Mon 05/12/2025 Certified Mail® Tracking #: 70212720000208324260 Return Receipt Tracking #: 9590 9402 7129 1251 1920 02 Total	1		$0.73 $4.85 $4.10 $9.68
Grand Total:			$68.11
Personal/Bus Check			$68.11

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

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or scan this code with your mobile device.

TOWN OF FALMOUTH
SELECT BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Blue Moon Sea Grille, Inc. d/b/a Hooked located at 153 Main Street, Falmouth, MA has applied for an Entertainment License and a Sunday Entertainment License.

A hearing on the above applications will be held in the Select Board Meeting Room, Falmouth Town Hall, on Monday, May 19, 2025, at 6:45 pm.

Comments may be sent to selectboard@falmouthma.gov.

Per order of the Select Board

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

May 9, 2025

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Mike Renshaw, Town Manager
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider a request to approve the grant of a Conservation Restriction from Falmouth Farming, Inc. to The 300 Committee Land Trust, Inc. and Town of Falmouth Agricultural Commission on the property located at 578 Locustfield Road **(5 minutes)**

Purpose:
The Select Board will consider a request to approve the grant of a Conservation Restriction from Falmouth Farming, Inc. to The 300 Committee Land Trust, Inc. and Town of Falmouth Agricultural Commission on the property located at 578 Locustfield Road.

Background/Summary:

- Both the Falmouth Agricultural Commission and The 300 Committee voted to approve this Conservation Restriction (see attached email thread).
- Town Counsel has reviewed the Conservation Restriction documentation and has approved them as to form.
- Kat Garofoli, Land Protection Specialist with The Compact of Cape Cod Conservation Trusts, Inc. has worked with both he Agricultural Commission and The 300 Committee on this Conservation Restriction application and will be present to answer questions.

Recommended Actions:
Department Recommendation:
The Town Manager recommends that the Select Board approve the grant of a Conservation Restriction from Falmouth Farming, Inc. to The 300 Committee Land Trust, Inc. and Town of Falmouth Agricultural Commission on the property located at 578 Locustfield Road, as presented.

Options:

- Motion to approve the grant of a Conservation Restriction from Falmouth Farming, Inc. to The 300 Committee Land Trust, Inc. and Town of Falmouth Agricultural Commission on the property located at 578 Locustfield Road as presented.

- Motion to deny the approval of the grant of a Conservation Restriction from Falmouth Farming, Inc. to The 300 Committee Land Trust, Inc. and Town of Falmouth Agricultural Commission on the property located at 578 Locustfield Road.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the grant of a Conservation Restriction from Falmouth Farming, Inc. to The 300 Committee Land Trust, Inc. and Town of Falmouth Agricultural Commission on the property located at 578 Locustfield Road, as presented.

Budget:
Applicable? (yes or no):
No
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:
1. CR17467 Falmouth Approved for Local Signature FINAL
2. CR17467 Falmouth Select Board signature page FINAL
3. FW_ [EXTERNAL] - 5_5 Select Board Meeting CR for 578 Locustfield Rd

GRANTOR: Farming Falmouth, Inc.
PRIMARY GRANTEE: The 300 Committee Land Trust, Inc.
SECONDARY GRANTEE: Town Of Falmouth Agricultural Commission
ADDRESS OF PREMISES: 578 Locustfield Road, Falmouth MA 02536
FOR GRANTOR'S TITLE SEE: Barnstable County Registry of Deeds Book _____, Page ___
FOR PLAN OF RECORD SEE: Plan Book 480 Page 87; Lot 1

GRANT OF CONSERVATION RESTRICTION

I. STATEMENT OF GRANT

FARMING FALMOUTH, INC., a Massachusetts nonprofit corporation, having a mailing address at Post Office Box 2322, East Falmouth, Massachusetts, 02536, being the sole owner, 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 300 COMMITTEE LAND TRUST, INC.,** a Massachusetts nonprofit corporation, having an office and mailing address at 13 Thomas B Landers Rd, East Falmouth, MA 02536, their permitted successors and assigns ("Primary Grantee"), and to **THE TOWN OF FALMOUTH,** a Massachusetts municipal corporation with a principal place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts 02540, acting by and through its **Agricultural Commission** by authority of Section 8L of Chapter 40 of the Massachusetts General Laws, its permitted successors and assigns ("Secondary Grantee") (collectively "Grantees"), for nominal consideration, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION and AGRICULTURAL PURPOSES, the following Conservation Restriction on land located in the Town of Falmouth, Barnstable County, Commonwealth of Massachusetts, containing one 6.00±-acre parcel of land ("Premises"), which Premises is more particularly described in Exhibit A and shown in the attached reduced copies of recorded survey plans and sketches in Exhibit B and Exhibit C, all of which are incorporated herein and attached hereto.

The fee interest in the Premises 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 Falmouth Town Meeting at a duly called meeting held on April 7, 2025. An attested copy of the certified vote is attached hereto as Exhibit G.

II. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31-33 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 agricultural use, and limited passive public recreation, and to prevent any use or change that would materially impair or interfere with the Conservation Values (as defined below).

Conservation Land Tax Credit: "CLTC" Program. The fee interest in the Premises was acquired utilizing, in part, the Conservation Land Tax Credit Program (CLTC# 0631) pursuant to Section 6(p) of Chapter 62 and Section 38AA of Chapter 63 of the Massachusetts General Law **Conservation Partnership.** The fee interest in the Premises was acquired utilizing, in part, assistance from the Conservation Partnership program which requires, pursuant to Section 2A of Chapter 286 of the Acts of 2014, the conveyance of this Conservation Restriction.

The Conservation Values protected by this Conservation Restriction include the following:

- Working Farmland. This Conservation Restriction will ensure that the open, cultivated fields contained on the Premises will be permanently available for agriculture activities that are consistent with the protection of conservation values present on the Premises. The Town of Falmouth adopted a Right to Farm bylaw, Chapter 174 pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution in 2007 with the purpose of encouraging the pursuit of agriculture, promoting agriculture-based economic opportunities, and protecting farmlands within the Town of Falmouth by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. All of the Premises lies within the Agricultural zoning district, intended by the Town to provide local farms an opportunity to engage in farm related businesses such as agricultural tourism, farm vacations, active and passive recreational opportunities, and similar activities, in order to promote agriculture, the preservation of open space, and the continuation of farming as a viable component of the local economy.

- Soils. The Premises includes approximately 5.5 acres of Prime Farmland soils, which constitutes 90% of the Premises. Prime Farmland soil has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to accepted farming methods, including water management. Prime Farmland soil generally has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, soil containing acceptable acidity, alkalinity, salt, and sodium, and contains few or no rocks.

- Water Resource Protection. The Premises falls wholly within a Falmouth Water Resource Protection Overlay District (WRPOD). The purpose of the WRPOD is to promote the health, safety, and general welfare of the community by ensuring an adequate quality and

quantity of drinking water; preserve and protect existing and potential sources of drinking water supplies; conserve the natural resources of the Town; and prevent temporary and permanent contamination of the environment. Therefore, permanent protection from further human development of the Premises with this Conservation Restriction will assist in maintaining water resources.

- Historical Purposes. This Conservation Restriction will ensure that the Premises not only remains protected open space, but that the Premises will be available for Agricultural Activities as defined herein which are consistent with maintaining its conservation value. Farming is an historical land use on Cape Cod, particularly in Falmouth, where the Town and State recently pooled monies to purchase and maintain the 100-year old, working Tony Andrews Farm, a heritage that will be preserved with this Conservation Restriction.

- Public Access. A portion of the Premises will be open to the public for walking on designated trails that do not interfere with farm operations. An existing informal trail network extends through the western edge of the Premises into the adjoining homeowners' association's land under protective covenant.

- Open Space Protection. The Premises contributes to the protection of the scenic and natural character of Falmouth and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises is proximate to several parcels already conserved, including an abutting 18-acre parcel of homeowners' association common land placed under protective covenant.

- Consistency with Clearly Delineated Barnstable County Conservation Policy. Protection of the Premises will assist in achieving Barnstable County conservation and agricultural 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*, amended in 1996, 2002 2009, 2012, and 2018, which provided, *inter alia* (references are to the 2018 RPP, amended in 2021 to accommodate climate change goals and objectives):

    - "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).
        - 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).
    - "To Protect and preserve traditional agricultural and maritime development and uses" (Cultural Heritage Goal, pp. 63)
        - In reference to this Cultural Heritage Goal, the RPP includes strategies to "preserve land in agricultural production to encourage locally-grown food"

and "protect agricultural lands and natural cover to preserve existing natural functions" (Rural Development Areas pp. 84).

- "To maintain a sustainable supply of high quality untreated drinking water and protect, preserve, or restore the ecological integrity of Cape Cod's fresh and marine surface water resources" (Water Resources Goal, pp. 97).
  - In reference to this Water Resources Goal the RPP includes strategies to "protect and preserve groundwater quality."

Each of these objectives will be fulfilled with this Conservation Restriction because it will ensure that the Premises value as a farming and conservation resource is maintained in perpetuity. This Conservation Restriction will ensure that the Premises remains protected open space that is available for agricultural activities that are consistent with preserving the identified Conservation Values.

- 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. In fact, the use of the Premises for farming comports with zoning, as the Premises falls within an Agricultural District. Additionally, in 2014, the Town of Falmouth outlined its open space and recreation goals in its updated *Open Space and Recreation Plan*, identifying goals, policies, and actions to guide conservation efforts, among them the to "acquire 30% of Falmouth's total land area as high quality, permanently protected open space" (Goal 1, pp. 77). Further, permanently protecting the Premises with this Conservation Restriction also comports with the Town of Falmouth's goals and policies for growth in the next 50 years as outlined by the Town Planning Board's 2016 *Local Comprehensive Plan*. The Planning Board established goals to guide management of open space and farmland in Falmouth, including: "to protect the things about Falmouth to be treasured and kept, such as our natural resources and heritage" (pp. 1). . . and to protect "remaining farmlands [which] are critical to our community's resiliency and open space network" (pp. 3).

  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 . . . ." and:
  - to ensure that land remains available for farming;
  - to permanently protect open space;
  - to limit or prevent construction on land of natural resource value; and,
  - to add to existing restricted land which is contiguous to the land proposed to be restricted.

  Implementing this Conservation Restriction will assist in achieving each of the objectives listed above because it will add to the protected open space network in Falmouth, it will be permanently available for agricultural uses, and its valuable scenic and rural character will be preserved.

- 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: protect the Sole Source Aquifer within a Water Resources Protection District; preserve open space and maintain the scenic and rural character of the farm for enjoyment by the public; and permanently protect Prime Farmland soil.

- Consistency with Clearly Delineated State Conservation Policy. The Premises possesses significant open space, natural, aesthetic, ecological, plant and wildlife habitat, solid and water resource quality, watershed, and scenic values of great importance to the Grantees and the people of Falmouth and the Commonwealth of Massachusetts.

  Additionally, the Commonwealth of Massachusetts adopted Chapter 277 of the Acts of 2010 to create a Massachusetts Food Policy Council to develop recommendations to advance *inter alia* the following food system goals for the Commonwealth, including: (A) increased production, sales and consumption of Massachusetts-grown foods; . . . (C) the protection of the land and water resources required for sustained local food production; and, (D) the training, retention and recruitment of farmers and providing for the continued economic viability of local food production, processing and distribution in the Commonwealth.

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 display, antenna, utilities or other structures utility pole, tower, solar panel, solar array, conduit, wind turbine, line, 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 resource 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 or the installation of underground storage tanks;

4. Adverse Impacts to Vegetation. Cutting, removing or otherwise destroying trees, grasses or other vegetation;

5. Fertilizers and Pesticides. Application or use of fertilizers or pesticides unrelated to permitted agricultural use;

6. 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;

7. 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, the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantees;

8. Hunting, trapping, or camping; Using the Premises for hunting, trapping or camping is prohibited.

9. Motor Vehicles. Use, parking or storage of motorized vehicles including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, trail bikes, 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;

10. Subdivision. Subdivision or conveyance of 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 Grantees' intention to maintain the entire Premises under unified ownership;

11. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;

12. Adverse Impacts to Stone Walls, Boundary Markers. Disrupting, removing, or destroying stone walls, granite fence posts, or any other boundary markers;

13. Residential or Industrial Uses. Using the Premises for residential or industrial purposes;

14. 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. Agricultural Activities. Conducting or permitting others to conduct personal or commercial agricultural activities that maintain or improve soil productivity, soil health, and water retention, and that do not deplete any natural resources found on the Premises. As used herein, "Agricultural Activities" shall mean the following:
    a. the growing, production, raising, keeping, storing, processing, marketing, and selling of crops, livestock, and livestock products;
    b. the installation of fencing or other similar infrastructure to manage livestock or protect agricultural resources;
    c. the installation and maintenance of an irrigation systems, including cisterns, that serve only the Premises;
    d. clearing of vegetation necessary to render the majority of the Premises available for agriculture;
    e. the use of motorized vehicles such as tractors, rototillers, vehicles necessary in haying operations, crop-harvesting vehicles, and other motorized vehicles, provided that the use of any such motorized equipment is only for the purposes of Agricultural Activities undertaken on the Premises;
    f. with the Grantees' prior approval, the construction, use, maintenance, repair, relocation, and replacement of minor and temporary structures, without cement, subsurface, or other permanent foundations. The excavation or disturbance of the soil shall be allowed, only to the extent necessary, effective, and efficient to engage in Agricultural Activities. Said structures shall, in aggregate, not cover an area greater than three percent (3%) of the 5.25-acre Farmstead shown in Exhibit C ("Farmstead Area"); there is no limitation on the number, size design or location of greenhouses that do not have foundations, concrete knee walls or flooring;
    g. the removal of trees, saplings, shrubs, stumps, and roots preliminary to and including the preparation of surface topography and soils; ;
    h. activities in which the general public is invited onto the Premises for activities or events that are in support of the Agricultural Activities, for which the Grantor may charge a fee (hereinafter "Agri-tourism Events"), including the use of tent(s) in connection with such gatherings in accordance with the Town of Falmouth's permitting process and with written notification by Grantor to the Grantees at the time of application to the Town provided that any such gatherings are consistent with the purposes of this Conservation Restriction. Vehicle parking shall be permitted to accommodate public visitation for Agri-tourism Events provided that all vehicle parking and use are limited to the Farmstead Area;
    i. as used herein, crops, livestock, and livestock products include, but are not limited to:
        i. vegetable crops;
        ii. fruits, nuts, seeds, and berries;
        iii. horticultural specialties, including but not limited to seeds, nursery stock, ornamental shrubs, ornamental trees, and flowers;

iv. livestock and livestock products, such as meat, eggs, dairy, bones, wool, and other fibers;
v. fungal and fermentation products;
vi. additional agricultural products shall be permitted and may be broadly interpreted to include products produced on the Premises from soil, water, sunshine, and other natural resources found or produced on the Premises, except for the keeping of pit bulls, peacocks, horses, ponies, or mules on the Premises.

The provisions of this Conservation Restriction and associated Exhibits shall not be interpreted to restrict the types of agricultural operations that can function on the Premises, so long as the agricultural operations are consistent with the long-term viability of the Premises, Conservation Restriction Purposes, and do not violate state and federal laws, including state and federal drug laws.

2. Requirement to Follow Best Agricultural Practices. Agricultural Activities shall be conducted in a manner consistent with generally accepted best management practices for sustainable farming as those practices may be identified from time to time by appropriate governmental or educational institutions such as the USDA Natural Resources Conservation Service (NRCS), UMass Extension, Northeast Organic Farming Association (NOFA), Massachusetts Department of Agricultural Resources, and the like, (collectively, "Best Agricultural Practices") and in a manner that promotes healthy soils and healthy soil 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 ("Healthy Soils and Practices"), and in a manner that does not hinder the ability of future generations to engage in Agricultural Activities on the Premises;

3. Requirement for a Farm Plan.

a. Agricultural Activities shall require a Farm Plan approved in writing by the Grantees. The Farm Plan shall be developed in accordance with generally accepted Best Agricultural Practices, and shall, at a minimum, address the following:
    i. in the event animal husbandry activities are proposed, establish and govern the type and number of each type of animal unit permitted on the Premises, and analyze the pasturage potential of the Premises and establish and govern the cycling of pasturage, and any other measures necessary to ensure the carrying capacity of the Premises is not exceeded in order to protect water quality, prevent soil erosion, and otherwise protect the Conservation Values; and
    ii. describe how Agricultural Activities will maximize soil and water conservation and promote Healthy Soils and Practices;
b. The Farm Plan may be modified from time to time, with approvals from Grantor, Grantees and any lessee at that time, after following notification and approval procedures described in Section III.F hereinbelow;

c. An initial Farm Plan is outlined in Exhibit E attached hereto, entitled, "Farming Falmouth – Farm Plan – The Patch, Falmouth MA, 578 Locustfield Road, prepared July 25, 2024 for Farming Falmouth by Regenerative Design Group," which has been approved by Grantees upon acceptance of this Conservation Restriction;

4. Right to Lease the Premises for Agricultural Uses. The Grantor reserves the right to lease all or part of the Premises to a third party or parties to conduct Agricultural Activities as defined in Section III. B.2 above. All leases for Agricultural Activities shall incorporate the terms of this Conservation Restriction and be limited by its prohibitions and benefited by its reserved rights. All leases shall include a farm plan or business plan;

5. 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), including woods roads, fence lines and trails and meadows;

6. 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;

7. Use of Pesticides. The Grantor reserves the right to use pesticides, designed and applied to affect the target species and minimize impact to adjacent non-target species, preferably applied by hand. Any employment of pesticides for agricultural or other permitted uses will be in conformance with best management practices;

8. Composting. The stockpiling and composting of stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises, provided that such stockpiling and composting is in locations where the presence of such activities will not impair the Conservation Values (including scenic values) of this Conservation Restriction. All exercise of this reserved right shall take into account sensitive areas and avoid harm to ground-nesting species during nesting season;

9. Natural Habitat and Ecosystem Improvement. With the prior written approval of Grantees, 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;

10. Pest Control. The Grantor reserves the right to engage in trapping for pest control purposes;

11. 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 Grantees. A copy of the results of any such investigation on the Premises is to be provided to the Grantees;

12. Trails. Maintaining and constructing trails as follows:

    a. Trail Maintenance. Conducting routine maintenance of trails, which may include widening trail corridors up to six (6) feet in width overall;
    b. New Trails. With prior written approval of the Grantees, constructing new trails or relocating existing trails, provided that any construction or relocation results in trails that conform with the width limitations above and subject to Paragraph III.C.2 hereinbelow;
    c. Trail Features. With prior written approval of the Grantees, 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;
    d. Trails for Agricultural Use. Trails, cart paths or vehicle tracks needed for agricultural use shall not need Grantees approval.

13. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, trail access, identity and address of the occupants, sale of the Premises, the Grantees' interest in the Premises, including signs addressing Agricultural Activities, any gift, grant, or other applicable source of support for the conservation of the Premises;

14. Fences. Subject to Grantees' prior written approval, Grantor reserves the right to erect and maintain open-faced (i.e., sight-pervious) fences, such as wooden split rail, for property boundary delineation, safety reasons, and trail demarcation, so long as the dimensions and design of said fences do not impede free wildlife passage; enclosure and exclosure fencing needed for Agricultural Activities is allowed and need not meet these design standards;

15. Motorized Vehicles. Using motorized mobility vehicles by persons with mobility impairments and as otherwise permitted herein;

16. Use of the Premises for Non-Agricultural Activities. In the event that the Grantor decides not to pursue Agricultural Activities as defined in Section III.B.1, Grantor in consultation with Grantees shall prepare and deliver within eighteen (18) months from the date of notice from Grantor to Grantees, a conservation plan to restore the Premises to native wildlife habitat(s) with the majority of the Premises to be kept open, by mowing, clearing, or burning, as meadow/grassland habitat, a dwindling native habitat type on Cape Cod, or a cover crop that anticipates a possible re-establishment of Agricultural Activities on the Premises as defined in Section III. B.1.
    a. All structures used for Agricultural Activities as defined in Section III. B.1 shall be secured for possible future use. Said structures shall be removed if no longer needed to support Agricultural Activities or if too costly to maintain;

b. Grantor shall issue in writing a report on the current status of any lease upon demand of the Grantees.

C. Special Use Areas of the Premises

1. Farmstead Area

The Grantor reserves the right to conduct or permit the following activities and uses solely within the 5.25±-acre area that is shown on Exhibit C as the "Farmstead Area." The "Farmstead Area" is the only area on the Premises where buildings and structures are permitted, but only if such buildings and structures are required for the prescribed residential use or Permitted Agricultural Activities conducted on the Premises. A written determination of whether buildings or structures are required for Agricultural Activities within the Residential Envelope (as defined in Section III.C.1.a below) shall be reviewed and approved by the Grantees. Thus, in addition to the Permitted Acts and Uses described in Paragraph III. B and otherwise subject to this Conservation Restriction, the following activities and uses are permitted within the "Farmstead Area":

a) The right to use, maintain, expand, and repair the existing permanent dwelling within the limits of the Residential Envelope as shown in Exhibit F attached hereto, provided:
    i. that there shall be no more than one (1) permanent dwelling on the Premises at any one time; and,
    ii. said dwelling shall not exceed three thousand (3,000 s.f.) square feet in finished area, as defined by local regulation;
    iii. said farmhouse/dwelling may be occupied, permanently or seasonally, only for the following purposes and subject to the following terms and conditions:
        1. Residence of a farmer and family with a current lease for the Premises and/or the farm workers;
        2. Residence of Grantor's caretaker or Grantor's employees/agents who shall be responsible for regular inspection, monitoring and reporting of any violation of the Grantor's rules and regulations for the Premises and the purposes of this Conservation Restriction;
        3. Office or storage space for the Grantor or educational exhibits related to the Grantor's mission;
        4. In no instance, however, shall the dwelling be leased, used, or occupied for any other rental or commercial purpose; and,

        5. In the event that none of these specified uses can be made or remain viable after reasonable diligence to accommodate the specific uses, then the Grantor, in consultation with Grantees, may demolish and/or remove the dwelling and other structures and restore the landscape to accomplish the wildlife habitat and agricultural purposes of this Conservation Restriction.

b) The right to install temporary, seasonal housing, including a yurt or tent, for farmworkers employed or serving on the Premises; said housing shall not be connected to any septic system.

2. Restricted Area

Within the Premises there is an area of 0.75±-acre shown on Exhibit C as the "Restricted Area." This Restricted Area is intended to protect the upland wildlife habitat on the steep, forested slopes in the rear of the Premises, while allowing for limited agricultural purposes and public access. Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A and the Permitted Acts and Uses described in Paragraph III.B, the Permitted Acts and Uses for the Restricted Area are as described below:

a) The right to plant, cultivate and harvest fruit/nuts/fungi from native trees and shrubs by interplanting and thinning, but not clear-cutting, in an informal pattern, including educational/regulation signs;
b) The right to maintain existing trails to a width not to exceed six (6') feet and install directional and regulatory signs;
c) The right to re-route or create new trails with said dimensions with approval of Grantees; no public trails shall be used outside of the Restricted Area without express permission of Grantor;
d) The right to install open-faced fencing and a gate to delineate the Restricted Area from the Farmstead Area; and,
e) Trail use shall be limited to on-foot and non-motorized bicycle use only.

D. 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.

E. 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 Acts and Uses requiring a permit, license or other approval from a public agency does not imply that the Grantees or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

F. Notice and Approval

1. Notifying Grantees. Whenever notice to or approval by the Grantees is required, Grantor shall notify or request approval from both Grantees, 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 Grantees to make an informed judgment as to its consistency with the Purposes and Conservation Values.

2. Grantees' Review. Where Grantee's approval is required, the Secondary Grantee, within thirty (30) days of receipt of Grantor's request, shall notify the Primary Grantee of the Secondary Grantee's decision. Within sixty (60) days of the Primary Grantee's receipt of Grantor's request, the Primary Grantee shall either affirm, amend or reverse the decision of the Secondary Grantee, shall notify the Secondary Grantee thereof in writing, and shall issue its decision to the Grantor in writing. The Primary Grantee's decision shall in all cases be the final and controlling decision binding on both Grantees. In the event that no decision is received from the Secondary Grantee within thirty (30) days, the Primary Grantee shall proceed to issue its decision within sixty (60) days 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. Grantees' failure to respond within thirty (30) 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 Grantees, 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 Grantees 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 Grantees for the enforcement of this Conservation Restriction.

2. Notice and Cure. In the event the Grantees determines that a violation of this Conservation Restriction has occurred and intends to exercise any of the rights described herein, the Grantees 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 Grantees 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 Grantees determines that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantees may notify the proper authorities of such violation.

3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantees all reasonable costs and expenses (including counsel fees) incurred by the Grantees in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof. In the event of 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.

4. Coordination between Primary and Secondary Grantee. Whenever there is a question of whether there is a violation of this Conservation Restriction, or how to proceed in addressing the violation, the Primary Grantee shall consult with the Secondary Grantee. The Primary Grantee shall then determine whether there is a violation and how to proceed in addressing the violation. The Primary Grantee's decision shall in all cases be the final and controlling decision binding on both Grantees. In the event that no response is received from the Secondary Grantee within thirty (30) days, the Primary Grantee shall notify Grantor and proceed as provided in Paragraph IV.B.2.

C. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the sole discretion of Grantees. Any election by the Grantees 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 Grantees do 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 Grantees or its agents.

E. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantees to bring any actions against the Grantor for any injury to or change in the Premises resulting from 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 Grantees 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 for daytime use and only in the area as described in Paragraph II.C.2 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.C.2. The Grantees 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 Grantees 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 Grantees' 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 Grantees, 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 Grantees shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

C. Grantees' Receipt of Property Right

Grantor and Grantees agree that the donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantees, with a fair market value that is at least equal to thirty-one percent (31%) of the fair market value of the Conservation Restriction determined at the time of sale. Such proportionate value of the Grantees' property right shall remain constant.[1] Any proceeds will be distributed only after complying with the terms of any gift, grant, or other funding requirements.

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 Grantees 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 Grantees shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantees in accordance with Paragraph VI.B, and Paragraph VI.C. after complying with the terms of any law, gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantees shall use its share of the proceeds like a continuing trust in a manner consistent with the Purposes or the protection of the Conservation Values.

VII. DURATION & 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 Grantees are 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

[1] *The Grantee purchased this Conservation Restriction from the Grantor at a bargain-sale value of $320,000. The fair market value of the Conservation Restriction determined at the time of this bargain sale was appraised to be $1,030,000.*

successors and assigns, appoints the Grantees their 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 Grantees, shall be in gross, and shall not be assignable by the Grantees, except in the following instances:

1. the Grantees require 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 Grantees not less than twenty (20) days prior to the effective date of such transfer. Any transfers shall receive prior approval by Grantees to assure that the Premises is transferred to a qualified conservation organization. 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 Grantees may record it in the Barnstable County Registry of Deeds, and 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 Grantees 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 Grantees agree 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 Grantees 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 Grantees 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 Grantees, 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
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 Grantees and Grantor, approved by the Select Board of 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 County Registry of Deeds.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantees 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 a timely manner in the Barnstable County Registry of Deeds.

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: Farming Falmouth, Inc.
Post Office Box 2322
East Falmouth, MA 02536

Primary Grantee: The 300 Committee Land Trust, Inc.
13 Thomas B. Landers Road
Falmouth, MA 02536

Secondary Grantee: Town of Falmouth c/o Agricultural 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 favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Sections 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 purpose of this Conservation Restriction 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 provision of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement.

This instrument sets forth the entire agreement of the parties 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") title "The Patch Farm Conservation Restriction Baseline Report", and dated _____prepared by the Grantees with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantees and included by reference herein. The Baseline Report (i) is acknowledged by Grantor and Grantees 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 of Energy and Environmental Affairs 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.

A. Subordination.

The Grantor shall record at the appropriate Registry of Deeds simultaneously with this Conservation Restriction all documents necessary to subordinate any 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.

B. Executory Limitation

If Grantees 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 Grantees' 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.

C. 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.

D. The following signature pages are included in this Grant:

Grantor – Farming Falmouth, Inc.
Primary Grantee Acceptance – The 300 Committee Land Trust, Inc.
Secondary Grantee Acceptance – Town of Falmouth Agricultural Commission
Approval by Select Board, Town of Falmouth
Approval of the Secretary of Energy and Environmental Affairs

E. The following exhibits are attached and incorporated herein:

Exhibit A: Legal Description of Premises
Exhibit B: Reduced Copy of Plan of Premises
Exhibit C: Sketch Plan Showing Restricted Area and Envelopes
Exhibit D: 2023 Sketch showing Cultural Features
Exhibit E: Sketch of 2024 Farm Plan
Exhibit F: Residential Envelope Sketch
Exhibit G: Town Meeting Vote

WITNESS our hands and seals this ____day of _____, 2025.

GRANTOR: Farming Falmouth, Inc.

_____
Ellie Costa, President

_____
Lorre-jo Joyce, Treasurer

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2025, before me, the undersigned notary public, personally appeared Ellie Costa and Lorre-jo Joyce, and proved to me through satisfactory evidence of identification which was _____ to be the person 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.

_____
Notary Public
My Commission Expires:

ACCEPTANCE OF GRANT

The foregoing Conservation Restriction from FARMING FALMOUTH, INC. was accepted by THE 300 COMMITTEE LAND TRUST, INC. this _____ day of _____, 2025.

By: _____
Jo Ann Muramoto,
Its: President, duly authorized

By: _____
Richard Dotson,
Its: Treasurer, duly authorized

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this day of , 2025, before me, the undersigned notary public, personally appeared Jo Ann Muramoto, President, The 300 Committee Land Trust, Inc. and Richard Dotson, Treasurer, The 300 Committee Land Trust, Inc., 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 on behalf of the corporation.

_____
Notary Public
My Commission Expires:

.

ACCEPTANCE OF GRANT

We, the undersigned, being a majority of the Agricultural Commission of the Town of Falmouth, Massachusetts, hereby certify that at a public meeting duly held on _____, 2025, the Agricultural Commission voted to approve and accept the foregoing Conservation Restriction from Farming Falmouth, Inc., pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

AGRICULTURAL COMMISSION:

_____
Stan Ingram, Chair

_____
Warren Collins, Vice Chair

_____
Matt Churchill

_____
Karen Schwalbe

_____
Jack Simonds

_____
Amy Vickers

_____
Jane Vose

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____ , 2025, before me, the undersigned notary public, personally appeared _____, _____ _____, _____ _____and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the 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 _____, 2025, the Board of Selectmen voted to approve the foregoing Conservation Restriction from Farming Falmouth, Inc. to The 300 Committee Land Trust, Inc and Town of Falmouth Agricultural Commission, in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

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 _____ , 2025, before me, the undersigned notary public, personally appeared _____, _____ _____, _____ _____and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

_____
Notary Public
My Commission Expires:

APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction Farming Falmouth, Inc. to The 300 Committee Land Trust, Inc. and Town of Falmouth Agricultural Commission, has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2025

_____
Rebecca L. Tepper
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

On this _____ day of _____ , 2025, 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:

EXHIBIT A

Description of the Premises

The Premises subject to this Conservation Restriction is a 6.00-acre parcel of land and buildings located in the Town of Falmouth, Barnstable County, Commonwealth of Massachusetts, shown as Lot 1 on a plan of land entitled "Plan of Land in Falmouth, Massachusetts Owner William Dobson, 179 Stage Island Road, Chatham MA 02633, Scale: 1" = 50' Date: 1/17/91, Wm. M. Warwick & Assoc. Inc., 213 Old Main Road, North Falmouth, Mass. 02556, Revised: 2/7/91," and recorded in the Barnstable County Registry of Deeds in Plan Book 480, Page 87, (the Plan") a reduced copy of which is attached hereto as Exhibit B.

Within the Premises are two distinct areas, the Farmstead Area and the Restricted Area, to which various terms and conditions of this Conservation Restriction apply. See Exhibit C for a reduced copy of a sketch plan of land showing such areas, which is to be attached hereto and recorded herewith.

The Restricted Area is more particularly bounded and described as follows:

Beginning	in the Northwest corner of the Premises at a concrete bound as shown on the Plan; thence running along a line bearing
N 52° 36' 08" W	a distance of One Hundred Eighty and 10/100 (180.10') feet to a concrete bound; thence turning and running
Southwesterly	a distance of Three Hundred Seventy (370' feet, more or less, to a stake set in stones in the Southwestern corner of the Premises as shown on the Plan; thence turning and running
N 05° 20' 29" E	a distance of Four Hundred Fifty-Nine and 19/100 (459.19') to the point of beginning.

Said Restricted Area contains 0.75 acres, more or less, in the western end of the Premises.

The remainder of the Premises outside the Restricted Area is the Farmstead Area.

Within the Farmstead Area, there is an 11,250-square foot Residential Envelope intended to contain the existing dwelling and any additions to the finished area of said dwelling or its replacement, as described in Paragraph III.C.1.a hereinabove. This Residential Envelope is One Hundred and Forty-Four and 00/100 (144.00') feet in length and Eighty and 00/100 (80.00') feet in width, as measured from the existing exterior walls as shown in Exhibit F attached hereto.

For Grantor's title, see deed recorded with the Barnstable County Registry of Deeds in Book _____, Page ___ *[pending deed from Hens Teeth LLC to Farming Falmouth, Inc.]*

Town of Falmouth Assessors Map: Map 23-02, Parcel 5-1

Street Address: 578 Locustfield Road, Falmouth, Massachusetts, 02536.

EXHIBIT B
Reduced Copy of Plan of Premises (Lot 1)

For official full size plan see Barnstable County Registry of Deeds Plan Book 480, Page 87.

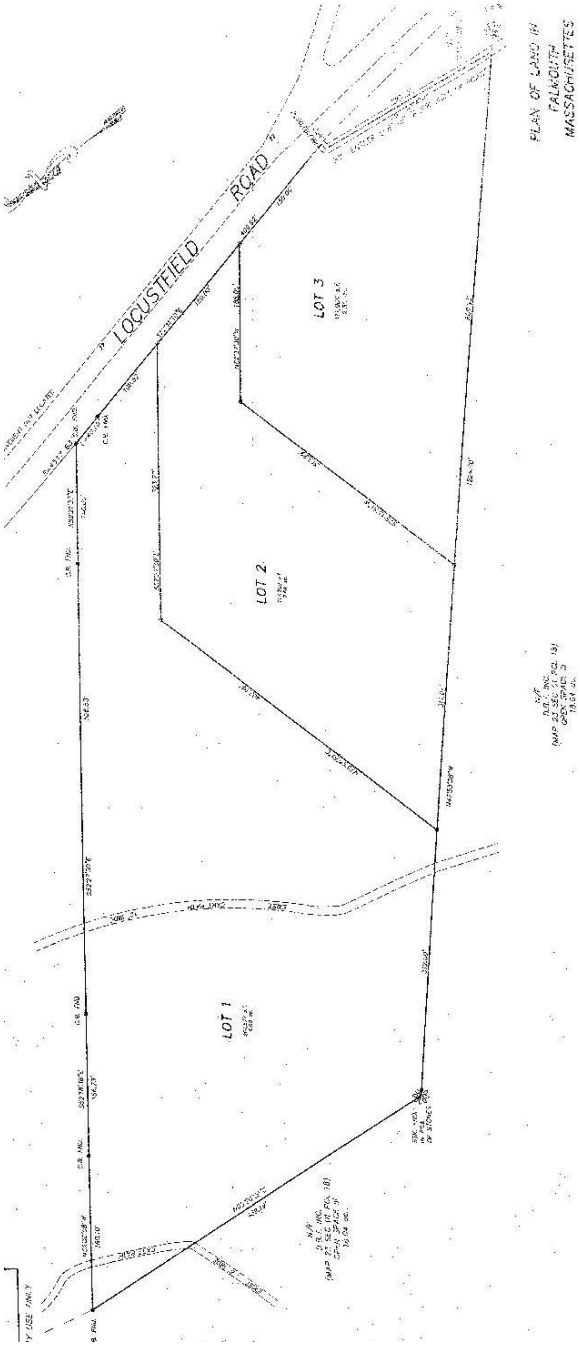


EXHIBIT C

Reduced copy of Sketch Plan Showing Restricted Area and Farmstead Area

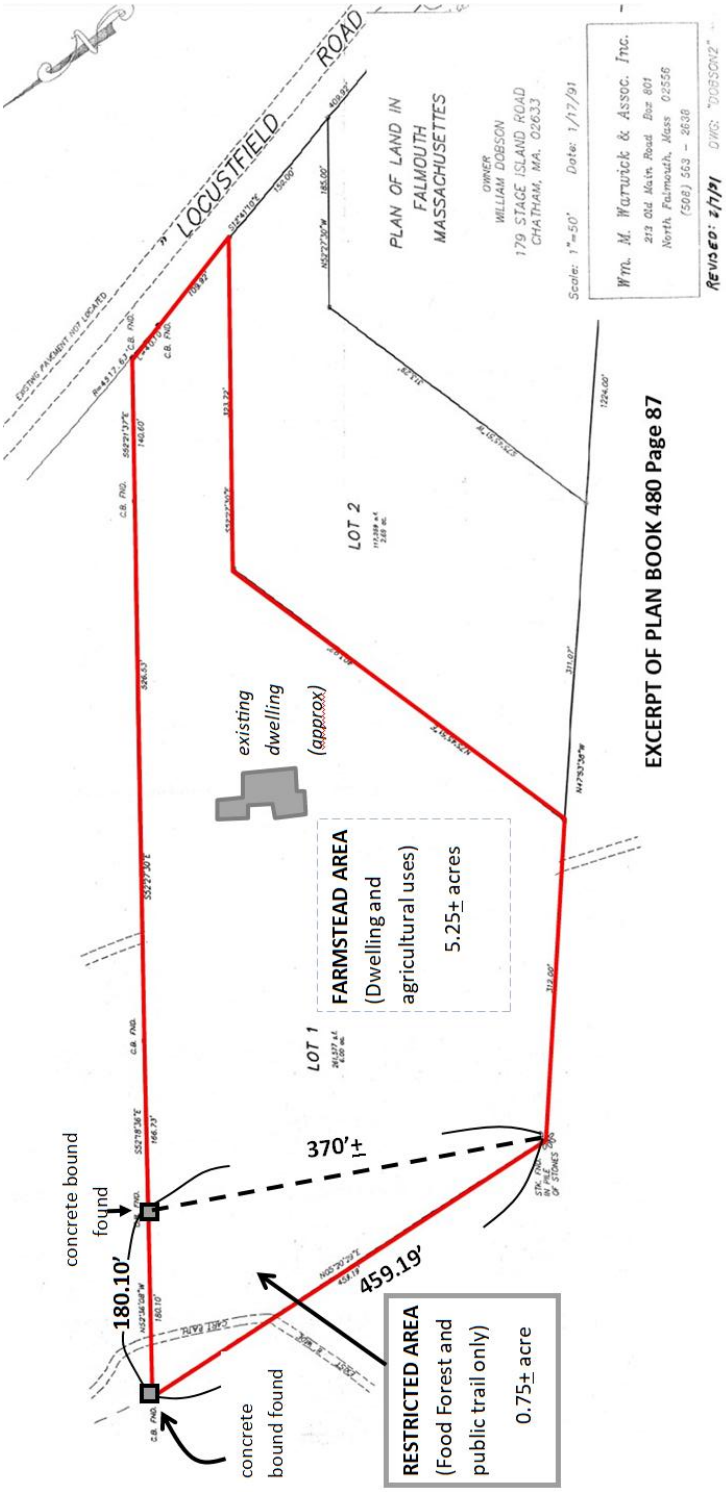


EXHIBIT D
Sketch Plan showing Cultural Features as of February 2023

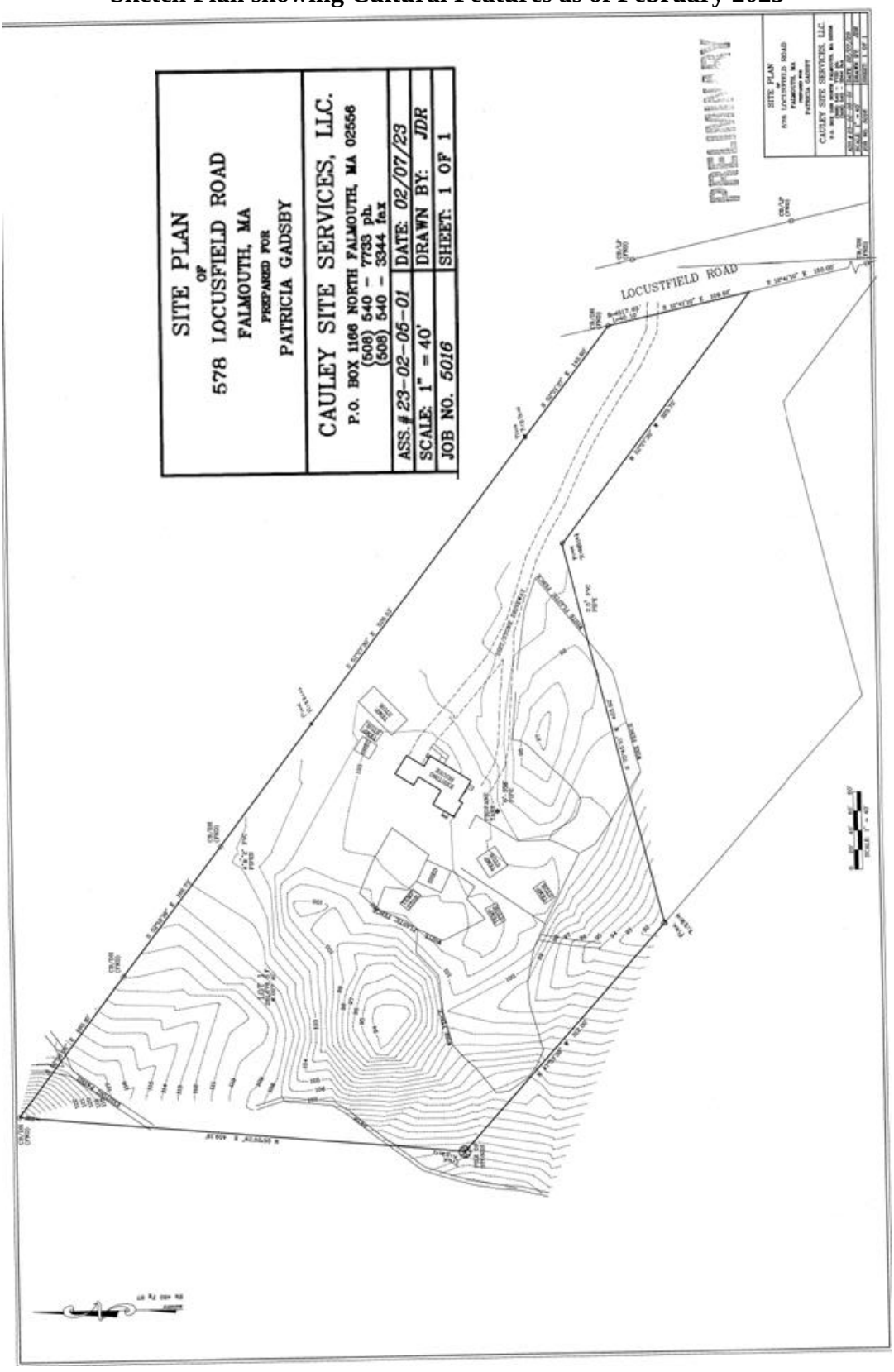


EXHIBIT E
2024 Farm Plan
(need black and white version of this sketch for recording)



EXHIBIT F
Residential Envelope Sketch

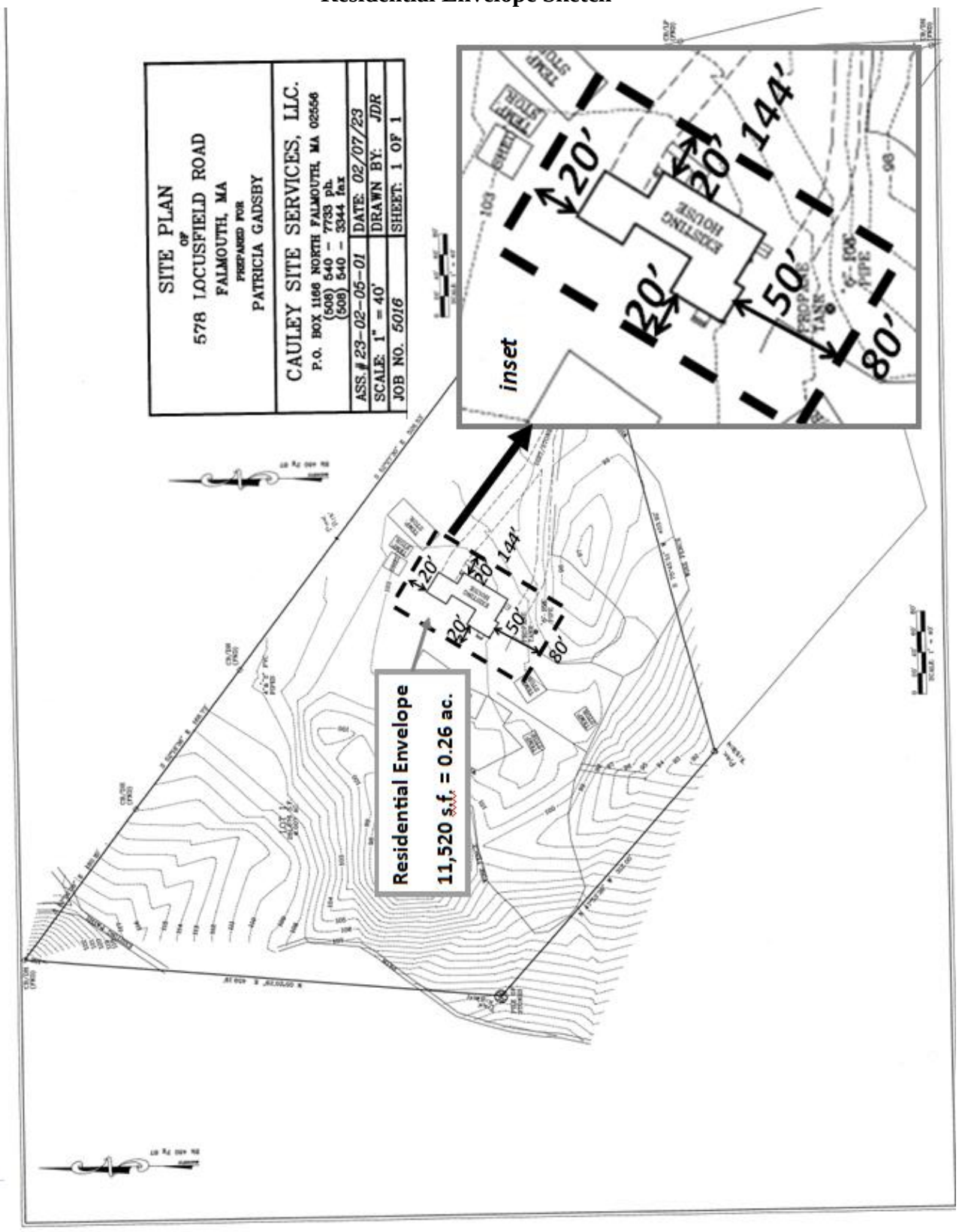


Exhibit G: Town Meeting Vote
(pending)

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 _____, 2025, the Board of Selectmen voted to approve the foregoing Conservation Restriction from Farming Falmouth, Inc. to The 300 Committee Land Trust, Inc and Town of Falmouth Agricultural Commission, in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

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 _____ , 2025, before me, the undersigned notary public, personally appeared _____, _____ _____, _____ _____and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

_____
Notary Public
My Commission Expires:

From: Diane Davidson
To: Mike Renshaw
Subject: FW: [EXTERNAL] - 5/5 Select Board Meeting CR for 578 Locustfield Rd
Date: Thursday, May 15, 2025 10:43:41 AM

Hi Mike,

Please see the email, below, from Kat Garofoli regarding support for the CR.

Diane

From: Kat Garofoli <kat@thecompact.net>
Sent: Thursday, May 15, 2025 10:00 AM
To: Diane Davidson <diane.davidson@falmouthma.gov>
Subject: Re: [EXTERNAL] - 5/5 Select Board Meeting CR for 578 Locustfield Rd

Hi Diane,

Thank you for sharing this. I do not have any formal letters of support to submit. Both groups unanimously voted to hold this conservation restriction, and I plan to include that in my presentation.

Sincerely,

Kat Garofoli
Land Protection Specialist

The Compact of Cape Cod Conservation Trusts, Inc.
Mailing: P.O. Box 443, Barnstable, MA 02630
www.thecompact.net

Tel: 508-524-5594
Email: kat@thecompact.net

Weekly schedule:
Mondays & Tuesday with The 300 Committee Land Trust
Wednesdays with the Native Land Conservancy
Thursdays with the Dennis Conservation Land Trust
Fridays with The Compact of Cape Cod Conservation Trusts, Inc.

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Wednesday, May 14, 2025 5:32 PM

To: Kat Garofoli <kat@thecompact.net>
Subject: FW: [EXTERNAL] - 5/5 Select Board Meeting CR for 578 Locustfield Rd

Hi Kat,

Attached is a copy of the agenda for the Monday, May 19, 2025 Select Board meeting. The Conservation Restriction for 578 Locustfield Road is scheduled as the first item under Business.

Do you have any letters of support from T3C and the Agricultural Commission? If you do, would you please email them to me by tomorrow afternoon to be included in the Select Board packet.

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.

From: Mike Renshaw <mike.renshaw@falmouthma.gov>
Sent: Thursday, May 8, 2025 8:05 AM
To: Diane Davidson <diane.davidson@falmouthma.gov>
Cc: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Maura O'Keefe <maura.okeefe@falmouthma.gov>; Kat Garofoli <kat@thecompact.net>
Subject: FW: [EXTERNAL] - 5/5 Select Board Meeting CR for 578 Locustfield Rd

Good morning Diane-

Can you please add this CR item (and attachments included here) to the draft May 19 SB agenda? Thank you!

Kat, please forward to Diane any letters/supporting documents that you have from T3C and the

Agricultural Commission so that we can include them in the Board packet.

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

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

From: Maura O'Keefe <maura.okeefe@falmouthma.gov>
Sent: Wednesday, May 7, 2025 4:31 PM
To: Mike Renshaw <mike.renshaw@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>
Cc: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Subject: Re: [EXTERNAL] - 5/5 Select Board Meeting CR for 578 Locustfield Rd

Mike,

I have reviewed the documents for the agricultural conservation restriction at 578 Locustfield Road. I made edits to the signature lines of the Select Board (attached) and, otherwise, the restriction is fine and the Select Board may sign.

Thanks,
Maura

Maura E. O'Keefe

Town Counsel

Town of Falmouth

157 Locust Street

Falmouth, MA 02540

(508) 548-8800

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

From: Mike Renshaw <mike.renshaw@falmouthma.gov>
Sent: Tuesday, May 6, 2025 3:45 PM
To: Maura O'Keefe <maura.okeefe@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>
Cc: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Subject: FW: [EXTERNAL] - 5/5 Select Board Meeting CR for 578 Locustfield Rd

Hi Maura-

Kat Garofoli with the Compact of Cape Cod Conservation Trusts, Inc. has requested that the Select Board consider the approval of a Conservation Restriction on the property located at 578 Locusfield Rd and has submitted the attached Conservation Restriction documents. In advance of placing this item on the May 19 Select Board agenda, can you please review these documents and let me know if you have any comments or edits? Thanks.

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

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

From: Kat Garofoli <kat@thecompact.net>
Sent: Tuesday, May 6, 2025 9:42 AM
To: Mike Renshaw <mike.renshaw@falmouthma.gov>

Subject: Re: [EXTERNAL] - 5/5 Select Board Meeting

Hi Mike,

Of course! The conservation restriction is attached along with a Select Board signature page.

Please let me know if you have any questions.

Kat Garofoli
Land Protection Specialist

The Compact of Cape Cod Conservation Trusts, Inc.
Mailing: P.O. Box 443, Barnstable, MA 02630
www.thecompact.net

Tel: 508-524-5594
Email: kat@thecompact.net

Weekly schedule:
Mondays & Tuesday with The 300 Committee Land Trust
Wednesdays with the Native Land Conservancy
Thursdays with the Dennis Conservation Land Trust
Fridays with The Compact of Cape Cod Conservation Trusts, Inc.

From: Mike Renshaw <mike.renshaw@falmouthma.gov>
Sent: Tuesday, May 6, 2025 8:27 AM
To: Kat Garofoli <kat@thecompact.net>
Cc: Nancy Taylor <nancy.taylor@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Mark Robinson <mark@thecompact.net>; Maura O'Keefe <maura.okeefe@falmouthma.gov>
Subject: RE: [EXTERNAL] - 5/5 Select Board Meeting

Hello Kat-

Can you please resend the Farming Falmouth-related CR documents that you are referring to in the below email? I want to ensure that I have the correct documents to send to Town Counsel for review.

Mike Renshaw, ICMA-CM, MPA
Town Manager
Town of Falmouth
59 Town Hall Square

Falmouth, MA 02540
O: (508) 495-7324
C: (774) 392-1365

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

From: Kat Garofoli <kat@thecompact.net>
Sent: Friday, May 2, 2025 1:59 PM
To: Mike Renshaw <mike.renshaw@falmouthma.gov>
Cc: Nancy Taylor <nancy.taylor@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Mark Robinson <mark@thecompact.net>
Subject: Re: [EXTERNAL] - 5/5 Select Board Meeting

Hi Mike,

Thank you for the quick response and letting me know about the lawsuit. We will hold off on this CR for now.

We do have the time sensitive (record by 6/30) CR for Farming Falmouth, though. Can you please fit this into the 5/19 agenda? We already have the Agricultural Commission's approval and will have T3C's by 5/5.

Thanks,
Kat Garofoli
Land Protection Specialist

The Compact of Cape Cod Conservation Trusts, Inc.
Mailing: P.O. Box 443, Barnstable, MA 02630
www.thecompact.net

Tel: 508-524-5594
Email: kat@thecompact.net

Weekly schedule:
Mondays & Tuesday with The 300 Committee Land Trust

Wednesdays with the Native Land Conservancy
Thursdays with the Dennis Conservation Land Trust
Fridays with The Compact of Cape Cod Conservation Trusts, Inc.

From: Mike Renshaw <mike.renshaw@falmouthma.gov>
Sent: Friday, May 2, 2025 1:33 PM
To: Kat Garofoli <kat@thecompact.net>
Cc: Nancy Taylor <nancy.taylor@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Subject: RE: [EXTERNAL] - 5/5 Select Board Meeting

Good afternoon, Kat-

Thank you for your patience as our Town Counsel reviewed the CR request.

Unfortunately, due to ongoing litigation involving the Black Beach peninsula Town Counsel is recommending that the Select Board refrain from considering approval of this CR request at this time.

If you have any questions, I would be happy to put you in touch with Town Counsel.

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

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

From: Kat Garofoli <kat@thecompact.net>
Sent: Friday, May 2, 2025 11:34 AM
To: Mike Renshaw <mike.renshaw@falmouthma.gov>
Cc: jwhritenour 300committee.org <jwhritenour@300committee.org>; Mark Robinson <mark@thecompact.net>; Ellie Costa <ellie@farmingfalmouth.org>; Katey Tayor (spabsfal@verizon.net) <spabsfal@verizon.net>
Subject: [EXTERNAL] - 5/5 Select Board Meeting

> **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 Mike,

I was reviewing the Select Board agenda for May 5th and did not see the 0 Drift Road conservation restriction or the Farming Falmouth conservation restriction for the Board's approval.

Is there any possibility that those will be added to a revised agenda, or should I plan for the May 19th meeting?

Thank you for your help!

Kat Garofoli
Land Protection Specialist

The Compact of Cape Cod Conservation Trusts, Inc.
Mailing: P.O. Box 443, Barnstable, MA 02630
www.thecompact.net

Tel: 508-524-5594
Email: kat@thecompact.net

Weekly schedule:
Mondays & Tuesday with The 300 Committee Land Trust
Wednesdays with the Native Land Conservancy
Thursdays with the Dennis Conservation Land Trust
Fridays with The Compact of Cape Cod Conservation Trusts, Inc.

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Mike Renshaw, Town Manager
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Update - Surf Drive nourishment study **(25 minutes)**

Purpose:
A consultant from the Woods Hole Group will present preliminary results of this Surf Drive beach and dune nourishment feasibility study. Select Board comments will be considered in preparing the final report to be submitted by June 30, 2025. Rebecca Hanney, a Coastal Geologist for the Coast Zone Management Office of the MA Department of Environmental Protection, will also be available at the meeting to respond to questions.

Background/Summary:

- The Town received a grant to prepare an engineering assessment to evaluate the feasibility of beach nourishment and dune nourishment to protect Surf Drive and associated utilities and properties.
- The Woods Hole Group was retained by the Town to conduct the feasibility study.
- The study evaluates near-term and long-term options taking into consideration permitting constraints, potential support of abutters, community attitudes, and the level of protection provided by each option.
- The final report will provide valuable information to the Select Board, staff and community for planning purposes.
- Additional dialog and community input will continue after receiving this report before any decisions are made to proceed with one or more of the options evaluated in this study.

Recommended Actions:

Department Recommendation:
There is no action requested at this time.

Options:

N/A

Town Manager's Comments:
This item is for discussion and information purposes only.

Individual board members may offer comments and pose questions.

Board members may choose to reserve comment until the report is completed and this topic is brought back to a future Select Board agenda for consideration.

Budget:
Applicable? (yes or no): Not at this time
No
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:
1. Surf Drive nourishment study

Town of Falmouth

Surf Drive Beach & Dune Nourishment Feasibility Study

Select Board Meeting
May 19th, 2025



Past Studies

1. Assess relative risk of Surf Drive and related assets to climate change
2. Evaluate hard engineering, nature-based solutions, and social adaptations
3. Development various implementation pathways
   - Natural Resources Protection
   - Maintain and protect infrastructure
   - Maintain transportation access and utilities
   - Mult-phased retreat plan

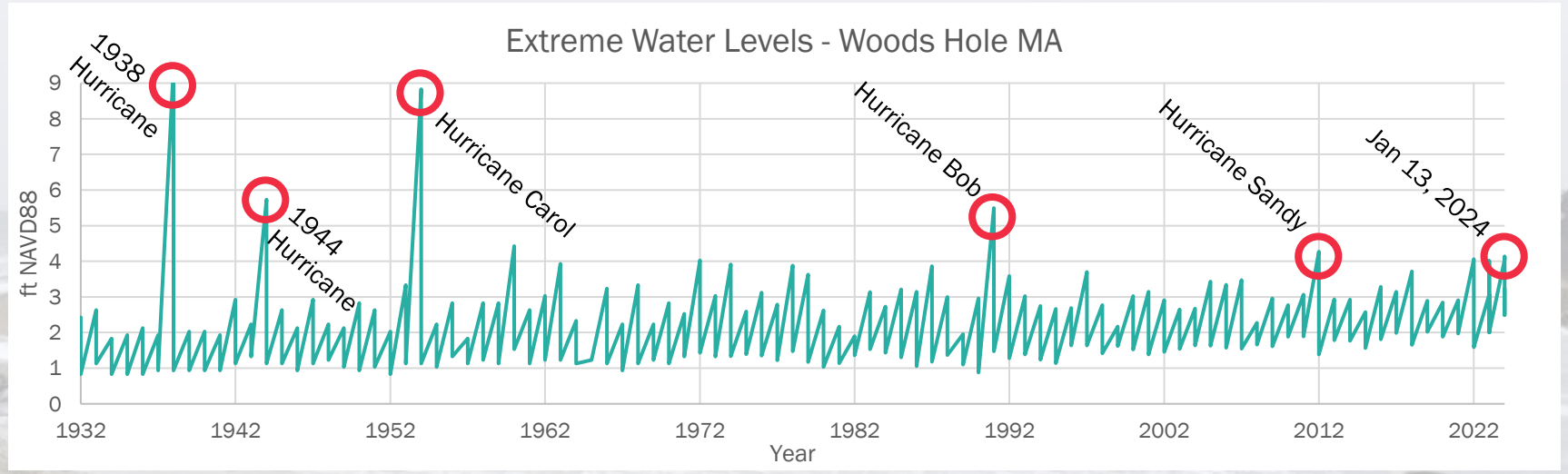


January 13, 2024



January 13, 2024

- Extreme Water Level of 4.1 ft NAVD88 = 5-year storm
- Particularly damaging wave, offshore significant wave height of 13.5 ft



Surf Drive Beach & Dune Nourishment Feasibility Study

Project Goal

To evaluate the feasibility, performance, and longevity of different beach and dune nourishment designs for the Surf Drive area between Shore Road and Trunk River.

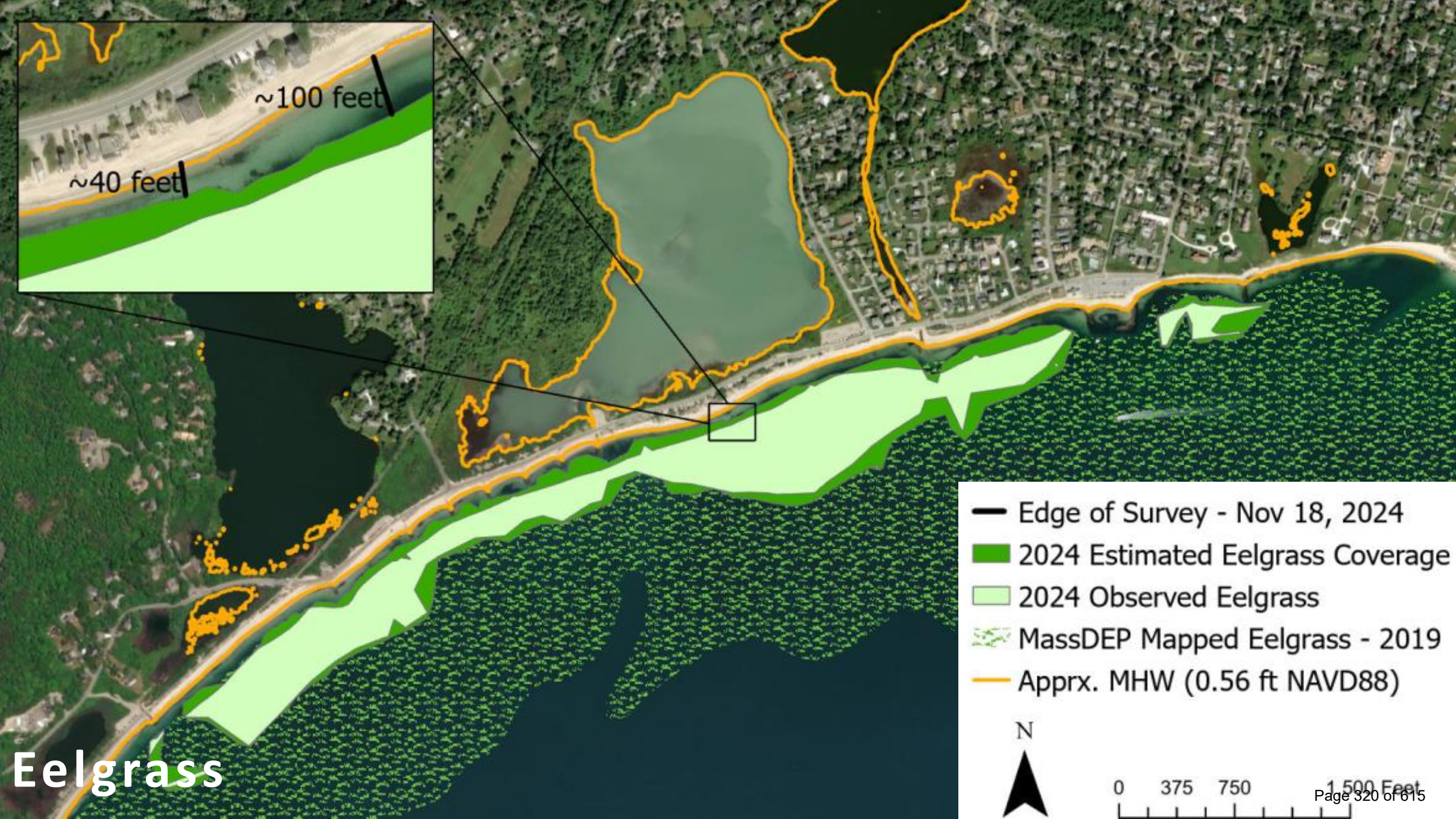




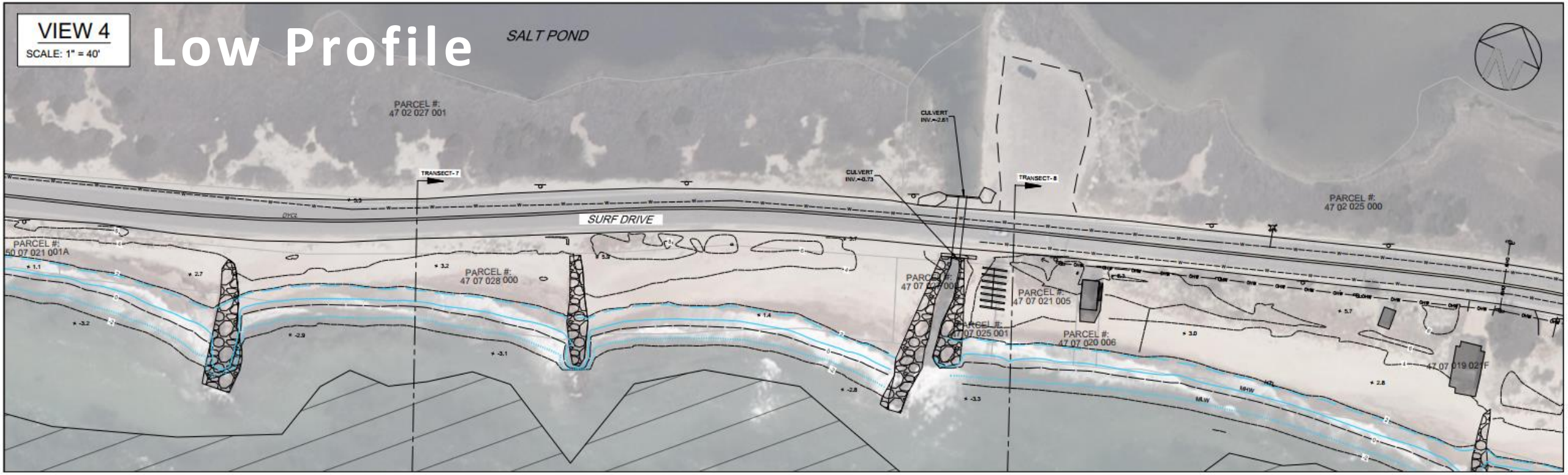


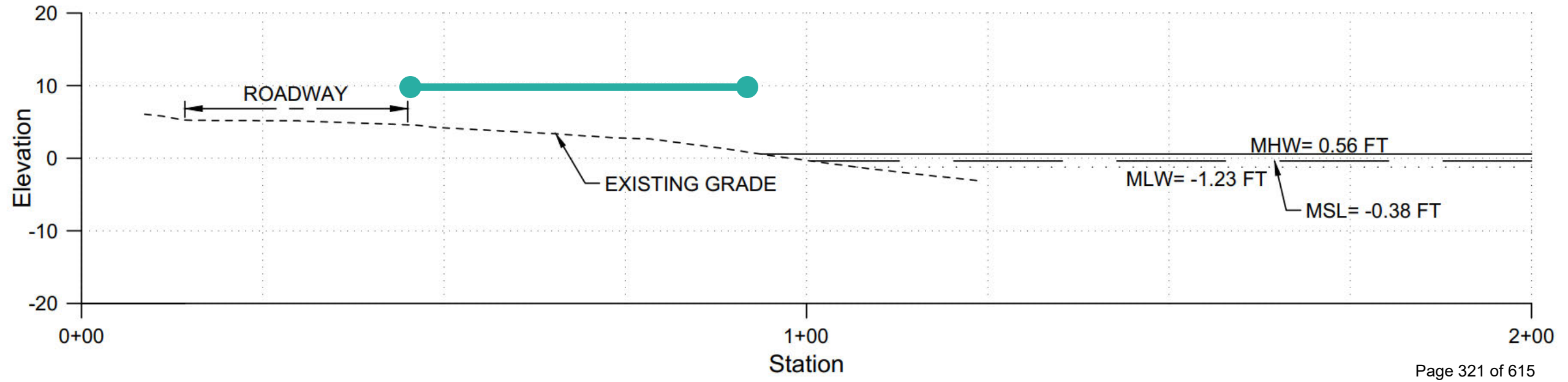


Constraints


~100 feet
~40 feet
Edge of Survey - Nov 18, 2024
2024 Estimated Eelgrass Coverage
2024 Observed Eelgrass
MassDEP Mapped Eelgrass - 2019
Apprx. MHW (0.56 ft NAVD88)
N
0
375
750
1,500 Feet

Eelgrass


VIEW 4
SCALE: 1" = 40'
Low Profile
SALT POND
PARCEL #:
47 02 027 001
TRANSECT-7
CULVERT
INV.=2.61
CULVERT
INV.=0.73
TRANSECT-8
SURF DRIVE
PARCEL #:
47 02 025 000
PARCEL #:
50 07 021 001A
PARCEL #:
47 07 028 000
PARCEL #:
47 07 021 005
PARCEL #:
47 07 025 001
PARCEL #:
47 07 020 006
47 07 019 021F
MHW
MLW


20
10
0
-10
-20
Elevation
ROADWAY
EXISTING GRADE
MHW= 0.56 FT
MLW= -1.23 FT
MSL= -0.38 FT
0+00
1+00
2+00
Station

Protected Species



Least Tern
(*Sternula antillarum*)
Special Concern



Sea-beach Knotweed
(*Polygonum glaucum*)
Special Concern



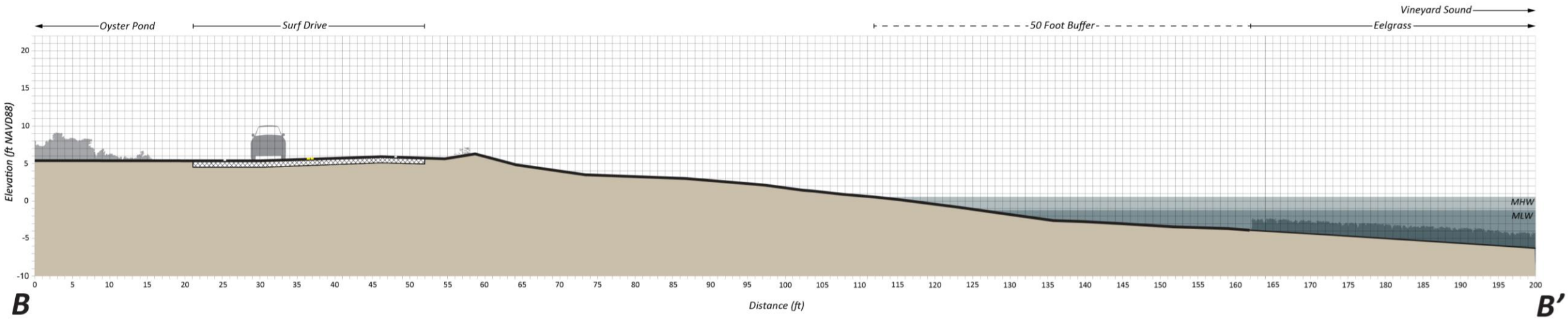
Piping Plover
(*Charadrius melodus*)
Threatened



Saltpond Pennywort
(*Hydrocotyle verticillate*)
Threatened

Opportunities

Existing Conditions

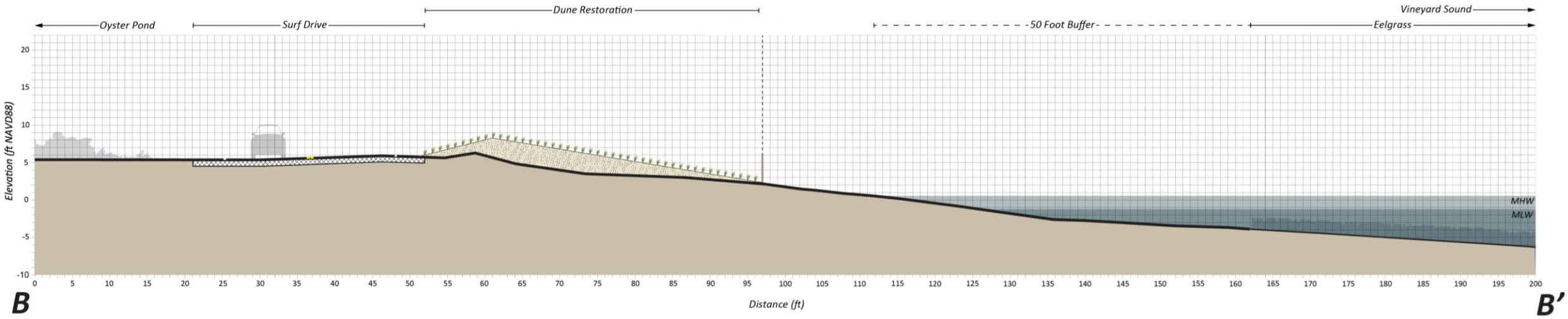


ALTERNATIVE 1 - NO ACTION

Surf Drive, Falmouth

WOODS HOLE GROUP
A CLS COMPANY

Dune Restoration



ALTERNATIVE 2 - MAXIMUM FEASIBLE DUNE RESTORATION

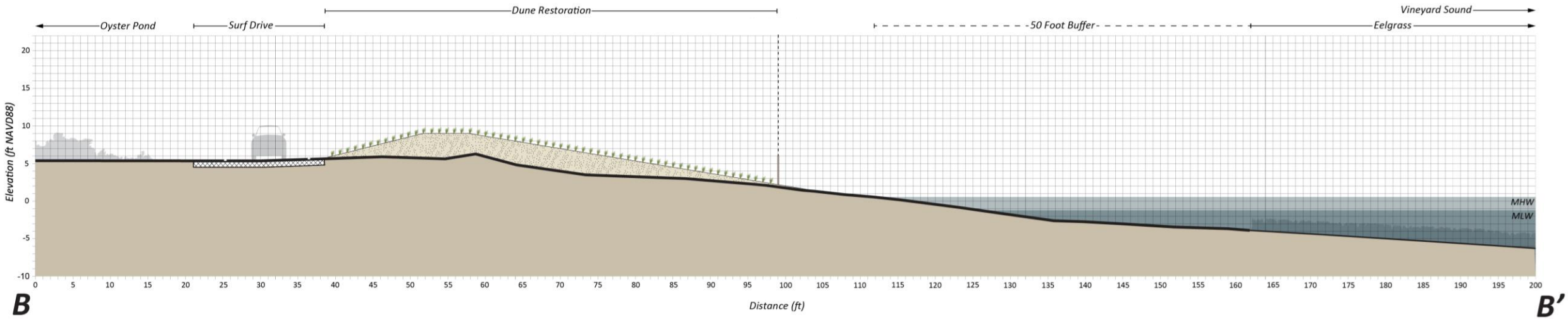
Surf Drive, Falmouth

WOODS HOLE GROUP
A CLS COMPANY

Maximum Feasible Dune Restoration, Transect B

- *Restore dune to a 10' wide crest at ~8.0' NAVD88 using mixed sediment material. Crest width and elevation will not be possible in most places given site constraints. Reduce crest width before reducing elevation.*
- *Slope seaward to existing beach at 6:1. Slope landward at 4:1 where applicable.*
- *Vegetate with American Beach Grass*

Dune Restoration w/ Partial Retreat



ALTERNATIVE 4A - MANAGED RETREAT, DUNE RESTORATION, & MINIMIZED RESOURCE AREA IMPACTS

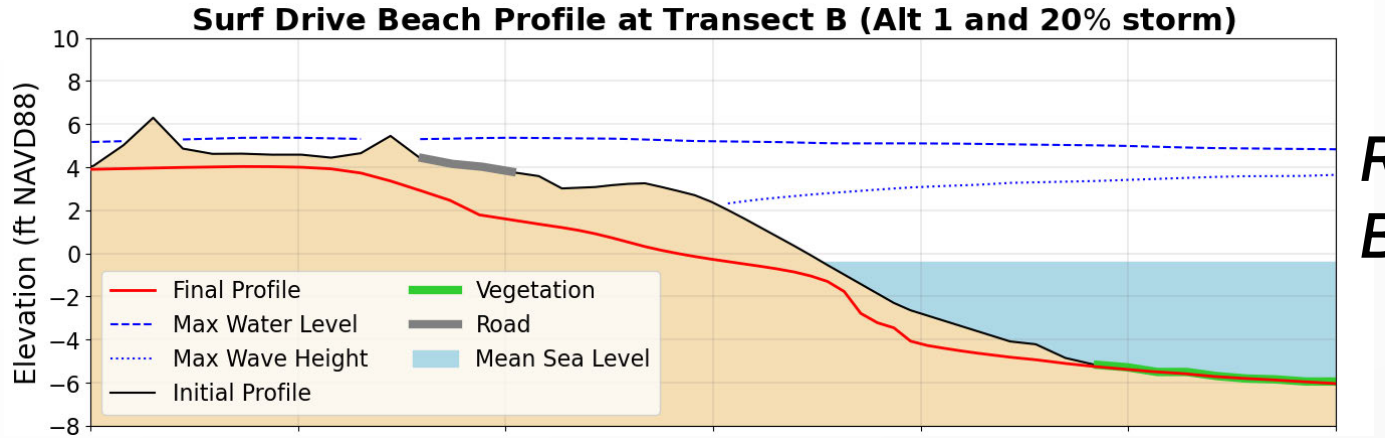
Surf Drive, Falmouth

WOODS HOLE GROUP
A CLS COMPANY

Managed Retreat, Dune Restoration, and Minimized Resource Area Impacts, Transect B

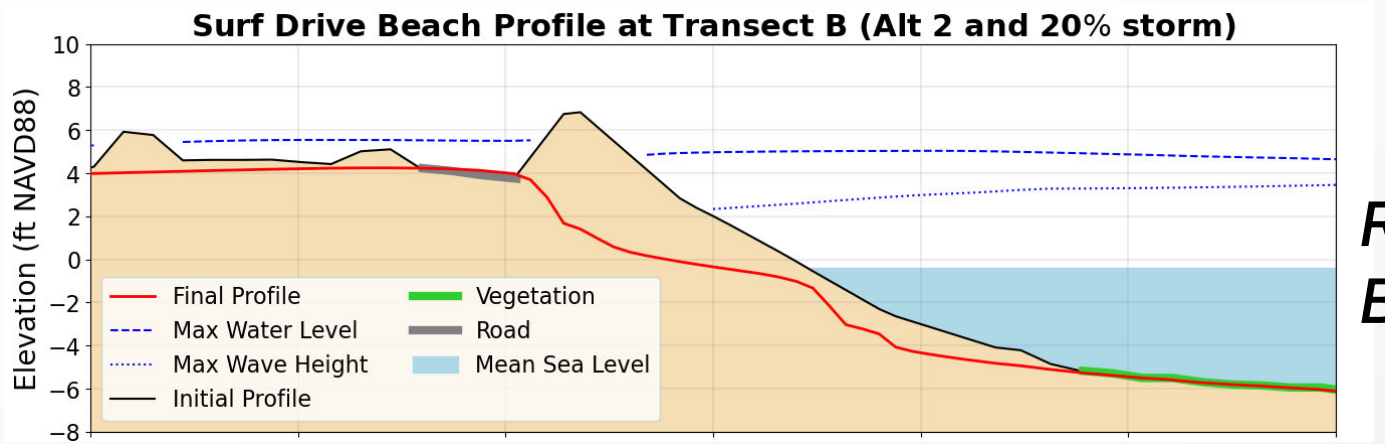
- *Restore dune to a 6' wide crest at ~9.0' NAVD88 using mixed sediment material. Crest width will not be possible in most places given site constraints.*
- *Slope seaward to existing beach at 6:1. Slope landward at 4:1.*
- *Vegetate with American Beach Grass*

Existing Conditions



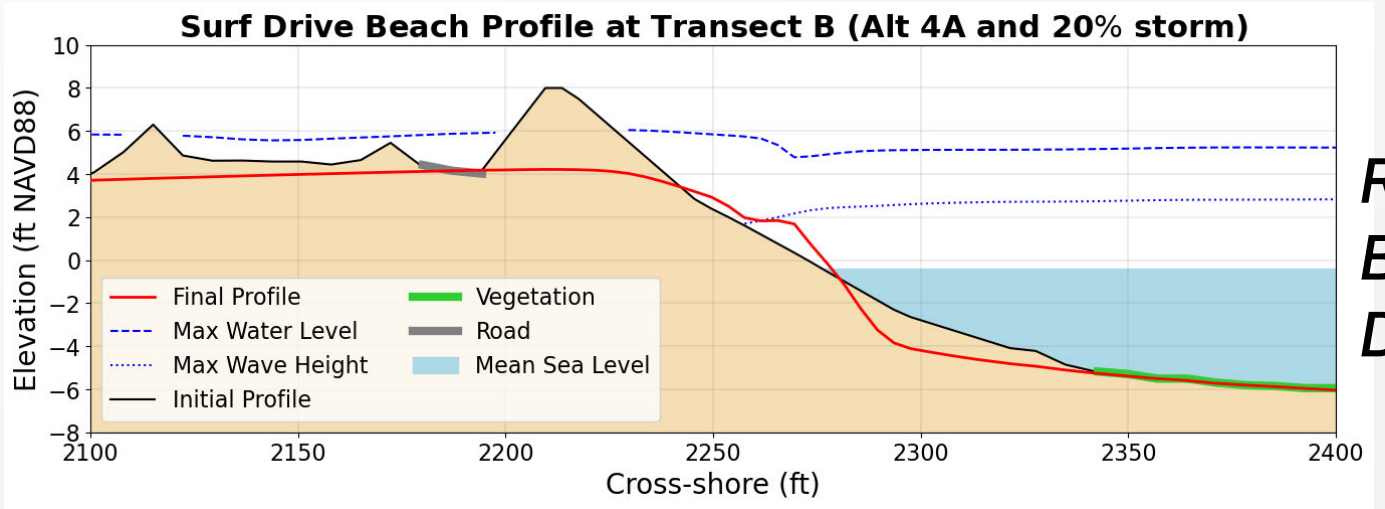
Roadway undermined
Beach eroded

Dune Restoration



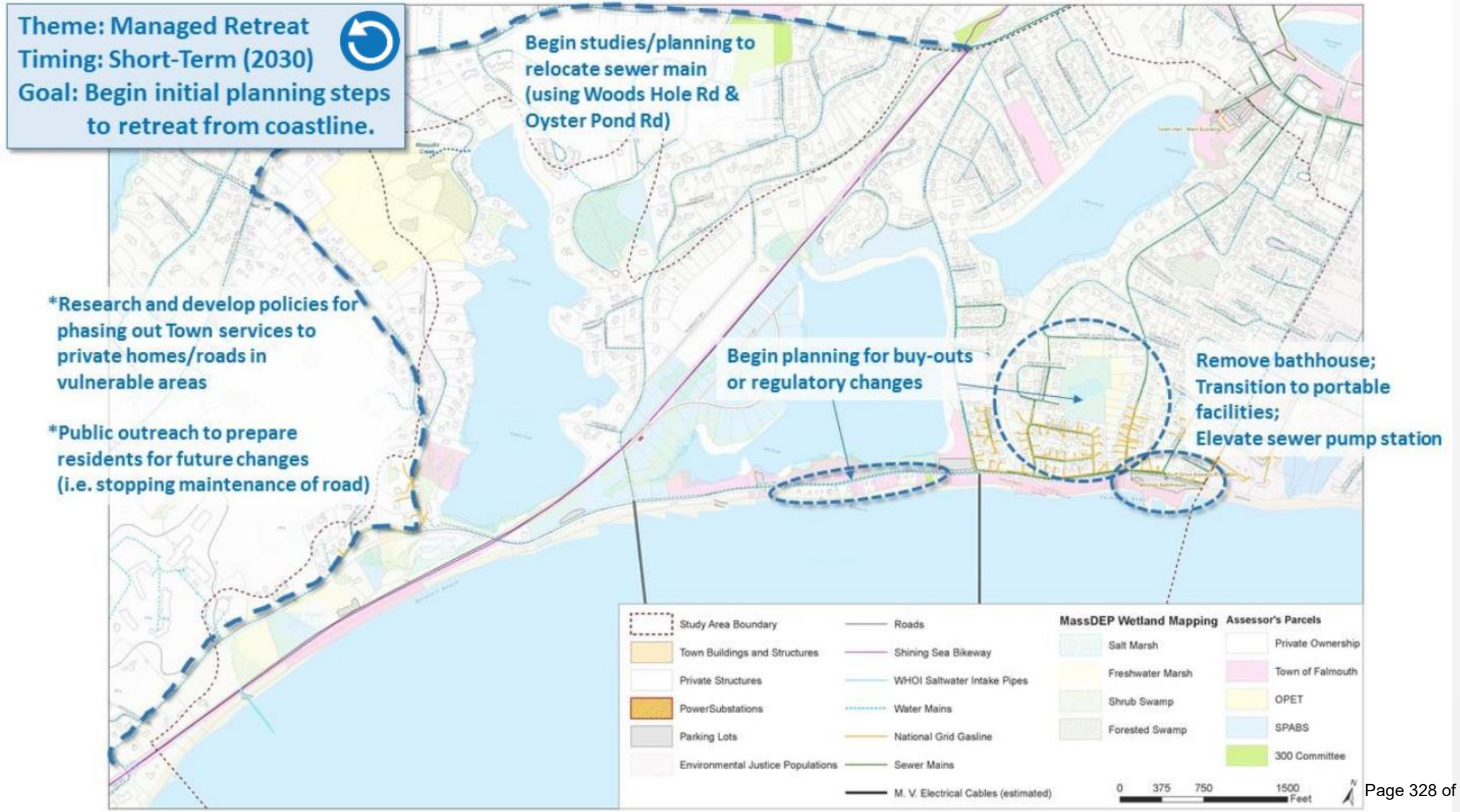
Roadway protected
Beach & dune eroded

Dune Restoration w/ Partial Retreat



Roadway protected
Beach maintained
Dune eroded

Managed Retreat



Project Progress

Completed

Public Meetings

- Property Owners Meeting #1, Community Meeting #1

Site Survey

- Eelgrass Survey; Topographic Survey; Structures and Utilities Survey; Wetland Resource Area Delineation

Conceptual Engineering Design

- Coastal Protection; Natural Habitat; Public Access



On-going

Performance Modeling

- Benefits vs Impact; Storm Damage Reduction; Maintenance Requirements

Exploration of Managed Retreat

- Timeline; Triggers; Impacts; Next Steps

Upcoming

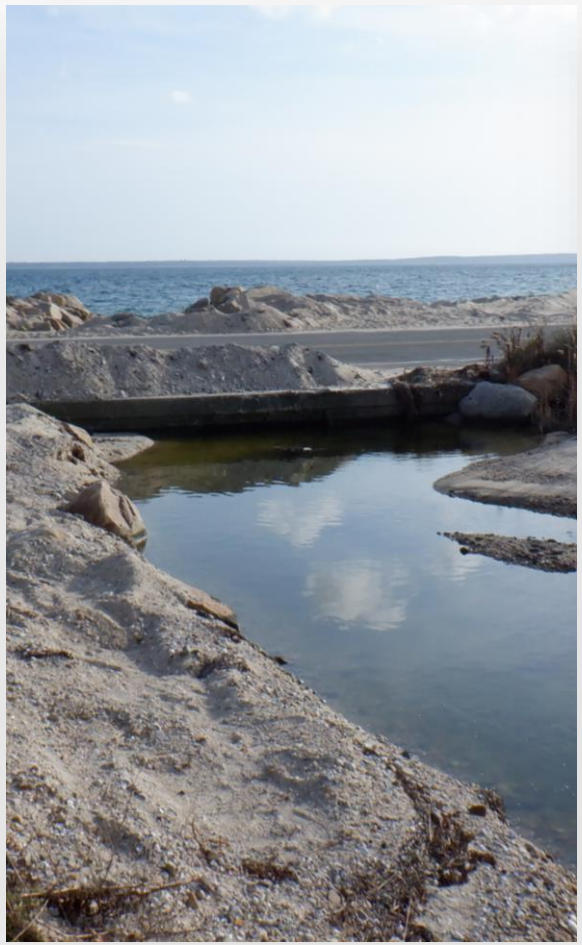
Public Meetings

- Property Owners Meeting #2, Community Meeting #2

Final Report

WOODS HOLE GROUP
A CLS COMPANY

Questions & Discussion



cofsthun@woodsholegroup.com

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Diane Davidson, Office Manager
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider a vote to approve the request from Cape Cod Oyster Co., 179 Old Falmouth Rd., Marstons Mills to renew shellfish aquaculture license #15-06 for a 2-acre area located in Megansett Harbor and to correct the coordinates and the method of growing **(10 minutes)**

Purpose:
The Select Board will consider the approval of an application for the renewal of Shellfish Aquaculture License #A15-06 - David Ryan, Cape Cod Oyster Co. for 2 acres plus a 20' X 8' upweller in Megansett Harbor for a period of 10 years. Also for consideration is the approval of a correction to the site coordinates and the method of growing.

Background/Summary:

- On December 2, 2024 the Select Board held a public hearing for the transfer of license #A15-06 to Cape Cod Oyster Company and approved the transfer of the license for the remainder of the 10-year term until April 26, 2025.
- David Ryan of Cape Cod Oyster Co. submitted an application for a renewal of this Shellfish Aquaculture License #A15-06 on March 5, 2025 for a 10-year period.
- Cape Cod Oyster Co. is requesting that two slight coordinate corrections be made to the license:
    - Position B: To fix a typo on the license. Correct to 39 minutes from 30 minutes.
    - Position D: To adjust the SE corner less than 1/100th of one decimal degree (about 73') to fix a discrepancy between the license and the coordinates provided by M.E.S. The total area is slightly smaller using the M.E.S. coordinates.
- Dave Ryan is requesting a change in language on the license to reflect the correct method of growing: from "growing oysters at all times of the year in racks that will sit on the ocean floor" to "culture techniques using floating baskets set along ropes on the surface".
- This language is more specifically described in the Order of Conditions issued by the Conservation Commission dated 1/15/2025.

Recommended Actions:

Department Recommendation:
To approve the request from Cape Cod Oyster Co., 179 Old Falmouth Rd., Marstons Mills to renew shellfish aquaculture license #A15-06 for a 2-acre area located in Megansett Harbor and upweller aquaculture site measuring 20' x 8' fastened to a dock in Megansett Harbor for a 10-year period, and to correct the coordinates and the method of growing on the license.

Options:

- Motion to approve the request from Cape Cod Oyster Co., 179 Old Falmouth Rd., Marstons Mills to renew shellfish aquaculture license #A15-06 for a 2-acre area located in Megansett Harbor and upweller aquaculture site measuring 20' x 8' fastened to a dock in Megansett Harbor for a 10-year period, and to correct the coordinates and the method of growing on the license.
- Motion to delay the request from Cape Cod Oyster Co., 179 Old Falmouth Rd., Marstons Mills to renew shellfish aquaculture license #A15-06 for a 2-acre area located in Megansett Harbor and upweller aquaculture site measuring 20' x 8' fastened to a dock in Megansett Harbor for a 10-year period, and to correct the coordinates and the method of growing on the license.
- Some other Select Board defined alternative motion.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the request from Cape Cod Oyster Co., 179 Old Falmouth Rd., Marstons Mills to renew shellfish aquaculture license #A15-06 for a 2-acre area located in Megansett Harbor and upweller aquaculture site measuring 20' x 8' fastened to a dock in Megansett Harbor for a 10-year period, and to correct the coordinates and the method of growing on the license.

Budget:
Applicable? (yes or no):
No.
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A.

Attachments:
1. Cape Cod Oyster Renewal

RECEIVED
MAR - 5 2025
SELECT BOARD OFFICE

TOWN OF FALMOUTH
APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 3-5-2025

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

I/We hereby request renewal of Shellfish Grant License # 15-06, located at Megansett Harbor, in Falmouth, MA, and consisting of 2 acres, and dated _____, for a 10-year period.

I/We agree to pay to the Town of Falmouth, within thirty days after approval, the annual fee.

David Ryan
Signature

David Ryan, President, CEO
Name

Cape Cod Oyster Co.
Business Name (if applicable)

179 old Falmouth rd
Mailing Address

Marstons Mills MA 02648

dave@capeoysters.com
Email

508-737-9258
Telephone Number

CAPE COD OYSTER COMPANY

14 May 2025

Diane S. Davidson
Office of the Town Manager
59 Town Hall Square
Falmouth MA 02540

Dear Diane,

Below is the information you have requested related to the renewal of Aquaculture License number 15-06 with two slight coordinate adjustments.

Site 15-06

Lat/Lon Coordinates in the Dec 2, 2024 transfer document are consistent with Falmouth MES with the following exceptions:

1. Position B typo error 30 minutes rather than 39 minutes places the location in Vineyard Sound. Corrected to 39 minutes places location correctly according to coordinates and maps provided by MES and is consistent with the Dec 2 Transfer document.
2. Position D SE Corner: less than 1/100th of one decimal degree (About 73') discrepancy from the Dec 2 transfer document from coordinates provided by MES. The site has been marked using coordinates provided by MES. Total area slightly smaller using MES coordinates.

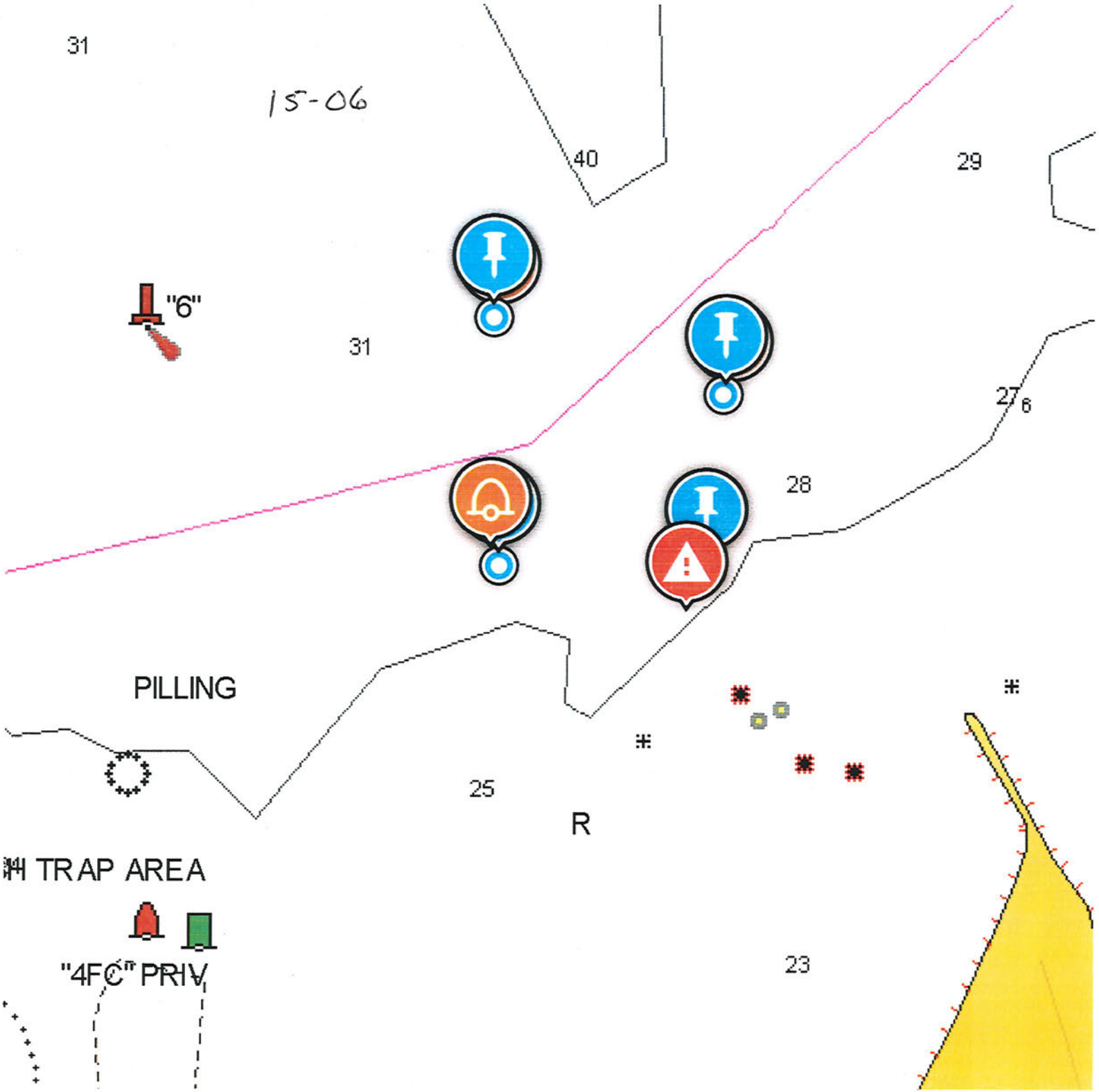
A: 41 39.188343N, 70 38.01824W
B: 41 39.169276N**, 70 37.942303W ** corrected to 39 minutes N from 30 minutes N
C: 41 39.126985N, 70 38.01683W
D: 41 39.124783N, 70 37.948509W (41 39.112N, 70 37.955 about 73' shift)

179 Old Falmouth Road • Marstons Mills, MA 02648 • 508.422.7117 • capeoysters.com

License update should also include language that reflects the change of use from "growing oysters at all times of the year in racks that will sit on the ocean floor" to culture techniques using floating baskets set along ropes on the surface. This culture technique is more specifically described in the order of conditions issued by the Falmouth Conservation Commission.

Respectfully Submitted,

David Ryan, President
Cape Cod Oyster Co., Inc.


31
15-06
40
29
"6"
31
27 6
28
PILLING
25
R
TRAP AREA
"4FC" PRIV
23

TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone: (508) 495-7320
townmanager@falmouthma.gov

February 4, 2025

Aquaculture License # A15-06

Cape Cod Oyster Company
179 Old Falmouth Road
Marstons Mills, MA 02648

dave@capeoysters.com

Daniel J. McKiernan, Director
MA Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, MA 02114
dan.mckiernan@mass.gov

Shellfish Aquaculture License
General Laws Ch. 130, § 57

Cape Cod Oyster Company

On December 2, 2024 the Select Board of the Town of Falmouth, acting under the authority of G.L. c. 130, s. 57 and any other appropriate authority, voted the following action:

> To transfer the shellfish aquaculture license, granted to Ty Perini of Megansett Oyster Company, LLC, North Falmouth, MA on April 27, 2015 for a term of 10 years, to Cape Cod Oyster Company of Marstons Mills, MA. This license shall expire on April 26, 2025.

The application on behalf of Cape Cod Oyster Company was filed with the Select Board on November 5, 2024. In accordance with the applicable law a public hearing was noticed for December 2, 2024 at which time the Select Board voted the above action subject to the terms and conditions set forth herein. There is an Order of Conditions from the Falmouth Conservation Commission dated December 27, 2024 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 Cape Cod Oyster Company 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 Cape Cod Oyster Company of Marstons Mills, 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:

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. Any entanglement of protected species, including whales and turtles, must be immediately reported to the Marine Mammal and Sea Turtle Stranding and Entanglement Hotline at 1-866-755-NOAA (6622).
3. The applicant shall comply with all Town of Falmouth Shellfish Aquaculture rules and regulations.
4. The applicant is not authorized to violate any zoning by-laws of the Town of Falmouth or violate the private property rights of others.
5. The licensed area shall be clearly marked with floats or buoys.
6. All trash, shells, seaweed and other debris must be disposed of in a suitable place.
7. The fee for the license is $25.00 per acre per year.
8. The term of this transferred license shall commence upon approval by the Director of the Division of Marine Fisheries and shall terminate on April 26, 2025.

Approved by Falmouth Select Board on December 2, 2024.

Nancy Robbins Taylor, Chair

Robert P. Mascali

Edwin P. Zylinski II, Vice Chair

Heather M. H. Goldstone

Douglas C. Brown

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

Falmouth Conservation Commission

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

Dave Ryan
Cape Cod Oyster Co.
Megansett Harbor Site A 15-06 and A 17-02
DEP # 25-5036

FINDINGS

1. The applicant proposes to take over the existing A 15-06 and A 17-02 aquaculture grants and change cultivation method of growing oysters from bottom cages to the use of floating culture gear, known as a Flipfarm system.

2. Resource areas consist of Land Under Ocean, Land Subject to Coastal Storm Flowage (LSCSF), and Land Containing Shellfish.

INTERESTS

1. Storm Damage Prevention
2. Flood Control
3. Protection of fisheries
4. Protection of land containing shellfish

STANDARD CONDITIONS

1. Permission is granted to Dave Ryan, Cape Cod Oyster Co., Megansett Harbor Aquaculture Sites A 15-06 and A 17-02 Falmouth, MA, to according to the narrative prepared by Dave Ryan, Cape Cod Oyster Company dated November 22, 2024 and subject to the following Standard and Special Conditions.

2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.

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

4. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error, all work will have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.

5. Issuance of the Order of Conditions does not relieve the permittee from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.

6. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner. The Conservation Commission as well as its staff and agents have the authority to issue an Enforcement Order if work does not comply with the terms or intent of the conditions contained herein or the plans herein referenced.

7. The Order of Conditions expires three (3) years from the original date of issuance. Any Amendments to the Order of Conditions **do not** extend the Original Order. You may request an Extension to the original Order of Conditions, in writing, at least 30 days prior to the expiration. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.

8. Prior to any work commencing:

    a. Proof of recording of this Order of Conditions at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
    b. At least 10 days advance **written** notification shall be provided to the Conservation Commission.
    c. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.

9. Any other proposed activities (alteration, fill, excavation or removal of vegetation) within any Resource Area or within 100 feet of any Resource Area will require that the applicant obtain all necessary permits from the Conservation Commission.

10. 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 shall be made in writing immediately following completion of all work including permanently stabilizing the site with vegetation.

SPECIAL CONDITIONS

1. The outer limits of the area of oyster growing shall be delimited by lobster-type buoys. In addition, long lines connected to the oyster-growing racks will be marked by similar buoys.

2. No food or nutrients of any kind will be added to the water. The oysters will feed off natural plankton.

3. In the event of storm, ice or other damage, the applicant shall make the necessary repairs as soon as is practical so that his operation does not become a hazard to navigation, a threat to public safety or a threat to the environment. Further, if any of his equipment comes up on shore, he shall remove it immediately.

4. 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.

5. Issuance of the Order of Conditions does not relieve the permittee from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.

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

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:
25-5036
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.

1/15/2025
1. 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.

4
2. Number of Signers

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

Falmouth Conservation Commission

Signature	Printed Name
	Jennifer L. Lincoln, Conservation Administrator
	Jamie Mathews, Chair
	Courtney Bird, Vice Chair
	Elizabeth Gladfelter
	Maureen Harlow-Hawkes

☐ by hand delivery on

Date

☒ by certified mail, return receipt requested, on

1/15/2025
Date

9589 0710 5270 0570 6300 9

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

Item: 4.d.

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Diane Davidson, Office Manager
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider a vote to approve the request from Falmouth Farmer's Market for a waiver of the special event permit fee for the Farmer's Market at Marine Park on Thursdays from 5/22/25 – 10/16/25 **(5 minutes)**

Purpose:
The Select Board will consider the approval of a request from Falmouth Farmers Market, Inc. for a waiver or reduction of the special event permit fee for the Falmouth Farmers Market at Marina Park on Thursdays from May 22 to October 16, 2025.

Background/Summary:

- The applicant is requesting a waiver or reduction of the special event permit fee for the series of markets that will take place on Thursdays between May 22 and October 16, 2025.
- In accordance with the approved Fee Schedule, the permit fee for this event is calculated based upon the following formula: $200.00/day permit fee X 23 days = $4,600; the first and last day fee is $400.
- 21 days x $200/day = $4,200 - $3,150 (75% reduction) = $1,050.00
- $400 (first and last day) + $1,050 = $1,450.00
- Over the course of the previous seven (9) years, the Select Board has voted to reduce the Special Events Permit fee to a $200 fee plus an additional $500 in-kind donation to take care of the garden in front of the Harbormaster's Office; the event was cancelled in 2020 due to the pandemic.
- The event will take place on Thursdays from May 22 through October 16, 2025 between the hours of 11:00 AM to 3:00 PM (setup at 9:30 AM and takedown by 4:00 PM).
- The event is expected to draw between 100-400 attendees each day.

Recommended Actions:

Department Recommendation:
Based upon the Select Board's previous decisions to reduce the special event permit fees for the past nine years, the Town Manager is recommending that the Select Board approve a reduction

of the Special Event Permit Fee to a $200 permit fee and $500 in-kind donation for the care of the Harbormaster Office garden for the Falmouth Farmers Market at Marina Park taking place on Thursdays from May 22 to October 16, 2025.

Options:

- Motion to approve a reduction of the Special Event Permit Fee to a $200 permit fee and $500 in-kind donation for the care of the Harbormaster Office garden for the Falmouth Farmers Market at Marina Park taking place on Thursdays from May 22 to October 16, 2025.
- Motion to deny approval of the reduction of the Special Event Permit Fee to a $200 permit fee and $500 in-kind donation for the care of the Harbormaster Office garden for the Falmouth Farmers Market at Marina Park taking place on Thursdays from May 22 to October 16, 2025.
- Motion to reduce the special event permit fee to a certain Board-specified amount.

Town Manager's Comments:
Based upon the Select Board's previous decisions to reduce the special event permit fees for the past nine years, the Town Manager is recommending that the Select Board approve a reduction of the Special Event Permit Fee to a $200 permit fee and $500 in-kind donation for the care of the Harbormaster Office garden for the Falmouth Farmers Market at Marina Park taking place on Thursdays from May 22 to October 16, 2025.

Budget:
Applicable? (yes or no):
No.
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A.

Attachments:
1. Fee Waiver Farmers Market
2. Fee Waiver Policy - Select Board Adopted 2016-02-11

Request for Waiver of the Special Event Permit Fee:

Falmouth Farmers Market
Marina Park
Thursdays: May 22 to October 16, 2025

The applicant is requesting a reduction/waiver of the $4,600.00 special event permit fee.

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

2024 $200 permit fee + $500 in-kind for upkeep of Harbor Master building garden
2023 $200 permit fee + $500 in-kind for upkeep of Harbor Master building garden
2022 $200 permit fee + $500 in-kind for upkeep of Harbor Master building garden
2021 $200 permit fee + $500 in-kind for upkeep of Harbor Master building garden
2020 Events cancelled
2019 $200 permit fee + $500 in-kind for upkeep of Harbor Master building garden
2018 $200 permit fee + $500 in-kind for upkeep of Harbor Master building garden
2017 $200 permit fee + $500 in-kind for upkeep of Harbor Master building garden
2016 $200 permit fee + $500 in-kind for upkeep of Harbor Master building garden

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

$200.00 per day event permit fee x 23 days = $4,600.00

First and last = $400.00

21 days x $200.00 = $4,200.00 - $3,150.00 (75% reduction) = $1,050.00

$400.00 + $1,050.00 = $1,450.00 permit fee.

Background:

Back in 2016, the daily fee for use of town property was $100 per day

The Board voted as follows:
First and last day = $200.00
$2,100.00 - $1,575.00 (75% reduction) = $525.00
$500.00 (in kind donation to take care of the garden in front of the Harbormaster's Office) + $200.00.

Although the daily use fee has increased, the Board has approved the reduced permit fee to $200 + $500 in-kind annually from 2016 to 2024.

May 19, 2025

Falmouth Farmers' Market
PO Box 179
Falmouth, MA 02541

May 12, 2025

Re: Falmouth Farmers' Market Fee Exemption Request for 2025

Dear Members of the Select Board,

As the 2025 summer season of the Falmouth Farmers' Market begins, we respectfully request a waiver or reduction of the Special Events Fee. The support of the Town of Falmouth has been invaluable, and we are grateful for the opportunity to share some of the ways our market continues to enrich the community.

The Falmouth Farmers' Market is proud to provide a welcoming community gathering where local farmers can sell fresh, locally grown produce, fish, and meats. We thoughtfully curate the market to include local value-added food artisans—bakers, jam and jelly makers, sauce producers—as well as growers of beautiful local flowers.

We are especially proud of the ways we've expanded access to healthy local food. In 2024, we facilitated over **$14,000 in SNAP sales**. With the support of Sustainable CAPE, our bonus match program allowed us to match up to $10 per SNAP customer each week, bringing the total bonus match to more than **$7,000**. Two of our farm vendors also participated in the Commonwealth's **Healthy Incentives Program (HIP)**, which reimburses EBT users for purchasing fresh, local fruits and vegetables.

Additionally, our vendors donated over **2,000 pounds** of food to the Falmouth Service Center, while the "Share Your Bounty" drop-off site, hosted by Farming Falmouth, collected even more produce from home gardeners in the community.

Our **Winter Market** also continued to thrive in early 2025, hosted in the Great Hall at St. Barnabas's Episcopal Church. This off-season market featured winter crops (carrots, potatoes, greens), seafood, meats, artisan foods, and handmade farm products. It has become a lively and cherished community hub during the colder months, extending the spirit and mission of the summer market year-round.

Farmers' markets offer more than food—they foster connection. Studies show that visitors to farmers' markets have significantly more social interactions than grocery store shoppers. These interactions have measurable benefits to public health, with strong links between social connection and overall well-being. We see this every week, in both our summer and winter markets.

The Falmouth Farmers' Market is a **non-profit organization**, led by an all-volunteer board and supported by one paid staff member—our Market Manager. Enclosed, you'll find our 2024 Profit and Loss Statement. You'll note that we operated at a loss this past year, due in part to significant winter market rent. To offset this, we secured grants from the **Rockland Trust Foundation** and the **Falmouth Road Race**, and increased our number of vendors in 2025. We're also thrilled to share that we were recently awarded a grant from the **Woods Hole Foundation** to support our 2026 Winter Market. It is truly heartening to be recognized and supported by our community—from shoppers, to local businesses, to philanthropic organizations.

We hope you will continue to recognize the vital role that the Falmouth Farmers' Market plays in our town and consider our request for a Special Events Fee Waiver or Reduction for the 2025 season. We are grateful for your support and look forward to another successful year in partnership with the Town of Falmouth.

Sincerely,
Lindsey Close
President, Falmouth Farmers' Market

Falmouth Farmers Market - 2024 PRELIMINARY FINANCIAL STATEMENT		
Income		
Vendor Fees, Misc. Donations, Grants, including SNAP bonus program		
Total Income	$14,389.85	
Accounts Receivable	$4,332.00	
Expenses		
Town of Falmouth permits	$510.00	
Insurance	$1,225.00	
Payroll (Payroll, taxes & fees)	$4,248.21	
Holiday Market (porta-potty)	$145.00	
Winter Market location rent January - March	$7,200.00	
Telephone	$483.36	
Website hosting, domain fees, etc.	$134.99	
Commonwealth of MA Annual Report	$15.00	
Memberships	$120.00	
Advertising	$1,294.50	
Accounting services	$240.00	
Post Office Box Rental	$216.00	
Misc. Supplies (Copies, SNAP tokens, etc)	$636.58	
SNAP bonus program	$7,211.50	
Total Expenses	$23,680.14	
Total	**-$4,958.29**	

Town of Falmouth

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

SPECIAL EVENT PERMIT

Event Name	**Falmouth Farmer's Market**
Type of Event	Farmer's market
Applicant Name	Falmouth Farmer's Market, Lindsey Close
Mailing Address	P.O. Box 179, Falmouth, MA 02541
Event Day & Date	**Thursdays, May 22 – October 16, 2025. (Tuesday, November 22, 2025 – 10 am – 2 pm)**
Rain Date	Thursday, October 23, 2025
Event Location	Marine Park, 180 Scranton Ave., Falmouth, MA 02540 (Flying Bridge side)
Event Hours	11:00 a.m. – 3:00 p.m.
Set-Up / Break Down	Event day: 9:30 a.m. / 4:00 p.m.
Number of Attendees	100 – 400/day
Number of Vehicles	75 – 150, in and out, usual stay around an hour.
Parking Plan	**Parking lot for attendees. Vendors park at edge of grass behind tents (plan attached).**
Signs	Yes. On day of event.
Tents	Yes. 10 x 10.
Food / Beverages	Yes.
Alcohol	No.
Entertainment	No.
Additional Details	Use of public restrooms at Harbormaster's Office. Request use of electricity.
Standard Conditions	1. Contact the following (checked) Town Departments 30 days prior to event: ☐ Police Detail Sergeant for public safety requirements. ☐ Fire Department for EMS or fire detail coordination. ☒ Fire Department for inspection of food trucks. ☐ Inspectional Services for tent permit and inspection for tents greater than 400 sq. ft. with sides, or 700 sq. ft. without sides. Contact Dig Safe prior to installation. ☐ Inspectional Services for sign permit. ☒ Health Department for temporary/mobile food permit and to schedule inspection. ☒ Recreation Department to reserve field/ball field. ☒ Recreation Department to pick up key to access electricity at band shell. 2. Follow the "Recycling Instructions for Special Events", attached. 3. Check the location following the event to clean up any litter or debris.
Special Conditions	1. Follow Parking Option A (attached) with rotation. 2. Parking on the lawn, during or immediately after a rain event, is prohibited. 3. The parking area is to be marked off and monitored by the Farmer's Market. 4. Parking placards are to be issued for either Marina Park Lawn or Gus Canty parking. 5. Repair and maintenance requested by the Parks Superintendent shall be undertaken immediately at the expense of the Farmer's Market.
Insurance Certificate	Naming the Town of Falmouth as additional insured.
Fees	Filing: $10.00 · Permit: $200/day x 23 = $4,600 · Deposit: $1,000.00 (separate check)

APPROVED:

_____ _____

Town Manager Date

Select Board
Fee Waiver Policy
Adopted February 11, 2016

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

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

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

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

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

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

II. Special Events Fees and Use Charges Policy

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

Select Board Fee Waiver Policy (continued)

Daily Fees:

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

Recurring Events:

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

Fee Waivers:

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

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

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

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

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

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Diane Davidson, Office Manager
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider the request from Lillian Kazanis of New England Festivals for a waiver of the special event permit fee for the Harbor Light Illumination Concert Series & Artisan Market being held at Marina Park on Saturdays, 7/5, 7/12, 7/19, 8/9, 8/16 and 8/23/25 **(10 minutes)**

Purpose:
The Select Board will consider the approval of a request from Lillian Kazanis of New England Festivals for a waiver of the special event permit fee for the Harbor Light Illumination Concert Series and Night Market at Marina Park on Saturdays: July 5, July 12, July 19, August 9, August 16 and August 23, 2025.

Background/Summary:

- Lillian Kazanis of New England Festivals, Inc. has requested a waiver of the special event permit fee for the Harbor Light Illumination Concert Series and Night Markets.
- While this wis the third consecutive year the event will be held, this year's event is the first in which the applicant has requested a fee waiver.
- The Harbor Light Illumination Concert Series and Night Market is approved for six Saturdays on July 5, July 12, July 19, August 9, August 16 and August 23, 2025.
- The Special Event Permit Fee is $200.00 per day for six days for a total of $1,200.00.
- For a reduction of the permit fee for the six days the first and last day is $400.00. A reduction of 75% for the remaining 4 days is $200.00. For a total of $600.00 for a reduced special event permit fee.
- This is a recurring event which has been held in 2024 (6 days), 2023 (2 days), canceled in 2020 due to the pandemic, and in 2019 (3 days).

Recommended Actions:

Department Recommendation:
The Town Manager recommends that the Select Board approve the request from Lillian Kazanis of New England Festivals for a full waiver of the special event permit fee for the Harbor Light Illumination Concert Series & Artisan Market being held at Marina Park on Saturdays, 7/5, 7/12,

7/19, 8/9, 8/16 and 8/23/25.

Options:

- Motion to approve the request from Lillian Kazanis of New England Festivals for a full waiver of the special event permit fee for the Harbor Light Illumination Concert Series & Artisan Market being held at Marina Park on Saturdays, 7/5, 7/12, 7/19, 8/9, 8/16 and 8/23/25.
- Motion to approve a reduction of the fees to a total of $600.
- Some other Board-defined alternative motion.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the request from Lillian Kazanis of New England Festivals for a full waiver of the special event permit fee for the Harbor Light Illumination Concert Series & Artisan Market being held at Marina Park on Saturdays, 7/5, 7/12, 7/19, 8/9, 8/16 and 8/23/25.

Budget:
Applicable? (yes or no):
Yes
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:
1. Fee Waiver Harbor Lights
2. Fee Waiver Policy - Select Board Adopted 2016-02-11

Request for Waiver of the Special Event Permit Fee:

Harbor Light Illumination Concert Series and Night Market

Marina Park

Saturdays: July 5, July 12, July 19, August 9, August 16 and August 23

The applicant is requesting a waiver of the $1,200.00 Special Event permit fee.

This is the first request from this event organizer.

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

$200.00 per day event permit fee x 6 days = $1,200.00

First and last = $400.00

4 days x $200.00 = $800.00 - $600.00 (75% reduction) = $200.00

$400.00 + $200.00 = $600.00 reduced permit fee.

May 19, 2025

May 1, 2025

Dear Select Board members,

In our efforts to provide our town with an accessible cultural experience for all, as a non-profit, we respectfully request a full waiver of the permitting fees associated with the Harbor Light Illumination Concert Series & Artisan Market project. The series was created with accessibility and inclusivity at its core, aiming to remove several key barriers to participation. By offering the program free of charge, we ensure that financial constraints do not prevent anyone from participating. This allows residents and visitors from all economic backgrounds to enjoy and engage with local artists, music, and culture.

It is not required, but our pay-what-you-can donations, and merchandise donations go toward our scholarship fund. This fund allows us to meet our mission of providing support to local entities that provide access to healthy outlets to children, youth, and families via the intersections of arts and well-being. We have been able to support the Falmouth Recreational Center, Falmouth Arts Center, New England Ballet Theater, Steeple St. Music, Falmouth Arts Dpt., as well as Falmouth Academy's Arts Dept. cumulatively giving back approximately $2000 to the community.

Our organization has received grant funding from the town to support the Harbor Light Illumination Concert Series & Artisan Market via the Falmouth Cultural Council. However, more than the entire portion of those funds are being directed back to the town in the form of permitting fees, effectively reducing the impact and reach of the grant. Because the fees are paid directly back to the town, the net benefit to the project is diminished. It becomes a circular transaction: the town gives funds to enable a public service, but then recovers those funds through fees that are mandatory for the project to proceed. This reduces the scope of our project, delays implementation, and undercuts the very purpose of the town's financial support.

Historically your support in this type request can be shown through other cultural events such as Arts Alive for example, which has been given similar waivers as their initiatives also benefit the town. We believe this approach in your decision making aligns with both fiscal responsibility and community priorities.

As a non-profit, our sole objective is to serve the community. We do not generate profit from this project, and the permitting process, while essential, should not become a barrier to delivering the public benefits that the town itself seeks to promote. This waiver would allow the grant to be used entirely for its intended purpose—enhancing community well-being—without imposing administrative costs that dilute its impact.

It is our goal to be able to support our community even more this season by expanding our scope of assistance. As our efforts of monetary support are directly impacting existing town initiatives that correspond with our mission, we hope that you will consider our request.

Bright regards,

Lillian Kazanis

Lillian Kazanis

Donation Income	
7/6/2024	$310.00
7/13/2024	$368.00
7/27/2024	$185.00
8/10/2024	$95.00
8/17/2024	$389.00
8/24/2024	$487.00
Additionl Donations	$114.00
Total	**$1,948.00**

Donation Output	
Falmouth Art Center	$150.00
Falmouth Art Dpt.	$250.00
Falmouth Recreational Dpt.	$250.00
Steeple St. Music	$200.00
Falmouth Academy Art Dpt.	$250.00
New England Ballet Theater	$275.00
Artisan Vendor Waiver	$600.00
Total	**$1,975.00**

Town of Falmouth

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

SPECIAL EVENT PERMIT

Event Name	**Harbor Light Illumination Concert Series & Night Market**
Type of Event	Concert Series and Night Market
Applicant Name	New England Festivals, Inc., Lillian Kazanis
Mailing Address	P.O. Box 1244, North Falmouth, MA 02556
Event Day & Date	**Saturdays: July 5, July 12, July 19 and August 9, August 16, August 23, 2025**
Rain Date	None.
Event Location	Lin Whitehead Band Shell/Marine Park
Event Hours	5:00 p.m. – 9:30 p.m.
Set-Up / Break Down	Same day – 11:00 a.m. / Same day – 12:00 a.m.
Number of Attendees	100 – 175
Number of Vehicles	50 – 60
Parking Plan	Public parking, surrounding sponsor lots.
Signs	Yes. Lawn signs along Scranton Ave. on day of event.
Tents	Yes. 10 x 10 pop-up at Marine Park for night market.
Food / Beverages	Yes. Food trucks or food vendors. NO parking of food trucks on field.
Alcohol	Yes. Special one-day all alcohol liquor license approved.
Entertainment	Yes. Local and regional musicians. Amplified music.
Additional Details	Use of electricity at band shell.
Standard Conditions	1. Contact the following Town Departments 30 days prior to event: ☒ Police Detail Sergeant for public safety requirements. ☒ Fire Department for EMS or fire detail coordination. ☒ Fire Department for inspection of food trucks. ☒ Inspectional Services for tent permit and inspection for tents greater than 400 sq. ft. with sides, or 700 sq. ft. without sides. Contact Dig Safe prior to installation. ☒ Inspectional Services for sign permit. ☒ Health Department for temporary food permit and to schedule inspection. ☒ Recreation Department to reserve field/ball field. ☒ Recreation Department Friday before the event to pick up the key to access electricity at band shell. 2. No parking on field at Marine Park. 3. Follow the "Recycling Instructions for Special Events", attached. 4. Check the location following the event to clean up any litter or debris.
Special Conditions	1. Harbormaster Office to obtain key to public restrooms. Organizer to lock restrooms after event. 2. No parking at Pier 37 Boathouse parking lot, Windfall Market parking lot, or other neighboring business parking lot, unless a letter is obtained from neighboring business authorizing use of its parking lot.
Insurance Certificate	Naming the Town of Falmouth as additional insured.
Fees	Filing: $10.00 · Permit: $200.00/day x 6 = $1,200.00 · Deposit: $300.00 (separate check)

APPROVED:

Michael Renshaw — 3/17/2025

Town Manager — Date

Select Board
Fee Waiver Policy
Adopted February 11, 2016

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

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

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

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

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

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

II. Special Events Fees and Use Charges Policy

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

Select Board Fee Waiver Policy (continued)

Daily Fees:

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

Recurring Events:

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

Fee Waivers:

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

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

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

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

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

Item: 4.f.

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Phyllis Downey, Administrative Assistant
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider the application by Falmouth Beach Hotel Realty Trust d/b/a Beach Breeze Inn for a Lodging House License to be executed at 312 Shore Street, Falmouth **(10 minutes)**

Purpose:
The Select Board will consider a vote to approve the application by Falmouth Beach Hotel Realty Trust d/b/a Beach Breeze Inn for a Lodging House License to be executed at 312 Shore Street, Falmouth. **(10 minutes)**

Background/Summary:

- The application was received on May 1, 2025.
- The owner is Falmouth Beach Hotel Realty Trust; the manager is Rosalyn Van Hovel.
- Per the applicant, the business will not be operated as a bed and breakfast at this time as there will be no food service.
- The application has been reviewed by the Police, Conservation, Building, and Health Departments. No concerns have been expressed.
- The Building Commissioner has approved a Floor Plan and a Certificate of Inspection has been issued.

Recommended Actions:
Department Recommendation:
The Town Manager's Office recommends approval of the application by Falmouth Beach Hotel Realty Trust d/b/a Beach Breeze Inn for a Lodging House License to be executed at 312 Shore Street, Falmouth.

Options:

- Motion to approve the application by Falmouth Beach Hotel Realty Trust d/b/a Beach Breeze Inn for a Lodging House License to be executed at 312 Shore Street, Falmouth as presented.

- Motion to deny the application by Falmouth Beach Hotel Realty Trust d/b/a Beach Breeze Inn for a Lodging House License to be executed at 312 Shore Street, Falmouth.
- Some other Selected Board voted alternative.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the application by Falmouth Beach Hotel Realty Trust d/b/a Beach Breeze Inn for a Lodging House License to be executed at 312 Shore Street, Falmouth as presented.

Budget:
Applicable? (yes or no):
No
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):

Attachments:
1. Beach Breeze Inn - LODGING HOUSE Application 05.19.25

LICENSE APPLICATION REVIEW

Restaurant/Business: Falmouth Beach Hotel Realty Trust d/b/a Beach Breeze Inn

Address: 321 Shore Street, Falmouth

License Type:

☐ **New License** Lodging House License

☐ **Transfer of License** _____

☐ **Change of License** _____

☐ Police No objections

☐ Fire _____

☐ Building No issues

☐ Health No issues

☐ Zoning _____

☐ Planning _____

☐ Conservation No issues

NOTES:

TOWN OF FALMOUTH

Office of the Town Manager & Selectmen
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320

321 Shore St
Falmouth MA
02540

APPLICATION – RENEWAL APPLICATION
LODGING HOUSE LICENSE
M.G.L. Chapter 140, Sections 22 - 31
Fields outlined in RED are required

APPLICATION FOR NEW LICENSE: ☑ RENEWAL APPLICATION: ☐

NAME APPLICANT/OWNER: Falmouth Beach Hotel Realty Trust

BUSINESS NAME: Beach Breeze Inn D/B/A

BUSINESS ADDRESS: (if different from Home Address) 30 Adams St

TOWN: Milton STATE: MA ZIP CODE: 02186

MAILING ADDRESS: (if different) 40 Court St, Portsmouth, NH, 03801

MANAGER: (if any) Lark Hospitality LLC GM@beachbreezeinn.com

FID #: 33-6447331 EMAIL: required administration@larkhospitality.com

TELEPHONE - Business: (508) 548 1765 Home: [redacted]

NO. OF ROOMS: 21 NO. OF LODGERS: 77

BED & BREAKFAST: - YES/NO No OWNER OCCUPIED: - YES/NO No

TAX ATTESTATION: I certify under the penalties of perjury that the information provided in this application is true and that, to my best knowledge, I have filed all state tax returns and paid all state and local taxes as required under law. I understand that Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation:

2/1/25
DATE

SIGNATURE: OWNER or MANAGER

NOT AN OFFICIAL COPY

MASSACHUSETTS STATE EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 10-29-2024 @ 03:24pm
Ctl#: 499 Doc#: 43004
Fee: $13,680.00 Cons: $4,000,000.00

NOT AN OFFICIAL COPY

BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 10-29-2024 @ 03:24pm
Ctl#: 499 Doc#: 43004
Fee: $12,240.00 Cons: $4,000,000.00

NOT AN OFFICIAL COPY

Quitclaim Deed

I, Donald R. Filiault, Trustee of the Beach Breeze Realty Trust, u/d/t April 5, 2012 recorded at the Barnstable County Registry of Deeds in Book 26225, Page 2, of 25 Eric Clauson Lane, Falmouth MA 02540 ("Grantor")

for consideration paid in the amount of

hereby grant to **Charles C. Hajjar and Charles Richard Hajjar, Trustees of the Falmouth Beach Hotel Realty Trust, u/d/t August 9, 2024 recorded at the Norfolk County Registry of Deeds in Book 41967, Page 175,** of 30 Adams Street, Milton MA 02186

with *QUITCLAIM COVENANTS*

That land situated in Falmouth, Barnstable County, Massachusetts, bounded and described as follows:

Beginning: At an iron pipe in the westerly side line of Shore Street at a point distant one hundred eighty-four and 50/100 (184.50) feet southwesterly from the stone bound standing in said westerly line of Shore Street at the middle of New Lane;

Thence: South 29°30' West one hundred seventy-five (175) feet by said Shore Street to an iron pipe;

Thence: North 60°30' West two hundred and 46/100 (200.46) feet to an iron pipe;

Thence: North 29° East one hundred eighty-eight and 59/100 (188.59) feet to an iron pipe

Thence 60°20' East eighty-four (84) feet to an iron pipe;

Thence: South 29°West thirteen (13) feet to an iron pipe;

Property Address: 321 Shore Street, Falmouth, MA

Executed as a sealed instrument and under the pains and penalties of perjury this 22 day of October 2024.

Beach Breeze Realty Trust

Donald R. Filiault, Trustee

Commonwealth of Massachusetts

Barnstable County ss: October 22, 2024

On this 22 day of October, 2024, before me, the undersigned notary public, personally appeared **Donald R. Filiault, Trustee of the Beach Breeze Realty Trust** proved to me through satisfactory evidence of identification, which were [X] FL Driver's License or [ ] Other (_____) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for the stated purpose, and who swore or affirmed to me that the contents of this document are truthful and accurate to the best of his knowledge and belief and that the foregoing was the free act and deed of the Beach Breeze Realty Trust..

Notary Public: Brett A. Sanidas
My Commission Expires: 4/5/2030



JOHN F. MEADE, REGISTER
BARNSTABLE COUNTY REGISTRY OF DEEDS
RECEIVED & RECORDED ELECTRONICALLY

Bk 41967 Pg175 #56250
08-28-2024 @ 10:59a

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

WILLIAM P. O'DONNELL, REGISTER

NOT DECLARATION OF TRUST
AN ESTABLISHING AN
OF FALMOUTH BEACH HOTEL REALTY TRUST
COPY DATED: AUGUST 9, 2024 COPY

Pursuant to this Declaration of Trust (this "Declaration"), the undersigned, Charles C. Hajjar and Charles Richard Hajjar, both with a mailing address of c/o 30 Adams Street, Milton, Norfolk County, Massachusetts 02186 (said individuals, together with their successors and/or any additional Trustee(s) duly appointed by the Beneficiary pursuant to this Declaration, are hereinafter sometimes referred to singly as the "Trustee" or collectively where the context so requires the "Trustees"), hereby declares that Ten Dollars ($10.00) is held in trust hereunder and any and all additional property and interests in property, real and personal, that may be acquired hereunder (the "Trust Estate") by reference hereto shall be held in trust, solely as nominee, for the purposes, upon the terms and in accordance with the conditions herein described (the "Trust"), and for the sole benefit of the individuals or entities listed in the Schedule of Beneficiaries in proportions stated in said Schedule, which Schedule has this day been executed by all the Beneficiaries and filed with the Trustee with receipt acknowledged by the Trustee, which Schedule may be amended as provided herein (hereafter, as it may be amended, "Schedule of Beneficiaries").

SECTION ONE
Name and Purpose

1.1 This Trust shall be known as the **Falmouth Beach Hotel Realty Trust** and notwithstanding any provision to the contrary herein, is intended to be a nominee trust, so-called, for all purposes, including federal and state income tax purposes and to hold the record legal title to the Trust Estate and to perform such functions as are necessarily incidental thereto, all upon the terms set forth in this Declaration. The Trust's purposes consists solely of the matters set forth herein. This Declaration constitutes the organic document of the trust for purposes of Section 9-503 of the Uniform Commercial Code.

SECTION TWO
Limited Liability of Trustees and Beneficiaries

2.1 ALL PERSONS EXTENDING CREDIT TO, CONTRACTING WITH OR HAVING ANY CLAIM AGAINST THE TRUST SHALL LOOK ONLY TO THE FUNDS AND PROPERTY OF THE TRUST ESTATE FOR PAYMENT OF ANY CONTRACT, OR CLAIM, OR FOR THE PAYMENT OF ANY DEBT, DAMAGE, JUDGMENT, OR DECREE, OR FOR ANY MONEY THAT MAY OTHERWISE BECOME DUE OR PAYABLE TO THEM FROM THE TRUSTEE(S), SO THAT NEITHER THE TRUSTEE(S) NOR THE BENEFICIARY(IES) SHALL BE PERSONALLY LIABLE THEREFOR. ALL DEALINGS, UNDERTAKINGS AND OBLIGATIONS OF THE TRUSTEE(S) SHALL BE DEEMED TO HAVE BEEN MADE SUBJECT TO THE FOREGOING CONDITIONS AND LIMITATIONS WHETHER OR NOT THE SAME ARE MADE EXPRESS TERMS THEREOF.

rely without further inquiry upon such an affidavit as so executed and recorded as to the matters stated herein.

A N
O F F I C I A L
C O P Y

SECTION NINE
Governing Law

9.1 This Declaration of Trust shall be construed in accordance with the laws of The Commonwealth of Massachusetts.

SECTION TEN
Registry of Deeds

10.1 The term "Registry of Deeds" shall mean the Norfolk County Registry of Deeds; provided that if this Declaration is recorded or filed for registration in any other public office within or without the Commonwealth of Massachusetts, any person dealing with portions or all of the Trust Estate (as to which documents or instruments are recorded or filed for registration in such other public office in order to constitute notice to persons not parties thereto) may rely on the state of the record with respect to this Trust in such other public office, and with respect to such portions or all of the Trust Estate, the term "Registry of Deeds" as used herein shall mean such other public office.

Executed as a sealed instrument as of the date first shown above.

[Trustee Signature and Notary Next Page]

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Town of Falmouth

BUSINESS CERTIFICATE (DBA)

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

Beach Breeze Inn (Business Name) — Inn (Type of Business)

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

321 Shore Street (Address of Business) — 508-548-1765 (Phone Number)

By the following named person(s):

Owner 1 Charles C. Hajjar, Trustee of the Falmouth Beach Hotel Realty Trust (Full Name) (Address)

(Signature) Trustee — 617-296-5200 (Phone Number)

Owner 2 _____ (Full Name) _____ (Address)

_____ (Signature) _____ (Phone Number)

****

Commonwealth of Massachusetts
County of Barnstable

On this 15th day of April, 2025, before me, the undersigned notary public personally appeared Charles C. Hajjar, Trustee of Falmouth Beach Hotel Realty Trust proved to me through satisfactory evidence of identification, to be the person whose name is signed on the preceding or attached document in my presence.

(seal)

JOSEPH E. OLBRYS — NOTARY PUBLIC — COMMONWEALTH OF MASSACHUSETTS — MY COMMISSION EXPIRES ON 11-15-2030

Notary Public Signature
Joseph E. Olbrys

****

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

Received Date April 15, 2025
Expiration Date April 15, 2029

Michael Palmer, Town Clerk

Complete prior to applying for:

Common Victualler License
Lodging House License
Innholder License

APPLICANT: Falmouth Beach Hotel Realty Trust

ADDRESS: 321 Shore Street Falmouth MA 02540

LICENSE APPLIED FOR: Lodging House License

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

a. For Common Victualler Licenses submit a Floor Plan completed by a Design Professional showing exits/entrances, distances, and all seats.

b. For Lodging House Licenses submit a Floor Plan completed by a Design Professional showing exits/entrances, distances, and the occupancy load of each room.

c. For Innholder Licenses submit a Floor Plan completed by a Design Professional showing exits/entrances, distances, each seat in the dining areas, and the occupancy load of each room.

NOTES: _____

_____

Building Commissioner: X _____

DATE: 5-1-25



EXISTING LOCATION

Beach Breeze Inn

321 Shore Street
Falmouth, MA 02540

Occupancy Set 03/31/2025

Project Scope:

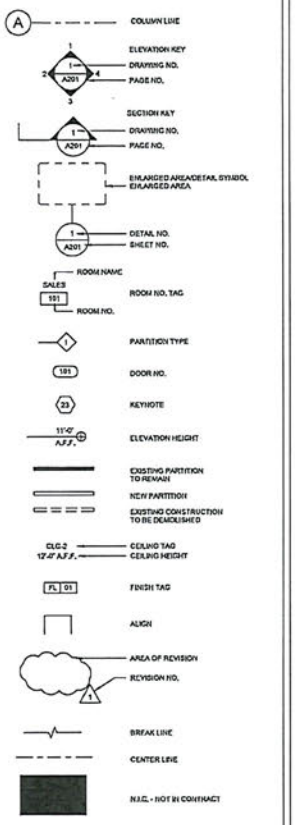
Provide an occupancy set and existing conditions documentation for the Beach Breeze Inn. No construction or expansion of the building envelope is proposed, and there will be no change in use.

The space will remain unsprinklered.

ABBREVIATIONS

A.C.T.	ACOUSTICAL CEILING TILE
ADJ	ADJUSTABLE
A.F.F.	ABOVE FINISHED FLOOR
AL	ALUMINUM
APPROX	APPROXIMATE
ARCH	ARCHITECTURAL
BD	BOARD
BLDG	BUILDING
BLKG	BLOCKING
BM	BEAM
B.O.	BOTTOM OF
CLG	CEILING
CLR	CLEAR
C.M.U.	CONCRETE MASONRY UNIT
C.O.	CASED OPENING
COL	COLUMN
CONC	CONCRETE
CONSTR	CONSTRUCTION
CONT	CONTINUOUS
CPM	CONSTRUCTION PROJECT MANAGER
CPT	CARPET
CTR	COUNTER
C.T.	CERAMIC TILE
DET	DETAIL
DIA	DIAMETER
DIM	DIMENSION
DISP	DISPENSER
DN	DOWN
D.O.	DOOR OPENING
DR	DOOR
DWG	DRAWING
EA	EACH
EXP.JT.	EXPANSION JOINT
EQ	EQUAL
EQUIP	EQUIPMENT
E.W.C.	ELECTRIC WATER COOLER
EXH	EXHAUST
EXSTG	EXISTING
EXT	EXTERIOR
F.A.	FIRE ALARM
F.E.	FIRE EXTINGUISHER
F.E.C.	FIRE EXTINGUISHER CABINET
FIN	FINISH
FIXT	FIXTURE
FL	FLUORESCENT
F.O.C.	FACE OF CONCRETE
F.O.S.	FACE OF STUDS
FRT	FIRE RETARDANT TREATMENT
FT	FOOT/FEET
FURR	FURRING
F.C.	FIXTURE CONTRACTOR
GC	GENERAL CONTRACTOR
GL	GLASS
GWB	GYPSUM WALL BOARD
GYP	GYPSUM
H.C.	HOLLOW CORE
HDWD	HARDWOOD
H.M.	HOLLOW METAL
HVAC	HEATING VENTILATING & AIR CONDITIONING
H.W.H.	HOT WATER HEATER
H.W.	HOT WATER
HOR	HORIZONTAL
I.D.	INSIDE DIAMETER
IN	INCH
INSUL	INSULATION
INT	INTERIOR
INCL	INCLUDES
JAN	JANITOR
K.P.	KICK PLATE
LAM	LAMINATE
LAV	LAVATORY
LBS	POUNDS
LCP	LEASE CONFIRMATION PLAN
LH	LEFT HAND
LL	LIVE LOAD
LT	LIGHT TRACK
MAHOG	MAHOGANY
MAX	MAXIMUM
MECH	MECHANICAL
MIN	MINIMUM
MISC	MISCELLANEOUS
M.O.	MASONRY OPENING
MTD	MOUNTED
MTL	METAL
MAT/MTL	MATERIAL
NAT	NATURAL FINISH
N.I.C.	NOT IN CONTRACT
NO	NUMBER
NOM	NOMINAL
N.T.S.	NOT TO SCALE
PLUMB	PLUMBING
PLAM/PLM	PLASTIC LAMINATE
PL	PLATE
PR	PAIR
PT	PAINT/PAINTED
PTN	PARTITION
PLYWD	PLYWOOD
Q.T.	QUARRY TILE
RAD	RADIUS
REC	RECESSED
REQ'D	REQUIRED
RH	RIGHT HAND
RM	ROOM
R.O.	ROUGH OPENING
RWD	REDWOOD
R.W.L.	RAIN WATER LEADER
S.C.	SOLID CORE
S.F.	SQUARE FOOT/FEET
SHT	SHEET
SIM	SIMILAR
SPEC	SPECIFICATION
SQ	SQUARE
S.S.	STAINLESS STEEL
STD	STANDARD
STL	STEEL
T&G	TONGUE AND GROOVE
THR	THRESHOLD
T.O.	TOP OF
TYP	TYPICAL
U.O.N.	UNLESS OTHERWISE NOTED
VCT	VINYL COMPOSITE TILE
VERT	VERTICAL
W	WITH
W.C.	WATER CLOSET
WD	WOOD
W/O	WITHOUT

GENERAL LEGEND

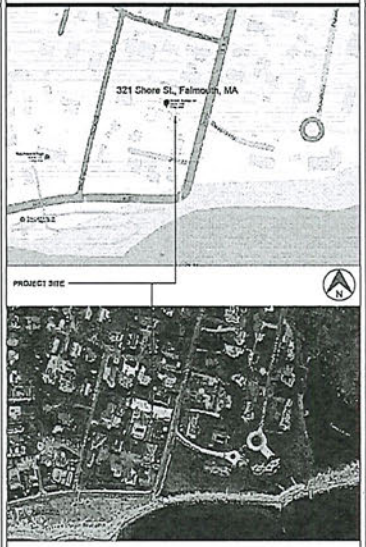


PROJECT DIRECTORY

PROPERTY OWNER
Hajar Management Co., Inc.
30 Adams Street
Milton, MA 02186
Contact: Paul Mahoney
Email: paulm@hajarmanagement.com
Mobile: (617) 201-4478

ARCHITECT:
Derek Rubinoff, Architect
82 Spring St.
West Roxbury, MA 02132-4316
Contact: Derek Rubinoff, AIA, LEED AP, NCARB
Email: HYPERLINK "mailto:drubinoff@derekrubinoff.com"drubinoff @derekrubinoff.com
Mobile: (617) 504-2599

PROJECT LOCALE



DRAWING LIST

Sheet List

Sheet Number	Sheet Name	Current Revision	Current Revision Date
00 - General			
G-0.0	Cover Sheet		
G-0.1	Building Code Summary and Life Safety Plans		
G-0.2	Life Safety Plans and Building Code Area Plans		
00 - General: 3			
01 - Architectural			
A-0.1	Existing 1st level Plan		
A-0.2	Existing 2nd & 3rd Levels Plans		
A-1.0	Enlarged Continental Breakfast Kitchen Area Plan		
01 - Architectural: 3			
Grand total: 6			

DRAWINGS REVIEWED BY FALMOUTH BUILDING DEPARTMENT
CONSTRUCTION SUBJECT TO MA BUILDING CODE COMPLIANCE
ONE SET OF STAMPED PLANS SHALL BE KEPT AT THE BUILDING SITE
5/1/25
DATE
BUILDING OFFICIAL

© Copyright 2025 Derek Rubinoff, Architect

DEREK RUBINOFF ARCHITECT
Derek Rubinoff AIA, LEED AP NCARB Principal
82 Spring Street West Roxbury, MA 02132-4316
617.504.2599
hp4rub@derekrubinoff.com
www.derekrubinoff.com

PROPERTY OWNER
Hajar Management Co., Inc.
30 Adams Street
Milton, MA 02186
Contact: Paul Mahoney
Email: paulm@hajarmanagement.com
Mobile: (617) 201-4478

ARCHITECT:
Derek Rubinoff, Architect
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West Roxbury, MA 02132-4316
Contact: Derek Rubinoff, AIA, LEED AP, NCARB
Email: drubinoff@derekrubinoff.com
Mobile: (617) 504-2599

#	By	Date	Description
A1		5/1/2025	Occupancy Set

Beach Breeze Inn

REGISTERED ARCHITECT DEREK A. RUBINOFF NO. 29071 WEST ROXBURY, MA COMMONWEALTH OF MASSACHUSETTS

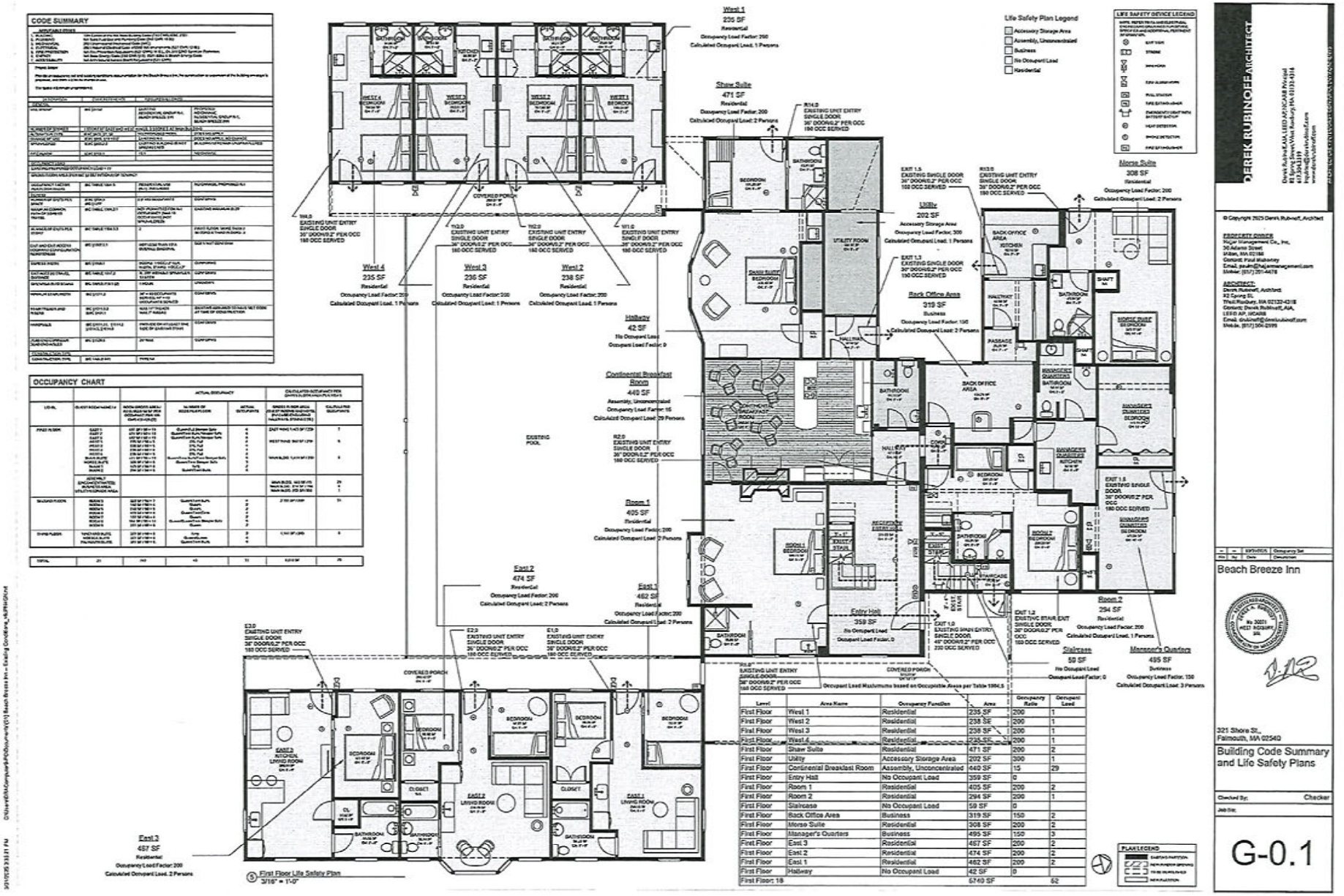
321 Shore St.,
Falmouth, MA 02540

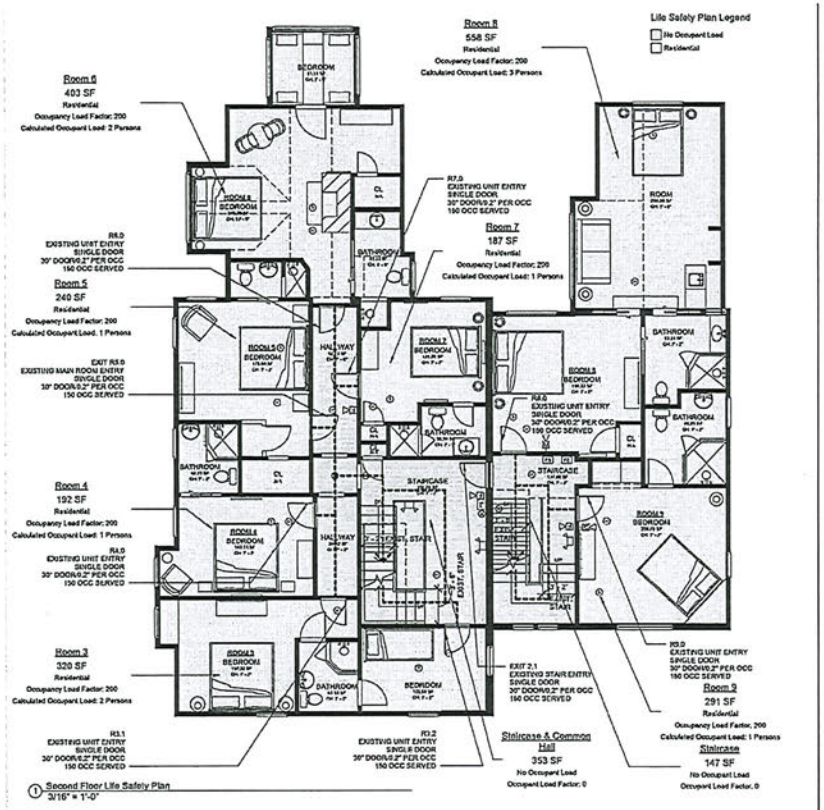
Cover Sheet

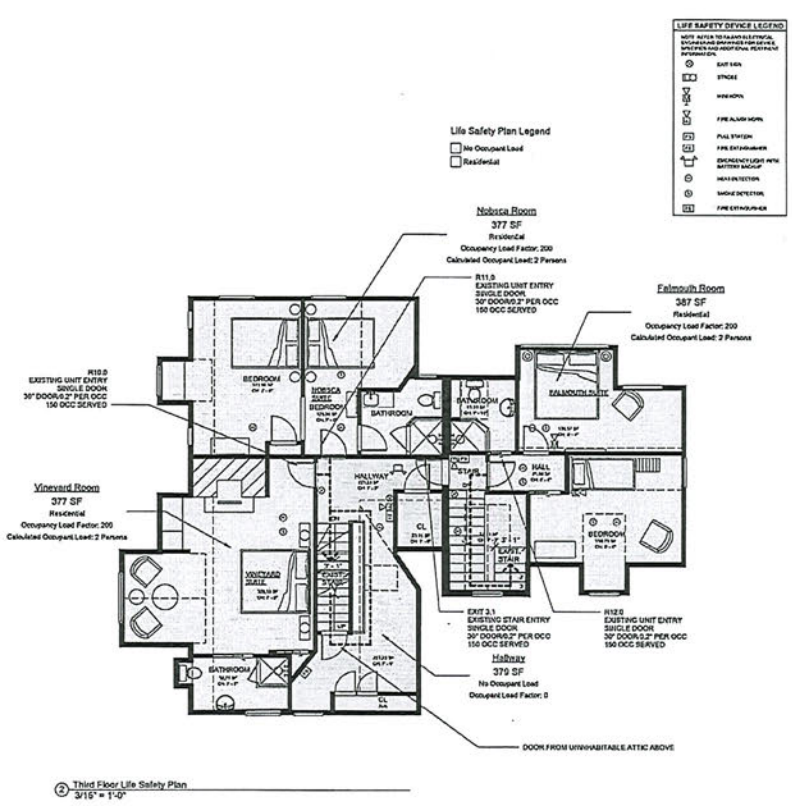
Checked By: Checker

Job No:

G-0.0


CODE SUMMARY
OCCUPANCY CHART
Life Safety Plan Legend
Accessory Storage Area
Assembly, Unconcentrated
Business
No Occupant Load
Residential
LIFE SAFETY DEVICE LEGEND
West 1
235 SF
Residential
Occupancy Load Factor: 200
Calculated Occupant Load: 1 Persons
Shaw Suite
471 SF
Residential
Occupancy Load Factor: 200
Calculated Occupant Load: 2 Persons
Morse Suite
308 SF
Residential
Occupancy Load Factor: 200
Calculated Occupant Load: 2 Persons
Utility
202 SF
Accessory Storage Area
Occupancy Load Factor: 300
Calculated Occupant Load: 1 Persons
Back Office Area
319 SF
Business
Occupancy Load Factor: 150
Calculated Occupant Load: 2 Persons
West 4
235 SF
Residential
Occupancy Load Factor: 200
Calculated Occupant Load: 1 Persons
West 3
236 SF
Residential
Occupancy Load Factor: 200
Calculated Occupant Load: 1 Persons
West 2
238 SF
Residential
Occupancy Load Factor: 200
Calculated Occupant Load: 1 Persons
Hallway
42 SF
No Occupant Load
Occupant Load Factor: 0
Continental Breakfast Room
440 SF
Assembly, Unconcentrated
Occupancy Load Factor: 15
Calculated Occupant Load: 29 Persons
EXISTING POOL
Room 1
405 SF
Residential
Occupancy Load Factor: 200
Calculated Occupant Load: 2 Persons
East 2
474 SF
Residential
Occupancy Load Factor: 200
Calculated Occupant Load: 2 Persons
East 1
462 SF
Residential
Occupancy Load Factor: 200
Calculated Occupant Load: 2 Persons
Entry Hall
359 SF
No Occupant Load
Occupant Load Factor: 0
Room 2
294 SF
Residential
Occupancy Load Factor: 200
Calculated Occupant Load: 1 Persons
Staircase
59 SF
No Occupant Load
Occupant Load Factor: 0
Manager's Quarters
495 SF
Business
Occupancy Load Factor: 150
Calculated Occupant Load: 3 Persons
East 3
487 SF
Residential
Occupancy Load Factor: 200
Calculated Occupant Load: 2 Persons
Occupant Load Maximums based on Occupiable Areas per Table 1004.5
Level
Area Name
Occupancy Function
Area
Occupancy Ratio
Occupant Load
First Floor
West 1
Residential
235 SF
200
1
First Floor
West 2
Residential
238 SE
200
1
First Floor
West 3
Residential
236 SF
200
1
First Floor
West 4
Residential
235 SF
200
1
First Floor
Shaw Suite
Residential
471 SF
200
2
First Floor
Utility
Accessory Storage Area
202 SF
300
1
First Floor
Continental Breakfast Room
Assembly, Unconcentrated
440 SF
15
29
First Floor
Entry Hall
No Occupant Load
359 SF
0
First Floor
Room 1
Residential
405 SF
200
2
First Floor
Room 2
Residential
294 SF
200
1
First Floor
Staircase
No Occupant Load
59 SF
0
First Floor
Back Office Area
Business
319 SF
150
2
First Floor
Morse Suite
Residential
308 SF
200
2
First Floor
Manager's Quarters
Business
495 SF
150
3
First Floor
East 3
Residential
487 SF
200
2
First Floor
East 2
Residential
474 SF
200
2
First Floor
East 1
Residential
462 SF
200
2
First Floor
Hallway
No Occupant Load
42 SF
0
First Floor: 18
5740 SF
62
First Floor Life Safety Plan
3/16" = 1'-0"
PLAN LEGEND
DEREK RUBINOFF ARCHITECT
Beach Breeze Inn
321 Shore St.,
Falmouth, MA 02540
Building Code Summary and Life Safety Plans
Checked By:
Checker
Job No:
G-0.1

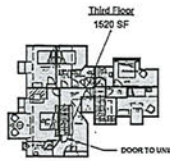




EXISTING BUILDING CODE AREA PLANS







Area Schedule (Existing GFA per Building Code)		
Level	Area Typology	Area
First Floor	Existing GFA Per Building Code	3474 SF
First Floor	Existing GFA Per Building Code	944 SF
First Floor	Existing GFA Per Building Code	1403 SF
Second Floor	Existing GFA Per Building Code	2692 SF
Third Floor	Existing GFA Per Building Code	1520 SF
Grand total: 5		10032 SF

Occupant Load Maximums based on Occupiable Areas per Table 1004.5

Level	Area Name	Occupancy Function	Area	Occupancy Ratio	Occupant Load
Second Floor	Staircase & Common Hall	No Occupant Load	353 SF	0	
Second Floor	Room 5	Residential	240 SF	200	1
Second Floor	Room 4	Residential	192 SF	200	1
Second Floor	Room 3	Residential	320 SF	200	2
Second Floor	Room 6	Residential	403 SF	200	2
Second Floor	Room 7	Residential	187 SF	200	1
Second Floor	Room 8	Residential	558 SF	200	3
Second Floor	Room 9	Residential	291 SF	200	1
Second Floor	Staircase	No Occupant Load	147 SF	0	
Second Floor: 9			2692 SF		11
Third Floor	Nobsca Room	Residential	377 SF	200	2
Third Floor	Vineyard Room	Residential	377 SF	200	2
Third Floor	Hallway	No Occupant Load	379 SF	0	
Third Floor	Falmouth Room	Residential	387 SF	200	2
Third Floor: 4			1520 SF		6
Grand total: 31			9953 SF		69

PLAN LEGEND

DEREK RUBINOFF ARCHITECT
Derek Rubinoff AIA, LEED AP HCAS Principal
82 Spring St., West Roxbury, MA 02132-4318
617.504.2599
hq.rbin@derekrubinoff.com
www.derekrubinoff.com
ARCHITECTURE | PLANNING | CONSULTING

© Copyright 2023 Derek Rubinoff, Architect

PROPERTY OWNER
Major Management Co., Inc.
30 Adams Street
Milton, MA 02186
Contact: Paul Mahoney
Email: paulm@majormanagement.com
Mobile: (617) 201-4478

ARCHITECT:
Derek Rubinoff, Architect
82 Spring St.
West Roxbury, MA 02132-4318
Contact: Derek Rubinoff, AIA, LEED AP, HCAP
Email: drubinoff@derekrubinoff.com
Mobile: (617) 504-2599

No	By	Date	Description
-	-	10/10/2025	Occupancy Set

Beach Breeze Inn

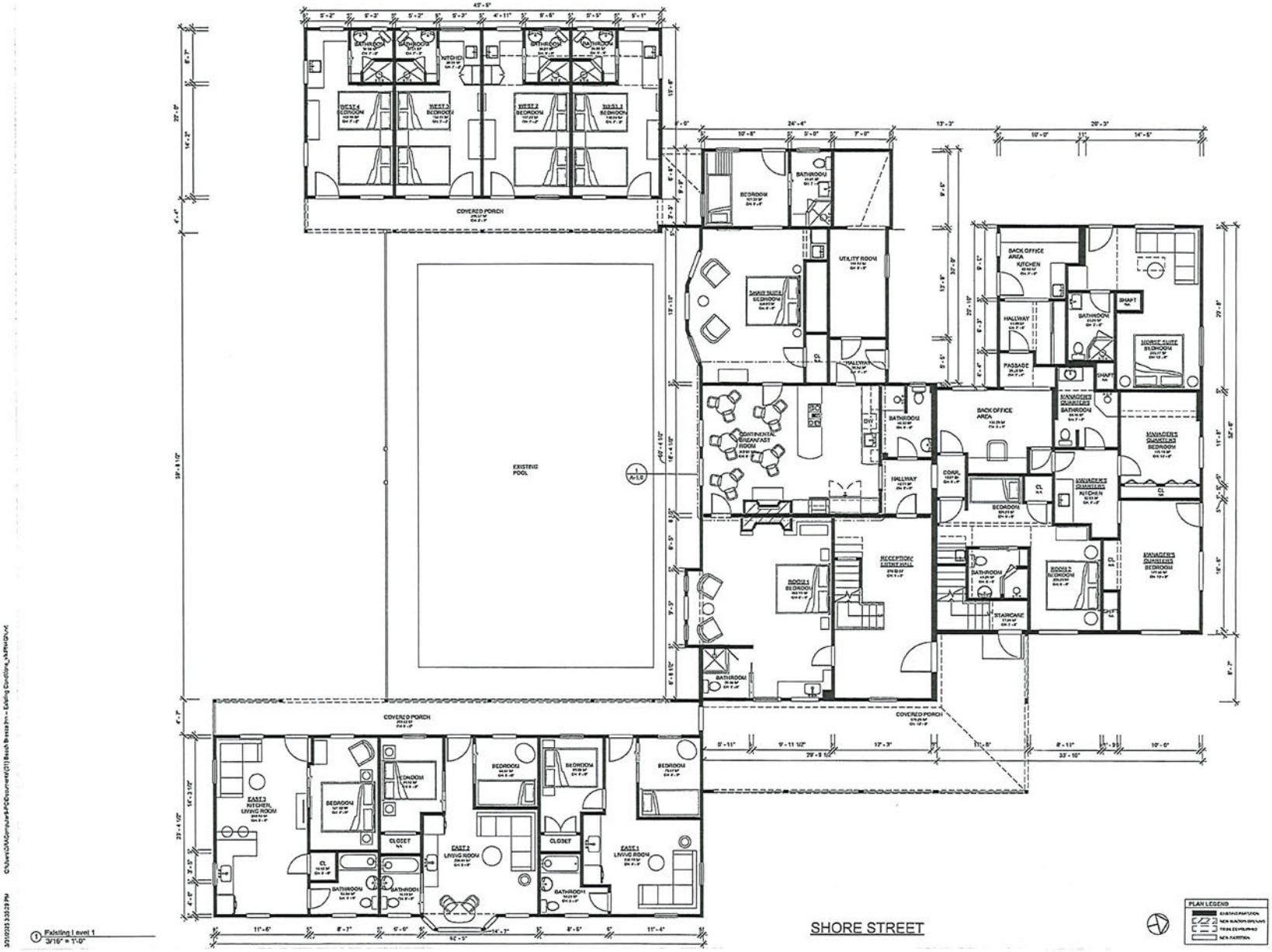
321 Shore St.,
Falmouth, MA 02540

Life Safety Plans and Building Code Area Plans

Checked By: Checker

Job No:

G-0.2



Existing Level 1
3/16" = 1'-0"

DEREK RUBINOFF ARCHITECT

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PROPERTY OWNER
Najar Management Co., Inc.
30 Adams Street
Milton, MA 02186
Contact: Paul Mahoney
Email: pwm@najarmanagement.com
Mobile: (617) 201-4416

ARCHITECT:
Derek Rubinoff, Architect
92 Spring St.
West Roxbury, MA 02132-4316
Contact: Derek Rubinoff, AIA, LEED AP, NCARB
Email: drubinoff@derekrubinoff.com
Mobile: (617) 504-2933

--	--	03/31/2023	Occupancy Set
No.	By	Date	Description

Beach Breeze Inn

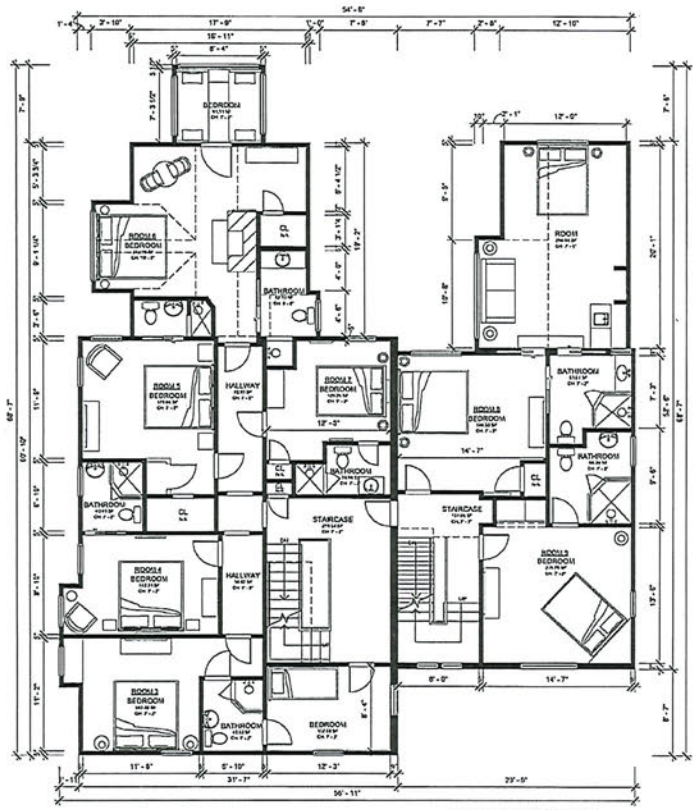
321 Shore St.,
Falmouth, MA 02540

Existing 1st level Plan

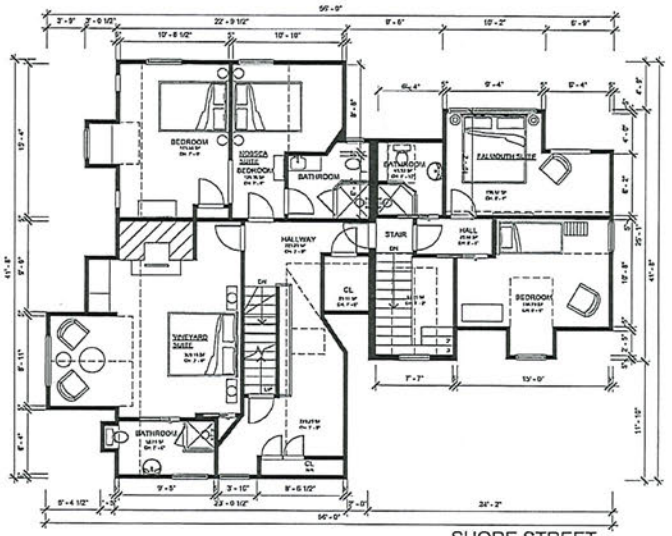
Checked By: Checker

Job No.

A-0.1



① Existing Level 2
3/16" = 1'-0"



② Existing Level 3
3/16" = 1'-0"

PLAN LEGEND
EXISTING WALL
NEW FURNITURE

DEREK RUBINOFF ARCHITECT
Derek Rubinoff AIA, LEED AP/CAGB Principal
82 Spring Street West Roxbury, MA 02132-4316
(617) 564-2693
rubinoff@derekrubinoff.com
www.derekrubinoff.com

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PROPERTY OWNER
Hajar Management Co., Inc.
30 Adams Street
Milton, MA 02186
Contact: Paul Mahoney
Email: paulm@hajarmanagement.com
Mobile: (617) 201-4478

ARCHITECT:
Derek Rubinoff, Architect
82 Spring St.
West Roxbury, MA 02132-4316
Contact: Derek Rubinoff, AIA, LEED AP, NCARB
Email: drubinoff@derekrubinoff.com
Mobile: (617) 564-2693

No	By	Date	Description
–	–	03/31/2025	Occupancy Set

Beach Breeze Inn

321 Shore St.,
Falmouth, MA 02540

Existing 2nd & 3rd Levels Plans

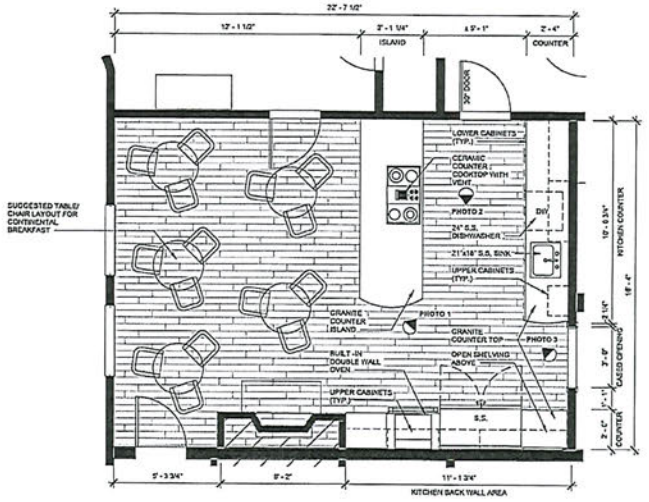
Checked By: Checker

Job No:

A-0.2



PHOTO 1



1 Enlarged Continental Breakfast Kitchen Area and Photos
3/8" = 1'-0"

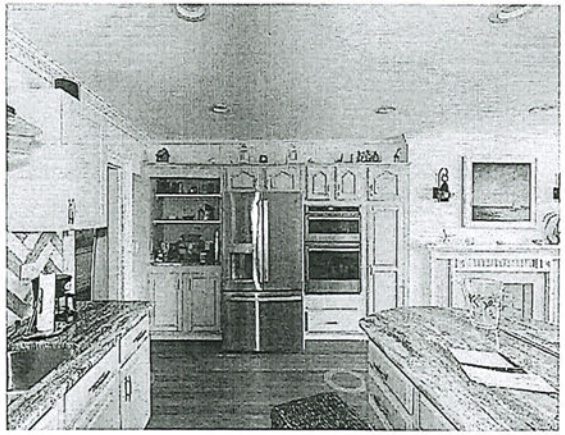


PHOTO 2

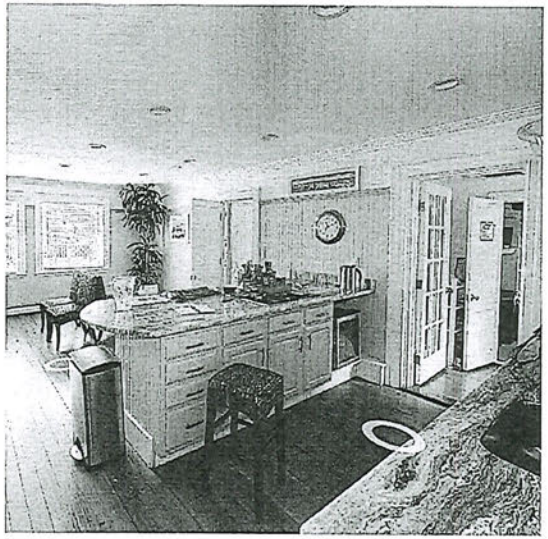


PHOTO 3

PLAN LEGEND

DEREK RUBINOFF ARCHITECT

Derek Rubinoff, AIA, LEED AP, HCAS Principal
#2 Spring Street West Roxbury MA 02132-4316
617-504-2999
http://drubinoffarchitect.com
www.derekrubinoffarchitect.com

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PROPERTY OWNER
Major Management Co., Inc.
345 Adams Street
Milton, MA 02186
Contact: Paul Mahoney
Email: paulm@majormanagement.com
Mobile: (617) 201-4478

ARCHITECT:
Derek Rubinoff, Architect
#2 Spring St.
West Roxbury, MA 02132-4316
Contact: Derek Rubinoff, AIA, LEED AP, HCAS
Email: drubinoff@derekrubinoff.com
Mobile: (617) 504-2999

No.	By	3/31/2025 Date	Drawing Set Description

Beach Breeze Inn

321 Shore St.,
Falmouth, MA 02540

Enlarged Continental Breakfast Kitchen Area Plan

Checked By: Checker

Job No:

A-1.0

3/31/2025 3:33:34 PM C:\Users\DRU\Dropbox\Work\Documents\2025 Beach Breeze Inn - Existing Conditions_v4.PNG.rvt

Phyllis Downey

From: Falmouth Licensing
Sent: Tuesday, May 6, 2025 3:50 PM
To: Brian Reid; Ryan Hergt; Jeff Lourie; Boyd Demello; Craig O'Malley; Jennifer Lincoln; Gary Street; Scott McGann
Cc: Morgan Cardoso; Paula Gerry; Jodie Zinna; Eleanor MacKay; Sari Budrow
Subject: Lodging House License application-Beach Breeze Inn
Attachments: Beach Breeze Inn - LODGING HOUSE Application 05.19.25.pdf; BEACH BREEZE INN FLOOR PLAN 05.01.25.pdf

Follow Up Flag: Follow up
Due By: Thursday, May 8, 2025 3:30 PM
Flag Status: Flagged

Good afternoon,

Attached please find an application for a Loding House License by Falmouth Beach Hotel Realty Trust d/b/a Beach Breeze Inn located at 321 Shore Street, Falmouth.

The business will not be a B&B at this time and there will be no food service. A swimming pool permit has been started.

May we please request your review of the application by May 12th?

Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540
508-495-7325

Phyllis Downey

From: Gary Street
Sent: Tuesday, May 6, 2025 3:58 PM
To: Phyllis Downey
Subject: Beach Breeze Inn

Phyllis,

Work is being done, inspections are continuing and the permit for the pool has been applied for. Building has no issues.

Respectfully,

Gary Street

Gary Street CBO
Building Commissioner and Zoning Enforcement Officer
Town of Falmouth
Gary.Street@Falmouthma.gov
(508)495-7470

Phyllis Downey

From: Morgan Cardoso
Sent: Wednesday, May 7, 2025 1:33 PM
To: Falmouth Licensing
Cc: Scott McGann
Subject: RE: Lodging House License application-Beach Breeze Inn

No issues from health.

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>
Sent: Tuesday, May 6, 2025 3:50 PM
To: Brian Reid <brian.reid@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>; Jennifer Lincoln <jennifer.lincoln@falmouthma.gov>; Gary Street <gary.street@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>
Cc: Morgan Cardoso <morgan.cardoso@falmouthma.gov>; Paula Gerry <paula.gerry@falmouthma.gov>; Jodie Zinna <jodie.zinna@falmouthma.gov>; Eleanor MacKay <eleanor.mackay@falmouthma.gov>; Sari Budrow <Sari.Budrow@falmouthma.gov>
Subject: Lodging House License application-Beach Breeze Inn

Good afternoon,

Attached please find an application for a Loding House License by Falmouth Beach Hotel Realty Trust d/b/a Beach Breeze Inn located at 321 Shore Street, Falmouth.

The business will not be a B&B at this time and there will be no food service. A swimming pool permit has been started.

May we please request your review of the application by May 12th?

Thank you,
Phyllis

Phyllis Downey

Phyllis Downey

From: Jennifer Lincoln
Sent: Wednesday, May 7, 2025 1:07 PM
To: Falmouth Licensing; Brian Reid; Ryan Hergt; Jeff Lourie; Boyd Demello; Craig O'Malley; Gary Street; Scott McGann
Cc: Morgan Cardoso; Paula Gerry; Jodie Zinna; Eleanor MacKay; Sari Budrow
Subject: RE: Lodging House License application-Beach Breeze Inn

Hi Phyllis,

Conservation has no comments.

Jen

Jennifer L. Lincoln
Conservation Administrator

From: Falmouth Licensing <licensing@falmouthma.gov>
Sent: Tuesday, May 6, 2025 3:50 PM
To: Brian Reid <brian.reid@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>; Jennifer Lincoln <jennifer.lincoln@falmouthma.gov>; Gary Street <gary.street@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>
Cc: Morgan Cardoso <morgan.cardoso@falmouthma.gov>; Paula Gerry <paula.gerry@falmouthma.gov>; Jodie Zinna <jodie.zinna@falmouthma.gov>; Eleanor MacKay <eleanor.mackay@falmouthma.gov>; Sari Budrow <Sari.Budrow@falmouthma.gov>
Subject: Lodging House License application-Beach Breeze Inn

Good afternoon,

Attached please find an application for a Loding House License by Falmouth Beach Hotel Realty Trust d/b/a Beach Breeze Inn located at 321 Shore Street, Falmouth.

The business will not be a B&B at this time and there will be no food service. A swimming pool permit has been started.

May we please request your review of the application by May 12th?

Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540
508-495-7325

Phyllis Downey

From: Brian Reid <brian.reid@falmouthpolicema.gov>
Sent: Wednesday, May 7, 2025 12:33 PM
To: Falmouth Licensing; Ryan Hergt; Jeff Lourie; Boyd Demello; Craig O'Malley; Jennifer Lincoln; Gary Street; Scott McGann
Cc: Morgan Cardoso; Paula Gerry; Jodie Zinna; Eleanor MacKay; Sari Budrow
Subject: Re: Lodging House License application-Beach Breeze Inn

No objection from police.

Brian L. Reid
Captain of Operations and Specialized Services
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
774-255-4527 Ext. 4502

From: Falmouth Licensing <licensing@falmouthma.gov>
Sent: Tuesday, May 6, 2025 3:49 PM
To: Brian Reid <brian.reid@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>; Jennifer Lincoln <jennifer.lincoln@falmouthma.gov>; Gary Street <gary.street@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>
Cc: Morgan Cardoso <morgan.cardoso@falmouthma.gov>; Paula Gerry <paula.gerry@falmouthma.gov>; Jodie Zinna <jodie.zinna@falmouthma.gov>; Eleanor MacKay <eleanor.mackay@falmouthma.gov>; Sari Budrow <Sari.Budrow@falmouthma.gov>
Subject: Lodging House License application-Beach Breeze Inn

Good afternoon,

Attached please find an application for a Loding House License by Falmouth Beach Hotel Realty Trust d/b/a Beach Breeze Inn located at 321 Shore Street, Falmouth.

The business will not be a B&B at this time and there will be no food service. A swimming pool permit has been started.

May we please request your review of the application by May 12th?

Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540
508-495-7325

The Commonwealth of Massachusetts

TOWN OF FALMOUTH

Office of Public Safety & Inspections

New and Renewal Certificate of Inspection

In accordance with **780 CMR, Chapter 1** (The Ninth Edition of the Massachusetts State Building Code) and Chapter **304 of the Acts of 2004** (an Act to further enhance fire and life safety), this Certificate Of Inspection is issued to the premise or structure or part thereof as herein identified

Issued to	**Identify Name of Establishment**	**Certificate No.** *CI-25-1080*
	Falmouth Beach Hotel Realty Trust DBA Beach Breeze Inn located at 321 Shore Street Falmouth, MA 02540	
Located at	**Identify property address including street number, name, city or town and county**	**Certificate Expiration**
	321 SHORE ST	*05/01/26*
Use Group / Description	*Hotel*	
Story	**Allowable Occupant Load**	
1st_floor	*46*	
2nd_floor	*21*	
3rd_floor	*10*	

This is hereby issued by the undersigned to certify that the premise, structure or portion thereof as herein specified has been inspected for general fire and life safety features. This certificate shall be framed behind clear glass and\or laminated and posted in a conspicuous place within the space as directed by the undersigned. **Failure to post or tampering with the contents of the certificate is strictly prohibited.**

Name of Municipal Fire Chief or Designee		Name of Municipal Building Official	*Gary Street Building Commissioner*	Date of Inspection	*05/01/25*
Signature of Municipal Fire Chief or Designee		Signature of Municipal Building Official	Gary Street	Date of Issuance	*05/01/25*

Item: 4.g.

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Phyllis Downey, Administrative Assistant
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider a vote to approve the application by Blue Moon Sea Grille, Inc. d/b/a Hooked for a Common Victualler License - 153 Main Street, Falmouth. Hours: Monday through Sunday from 9:00 am to 1:00 am. **(10 minutes)**

Purpose:
The Select Board will consider a vote to approve an application for a Common Victualler License submitted by Blue Moon Sea Grille, Inc. d/b/a Hooked

Background/Summary:

- The application was submitted on April 24, 2025.
- All requirements for the application were complete.
- The Building Commissioner approved the Floor Plan submitted with the application.
- A Site Plan Review Decision is included with the application.
- The establishment will have a seating capacity of 117.
- The Fire Rescue, Planning, Police, and Health Departments have reviewed the application and have no objections to its approval.
- A Liquor License and Entertainment - Sunday Entertainment License applications were later submitted.

Recommended Actions:

Department Recommendation:
The Town Manager recommends the Select Board approve the application for a Common Victualler License by Blue Moon Sea Grille, Inc. d/b/a Hooked.

Options:

- Motion to approve the application for a Common Victualler License by Blue Moon Sea Grille, Inc. d/b/a Hooked as presented.

- Motion to deny the application for a Common Victualler License by Blue Moon Sea Grille, Inc. d/b/a Hooked as presented.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the application for a Common Victualler License by Blue Moon Sea Grille, Inc. d/b/a Hooked as presented.

Budget:
Applicable? (yes or no):
No
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:
1. Blue Moon Sea Grille, Inc.- COMMON VICTUALLER License Application 05.19.25
2. HOOKED - LIQUOR -ENTERTAINMENT FLOOR PLANS 04.24.25

LICENSE APPLICATION REVIEW

Restaurant/Business: Blue Moon Sea Grille, Inc. d/b/a Hooked

Address: 153 Main Street, Falmouth

License Type: Common Victualler License

☒ **New License**

☐ **Transfer of License**

☐ **Change of License**

☒ Police	No objection provided the background check does not reveal disqualifying information
☐ Fire	No objections
☐ Building	
☐ Health	No issues
☐ Zoning	
☐ Planning	
☐ DPW	

NOTES:

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

- [x] Common Victualler
- [ ] Innholder
- [x] Annual License
- [ ] Seasonal License

Required fields are outlined in red:

NAME OF APPLICANT: Edmond M. Richardi **TITLE:** President

HOME ADDRESS: [redacted]

Town: Mashpee **State:** MA **Zip code:** 02649

BUSINESS NAME Blue Moon Sea Grille, Inc.

***D/B/A** if any:* Hooked Bar & Grill

BUSINESS ADDRESS: 153 Main Street

Town: Falmouth **State:** MA **Zip code:** 02540

MAILING ADDRESS *(if different)*:

Town: **State:** **Zip code:**

FEDERAL ID #: 86-2856088 **MANAGER OF RECORD:** Edmond M. Richardi

EMAIL – *required*: info@hookedbarandgrill.com

TELEPHONE – BUSINESS: 774-612-3137 **ALTERNATE:** [redacted]

DAYS OF OPERATION: Monday-Sunday

HOURS OF OPERATION: 9:00 AM - 1:00 AM

SEATING CAPACITY : 117

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

****DATE:** 4/2/25

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 (i*f 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

COMMERCIAL LEASE (this or the "Lease")

1. PARTIES:

Bogosian Development LLC, a Massachusetts Limited Liability Company with a mailing address of 367 Main Street, Falmouth, MA 02540, hereinafter "Lessor", which expression shall include its heirs, successors, and assigns where the context so admits, does hereby lease to **Blue Moon Sea Grille, Inc.**, a Massachusetts Corporation, with a principal office located at 681 Falmouth Road, Unit A1-1, Mashpee, MA 02649, hereinafter "Lessee", which expression shall include its successors and assigns where the context so admits, and Lessee hereby leases the following described premises:

2. PREMISES:

A portion of the structure known as and numbered 153-159 Main Street, Falmouth, MA 02540, being Unit 1, bordering Town Hall Square and being known as 153 Main Street, consisting of total area of 2,200 ± s.f., located partly on the upper level of the structure and partly on the basement level, which area, hereinafter referred to as "the premises," is shown on the drawings attached hereto as Exhibits A1 and A2 (floor plans) and Exhibit B (site plan). For Lessor's title to the property of which the premises are a part, see deed recorded with Barnstable Registry of Deeds in Book 33250, Page 155. Lessee shall have non-exclusive access to the area of the property behind the building to bring in and use a dumpster which shall be the sole property of and for the sole use by Lessee (discussed below) and for the parking of vehicles (subject to the legal right of vehicular access to the area of the property behind the building). For the sake of clarity, this Lease does not confer any rights upon Lessee to access or use the roof of the building of which the premises forms a part. Any such access or use would be memorialized by a separate agreement entered into between Lessor and Lessee, each in their sole discretion, with separate rent to be agreed upon. For no additional rent, during the Lease term Lessee may use the way, approximately 14 feet in width, extending along the southeast side of the premises, from Main Street about 88 feet to the rear line of the building of which the premises are a part (the "Easement Area"), for outdoor restaurant seating, provided:

A) Prior to seeking any permits that provide for such outdoor dining, whether from the Zoning Board of Appeals, Board of Selectmen or otherwise, Lessee shall obtain Lessor's approval of plans showing all improvements to be made within the way. Lessee acknowledges that the maximum allowed lot coverage by structures is 70%, meaning that the area of any dining deck or patio may be limited to about 900 square feet. Lessee shall obtain a plan, certified by a registered land surveyor, confirming the existing conditions and showing proposed improvements;

B) Lessee shall be responsible for obtaining all governmental approvals, at Lessee's sole cost and expense, for Lessee's use of the way, including, without limitation, any required approvals from the Zoning Board of Appeals, Board of Selectmen or the Alcoholic Beverage Control Commission;

This Lease may not be amended, modified, supplemented or extended except by a written instrument executed by Lessor and Lessee.

34. NOTICE OF LEASE:

Lessor and Lessee mutually agree to execute, if requested by the other party, a notice of lease in recordable form with respect to this Lease, which shall be recorded with the Barnstable County Registry of Deeds, and agree to execute, upon termination of this Lease for whatever cause, a Notice of Termination of Lease in recordable form for recording with said Registry of Deeds.

35. CONFIDENTIALITY:

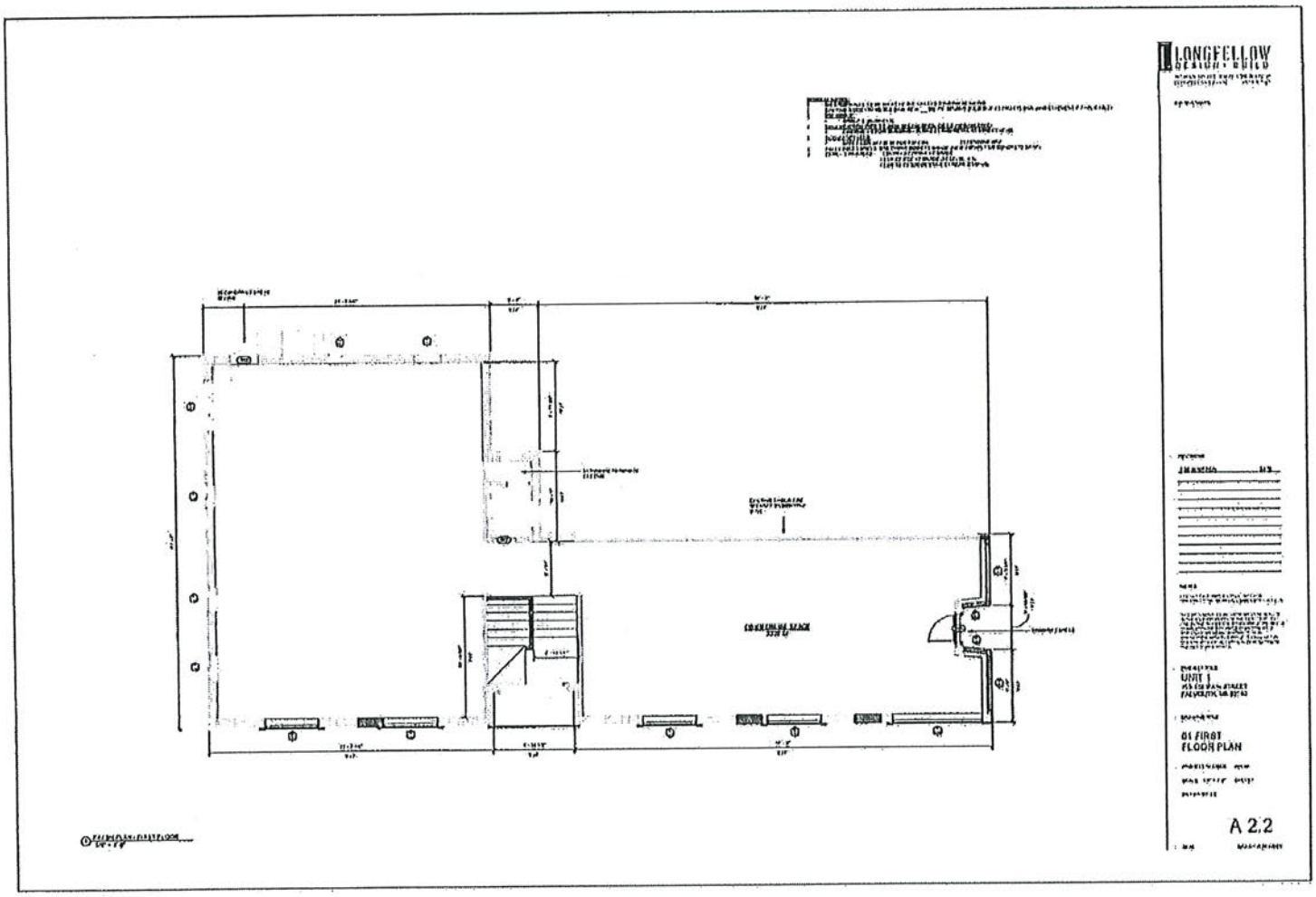
Each of Lessor and Lessee shall comply with all applicable state and federal laws and regulations respecting the confidentiality of all information relating to this Lease which is not otherwise public information, including, without limitation, all financial, operating, proprietary or business information; as well as hold in strict confidence any information specified by any party hereto as confidential information. Lessor and Lessee shall each exercise best efforts to prevent any of their respective agents, employees or independent contractors or any other person involved in doing business with or controlled by the recipient party from disclosing or transmitting to any third party any such confidential or proprietary information obtained from the disclosing party; PROVIDED, HOWEVER, that nothing herein shall prohibit a recipient party from disclosing or transmitting information to the extent necessary or appropriate under this Lease or as required by law.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties hereunto set their hands and seals this ___ day of January, 2022.

LESSEE:	LESSOR:
Blue Moon Sea Grille, Inc.	**Bogosian Development LLC**
By: Edmond M. Richardi, President	By: Mark Bogosian, Manager

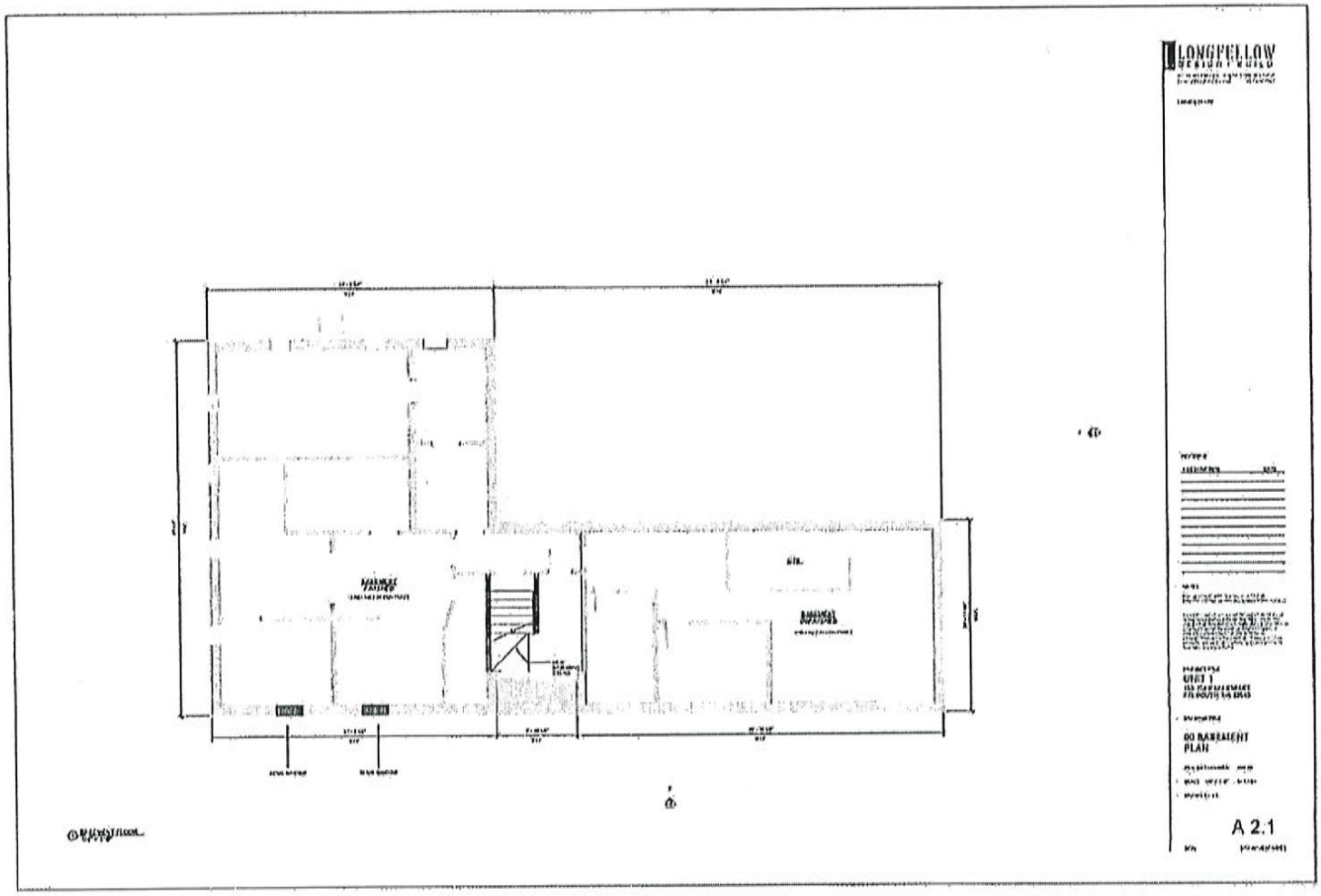
EXHIBIT A1
First Floor Plan



Lessor

Lessee

EXHIBIT A2
Basement Plan



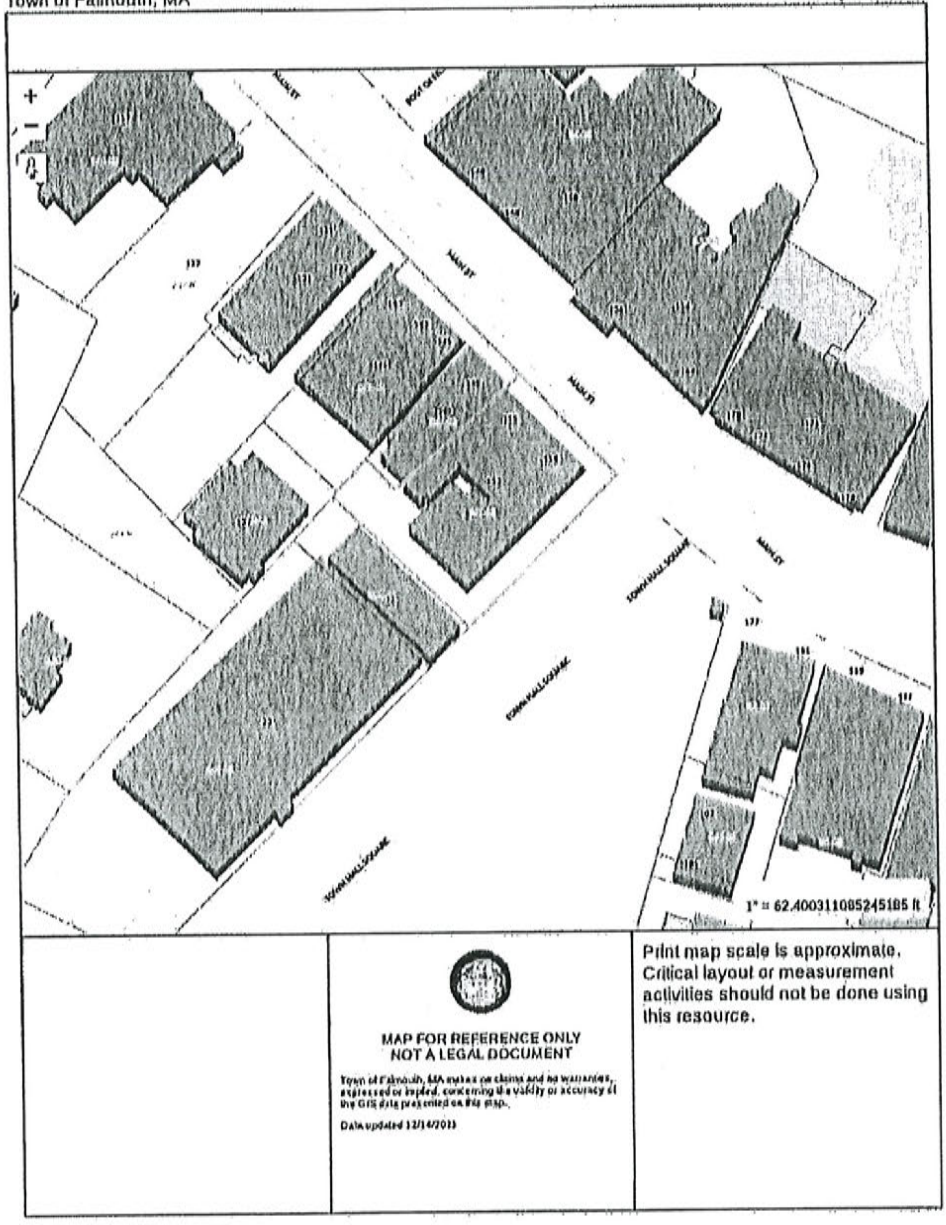
Lessor

Lessee

EXHIBIT B
Site Plan

Town of Falmouth, MA

January 26, 2022



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.

Data updated 12/14/2021

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

Lessor

Lessee

Amendment to Commercial Lease

This instrument amends the Commercial Lease ("the Lease") for 153-159 Main Street, Falmouth ("the Premises") made in January 2022 by and between Bogosian Development LLC as Lessor and Blue Moon Sea Grille, Inc. as Lessee as heretofore amended:

WHEREAS, the Lease provides in Section 10.A.vii that "Lessee shall be responsible for its own trash removal into its dumpster to be located in the rear of the property, which dumpster Lessee shall pay 100% of the cost associated with the dumpster and the servicing thereof"; and

WHEREAS Lessor owns property known as 23 Town Hall Square (Lot 4 shown on Land Court Plan 20500-D, title reference Land Court Certificate of Title No. 225492) which property is proximate to the Premises; and

WHEREAS it may be advantageous for Lessee to use for trash removal a dumpster located at 23 Town Hall Square;

NOW, THEREFORE, Lessor and Lessee agree that during the term of the Lease, as extended, Lessee may use a dumpster at 23 Town Hall Square, for the restaurant trash, on the following terms and conditions:

1. Lessee shall promptly pay to Lessor or to the trash removal contractor, 100% of the cost associated with Lessee's use of such dumpster and the servicing thereof, including maintenance of the dumpster area in a neat and orderly condition, that is in excess of the cost that would be associated with use of such dumpster solely for the occupancy of 23 Town Hall Square, as reasonably determined by Lessor in Lessor's sole discretion.

2. Lessee shall comply with all rules, regulations and requests reasonably made by Lessor with respect to Lessee's use of the dumpster at 23 Town Hall Square.

Except as so modified, the Lease is ratified and confirmed.

Executed this 8 day of May, 2023.

LESSEE:
Blue Moon Sea Grille, LLC

Edmond Richardi, Manager

LESSOR:
Bogosian Development LLC

Mark Bogosian, Manager

The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: $250.00

Secretary of the Commonwealth, Corporations Division
One Ashburton Place, 17th floor
Boston, MA 02108-1512
Telephone: (617) 727-9640

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

Identification Number: 001496551

ARTICLE I

The exact name of the corporation is:

BLUE MOON SEA GRILLE, INC.

ARTICLE II

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

ARTICLE III

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

Class of Stock	Par Value Per Share Enter **0** if no Par	Total Authorized by Articles of Organization or Amendments		Total Issued and Outstanding
		Num of Shares	*Total Par Value*	*Num of Shares*
CNP	$0.00000	10,000	$0.00	10

G.L. C156D eliminates the concept of par value, however a corporation may specify par value in Article III. See G.L. C156D Section 6.21 and the comments thereto.

ARTICLE IV

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

ARTICLE V

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

ARTICLE VI

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

Note: The preceding six (6) articles are considered to be permanent and may be changed only by filing appropriate articles of amendment.

ARTICLE VII

The effective date of organization and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a *later* effective date is desired, specify such date, which may not be later than the *90th day* after the articles are received for filing.

Later Effective Date: Time:

ARTICLE VIII

The information contained in Article VIII is not a permanent part of the Articles of Organization.

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

Name: EDMOND M. RICHARDI
No. and Street: 681 FALMOUTH ROAD
City or Town: MASHPEE State: MA Zip: 02649 Country: USA

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

Title	**Individual Name** First, Middle, Last, Suffix	**Address** (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	EDMOND M RICHARDI	681 FALMOUTH ROAD MASHPEE, MA 02649 USA
TREASURER	EDMOND M RICHARDI	681 FALMOUTH ROAD MASHPEE, MA 02649 USA
SECRETARY	EDMOND M RICHARDI	681 FALMOUTH ROAD MASHPEE, MA 02649 USA
DIRECTOR	EDMOND M RICHARDI	681 FALMOUTH ROAD MASHPEE, MA 02649 USA

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

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

OPERATION OF A RESTAURANT

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

No. and Street: 681 FAMOUTH ROAD
City or Town: MASHPEE State: MA Zip: 02649 Country: USA

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

No. and Street: 681 FALMOUTH ROAD

City or Town: MASHPEE State: MA Zip: 02649 Country: USA

which is

X its principal office

__ an office of its secretary/assistant secretary

__ an office of its transfer agent

__ its registered office

Signed this 24 Day of March, 2021 at 1:59:34 PM by the incorporator(s). *(If an existing corporation is acting as incorporator, type in the exact name of the business entity, the state or other jurisdiction where it was incorporated, the name of the person signing on behalf of said business entity and the title he/she holds or other authority by which such action is taken.)*

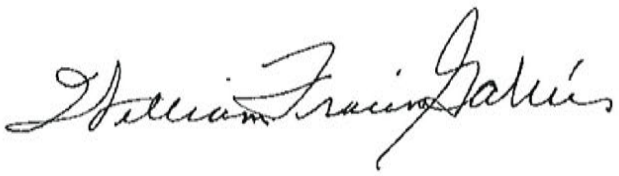
EDMOND M. RICHARDI

© 2001 - 2021 Commonwealth of Massachusetts
All Rights Reserved

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:

March 24, 2021 01:57 PM



WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

The Commonwealth of Massachusetts, William Francis Galvin

Corporations Division

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

Statement of Change of Supplemental Information

(General Laws, Chapter 156D, Section 2.02 AND Section 8.45; 950 CMR 113.17)

No Fee

Identification Number: 001496551

1. Exact name of the corporation:

BLUE MOON SEA GRILLE, INC.

2. Current registered office address:

Agent name: EDMOND M. RICHARDI

Number and street: 681 FALMOUTH ROAD

Address 2:

City or town: MASHPEE State: MA Zip code: 02649

3. The following supplemental information has changed:

☐ Names and street addresses of the directors, president, treasurer, secretary

Title	Individual Name	Address
PRESIDENT	EDMOND M RICHARDI	681 FALMOUTH ROAD MASHPEE, MA 02649 USA
TREASURER	JOHN T RICHARDI	71 WEST WAY MASHPEE, MA 02649 USA
SECRETARY	JOHN T RICHARDI	71 WEST WAY MASHPEE, MA 02649 USA
DIRECTOR	MICHAEL RICHARDI	681 FALMOUTH ROAD MASHPEE, MA 02649 USA
DIRECTOR	EDMOND M RICHARDI	681 FALMOUTH ROAD MASHPEE, MA 02649 USA

☐ Fiscal year end:

December 31

☐ Type of business in which the corporation intends to engage:

OPERATION OF A RESTAURANT

☐ Principal office address:

Number and street: 681 FAMOUTH ROAD

Address 2:

City or town:	MASHPEE	State:	MA	Zip code:	02649
Country:	UNITED STATES				

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

Number and street:	118				
Address 2:	WATERHOUSE ROAD				
City or town:	BOURNE	State:	MA	Zip code:	02532
Country:	UNITED STATES				

Which is:

☑ its principal office
☐ an office of its transfer agent
☐ an office of its secretary/assistant secretary
☐ its registered office

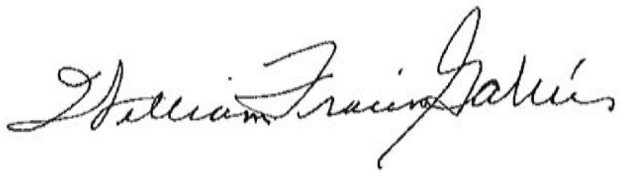
Signed by EDMOND M. RICHARDI , its PRESIDENT

on this 26 Day of January, 2024

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:

January 26, 2024 03:26 PM



WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

Town of Falmouth

BUSINESS CERTIFICATE (DBA)

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

Blue Moon Sea Grille, Inc. d/b/a Hooked Bar & Grill (Business Name) — Restaurant (Type of Business)

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

159 Main Street, Falmouth (Address of Business) — 774-612-3137 (Phone Number)

By the following named person(s):

Owner 1 Edmond M. Richardi (Full Name) — 159 Main Street, Falmouth, MA 02540 (Address)

Edmond M Richardi (Signature) — 774-612-3137 (Phone Number)

Owner 2 _____ (Full Name) _____ (Address)

_____ (Signature) _____ (Phone Number)

****

Commonwealth of Massachusetts
County of Barnstable

On this 2nd day of April, 2025, before me, the undersigned notary public, personally appeared Edmond M. Richardi, proved to me through satisfactory evidence of identification, to be the person whose name is signed on the preceding or attached document in my presence.

Notary Public Signature

(seal)

KEVIN P. KLAUER II
Notary Public, Commonwealth of Massachusetts
My Commission Expires January 11, 2030

****

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

Received Date April 24 2025

Expiration Date April 24, 2029

Michael Palmer, Town Clerk

Complete prior to applying for:

Common Victualler License
Lodging House License
Innholder License

APPLICANT: Blue Moon Sea Grille, Inc. d/b/a Hooked Bar & Grill

ADDRESS: 159 Main Street, Falmouth

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: _____

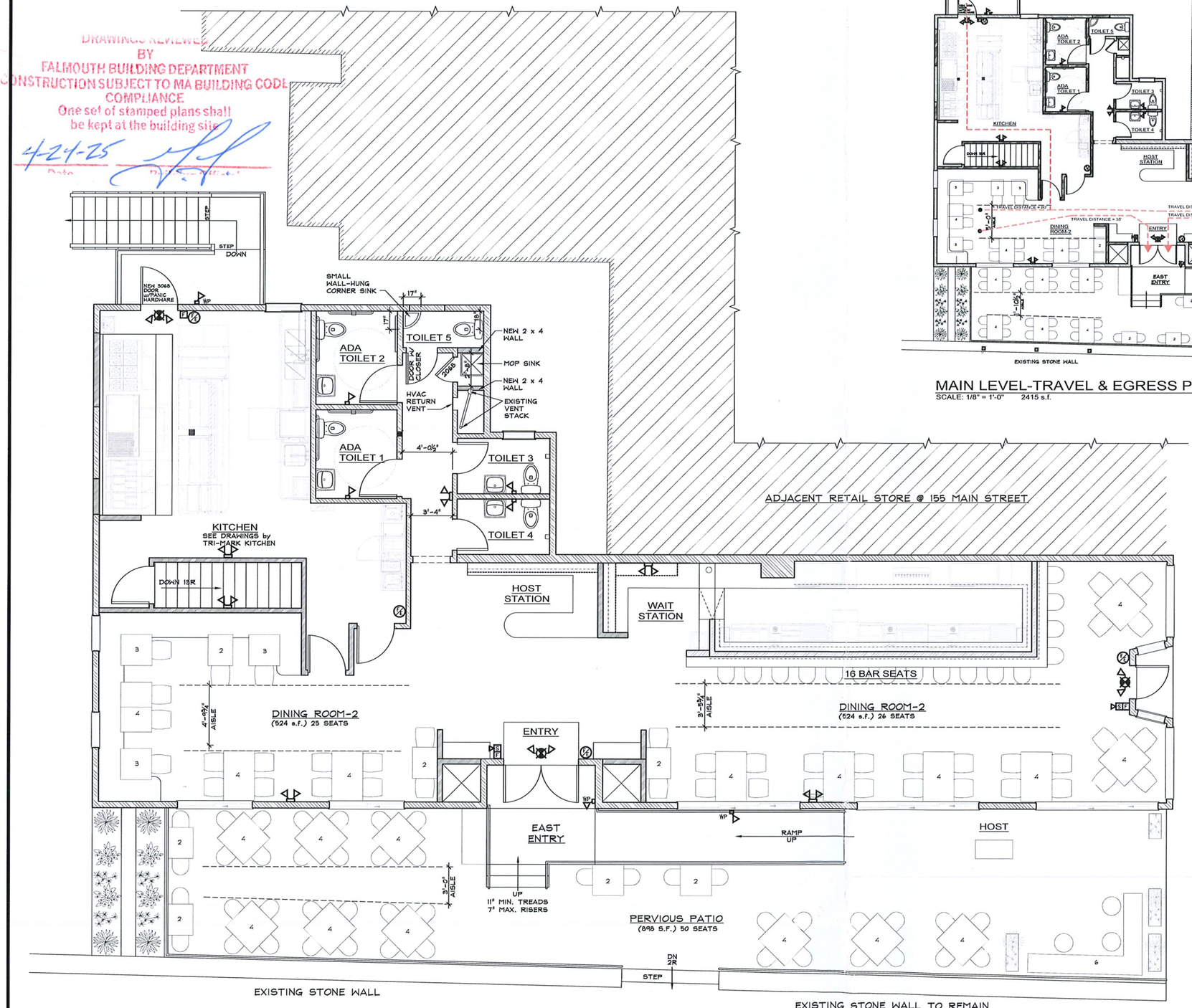
_____

Building Commissioner: X Gary Shuel

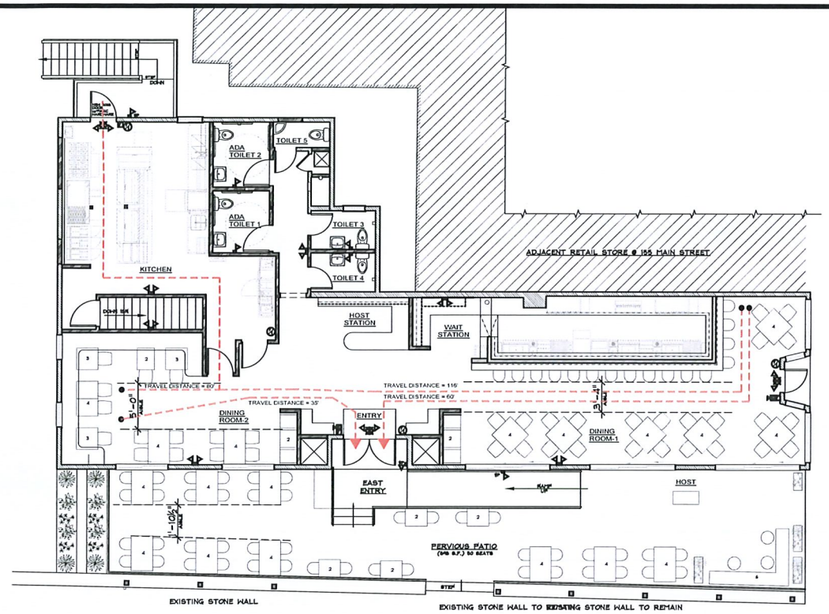
DATE: 4-24-25

DRAWINGS REVIEWED
BY
FALMOUTH BUILDING DEPARTMENT
CONSTRUCTION SUBJECT TO MA BUILDING CODE
COMPLIANCE
One set of stamped plans shall
be kept at the building site

4-24-25
Date



MAIN LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0" 2252 s.f.



MAIN LEVEL-TRAVEL & EGRESS PLAN
SCALE: 1/8" = 1'-0" 2415 s.f.

OCCUPANT COUNT

INDOOR SEATING

DINING ROOM-1=(26 SEATS)
DINING ROOM-2=(25 SEATS)
BAR AREA=(16 SEATS)

OUTDOOR SEATING

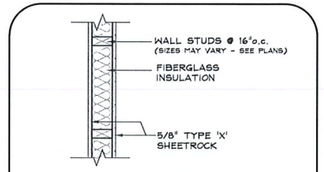
PATIO=(44 DINING)
(6 WAITING)

TOTAL SEATS: 117

TOTAL ALLOWED OCCUPANCY: 130

FIRE PROTECTION SYMBOL LEGEND:

- DOUBLE HEAD EMERGENCY LIGHT
- SINGLE HEAD EMERGENCY LIGHT WP = WATERPROOF
- EXIT SIGN ARROW INDICATES DIRECTION TO EXIT
- EXIT SIGN w/EMERGENCY LIGHT
- HORN + STROBE ALERT
- (SILENT) STROBE ALERT
- FIRE ALARM PULL
- FIRE EXTINGUISHER
- SMOKE DETECTOR
- HEAT DETECTOR
- CARBON MONOXIDE DETECTOR
- COMBINATION SMOKE & CARBON MONOXIDE DETECTOR
- VENT FAN
- THERMOSTAT



A — 1 HR RATED WALL
UL263
(DESIGN No. U305)
STC RATING-56

INTERIOR WALL PARTITION- FIRE SEPARATION DETAIL

CONSULTANT — SIGNATURE

ARCHITECT — REGISTERED ARCHITECT - ELISABETTA GIAMPIETRO - LOUIS — NO. 4629 — REGISTERED — MA — SIGNATURE

RENOVATIONS TO:
COMMERCIAL PROPERTY
159 MAIN STREET
FALMOUTH, MASSACHUSETTS

Giampietro Architects
354 Gifford Street
Falmouth, MA 02540
Tel: 508-540-7400
Fax: 508-540-0220

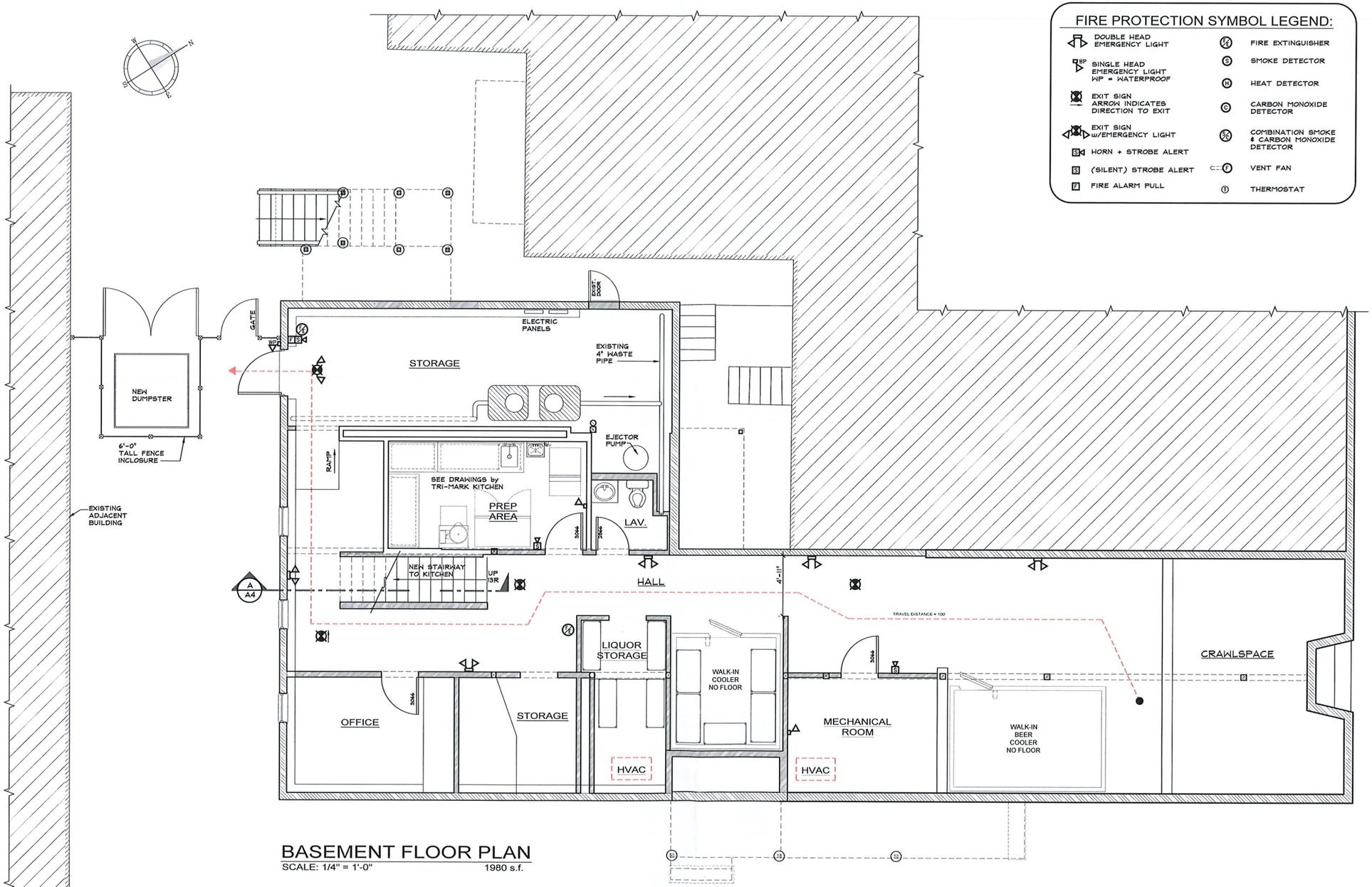
DRAWING TITLE: MAIN LEVEL FLOOR PLAN

DRAWN BY:	JJL
CHECKED BY:	RPG
DATE:	04/05/2024
REVISIONS:	04/23/2024
	05/02/2024
	03/10/2026
	3/20/2026
	4/08/2026
	4/18/2026
PROJECT No.	2212

THIS DRAWING IS PART OF A COMPLETE ARCHITECTURAL SET. THERE IS INFORMATION PERTAINING TO THIS DRAWING ON OTHER SHEETS. REFER TO T1 FOR COMPLETE SHEET LIST. DO NOT DO TAKE OFFS, BIDDING OR CONSTRUCTION ON THIS STRUCTURE WITHOUT A COMPLETE SET.

SHEET No. **A2**

CONSTRUCTION DOCS.



FIRE PROTECTION SYMBOL LEGEND:

- DOUBLE HEAD EMERGENCY LIGHT
- WP SINGLE HEAD EMERGENCY LIGHT WP = WATERPROOF
- EXIT SIGN ARROW INDICATES DIRECTION TO EXIT
- EXIT SIGN w/EMERGENCY LIGHT
- S HORN + STROBE ALERT
- S (SILENT) STROBE ALERT
- F FIRE ALARM PULL
- FE FIRE EXTINGUISHER
- S SMOKE DETECTOR
- H HEAT DETECTOR
- C CARBON MONOXIDE DETECTOR
- S/C COMBINATION SMOKE & CARBON MONOXIDE DETECTOR
- F VENT FAN
- T THERMOSTAT

BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0" 1980 s.f.

CONSULTANT SIGNATURE

ARCHITECT SIGNATURE

RENOVATIONS TO:
COMMERCIAL PROPERTY
159 MAIN STREET
FALMOUTH, MASSACHUSETTS

Giampietro Architects
354 Gifford Street
Falmouth, MA 02540
Tel: 508-540-7400
Fax: 508-540-0220

DRAWING TITLE: BASEMENT FLOOR PLAN

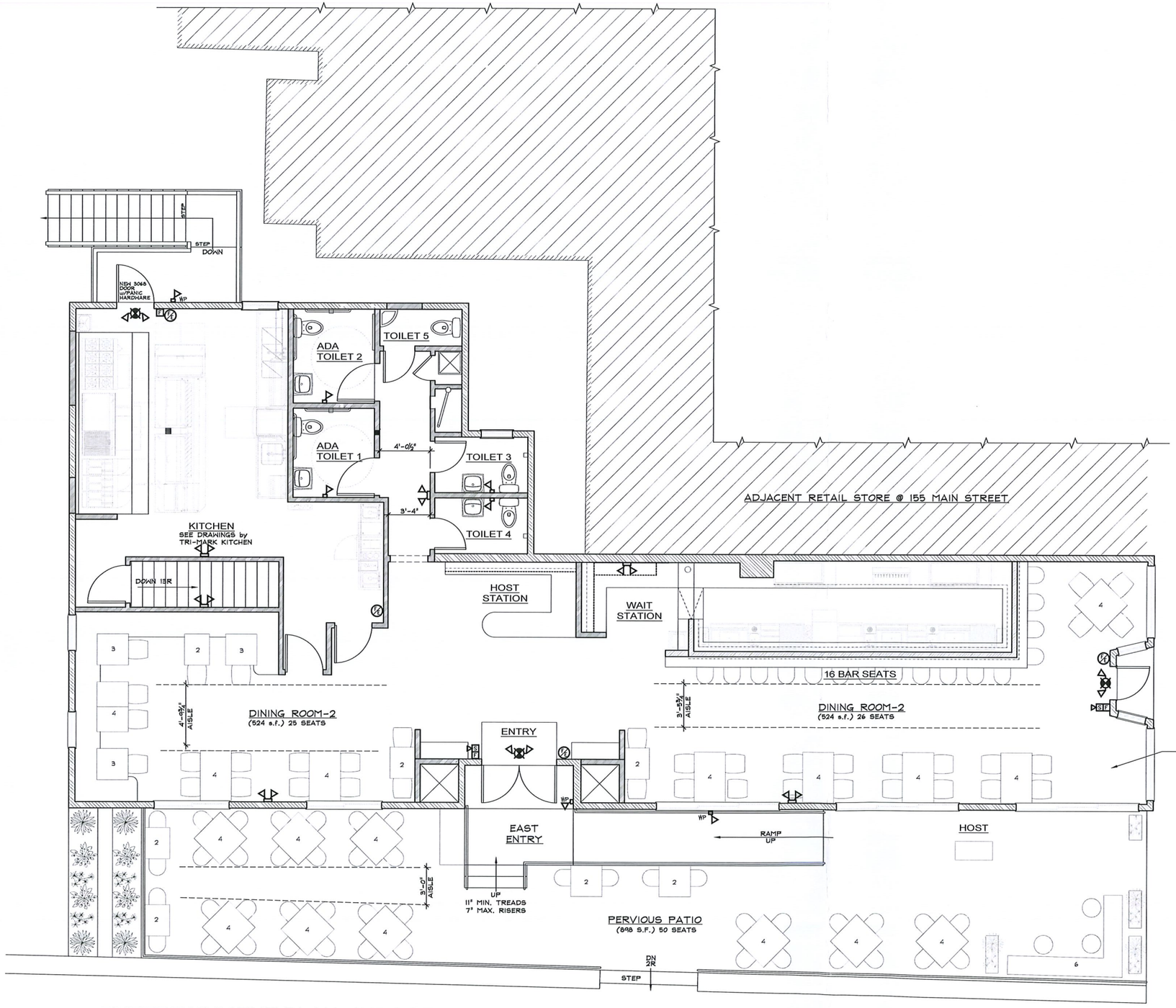
DRAWN BY: JJM
CHECKED BY: RPG
DATE: 04/18/2026
REVISIONS:

PROJECT No. 2212

THIS DRAWING IS PART OF A COMPLETE ARCHITECTURAL SET. THERE IS INFORMATION PERTAINING TO THIS DRAWING ON OTHER SHEETS. REFER TO T1 FOR COMPLETE SHEET LIST. DO NOT DO TAKE OFFS, BIDDING OR CONSTRUCTION ON THIS STRUCTURE WITHOUT A COMPLETE SET.

SHEET No. A6

CONSTRUCTION DOCS.



ENTERTAINMENT PLAN- *INDOOR*

SCALE: 1/4" = 1'-0"

CONSULTANT

SIGNATURE

ARCHITECT

LOUIS GIAMPIETRO REGISTERED ARCHITECT - SUSSCRIBER - RESIDENTIAL COMMERCIAL NO. 4629 FALMOUTH, MA

SIGNATURE

RENOVATIONS TO:
COMMERCIAL PROPERTY
159 MAIN STREET
FALMOUTH, MASSACHUSETTS

Giampietro Architects
354 Gifford Street
Falmouth, MA 02540
Tel: 508-540-7400
Fax: 508-540-0220

DRAWING TITLE: ENTERTAINMENT PLAN

DRAWN BY: JJL

CHECKED BY: RPG

DATE: 04/08/2026

REVISIONS:

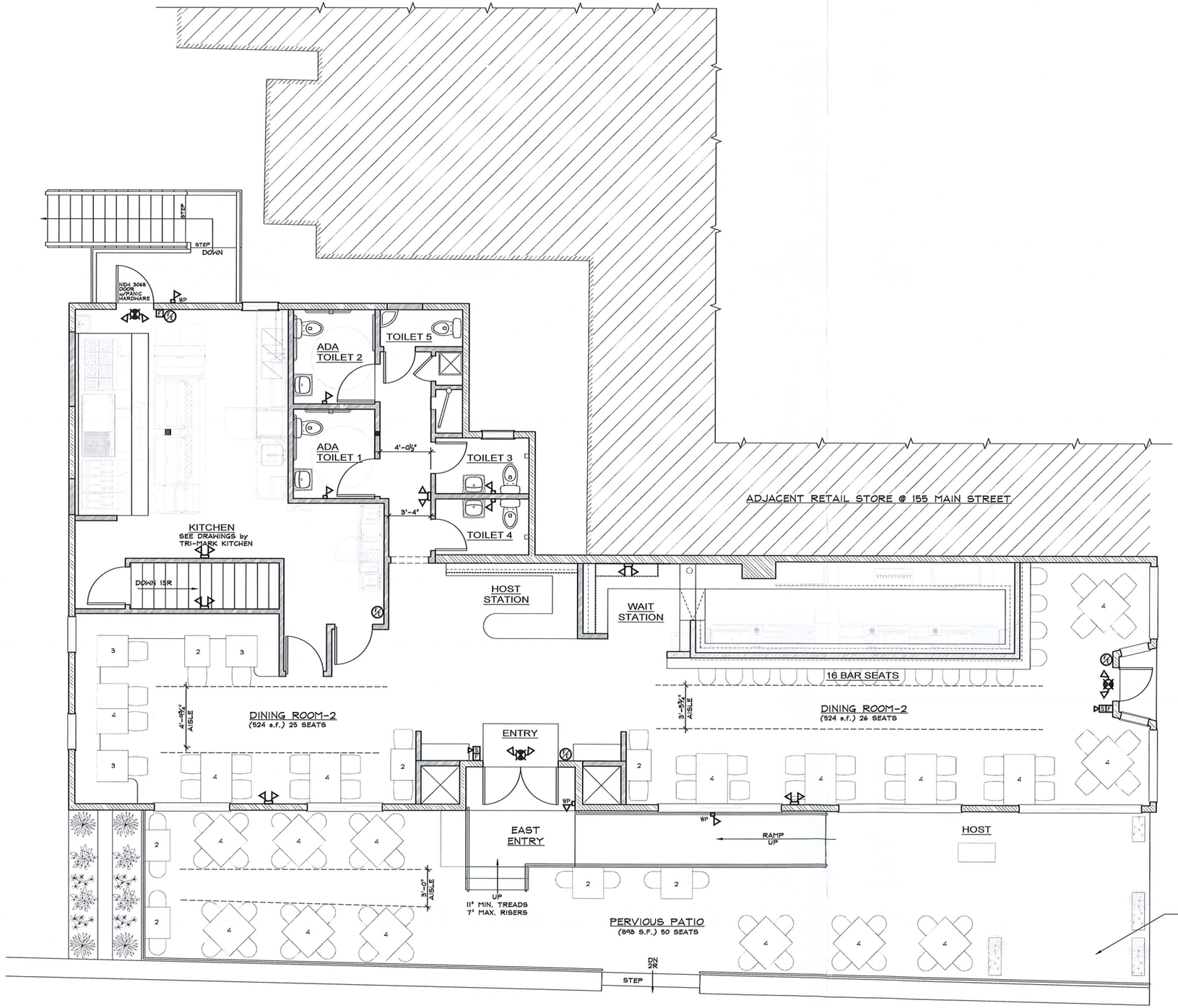
PROJECT No. 2212

THIS DRAWING IS PART OF A COMPLETE ARCHITECTURAL SET. THERE IS INFORMATION PERTAINING TO THIS DRAWING ON OTHER SHEETS. REFER TO T1 FOR COMPLETE SHEET LIST. DO NOT DO TAKE OFFS, BIDDING OR CONSTRUCTION ON THIS STRUCTURE WITHOUT A COMPLETE SET.

SHEET No.

A7

CONSTRUCTION DOCS.



ENTERTAINMENT PLAN- *OUTDOOR*

SCALE: 1/4" = 1'-0"

ARCHITECT

CONSULTANT

URE

REGISTERED ARCHITECT - SLEEPER ASSOCIATES
LOUIS P. GIAMPIETRO
NO. 4629
FALMOUTH, MA.
REGISTERED PROFESSIONAL ENGINEER

RENOVATIONS TO:
COMMERCIAL PROPERTY
159 MAIN STREET
FALMOUTH, MASSACHUSETTS

Giampietro Architects
354 Gifford Street
Falmouth, MA 02540
Tel: 508-540-7400
Fax: 508-540-0220

DRAWING TITLE:
ENTERTAINMENT PLAN

DRAWN BY: JJM

CHECKED BY: RPG

DATE: 04/08/2026

REVISIONS:

PROJECT No. 2212

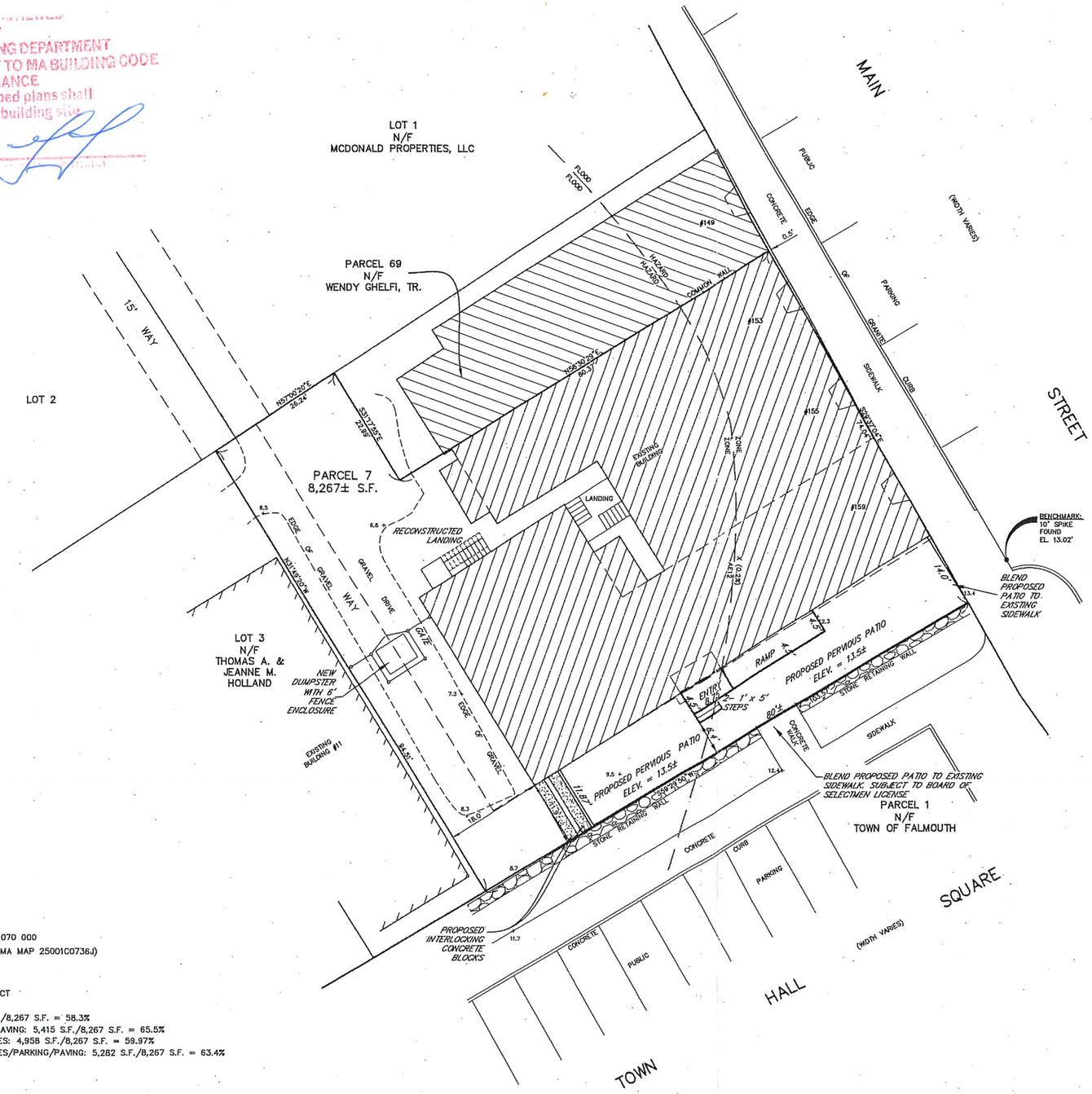
THIS DRAWING IS PART OF A COMPLETE ARCHITECTURAL SET. THERE IS INFORMATION PERTAINING TO THIS DRAWING ON OTHER SHEETS. REFER TO T1 FOR COMPLETE SHEET LIST. DO NOT DO TAKE OFFS, BIDDING OR CONSTRUCTION ON THIS STRUCTURE WITHOUT A COMPLETE SET.

SHEET No.

A8

CONSTRUCTION DOCS.

BY
FALMOUTH BUILDING DEPARTMENT
CONSTRUCTION SUBJECT TO MA BUILDING CODE
COMPLIANCE
One set of stamped plans shall
be kept at the building site
4-24-25



LEGEND

+12.5	EXISTING SPOT ELEVATION
x14.0	PROPOSED SPOT ELEVATION
➡	DRAINAGE FLOW

SCALE: 1 INCH = 10 FEET

GENERAL NOTES:

1. ASSESSOR'S INFORMATION: 47A 07 070 000
2. FLOOD ZONES: X (0.2%) & AE12 (FEMA MAP 25001C0736J)
3. ZONING DISTRICT: B1
4. WIND EXPOSURE CATEGORY: C
5. OVERLAY DISTRICT: HISTORIC DISTRICT
6. LOT COVERAGE BY:
   A. EXISTING STRUCTURES: 4,820 S.F./8,267 S.F. = 58.3%
   B. EXISTING STRUCTURES/PARKING/PAVING: 5,415 S.F./8,267 S.F. = 65.5%
   C. EXISTING & PROPOSED STRUCTURES: 4,958 S.F./8,267 S.F. = 59.97%
   D. EXISTING & PROPOSED STRUCTURES/PARKING/PAVING: 5,282 S.F./8,267 S.F. = 63.4%
7. WIND BORNE DEBRIS REGION: HIGH
8. STREET ADDRESS: MAIN STREET
9. BUILDING NUMBER: 159
10. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.
11. PROPERTY LINES AND EXISTING CONDITIONS ARE BASED ON A PLAN PREPARED BY R.A.S. ASSOCIATES DATED JULY 29, 2022.

PLOT PLAN OF PROPOSED PATIO
FOR #159 MAIN STREET
PREPARED FOR
BLUE MOON SEA GRILLE, INC.
IN
FALMOUTH MA

PLAN DATE: AUGUST 30, 2023 | PLAN SCALE: 1" = 10'

CIVIL ENGINEERING
WASTEWATER DESIGN
TITLE 5 PLOT PLANS
LAND USE PLANNING
WETLANDS PERMITTING
COASTAL ENGINEERING
PIERS AND DOCKS
COMMERCIAL/RESIDENTIAL
FALMOUTH ENGINEERING
Serving Cape Cod and Southeastern Massachusetts
17 ACADEMY LANE, SUITE 200 – FALMOUTH, MA – 02540 – 508.495.1225

PROJECT NUMBER: 22070 | CAD FILE NAME: 22070SP | DRAWN BY: L.M./ | SHEET 1 OF 1

Item: 4.h.

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Phyllis Downey, Administrative Assistant
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider a vote to approve an application by The Curator, 17 Walker Street, Unit A, Falmouth for a new Second-Hand Dealer License **(10 minutes)**

Purpose:
The Select Board will consider a vote to approve an application for a New Second-Hand Dealer License submitted by The Curator, located at 17 Walker Street, Unit A, Mary Brady, Owner/Manager.

Background/Summary:

- Second-Hand Dealer Licenses are annual, expiring on April 30th each year.
- An application to renew the 2023-2024 license was not received, and the license expired on April 30, 2025.
- The Manager was advised by email and phone that a new license would be needed and that The Curator would need to cease operations until a new license was issued.
- The business however continued to operate.
- A Town Background check was completed on May 8, 2025.
- An application for a new Second-Hand Dealer License was received on May 9, 2025, with requirements.
- The application was reviewed by the Building, Police, Fire Rescue, and Zoning offices with no objections expressed.
- The Manager/Owner, Mary Brady, advised that, depending on her flight - travel, she may not arrive at the Select Board meeting in time for the review. If she is unable to attend, her daughter Lena Brady will attend.

Recommended Actions:
Department Recommendation:
The Town Manager's Office recommends approval of the application by The Curator, 17 Walker Street, Unit A, Falmouth for a Second-Hand Dealer License as presented with a reminder to renew the license in a timely manner in the future.

Options:

- Motion to approve the application by The Curator, 17 Walker Street, Unit A, Falmouth for a Second-Hand Dealer License.
- Motion to approve the application by The Curator, 17 Walker Street, Unit A, Falmouth for a Second-Hand Dealer License.
- Some other alternative and conditions voted by the Select Board.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the application by The Curator, 17 Walker Street, Unit A, Falmouth for a Second-Hand Dealer License as presented.

Budget:
Applicable? (yes or no):
No
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:
1. The Curator-CONFIDENTIAL-New Second-Hand Dealer License 05.19.25
2. The Curator-New Second-Hand Dealer License 05.19.25

LICENSE APPLICATION REVIEW

Restaurant/Business: The Curator

Address: 17 Walker Street, Unit A

License Type:

☒ **New License**

☐ **Transfer of License**

☐ **Change of License**

☐ Police — No objection

☐ Fire — No objection

☐ Building — No issues

☐ Health

☐ Zoning — No comment

☐ Planning

☐ DPW

NOTES:

The application is to reinstate a license that was not renewed before expiration on April 30th.

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: MARY BRADY

HOME ADDRESS: 152 Clinton Ave

TOWN: Falmouth STATE: MA ZIP CODE: 02540

BUSINESS NAME: The Curator LLC

D/B/A - *if any*:

BUSINESS ADDRESS: 17 Walker St, Suite A

TOWN: Falmouth STATE: MA ZIP CODE: 02540

MAILING ADDRESS *(if different)*: 152 Clinton Ave, Falmouth, MA 02540

MANAGER - *if any*:

The curatorfalmouth@gmail.com

FEDERAL ID #: 382-68-1294

EMAIL *required*: [redacted]

TELEPHONE BUSINESS: 508-426-9616

HOME: [redacted]

MOTOR VEHICLES – list year, make and license number of each vehicle:

Chevrolet Equinox NH 4807929

TYPE OF GOODS SOLD: Clothing, jewelry Costume, Shoes, purses, Housewares

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:

7/15/25
DATE

Mary Brady
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

Phyllis Downey

From: Gary Street
Sent: Friday, May 9, 2025 3:55 PM
To: Phyllis Downey
Subject: RE: Time Sensitive-The Curator Second-Hand Dealer License

Phyllis,

No issues

Respectfully,

Gary Street

Gary Street CBO
Building Commissioner and Zoning Enforcement Officer
Town of Falmouth
Gary.Street@Falmouthma.gov
(508)495-7470

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Friday, May 9, 2025 3:46 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Gary Street <gary.street@falmouthma.gov>
Cc: Maura O'Keefe <maura.okeefe@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Mike Renshaw <mike.renshaw@falmouthma.gov>
Subject: Time Sensitive-The Curator Second-Hand Dealer License

Good afternoon,

The Curator located at 17 Walker Road, Suite A, Falmouth did not renew its license before it expired on April 30, 2025.

To address that an application for a new Second-Hand Dealer License has been submitted, please see the attachment. May we please request your recommendation to the Select Board at your earliest convenience?

Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540
508-495-7325

Phyllis Downey

From: Noreen Stockman
Sent: Friday, May 9, 2025 4:20 PM
To: Phyllis Downey; Brian Reid; Boyd Demello; Jeff Lourie; Ryan Hergt; Craig O'Malley; Gary Street
Cc: Maura O'Keefe; Mike Renshaw
Subject: RE: Time Sensitive-The Curator Second-Hand Dealer License

No comment for ZBA.

As an FYI, the ZBA has granted a permit to the property owner for a raze and rebuild at the subject property; we have no timeline related to when that work would take place.

Sincerely,
Noreen

Noreen H. Stockman
Zoning Administrator
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
508-495-7462

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Friday, May 9, 2025 3:46 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Gary Street <gary.street@falmouthma.gov>
Cc: Maura O'Keefe <maura.okeefe@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Mike Renshaw <mike.renshaw@falmouthma.gov>
Subject: Time Sensitive-The Curator Second-Hand Dealer License

Good afternoon,

The Curator located at 17 Walker Road, Suite A, Falmouth did not renew its license before it expired on April 30, 2025.

To address that an application for a new Second-Hand Dealer License has been submitted, please see the attachment. May we please request your recommendation to the Select Board at your earliest convenience?

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: Saturday, May 10, 2025 7:13 AM
To: Phyllis Downey; Brian Reid; Jeff Lourie; Ryan Hergt; Craig O'Malley; Gary Street
Cc: Maura O'Keefe; Noreen Stockman; Mike Renshaw
Subject: RE: Time Sensitive-The Curator Second-Hand Dealer License

Fire Rescue has no objections to this application.

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: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Friday, May 9, 2025 15:46
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Gary Street <gary.street@falmouthma.gov>
Cc: Maura O'Keefe <maura.okeefe@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Mike Renshaw <mike.renshaw@falmouthma.gov>
Subject: Time Sensitive-The Curator Second-Hand Dealer License

Good afternoon,

The Curator located at 17 Walker Road, Suite A, Falmouth did not renew its license before it expired on April 30, 2025.

To address that an application for a new Second-Hand Dealer License has been submitted, please see the attachment. May we please request your recommendation to the Select Board at your earliest convenience?

Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540
508-495-7325

Phyllis Downey

From: Brian Reid <brian.reid@falmouthpolicema.gov>
Sent: Monday, May 12, 2025 11:08 AM
To: Phyllis Downey; Boyd Demello; Jeff Lourie; Ryan Hergt; Craig O'Malley; Gary Street
Cc: Maura O'Keefe; Noreen Stockman; Mike Renshaw
Subject: Re: Time Sensitive-The Curator Second-Hand Dealer License

No objection from Police.

Brian L. Reid
Captain of Operations and Specialized Services
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
774-255-4527 Ext. 4502

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Friday, May 9, 2025 3:46 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Gary Street <gary.street@falmouthma.gov>
Cc: Maura O'Keefe <maura.okeefe@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Mike Renshaw <mike.renshaw@falmouthma.gov>
Subject: Time Sensitive-The Curator Second-Hand Dealer License

Good afternoon,

The Curator located at 17 Walker Road, Suite A, Falmouth did not renew its license before it expired on April 30, 2025.

To address that an application for a new Second-Hand Dealer License has been submitted, please see the attachment. May we please request your recommendation to the Select Board at your earliest convenience?

Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540
508-495-7325

The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth

Corporations Division

THE CURATOR LLC
17 WALKER STREET SUITE A
FALMOUTH, MA 02540

DATE: 7/9/2024

NOTICE OF APPROVAL

To: THE CURATOR LLC
The organizational document for the above-named LLC is approved and now on the public record of the Corporations Division. We are sending out this notification to inform you of some of the possible filing obligations for the LLC.

ANNUAL REPORT:
Each LLC owes an annual report on or before the anniversary date of its organization. The annual report may be filed using our online filing system, using the below CID and PIN. Please maintain this CID and PIN for your use when filing online.

[redacted]

DUE DATE: 07/08/2025

BOI REPORT:

Please be advised that your entity may have a filing obligation with the Federal Government. You may need to file a **Beneficial Ownership Information Report (BOI Report)** with the U.S. Treasury's Financial Crimes Enforcement Network (FinCEN) within 90 days of registering your business. Updates or corrections to reports must be s

NOT SUBMIT THESE REPORTS TO THIS OFFICE.

Contact information for FinCEN:
Email: FRC@fincen.gov
Phone Number: 1-800-767-2825
Website: https://www.fincen.gov/contact

COMMERCIAL LEASE
TENANCY AT WILL
17 Walker Street, Falmouth Massachusetts

1. PARTIES *(fill in)*

17 Walker Street LLC, C/O First Cambridge Realty Corp, 907 Massachusetts Ave, Cambridge, MA 02139, 617-304-1820, LESSOR, which expression shall include **its** heirs, successors, and assigns where the context so admits, does hereby lease to **Mary Brady individually and as the manager of The Curator LLC, of 152 Clinton Ave Falmouth 02540.**

LESSEE, which expression shall include **its** successors, executors, administrators, and assigns where the context so admits, and the LESSEE hereby leases the following described premises:

2. PREMISES *(fill in and include, if applicable, suite number, floor number, and square feet)*

Suite #A, _ specifically denoted as Exhibit A attached hereto ____ (the "Premises") in the building (the "Building") and improvements thereon on the property known as and located at 17 Walker Street Falmouth MA, 02540, Barnstable County, Massachusetts (the "Property")

together with the right to use in common, with others entitled thereto, the hallways, stairways, driveways and parking areas necessary for access to said Premises.

3. TERM *(fill in)*

Commencing 7/8/2024, this lease is a tenancy at will with no fixed term and terminable by either party with sixty
days written notice to the other party.

4. RENT *(fill in)*

The LESSEE shall pay to the LESSOR re[redacted] payable in advance in monthly installments ~~In addition to Bas~~ **its allocable share of increases in real estate taxes, insuranc[redacted]g expenses for the Property ("Additional Rent"), in accorda[redacted]**

5. SECURITY DEPOSIT *(fill in)*

Upon the execution of this Lease the LESSEE shall pay to the LESSOR the amount of $1,100 _____ dollars, which shall be held as a security for the LESSEE's performance as herein provided and refunded to the LESSEE at the end of this Lease subject to the LESSEE's satisfactory compliance with the conditions hereof.

6. RENT ADJUSTMENT

~~If in any tax year commencing with the fiscal year _____, the real estate taxes on the land and buildings, of which the Premises are a part, are in excess of the amount of the real estate taxes thereon for the fiscal year (hereinafter called the "Tax Base Year"), LESSEE will pay to LESSOR, as additional rent hereunder, when and as designated by notice in writing by LESSOR, _____ per cent of such excess that may occur in each year of the term of this lease or any extension or renewal thereof and proportionately for any part of a fiscal year. If the LESSOR obtains an abatement of any such excess real estate tax, a proportionate share of such abatement, less the reasonable fees and costs incurred in obtaining the same, if any, shall be refunded to the LESSEE.~~

A. TAX ESCALATION *(fill in or delete)*

B. OPERATING COST ESCALATION *(fill in or delete)*

~~The LESSEE shall pay to the LESSOR as additional rent hereunder when and as designated by notice in writing by LESSOR, _____ per cent of any increase in operating expenses over those incurred during the calendar year _____ ("Operating Cost Base Year"). Operating expenses are defined for the purposes of this agreement as~~

~~This increase shall be prorated should this lease be in effect with respect to only a portion of any calendar year.~~

C. CONSUMER PRICE ESCALATION *(fill in or delete)*

~~(1) LESSEE agrees that in the event the "Consumer Price Index for Urban Wage Earners and Clerical Workers, U.S. City Average, All Items (1967 = 100)" (hereinafter referred to as the "Price Index") published by the Bureau of Labor Statistics of the United States Department of Labor or any comparable successor or substitute index designated by the LESSOR appropriately adjusted, reflects an increase in the cost of living over and above the cost of living as reflected by the Price Index for the month _____, 19__ (hereinafter called the "Base Price Index"), the Basic Rent shall be adjusted in accordance with sub-paragraph (2) of this Article.~~

have a notice in the driver side window that the vehicle is part of the denoted business. No parking shall be provided at anytime after business hours, 5pm to 8am.

IN WITNESS WHEREOF, the said parties hereunto set their hands and seals as of this 1st day of July 1, 2024

Mary Brady **(LESSEE)**

By: Mary Brady, individually
and as Manager of The Curator LLC

(LESSOR)

By: Stuart Rothman, as Manager 17 Walker Street LLC

Item: 4.i.

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Mike Renshaw, Town Manager
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Discuss and consider a vote to send a letter to MassDevelopment outlining concerns about the potential establishment of a joint civilian and military airport at Joint Base Cape Cod **(10 minutes)**

Purpose:
The Select Board will discuss and consider a vote to send a letter to MassDevelopment outlining concerns about the potential establishment of a joint civilian and military airport at Joint Base Cape Cod.

Background/Summary:

- During its meeting on January 30, 2025 the Barnstable Town Council voted (7 yes and 5 nay) to send a letter to MassDevelopment (see attached) requesting that it undertake a feasibility study on the establishment of a joint civilian and military airport at Joint Base Cape Cod (JBCC) as a part of MassDevelopment's master planning process of the base.
- The Town Manager's office has received emails from residents within the Ballymeade community expressing concern over the potential for increased traffic and aircraft noise, in effect having the potential to create a "Logan South" and having negative impacts on the quality of life for Falmouth residents.
- Air traffic safety is also a concern when combining miliary and civilian operations, considering the large number of life-saving missions flown by the Coast Guard out of Joint Base Cape Cod.
- A resident of Ballymeade has recently made a request that the Select Board consider writing a letter to MassDevelopment opposing the placement of a combined military and civilian airport at Joint Base Cape Cod.
- For reference, runway lengths are as follows:
    - Cape Cod Gateway: 5,425 feet and 5,253 feet
    - TF Green (Providence, RI): 8,700 feet and 6,081 feet
    - Joint Base Cape Cod: 9,501 feet and 8,000 feet
    - Logan International: 10,083 feet and 10,000 feet (plus other shorter runways)

- At its meeting on May 5, 2025, during the discussion on this topic the Select Board

directed the Town Manager to conduct further research on the status of the Town of Barnstable's request to MassDevelopment, and to draft a letter which outlines the general concerns of the Select Board concerning the establishment of a joint civilian/military airport on Joint Base Cape Cod.

- The Town Manager contacted the Town of Barnstable and requested information concerning the response from MassDevelopment regarding its January 31 letter requesting that the JBCC master planning process incorporate a joint civilian and military airport feasibility study.
- The Town of Barnstable provided MassDevelopment's written response dated Febraury 20, 2025 (see attached) in which MassDevelopment acknowledged receipt of the Town's request and expressed interest in connecting again with the Town once a planning consultant for the base master plan was engaged (anticipated to occur in the second quarter of 2025).

Recommended Actions:

Department Recommendation:

The Town Manager's office recommends that the Select Board approve the sending of a letter to MassDevelopment outlining concerns about the potential establishment of a joint civilian and military airport at Joint Base Cape Cod.

Options:

- Motion to approve sending the attached letter to MassDevelopment outlining concerns about the potential establishment of a joint civilian and military airport at Joint Base Cape Cod.
- Motion to approve sending a letter with Select Board-specified revisions to MassDevelopment outlining concerns about the potential establishment of a joint civilian and military airport at Joint Base Cape Cod.
- Motion to deny sending a letter to MassDevelopment outlining concerns about the potential establishment of a joint civilian and military airport at Joint Base Cape Cod.

Town Manager's Comments:

The Town Manager's office recommends that the Select Board approve the sending of a letter to MassDevelopment outlining concerns about the potential establishment of a joint civilian and military airport at Joint Base Cape Cod.

Budget:

Applicable? (yes or no):

No

Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:
1. Letter to MassDevelopment_Joint Militray and Civilian Airport at JBCC
2. Barnstable Letter to MassDevelopment_01.31.25
3. MassDevelopment Response Letter to Barnstable_02.20.25

TOWN OF FALMOUTH
Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone: (508) 495-7320
townmanager@falmouthma.gov

May 19, 2025

Ms. Navjeet K. Bal
President and Chief Operating Officer
MassDevelopment
99 High Street
Boston, MA 02110

Dear Ms. Bal-

On behalf of the Town of Falmouth Select Board, I am writing you to express the Select Board's concern with the inclusion of a joint military and civilian airfield operation as part of the master planning effort being undertaken by MassDevelopment at Joint Base Cape Cod (JBCC). The Falmouth Select Board understands that on January 31, 2025 the Town of Barnstable made a formal request to have this feasibility study included in the master planning process. The Board also understands that MassDevelopment responded to the Town of Barnstable's request on February 20, indicating that the agency looked forward to connecting with the Town of Barnstable to learn more about its priorities as one of the host communities and a key stakeholder in the master planning process of JBCC.

Shortly after the news of this feasibility study request appeared in the Cape Cod Times, Falmouth residents began expressing their concerns to the Select Board regarding the potential for negative quality of life impacts resulting from the establishment of a joint military and civilian airport at JBCC. While the Falmouth Select Board understands and fully supports the upcoming master planning process at JBCC and also recognizes the importance of regional economic development, such a planning effort must consider that towns abutting JBCC such as Falmouth already carry the burden of being the gateway to the mid, lower, and upper Cape and Islands in terms of congested local roadways, particularly in the summer months. The addition of even more vehicle traffic as a result of a joint military and civilian commercial airport at JBCC would certainly worsen an already overburdened local road network.

In addition to its concerns related to increasing traffic congestion on local roads, the Falmouth Select Board is also very concerned about the negative impact upon the quality of life of Falmouth residents and visitors due to increased aircraft noise that would result from operating a joint military and civilian commercial airport at the Joint Base. Beyond the quality of life impacts due to increased air traffic noise, the potential addition of commercial flight paths over residential neighborhoods would also likely result in the degradation of property values.

DRAFT

Most importantly, the Falmouth Select Board urges MassDevelopment and its master planning consultant to carefully consider the air traffic safety implications associated with operating a joint military and civilian airport in such close proximity to residential neighborhoods.

Thank you for your consideration and attention to the Town of Falmouth's concerns regarding the establishment of a joint military and civilian airport at JBCC, and as direct abutters to the Joint Base and a major stakeholder in the region, we look forward to a robust public participation process as part of the master planning effort.

Very respectfully,

Nancy Robbins Taylor
Chair, Town of Falmouth Select Board

Cc: State Senator Dylan Fernandes
State Representative Thomas Moakley
Barnstable County Board of Regional Commissioners

DRAFT

Town of Barnstable
Town Council
367 Main Street, Village of Hyannis, MA 02601
508-862-4738 • 508-862-4770
E-mail: council@town.barnstable.ma.us
www.town.barnstable.ma.us

Councilors:

Craig Tamash
President
Precinct 4

Kristine Clark
Vice President
Precinct 11

Gordon Starr
Precinct 1

Kristin Terkelsen
Precinct 2

Betty Ludtke
Precinct 3

John Crow
Precinct 5

Paul C. Neary
Precinct 6

Seth Burdick
Precinct 7

Jeffrey Mendes
Precinct 8

Charles Bloom
Precinct 9

Matthew Levesque
Precinct 10

Paula Schnepp
Precinct 12

Felicia Penn
Precinct 13

Administrator:
Cynthia A. Lovell
Cynthia.Lovell@
town.barnstable.ma.us

January 31, 2025

Ms. Navjeet Bal
President and Chief Executive Officer
MassDevelopment
99 High Street
Boston, MA 02110

Dear Ms. Bal,

On behalf of the Town Council of the Town of Barnstable, I write to request that MassDevelopment include a feasibility study on establishing a joint military and civil airfield at Joint Base Cape Cod (JBCC) as part of its master planning effort for the cantonment area of JBCC. We understand that your agency issued a Request for Proposals on December 9, 2024, for this master planning effort.

A joint civil and military airport at JBCC would lend aviation-related economic development to your master planning effort and complement the existing U.S. Coast Guard and Massachusetts Army National Guard aviation missions. There are many joint civil and military airports currently operating that could inform that aspect of the study. We believe the potential regional benefits of a joint civil and military airport warrant a careful and thorough examination, and we support adding such a study to your current planning effort. A feasibility study should include an analysis of the various issues associated with such an endeavor, including, for example, financial issues, legal considerations, operational capacity, regional benefit, community support, JBCC support and economic development and environmental impact.

Thank you for your consideration of this request.

Sincerely,

Craig Tamash
President, Barnstable Town Council

cc: State Senator Julian Cyr
State Representative Kip Diggs
Barnstable County Board of Regional Commissioners
Kristy Senatori, Executive Director, Cape Cod Commission

MassDevelopment

99 High Street
Boston, MA 02110

Main: 617-330-2000
Fax: 617-330-2001

massdevelopment.com

February 20, 2025

Craig Tamash
Council President's town office
367 Main Street
Hyannis, MA 02601

Re: Joint Base Cape Cod Master Plan Request for Proposals (RFP)

Dear Mr. Tamash,

Thank you for letting us know that the Barnstable Town Council would like MassDevelopment to explore the feasibility of establishing a joint military and civil airfield at Joint Base Cape Cod as part of our master planning effort. We appreciate the opportunity this master plan presents to identify current and future spatial needs of the base and plan for the redevelopment of surplus property in a way that addresses the regional housing shortage and grows the local economy.

As one of the host communities and a key stakeholder in this process, we look forward to connecting with the Town of Barnstable to learn more about your priorities once a master planning consultant has been engaged. We expect that work to commence in the second quarter of this year.

For reference, MassDevelopment's project lead for this subject is Erikk Hokenson, Vice President of Real Estate. Erikk can be reached at ehokenson@massdevelopment.com for further details.

Thank you for your interest in this subject. We look forward to connecting.

Thanks,

Navjeet K. Bal

Navjeet K. Bal
President and CEO

Maura Healey
Governor

Kim Driscoll
Lieutenant Governor

Yvonne Hao, Chair
Secretary of Economic Development

Navjeet K. Bal
President and CEO

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Diane Davidson, Office Manager
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Discuss and consider a vote to approve an amendment to the 2025 Select Board meeting calendar to add a June 3 meeting date **(5 minutes)**

Purpose:
The Select Board will discuss and consider a vote to approve the addition of a June 3 meeting date to the previously approved 2025 Select Board meeting calendar.

Background/Summary:

- The 2025 Select Board meeting calendar was previously adopted and approved by the Select Board on December 9, 2024.
- During the May 5 Select Board meeting, Board Member Mascali made the suggestion that the full Board consider adding a June 3 meeting to the 2025 calendar.

Recommended Actions:
Department Recommendation:
The Town Manager recommends that the Select Board approve the addition of a meeting on June 3 to its 2025 meeting calendar.

Options:

- Motion to approve an amendment to the 2025 Select Board meeting calendar to add a June 3 meeting date as presented.
- Motion to deny the approval of an amendment to the 2025 Select Board meeting calendar to add a June 3 meeting date

Town Manager's Comments:
The Town Manager recommends that the Select Board approve an amendment to the 2025 Select Board meeting calendar to add a June 3 meeting date as presented.

Budget:
Applicable? (yes or no):
No.
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A.

Attachments:
1. Select Board Meeting Calendar - 2025

Select Board Meeting Calendar

January 2025

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 *New Year's Day*	*2*	*3*	*4*
5 *Carole Sutherland*	*6* ***Select Board Meeting***	*7*	*8*	*9*	*10* *Close warrant* *(April Town Meeting)*	*11*
12	*13*	*14*	*15*	*16* ***Budget due to Finance Committee***	*17*	*18*
19	*20* *Martin Luther King Jr. Day*	*21*	*22*	*23*	*24* *MMA Annual Meeting*	*25* *MMA Annual Meeting*
26 *Kristan Patenaude*	*27* ***Select Board Meeting*** *Vote articles and execute warrant*	*28*	*29*	*30*	*31*	

Approved by Select Board 12/2/24

February 2025

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	*3*	*4*	*5*	*6*	*7*	*8*
9 *Carole Sutherland*	*10* ***Select Board Meeting*** *Petition article presentations*	*11*	*12*	*13*	*14*	*15*
16	*17* *President's Day*	*18*	*19*	*20*	*21*	*22*
23 *Kristan Patenaude*	*24* ***Select Board Meeting*** *Vote article recommendations*	*25*	*26*	*27*	*28*	

Approved by Select Board 12/2/24

April 2025

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	*2*	*3*	*4*	*5*
6 *Carole Sutherland*	*7* ***Town Meeting***	*8*	*9*	*10*	*11*	*12* *Passover begins*
13 *Passover*	*14* *Passover*	*15*	*16*	*17*	*18*	*19*
20 *Easter*	*21* *Patriot's Day*	*22* ***Select Board Meeting*** *(Old Water Room)*	*23*	*24*	*25*	*26*
27 *Kristan Patenaude*	*28* ***Select Board Meeting***	*29*	*30*			

Approved by Select Board 12/2/24

March 2025

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1 ***Select Board Meeting Workshop*** *8:30 a.m.—12:00 p.m.* *Town Hall*
2	*3*	*4*	*5* ***Select Board Meeting***	*6*	*7*	*8*
9 *Carole Sutherland*	*10* ***Select Board Meeting***	*11*	*12*	*13*	*14*	*15*
16	*17*	*18*	*19*	*20*	*21*	*22*
23 *Kristan Patenaude*	*24* ***Select Board Meeting***	*25*	*26*	*27*	*28*	*29*
30	*31* *Eid al-Fitr*					

Approved by Select Board 12/2/24

May 2025

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	*2*	*3*
4 *Carole Sutherland*	*5* ***Select Board Meeting***	*6*	*7*	*8*	*9*	*10*
11	*12*	*13*	*14*	*15*	*16*	*17*
18 *Kristan Patenaude*	*19* ***Select Board Meeting***	*20* *Town Election*	*21*	*22*	*23*	*24*
25	*26* *Memorial Day*	*27*	*28*	*29*	*30*	*31*

Approved by Select Board 12/2/24

June 2025

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	*2* *Shavuot*	*3* ***Select Board Meeting***	*4*	*5*	*6*	*7*
8	*9* *Eid -al-Adha*	*10* *Eid -al-Adha*	*11*	*12*	*13*	*14*
15 *Carole Sutherland*	*16* ***Select Board Meeting***	*17*	*18*	*19* *Juneteenth*	*20*	*21*
22	*23*	*24*	*25*	*26*	*27*	*28*
29 *Kristan Patenaude*	*30* ***Select Board Meeting***					

Approved by Select Board 12/2/24

July 2025

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	*2*	*3*	*4* *Independence Day*	*5*
6	*7*	*8*	*9*	*10*	*11*	*12*
13 *Carole Sutherland*	*14* ***Select Board Meeting*** *Announce November Town Meeting*	*15*	*16*	*17*	*18*	*19*
20	*21*	*22*	*23*	*24*	*25*	*26*
27 *Kristan Patenaude*	*28* ***Select Board Meeting***	*29*	*30*	*31*		

Approved by Select Board 12/2/24

August 2025

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	*2*
3	*4*	*5*	*6*	*7*	*8*	*9*
10 *Carole Sutherland*	*11* ***Select Board Meeting***	*12*	*13*	*14*	*15*	*16*
17	*18*	*19*	*20*	*21*	*22*	*23*
24 *Kristan Patenaude*	*25* ***Select Board Meeting***	*26*	*27*	*28*	*29* *Close Warrant (November Town Meeting)*	*30*
31						

Approved by Select Board 12/2/24

September 2025

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 *Labor Day*	*2*	*3*	*4*	*5*	*6*
7 *Carole Sutherland*	*8* ***Select Board Meeting*** *Vote articles and execute warrant*	*9*	*10*	*11*	*12*	*13*
14	*15*	*16*	*17*	*18*	*19*	*20*
21	*22* *Rosh Hashanah*	*23*	*24*	*25*	*26*	*27*
28 *Kristan Patenaude*	*29* ***Select Board Meeting*** *Petition article presentations and vote article recommenda-tions*	*30*				

Approved by Select Board 12/2/24

October 2025

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 *Yom Kippur*	*2* *Yom Kippur*	*3*	*4*
5	*6* *Sukkot*	*7*	*8*	*9*	*10*	*11*
12	*13* *Indigenous Peoples' Day*	*14*	*15*	*16*	*17*	*18*
19 *Carole Sutherland*	*20* ***Select Board Meeting***	*21*	*22*	*23*	*24*	*25*
26 *Kristan Patenaude*	*27* ***Select Board Meeting***	*28*	*29*	*30*	*31*	

Approved by Select Board 12/2/24

November 2025

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2 *Carole Sutherland*	*3* ***Select Board Meeting***	*4* *Election Day*	*5*	*6*	*7*	*8*
9	*10*	*11* *Veterans Day*	*12*	*13*	*14*	*15*
16 *Kristan Patenaude*	*17* ***Town Meeting***	*18*	*19*	*20*	*21*	*22*
23	*24*	*25*	*26*	*27* *Thanksgiving*	*28* *Day after Thanksgiving*	*29*
30						

Approved by Select Board 12/2/24

December 2025

Sun	Mon	Tue	Wed	Thu	Fri	Sat
Carole Sutherland	*1* ***Select Board Meeting***	*2*	*3*	*4*	*5*	*6*
7	*8*	*9*	*10*	*11*	*12*	*13*
14 *Hanukkah* *Kristan Patenaude*	*15* ***Select Board Meeting***	*16*	*17*	*18*	*19*	*20*
21	*22*	*23*	*24*	*25* *Christmas*	*26*	*27*
28	*29*	*30*	*31* *New Year's Eve*			

Approved by Select Board 12/2/24

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Phyllis Downey, Administrative Assistant
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider a vote to approve an application by Falmouth Yacht Club, Inc., a non-profit club located at 290 Clinton Avenue, Falmouth, for a Change of Officers of its All Alcoholic Club License

Purpose:
The Select Board will consider the approval of a Change of Officers to Falmouth Yacht Club, Inc.

Background/Summary:

- The application was received on April 25, 2025, with all ABCC requirements.
- The Club also holds Entertainment and Sunday Entertainment Licenses.
- The list of officers matches the Certificate of Change of Directors or Officer issued by the Corporations Division of the Office of the Secretary of State.
- The Club voted to apply for a Change of Officers on August 28, 2024. A reminder to apply for license amendments in a timely manner in the future has been sent to the Club.
- The application was reviewed by the Fire-Rescue and Police Departments. No objections were expressed.

Recommended Actions:
Department Recommendation:
The Town Manager's Office recommends approval of the application by Falmouth Yacht Club, Inc. located at 290 Clinton Avenue, Falmouth for a Change of Officers/Directors.

Options:

- Motion to approve the application by Falmouth Yacht Club, Inc. located at 290 Clinton Avenue, Falmouth for a Change of Officers/Directors.
- Motion to deny the application by Falmouth Yacht Club, Inc. located at 290 Clinton Avenue, Falmouth for a Change of Officers/Directors.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the application by Falmouth Yacht Club, Inc. located at 290 Clinton Avenue, Falmouth for a Change of Officers/Directors as presented.

Budget:
Applicable? (yes or no):
No
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:
1. Falmouth Yacht Club-CHANGE of OFFICERS NON-PROFIT CLUB-non-confidential 05.19.25
2. FALMOUTH YACHT CLUB - CHANGE of OFFICERS reviews 05.19.25

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

APPLICATION FOR MULTIPLE AMENDMENTS

RECEIVED
APR 25 2025
SELECT BOARD OFFICE

Please select all of the amendments you are applying for(continued):

Non-Profit Club's ONLY
e.g. Veteran's Club

☒ ***Non-Profit Club*** **CHANGE OF OFFICERS/DIRECTORS**

- ✓**DOR Certificate of Good Standing**
- ✓**DUA Certificate of Compliance**
- ✓**Change of Officers/Directors Application**
- ✓**Vote of the club signed by an approved officer**
- ✓**Business Structure Documents-Articles of Organization** from the Secretary of the Commonwealth
- ✓**Monetary Transmittal Form**
- **$200 fee via ABCC website and Payment Receipt**

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

APPLICATION FOR MULTIPLE AMENDMENTS

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Falmouth Yacht Club, Inc.	Town of Falmouth	00006-CL-0390

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

Social club,Restaurant - Update of corporate officers

APPLICATION CONTACT

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

Name	Title	Email	Phone
Michael Ceku	General Manager	gm@falmouthyc.com	508-548-3865

2. AMENDMENT-Change of License Classification

☐ **Change of License Category** All Alcohol, Wine and Malt, Wine Malt and Cordials	Last-Approved License Category	
	Requested New License Category	
☐ **Change of License Class** Seasonal or Annual	Last-Approved License Class	
	Requested New License Class	
☐ **Change of License Type*** i.e. Restaurant to Club *Certain License Types CANNOT change once issued*	Last-Approved License Type	
	Requested New License Type	

3. AMENDMENT-Change of Business Entity Information

☐ **Change of Corporate Name**	Last-Approved Corporate Name:	
	Requested New Corporate Name:	
☐ **Change of DBA**	Last-Approved DBA:	
	Requested New DBA:	
☐ **Change of Corporate Structure** LLC, Corporation, Sole Proprietor, etc	Last-Approved Corporate Structure	
	Requested New Corporate Structure	

4. AMENDMENT-Pledge Information

☐ **Pledge of License**
☐ **Pledge of Inventory**
☐ **Pledge of Stock**

To whom is the pledge being made:

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

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

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

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

Name of Principal	Residential Address	SSN	DOB
Michael Richards	16 Pine Grove Rd Hingham , MA 02556	[redacted]	

Title and or Position	Percentage of Ownership	Director/ LLC Manage		
President/Commodore	NA	○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB
Jamie Tormey	130 Old Campus Dr. East Falmouth , MA. 02536	[redacted]	

Title and or Position	Percentage of Ownership	Director/ LLC Manager		
Vice Commodore	NA	○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB
Jeffrey Camuso	8 Brandon Woods Circle Hingham, MA 02043	[redacted]	

Title and or Position	Percentage of Ownership	Director/ LLC Manager		
Rear Commodore	NA	○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB
Clifford Long	35 Quail Hollow Rd North Falmouth, MA 02556	[redacted]	

Title and or Position	Percentage of Ownership	Director/ LLC Manage		
Treasurer	NA	○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB
Margaret Walker	31 Sanddollar Circle E.Falmouth, MA 02536	[redacted]	

Title and or Position	Percentage of Ownership	Director/ LLC Manage		
Secretary	NA	○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB
John Callahan	2 Ardmore St. E.Falmouth, Ma	[redacted]	

Title and or Position	Percentage of Ownership	Director/ LLC Manage		
Director	NA	○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Additional pages attached? ◉ Yes ○ No

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

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

ADDENDUM A

6. Change of 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: Falmouth Yacht Club

Percentage of Ownership in Entity being Licensed (Write "NA" if this is the entity being licensed): NA

Name of Principal	Residential Address	SSN	DOB
Michael Allieta	25 Robinson Rd. Falmouth, Ma. 02540	[redacted]	[redacted]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Director	NA	○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB
Ronald Golub	33 Old Colony Place Falmouth, Ma 02540	[redacted]	[redacted]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Director	NA	○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB
Jennifer Follett	5 Essex Rd Franklin, Ma 02038	[redacted]	[redacted]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Director	NA	○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB
John Armour	177 N. Falmouth Highway Falmouth, Ma 02556	[redacted]	[redacted]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Director	NA	○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB
Shirley Walsh	101 Priscilla St. Falmouth, Ma. 02540	[redacted]	[redacted]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Director	NA	○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB
Andrew Bonica	28 Laurelwood Dr Norwell, MA 02061	[redacted]	[redacted]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Director	NA	○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB
Bridget Hebert	315 College Farm Rd Waltham, Ma. 02451	[redacted]	[redacted]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Director	NA	○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime? ○ Yes ◉ No
If yes, attach an affidavit providing the details of any and all convictions.

ADDENDUM A

6. Change of 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	Percentage of Ownership in Entity being Licensed (Write "NA" if this is the entity being licensed)
Falmouth Yacht Club	NA

Name of Principal	Residential Address	SSN	DOB
Brennan Hill	5 Charles Everett Way Hingham, MA 02043	[redacted]	[redacted]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Director	NA	○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB
John Wayne	147 Walpole St Dover, MA 02030	[redacted]	[redacted]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Director	NA	○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		○ Yes ◉ No	◉ Yes ○ No	◉ Yes ○ No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime? ○ Yes ◉ No
If yes, attach an affidavit providing the details of any and all convictions.

APPLICANT'S STATEMENT

I, Michael Richards the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP manager
Authorized Signatory

of Falmouth Yacht Club
Name of the Entity/Corporation

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

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

(1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;

(2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;

(3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;

(4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;

(5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;

(6) I understand that all statements and representations made become conditions of the license;

(7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;

(8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and

(9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

(10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: [signature] Date: 3/27/2025

Title: Commodore

ENTITY VOTE

The Board of Directors or LLC Managers of Falmouth Yacht Club, Inc. (Entity Name)

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

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on August 28, 2024 (Date of Meeting)

For the following transactions (Check all that apply):

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

"VOTED: To authorize Michael Richards (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 Michael Ceku (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 Richards

(Print Name)

For Corporations ONLY

A true copy attest,

Corporate Clerk's Signature

(Print Name)

LICENSE APPLICATION REVIEW

Restaurant/Business: **Falmouth Yacht Club**

Address: **Clinton Avenue, Falmouth**

License Type: All Alcohol Club License

- ❑ **New or Transfer of License** _____

or

- ❑ **Change of License** _____

❑ Police	No Issues
❑ Fire	No objections
❑ Building	
❑ Health	
❑ Zoning	
❑ Planning	
❑ DPW	
❑ Assessor	
❑ Tax Collector	
❑ .Wastewater	
❑ .____	
❑ .____	

NOTES:

• The application was received on April 25, 2025, with all ABCC requirements.

• The Club also holds Entertainment and Sunday Entertainment Licenses.

• The list of officers matches the Certificate of Change of Directors or Officer issued by the Corporations Division of the Office of the Secretary of State.

• The Club voted to apply for a Change of Officers on August 28, 2024. A reminder to apply for license amendments in a timely manner in the future has been sent to the Club.

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Diane Davidson, Office Manager
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider a vote to approve the application by Falmouth Road Race, Inc. for a Special One-Day Wine and Malt Liquor License - Falmouth Road Race, VIP Tent, Falmouth Heights - Sunday, 8/17/25 - 8:00 a.m. - 11:00 a.m.

Purpose:
The Select Board will consider the approval of an application for Special One-Day All Alcoholic Beverages License - Falmouth Road Race, Inc. - VIP Tent, Falmouth Heights Ball Field - Sunday, August 17, 2025 from 8:00 AM to 11:00 AM.

Background/Summary:

- Applicant Megan Faulkner, on behalf of Falmouth Road Race, Inc. submitted the Special One-Day License for the Sale of Alcoholic Beverages to be served under the VIP Tent at the finish line of the ASICS Falmouth Road Race.
- The event will take place on Sunday, August 17, 2025 from 8:00 AM to 11:00 AM, and approximately 400 people are anticipated to attend.
- The event narrative and application states that event sponsors, Tito's Vodka and Josh Cellars, will serve a limited alcoholic beverage menu to invited guests conducted by TIPS certified bartenders under the VIP Tent at Falmouth Heights Ball Field.

Recommended Actions:
Department Recommendation:
The Town Manager recommends that the Select Board approve the application for a Special One-Day All Alcoholic Liquor License - Falmouth Road Race, Inc. - VIP Tent, Falmouth Heights Ball Field - Sunday, August 17, 2025, from 8:00 AM to 11:00 AM as presented.

Options:

- Motion to approve the application for a Special One-Day All Alcoholic Beverages Liquor License - Falmouth Road Race, Inc. - VIP Tent, Falmouth Heights Ball Field - Sunday, August 17, 2025, from 8:00 AM to 11:00 AM as presented.

- Motion to deny approval of a Special One-Day All Alcoholic Beverages Liquor License - Falmouth Road Race, Inc. - VIP Tent, Falmouth Heights Ball Field - Sunday, August 17, 2025, from 8:00 AM to 11:00 AM.
- Select Board defined alternative.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the application for a Special One-Day All Alcoholic Liquor License - Falmouth Road Race, Inc. - VIP Tent, Falmouth Heights Ball Field - Sunday, August 17, 2025, from 8:00 AM to 11:00 AM as presented.

Budget:
Applicable? (yes or no):
No.
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A.

Attachments:
1. Falmouth Road Race

Date: 5/19/25

ONE-DAY LIQUOR LICENSE APPLICATION REVIEW FORM

Applicant: Falmouth Road Race, Inc., Megan Faulkner

Event: Falmouth Road Race

Location: Under the VIP Tent, Falmouth Heights

Date: Sunday, 8/17/25 **Time:** 8:00 a.m. to 11:00 a.m.

License Type: ☐ Wine & Malt Beverages or ☑ All Alcoholic Beverages

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

- ☑ Police
- ☑ Fire
- ☑ Health
- ☑ Building
- ☐ Communications
- ☑ M.E.S.
- ☑ DPW
- ☑ Recreation
- ☐ Beach
- ☐ _____

NOTES: This event was discussed by the Internal Working Group for Special Events at its meeting on Thursday, February 13, 2025. The Working Group recommended approval.

PAID $35.00 ck# 4505

APPLICATION

SPECIAL ONE-DAY LIQUOR LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES

M.G.L.A. CHAPTER 138, SECTION 14

Apply at least 30 days prior to Select Board hearing.

NAME OF APPLICANT: Megan Faulkner

ADDRESS OF APPLICANT: 155 Katharine Lee Bates Road

Falmouth (TOWN) | MA (STATE) | 02540 (ZIP CODE)

NAME OF ORGANIZATION: Falmouth Road Race, Inc.

MAILING ADDRESS: P.O. Box 732, Falmouth, MA 02541

TELEPHONE #: 508-540-7000 **EMAIL:** Megan@falmouthroadrace.com

LOCATION TO BE LICENSED-ADDRESS: 24 Central Park Avenue

Falmouth (TOWN) | MA (STATE) | 02540 (ZIP CODE)

EVENT TITLE: ASICS Falmouth Road Race VIP Finish Line Viewing Tent **APPROXIMATE # OF PEOPLE:** 400

DATE(S) OF EVENT: August 17, 2025 **HOURS OF EVENT:** 8:00am-11:00am

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Megan Faulkner, Executive Director

TYPE OF LICENSE:

1. WINE & MALT ☐
2. ALL ALCOHOLIC ☑ *NON-PROFIT ORGANIZATIONS ONLY*

FOR PROFIT ☐
NON-PROFIT ☑

REQUIREMENTS check list:

1. Submit in a separate note or letter a narrative overview of the event including a description of the premises, food service, and the alcohol security plan
2. Certificate of non-profit status for All Alcoholic Beverages Licenses ONLY)
3. Certificate of liquor liability insurance; *1 MILLION PER OCCURANCE - $2 MILLION AGGREGATE*
4. Certificate of TIPS or other alcohol safety training for all persons handling alcohol
5. Floor plan of area where alcohol will be served, consumed, and securely stored and how this will be separated from public areas (roping, fences, etc.)
6. Temporary Food Permit (Health Department)

March 19, 2025
DATE

Megan Faulkner
APPLICANT SIGNATURE

FEES DUE UPON SUBMISSION:
$25.00 PER DAY ***payable by Cashier's or Bank Check only***
$10.00 FILING FEE

March 19, 2025

We are requesting a one-day liquor license for our VIP Tent at the finish line of the ASICS Falmouth Road Race held on Sunday, August 17, 2025.

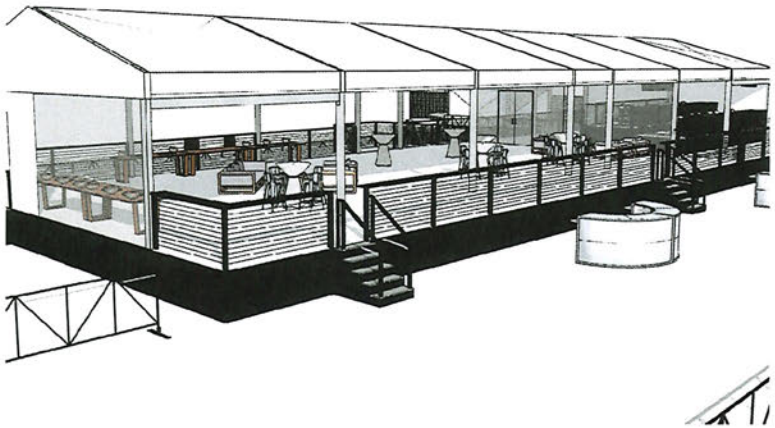
Our goal is to have the ability for our sponsor's Tito's Vodka and Josh Cellars, to serve a limited alcoholic beverage menu to our invited guests'. As a non-profit, we value our sponsor partnerships and see this as an opportunity to enhance our event while creating an elevated experience for approximately 400 of our special guests.

Prior to submitting this request, as part of our public safety policy, we have given this a through review and established the following operating guidelines:

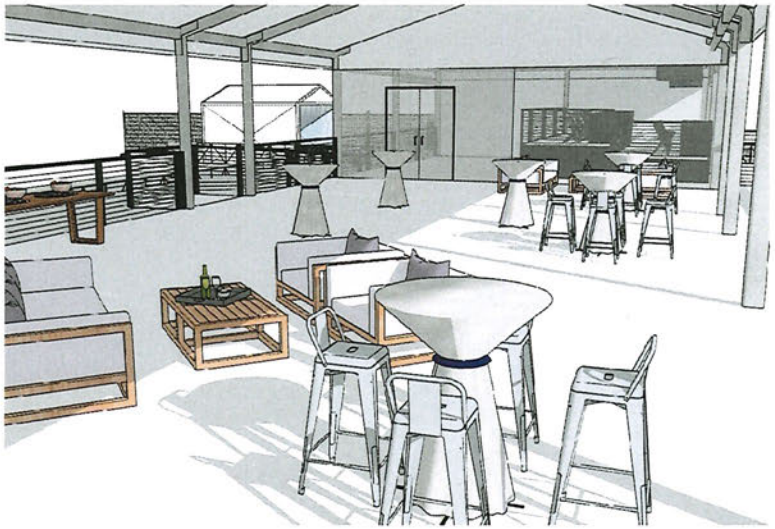
- We met and will continue to work with FPD and Public Safety with regards to our security plan and expectations.
- The VIP tent is a secured venue with a single entrance and exit location. (excluding our designated emergency exit areas)
- Access to the tent is by invitation only, each individual attending is checked in at the door by a FRR representative and their ticket is collected.
- There is no charge for VIPs to enter the tent and there will be no charge for alcoholic beverages within the tent.
- Each VIP will receive a wristband upon entry. VIPs who are 21 and older will receive a unique wristband. Different wristbands will be issued to VIPs who are under 21. Public Safety team to have a copy of various wristbands and their designations prior to the event.
- Alcohol will be strictly limited to within the VIP tent. We will have a "no beverage on exit" policy and signage in place monitored by our team stationed at the entrance/exit of the tent.
- We will have a team in place during the event to circulate and monitor consumption, spot checking wristbands.
- An additional security team will be in and around the VIP tent at all times throughout the morning.
- Beverage service will be conducted by TIPS certified bartenders sourced and provided by our sponsors Tito's and Josh Cellars and served to our guests from a controlled "bar" setting within the tent (see floor plan).

Attached you will find copies of our required documents outlined in "Step 1" of the Application for a Special One Day Liquor License.

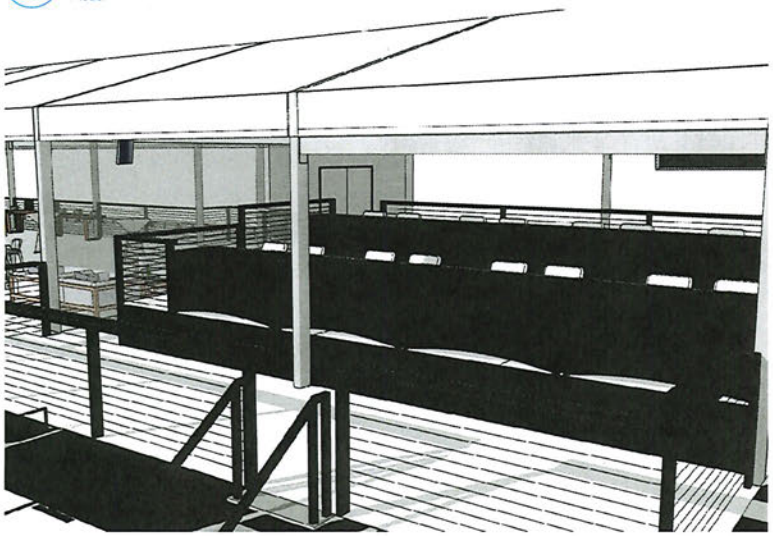
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Model



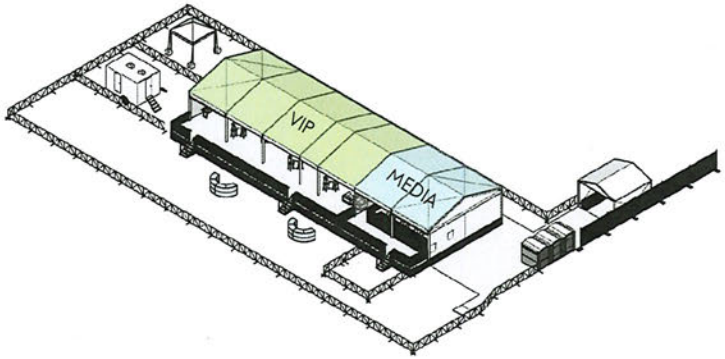
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Model



A01 04 ISOMETRIC
Model



A01 04 ISOMETRIC
Overview



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Design by:
Ryan McGillivray
Dave McGillivray Sports Enterprises
Boston, MA
North Andover, MA
Office: (978) 258-8229
Cell: (617) 438-5338
www.dmesports.com
RyanM@dmesports.com

DETAIL

ASICS
FALMOUTH
ROAD RACE

VIP & MEDIA
SUITES

Tent:
10M x 32.5M x 4M

Platform:
3-4' Elevated Staging

OVERVIEW

Commonwealth of Massachusetts
Construction Supervisor
Ryan D McGillivray
License #: CS-118283
Expiration: 09/08/2026

VERSION 1

VERSION	
CLIENT	
LOCATION	
DATE	

A 01

DMSE SPORTS

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 04/10/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	**CONTACT NAME:** Zachary Tonello
Murray & MacDonald Insurance Services, Inc. 550 MacArthur Blvd. Bourne MA 02532	**PHONE (A/C, No, Ext):** (508) 540-2400 **FAX (A/C, No):** (508) 289-4111 **E-MAIL ADDRESS:** zach@riskadvice.com
INSURED Falmouth Road Race Inc 155 Katharine Lee Bates Road Falmouth MA 02540	**INSURER(S) AFFORDING COVERAGE** — **NAIC #** **INSURER A :** Philadelphia Insurance Co — 18058 **INSURER B :** Mount Vernon Fire Insurance Co — 26522 **INSURER C :** **INSURER D :** **INSURER E :** **INSURER F :**

COVERAGES **CERTIFICATE NUMBER:** 25-26 Master **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:			PHPK2622618-004	12/06/2024	12/06/2025	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG DELUX	$ 1,000,000 $ 100,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $
	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) 	$ $ $ $ $
A	[X] UMBRELLA LIAB [ ] OCCUR EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $			PHUB888807-004	12/06/2024	12/06/2025	EACH OCCURRENCE AGGREGATE 	$ 1,000,000 $ 1,000,000 $ 1,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] N/A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						[ ] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ $ $
B	Liquor Liability			MSE025A2476	08/17/2025	08/18/2025	Liquor Each Common Liquor Aggregate Limit	$1,000,000 $2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Liquor liability is contingent on the approval of the liquor license issuance

CERTIFICATE HOLDER

Town of Falmouth
59 Town Hall Square
Falmouth MA 02540

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Zachary Tonello

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CERTIFICATE OF COMPLETION

This certifies that

Robert Norris

is awarded this certificate for

TIPS On-Premise Alcohol Server Training

Hours	Completion Date	Expiration Date	Certificate #
3.00	04/07/2025	04/06/2028	ON-000037124110

Official Signature

THIS CERTIFICATE IS NON-TRANSFERABLE

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

(CUT HERE) (CUT HERE)

TIPS On-Premise

Issued: 04/07/2025
Certificate #: ON-000037124110

CERTIFIED

Expires: 04/06/2028

Robert Norris
33 Hampden Rd
EAST FALMOUTH MA 02536

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

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

Signature _____

Internal Revenue Service

Date: August 28, 2006

FALMOUTH ROAD RACE INC
PO BOX 732
FALMOUTH MA 02541-0732

Department of the Treasury
P. O. Box 2508
Cincinnati, OH 45201

Person to Contact:
Ms. Benson #31-07273
Customer Service Representative
Toll Free Telephone Number:
877-829-5500
Federal Identification Number:
04-2676136

Dear Sir or Madam:

This is in response to your request of August 28, 2006, regarding your organization's tax-exempt status.

In December 1979 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records indicate that your organization is also classified as a public charity under section 509(a)(2) of the Internal Revenue Code.

Our records indicate that contributions to your organization are deductible under section 170 of the Code, and that you are qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Internal Revenue Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,

Janna K. Skufca

Janna K. Skufca, Director, TE/GE
Customer Account Services

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Phyllis Downey, Administrative Assistant
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider a vote to approve the application by The Holistic Swan, LLC for a Change of Address to its Fortune Teller License to 24 Spring Bars Road, Bldg. 1, Unit A, Falmouth.

Purpose:
The Select Board will consider a vote to approve the application by The Holistic Swan, LLC for a Change of Address to its Fortune Teller License to 24 Spring Bars Road, Bldg. 1, Unit A, Falmouth.

Background/Summary:

- The application was received on May 2, 2025.
- All requirements have been met.
- The application was reviewed by the Police, Fire-Rescue, and Health Departments with no objections expressed.
- The Engineering Department has advised that this parcel must be brought up to current Town policy standards for addresses with the new address: 24 Spring Bars Road, Unit A100, Falmouth.
- On May 14, 2025, the applicant advised that the property owner, James Curtis, stated that he had been "in contact with Scott Schulter, the town engineer about this. We are all on track and I've approved the new addresses they want to implement. In the next month or so they will be marked that way on the buildings and mailboxes. You're "Unit A100"

Recommended Actions:
Department Recommendation:
The Town Manager's Office recommends the Select Board approve the application by The Holistic Swan, LLC for a Change of Address of its Fortune Teller License to 24 Spring Bars Road, Bldg. 1, Unit A, Falmouth.

Options:

- Motion to approve the application by The Holistic Swan, LLC for a Change of Address to its Fortune Teller License with the address that meets current town policy standards for addresses: 24 Spring Bars Road, Bldg. 1, Unit A100, Falmouth.
- Motion to deny the application by The Holistic Swan, LLC for a Change of Address to its Fortune Teller License - 24 Spring Bars Road, Bldg. 1, Unit as presented.
- Some other Select Board voted alternative.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the application by The Holistic Swan, LLC for a Change of Address of its Fortune Teller License to 24 Spring Bars Road, Bldg. 1, Unit A, Falmouth as presented.

Budget:
Applicable? (yes or no):
No
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:
1. The Holistic Swan-PUBLIC-Chage of License application 05.19.25

LICENSE APPLICATION REVIEW

Restaurant/Business: The Holistic Swan

Address: *24 Spring Bars Road, Bldg 1, Unit A100, Falmouth*

License Type:

☐ **New License** _____

☐ **Transfer of License** _____

☐ **Change of License** Change of Address

☐ Police No Objection

☐ Fire No Objection

☐ Building _____

☐ Health No Issues

☐ Zoning _____

☐ Planning _____

☐ Engineering This parcel must be brought up to current policy standards for addresses. Turn around will be dependent on the owner response time

NOTES:

The Engineering Department has advised that the new address that meets current policy standards for addresses is:

24 Spring Bars Road, Unit A100.

Town of Falmouth

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

APPLICATION for FORTUNE TELLER'S LICENSE

Massachusetts General Laws, Chapter 140, Section 1851

☐ NEW ☒ RENEWAL * CHANGE OF ADDRESS / BUISNESS

NAME OF BUSINESS: THE HOLISTIC SWAN LLC

ADDRESS: 24 SPRING BARS RD, BIDG 1, UNIT A / FALMOUTH MA 02540

TOWN: FALMOUTH STATE: MA ZIPCODE: 02540

NAME OF OWNER: JACQUELINE DUFFEY

BUSINESS PHONE #: 5082928795 EMAIL: Jackie@theholisticswan.com

HOME ADDRESS: [redacted] REET

TOWN: N. FALMOUTH STATE: MA ZIP CODE: 02556

HOME PHONE#: [redacted]

New Licenses ...

Have you ever held a Fortune Teller's License in the past? ☒ YES ☐ NO; If so:

NAME OF BUSINESS

ADDRESS

TOWN STATE ZIPCODE

SIGNED UNDER THE PAINS AND PENALTIER OF PERJURY:

DATE 5/2/2025 X [signature] OWNER

License Renewals ONLY:

TAX ATTESTATION: I certify under the penalties of perjury that the information provided in this application is true and that, to my best knowledge, I have filed all state tax returns and paid all state and local taxes as required under law. I understand that Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation:

DATE X [signature] OWNER

Total Town Fees: $60:
Filing Fee: $10 plus License Fee: $50

STANDARD FORM COMMERCIAL LEASE

MASSACHUSETTS ASSOCIATION OF REALTORS®

This "Lease" is made this 28th day of April, 2025, by and between Falmouth Commons, LLC, a(n) (Landlord) *[describe entity]* ("Landlord") and Jacqueline Duffey d/b/a The Holistic Swan, LLC, a(n) individual and limitied liability company *[describe entity]* ("Tenant"). Pursuant to the terms of this Lease, Landlord agrees to lease the Premises (hereinafter defined) to Tenant and Tenant agrees to lease the Premises from Landlord on the terms set forth.

1. **Premises.** The "Premises" shall mean 24 Spring Bars Rd., Bldg. 1, Unit A (with one dedicated single-use lavato Falmouth, MA 02540, including the right to use the hallways, stairs, and elevators, for access to and egress from said Premises and nearest rest rooms, in common with all others.

2. **Term.** The "Term" of this Lease shall be for the period of 24 months* *[insert # of months or years]*, commencing on May 1, 2025 (the "Commencement Date") and ending on April 30, 2027 (the "Termination Date"). **No rent due for May 2023 (one month of "free rent") see Sec. 24 Additional Provisions*

3. **Rent.** The "Rent" for the Premises for the Term of the Lease is f ed dollars ($ monthly installments of hundred 0) which is due, in advance, on the fi month. Rent mons, LLC and deposited by Tenant into Eastern Bank acct. #601389615. In addition, Rent that is not received by Landlord within fourteen (14) days of the due date shall accrue interest at the rate of one and one half percent (1½%) per month for each month, or part thereof, that Rent remains unpaid from the due date. Tenant's agreement to pay Rent is independent of every other agreement in this Lease.

Adjustments To Rent. Tenant agrees to pay a *Pro Rata* Share, as defined below, of the amount, if any, by which the Landlord's Expenses, as defined below, for each calendar year during the Term increases above the expenses for the Base Year, as defined below, ("Expense Increase") plus the amount, if any, by which Taxes, as defined below, for each calendar year during the Term exceeds the Taxes for the Base Year ("Tax Increase"). If the Expenses or Taxes in any calendar year decrease below the amount for the Base Year, Tenant's *Pro Rata* Share of Expenses or Taxes, as the case may be, for that calendar year shall be $0. Landlord shall provide Tenant with an estimate of the Expense Increase and of the Tax Increase for each calendar year during the Term in good faith. On the date Rent is due each month, Tenant shall pay Landlord a monthly installment equal to one-twelfth of Tenant's *Pro Rata* Share of Landlord's estimate of both the Expense Increase and Tax Increase. If Landlord does not provide Tenant with an estimate of the Expense Increase or the Tax Increase by the end of the first business day of a calendar year, Tenant shall continue to pay monthly installments based on the previous year's estimate(s) until Landlord provides Tenant with the new estimate. As soon as practicable after the end of a calendar year, Landlord shall furnish Tenant with a statement of the actual Expenses and Expense Increase and the actual Taxes and Tax Increase for the prior calendar year. Landlord shall apply any overpayment by Tenant against Rent due or next becoming due, provided if the Term expires before the determination of the overpayment, Landlord shall refund any overpayment to Tenant after first deducting the amount of Rent due. If the estimated Expense Increase or estimated Tax Increase for the prior calendar year is less than the actual Expense Increase or actual Tax Increase, as the case may be, for such prior year, Tenant shall pay Landlord, within thirty (30) days after its receipt of the statement of Expenses or Taxes, any underpayment for the prior calendar year.

Within one hundred eighty (180) days after receiving Landlord's statement of Expenses, Tenant may give Landlord written notice that Tenant intends to review Landlord's records of the Expenses for the calendar year to which the statement applies. Landlord shall make available all relevant records that are reasonably necessary for Tenant's review, within a reasonable time. Tenant shall be solely responsible for all costs, expenses and fees for the review. Within ninety (90) days after the records are made available to Tenant, Tenant shall have the right to

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24. Additional Provisions

- Tenant pays their own utilities, separately metered (i.e. electric, gas, cable/internet).
- Landlord pays Town water and sewer, landscaping, snow removal.
- All rubbush to be put into dumpster (boxes broken down, and nothing left outside dumpster).
- Landlord maintains HVAC (a/c, heater) and water heater machinery. Tenant pays electric and gas for operation.
- In winter months, heat shall be set to no less than 65 degrees
- Upon signing, Tenant will pay Landlord Last month rent ([redacted] te a W-9 for Security deposit will be kept in interest bearing separat the opening of this account, per Easter Bank's requirem
- Page 3, Item 11, Line 6: the words "negligent or" to be st
- In the event the Falmouth Fire Dept. requires Tenant to have its own fire extinguisher, Tenant shall purchase, maintain and keep in compliance such equipment with Town of Falmouth rules.
- Rent to be deposited by Tenant monthly into Falmouth Commons, LLC operating account at Eastern Bank Acct. # 601389615.
- Liability insurance shall list Falmouth Commons, LLC as additional insured.
- If alarm is activated, Tenant shall give Landlord code for any necessary access.

- **Lease terms, rights and obligations (utilities in tenant's name, and insurance POI) commence on May 1, 2025. However, no rent will be due for that month.*

IN WITNESS WHEREOF, the parties have set forth their hands and seals.

Jacqueline Duffey	4/29/2025	James T. Curtis	May 1, 2025
TENANT or authorized agent	Date	LANDLORD or authorized agent	Date
Jacqueline Duffey d/b/a The Holistic Swan, LLC		James Curtis Owner/Managing Member Falmouth Commons, LLC	
TENANT or authorized agent	Date		

MASSFORMS™
Statewide Standard Real Estate Forms

Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com

200 Worcester

Town of Falmouth

BUSINESS CERTIFICATE (DBA)

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

THE HOLISTIC SWAN LLC (Business Name) — HOLISTIC WELLNESS (Type of Business)

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

24 SPRING BARS RD, BLDG 1, 1A, FALMOUTH, MA (Address of Business) — 508 292 8795 (Phone Number)

By the following named person(s):

Owner 1 JACQUELINE DUFFEY (Full Name) — 41 MILLSTONE STREET, N. FALMOUTH (Address)

J Duffey (Signature) — 508 292 8795 (Phone Number)

Owner 2 _____ (Full Name) _____ (Address)

_____ (Signature) _____ (Phone Number)

****

Commonwealth of Massachusetts
County of Barnstable

On this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, to be the person whose name is signed on the preceding or attached document in my presence.

(seal) _____ Notary Public Signature

****

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

Received Date May 2, 2025

Expiration Date May 2, 2029

Michael Palmer

Michael Palmer, Town Clerk

D

The Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1717, Boston, Massachusetts 02108-1512

Limited Liability Company
Certificate of Organization
(General Laws Chapter 156C, Section 12)

Federal Identification No.: _____

(1) The exact name of the limited liability company:

Swan Heart Wellness, LLC

(2) The street address of the office in the commonwealth at which its records will be maintained:

41 Millstone Street, North Falmouth, MA 02556

(3) The general character of the business:

Wellness activities, for the general public

(4) Latest date of dissolution, if specified: _____

(5) The name and street address, of the resident agent in the commonwealth:

NAME	ADDRESS
Jacqueline Duffey	41 Millstone Street North Falmouth, MA 02556

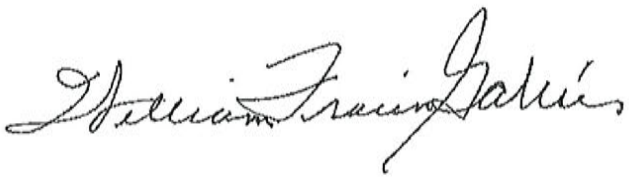
(6) The name and business address, if different from office location, of each manager, if any:

NAME	ADDRESS
Jacqueline Duffey	41 Millstone Street North Falmouth, MA 02556

THE COMMONWEALTH OF MASSACHUSETTS

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

May 29, 2019 12:24 PM



WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

Phyllis Downey

From: Boyd Demello <boyd.demello@falmouthfirema.gov>
Sent: Wednesday, May 7, 2025 4:22 PM
To: Falmouth Licensing; Craig O'Malley; Brian Reid; Ryan Hergt; Jeff Lourie; Scott McGann; Morgan Cardoso
Subject: RE: Fortune Teller License-Change of Address-The Holistic Swan

No objections for Fire Rescue

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: Tuesday, May 6, 2025 17:02
To: Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Morgan Cardoso <morgan.cardoso@falmouthma.gov>
Subject: Fortune Teller License-Change of Address-The Holistic Swan

Good afternoon,

Attached please find a request for a Change of Address to the Fortune Teller License held by The Holistic Swan. The Engineering Department is reviewing the address to confirm its accuracy. No other changes to the license have been requested.

May we please request your recommendations if any by Monday, May 12th?

Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540
508-495-7325

Phyllis Downey

From: Morgan Cardoso
Sent: Wednesday, May 7, 2025 1:31 PM
To: Falmouth Licensing
Cc: Scott McGann
Subject: RE: Fortune Teller License-Change of Address-The Holistic Swan

No issues from health.

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>
Sent: Tuesday, May 6, 2025 5:02 PM
To: Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Morgan Cardoso <morgan.cardoso@falmouthma.gov>
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Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540
508-495-7325

Phyllis Downey

From: Brian Reid <brian.reid@falmouthpolicema.gov>
Sent: Wednesday, May 7, 2025 12:32 PM
To: Falmouth Licensing; Boyd Demello; Craig O'Malley; Ryan Hergt; Jeff Lourie; Scott McGann; Morgan Cardoso
Subject: Re: Fortune Teller License-Change of Address-The Holistic Swan

No objection from Police

Brian L. Reid
Captain of Operations and Specialized Services
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
774-255-4527 Ext. 4502

From: Falmouth Licensing <licensing@falmouthma.gov>
Sent: Tuesday, May 6, 2025 5:01 PM
To: Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Morgan Cardoso <morgan.cardoso@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

Phyllis Downey

Subject: FW: Address Confirmation Request-The Holistic Swan

Hi Phyllis,

Happy Friday to you too. I just got confirmation from Boyd that we need to bring this parcel up to current policy standards for addresses. I need to reach out to the owners to make sure I have the units right, then I will assign the addresses. Turn around will be dependent on the owner response time.

Thanks,
Scott S,

Scott Schluter, P.E.
Staff Engineer – Engineering Division
(508) 457-2543 | scott.schluter@falmouthma.gov

Town of Falmouth Department of Public Works
416 Gifford Street, Falmouth, MA 02540
(508) 457-2543 | falengr@falmouthma.gov

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Friday, May 9, 2025 11:53 AM
To: Scott Schluter <scott.schluter@falmouthma.gov>
Subject: FW: Address Confirmation Request-The Holistic Swan

Hi Scott,

Happy Friday! Just a quick inquiry to see if there is any new information regarding this license address.

Best,
Phyllis
Phyllis Downey
Town of Falmouth Select Board/Town Manager Office
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.

Town of Falmouth
Department of Public Works - Engineering Division
416 Gifford Street, Falmouth, MA 02540
Office: 508-457-2543, Fax: 508-548-1537

Jim McLoughlin, P.E., Town Engineer
Jim.McLoughlin@falmouthma.gov

House Number Assignment/Change

***NOTE: VACANT LOTS MUST HAVE A VALID BUILDING PERMIT IN ORDER TO BE ASSIGNED A HOUSE NUMBER**

Date: **5/12/2025**

From: Engineering Division

To:

Assessors Department	Gis Department	Planning
Building Department	Combined Dispatch Center	Fire Prevention
Board of Appeals	Notify911	United States Postal Service

Parcel ID(s) (Use separate sheet if required):
39 15 041A 001

Owner's Name:
Falmouth Common LLC

Old Address(es) (Use separate sheet if required):

24 Spring Bars Road

New Address(es) (Use separate sheet if required):

Falmouth Commons
24 Spring Bars Road BLDG A -C
(See following page)

This road is: ☑ **PUBLIC** ☐ **PRIVATE** ☐ **STATE**

A Driveway Permit ☐ **IS REQUIRED AND IS ON FILE WITH ENGINEERING** **Permit #:**

☑ **IS NOT REQUIRED**

Falmouth Fire Rescue Approved ☑ **YES** ☐ **NOT APPLICABLE**

Assigned by: Scott Schluter, P.E.

Notes:
Bringing lot into conformance with current address policy.

THIS FORM IS INFORMATIONAL ONLY, ADDRESS CHANGES ARE OFFICIAL WHEN ASSESSING PUTS IT IN THEIR SYSTEM.
IF THIS CHANGE AFFECTS THE MAILING ADDRESS FOR TOWN BILLING, THE PROPERTY OWNER SHOULD CONTACT THE ASSESSORS OFFICE.

Addresses to Assign

Falmouth Commons 24 Spring Bars Road

Building A

The Hollistic Swan	The Reliable Dog
24 Spring Bars Road Unit A100	24 Spring Bars Road Unit A101
24 Spring Bars Road Apt A200	24 Spring Bars Road Apt A201

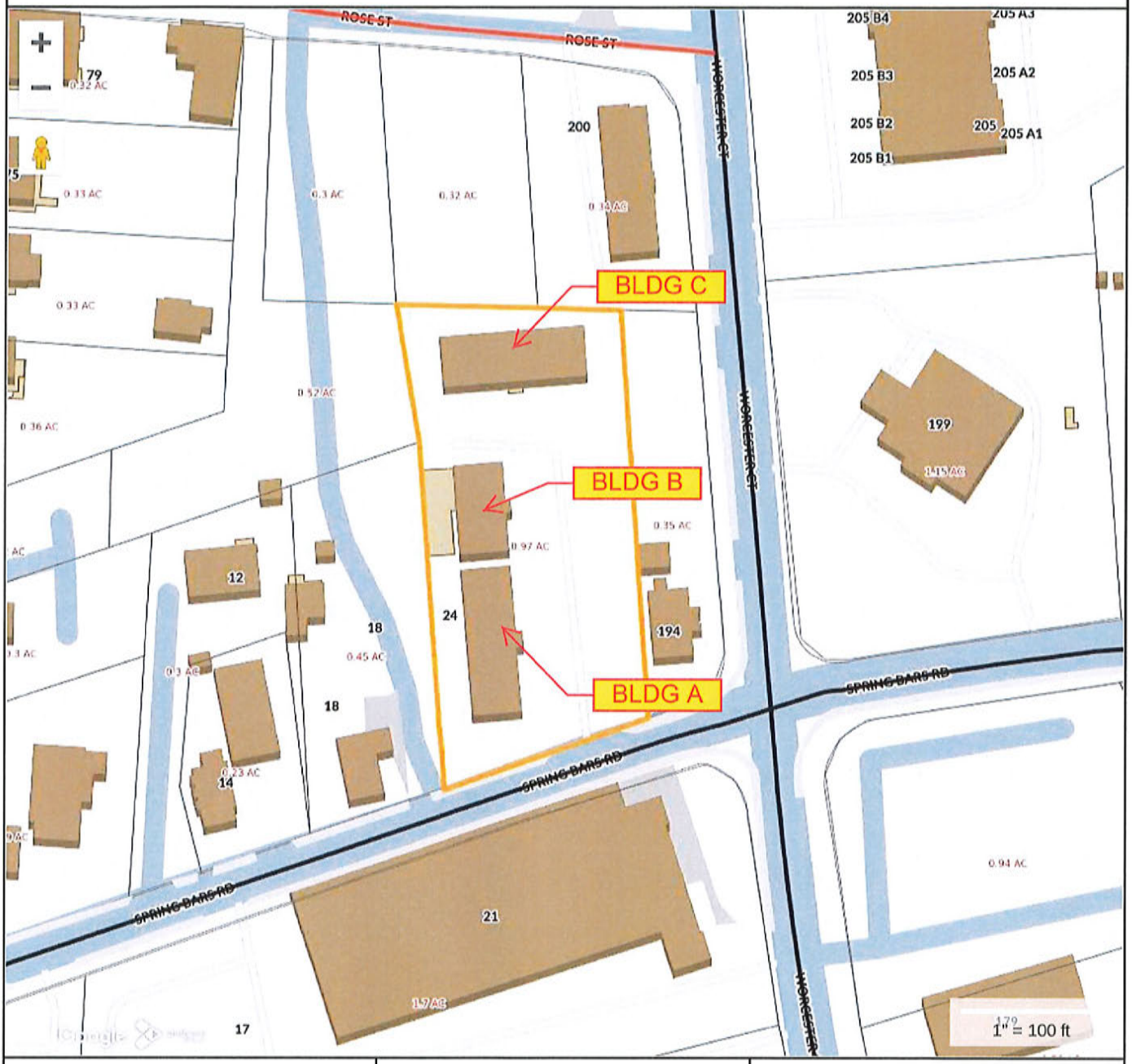
Building B

Falmouth Chorale	Kennedy-Donovan Center
24 Spring Bars Road Unit B100	24 Spring Bars Road Unit B101
24 Spring Bars Road Apt B200	24 Spring Bars Road Apt B201

Building C

Andersen & Souza	Clancy Appraisal
24 Spring Bars Road Unit C100	24 Spring Bars Road Unit C101
24 Spring Bars Road Apt C200	24 Spring Bars Road Apt C201

24 Spring Bars Road Bldgs A-C



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.

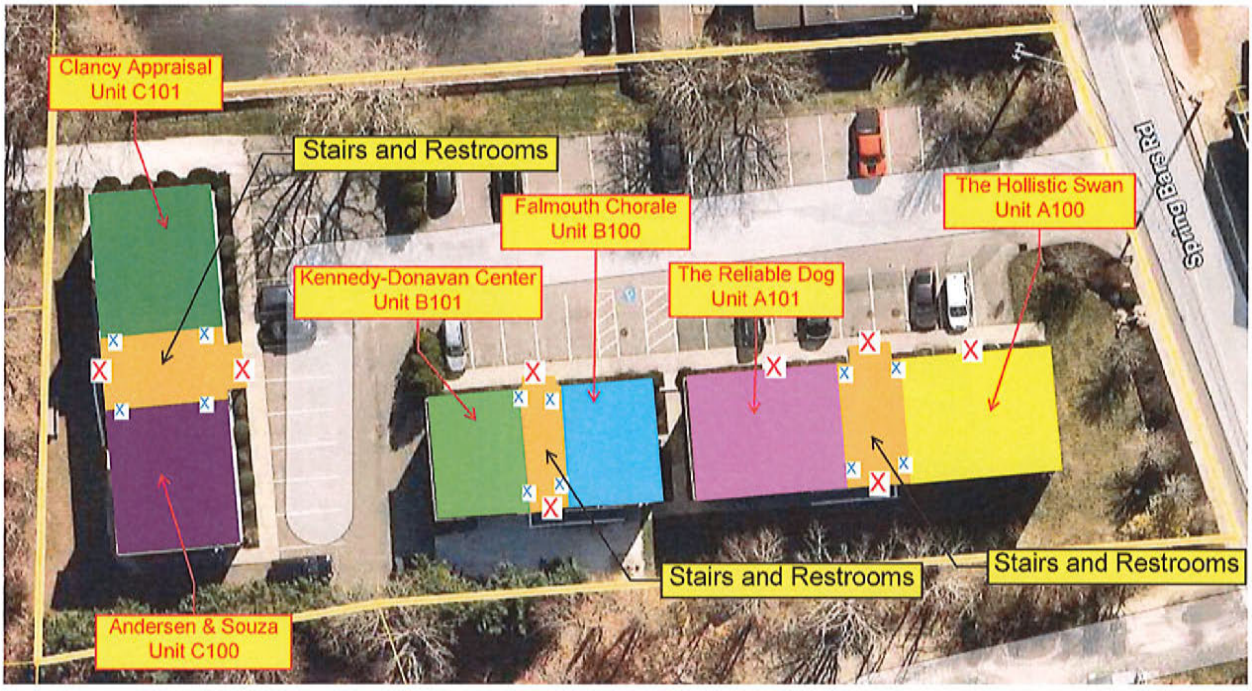
Geometry updated 01/31/2025
Data updated 04/15/2025

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

Building Letters

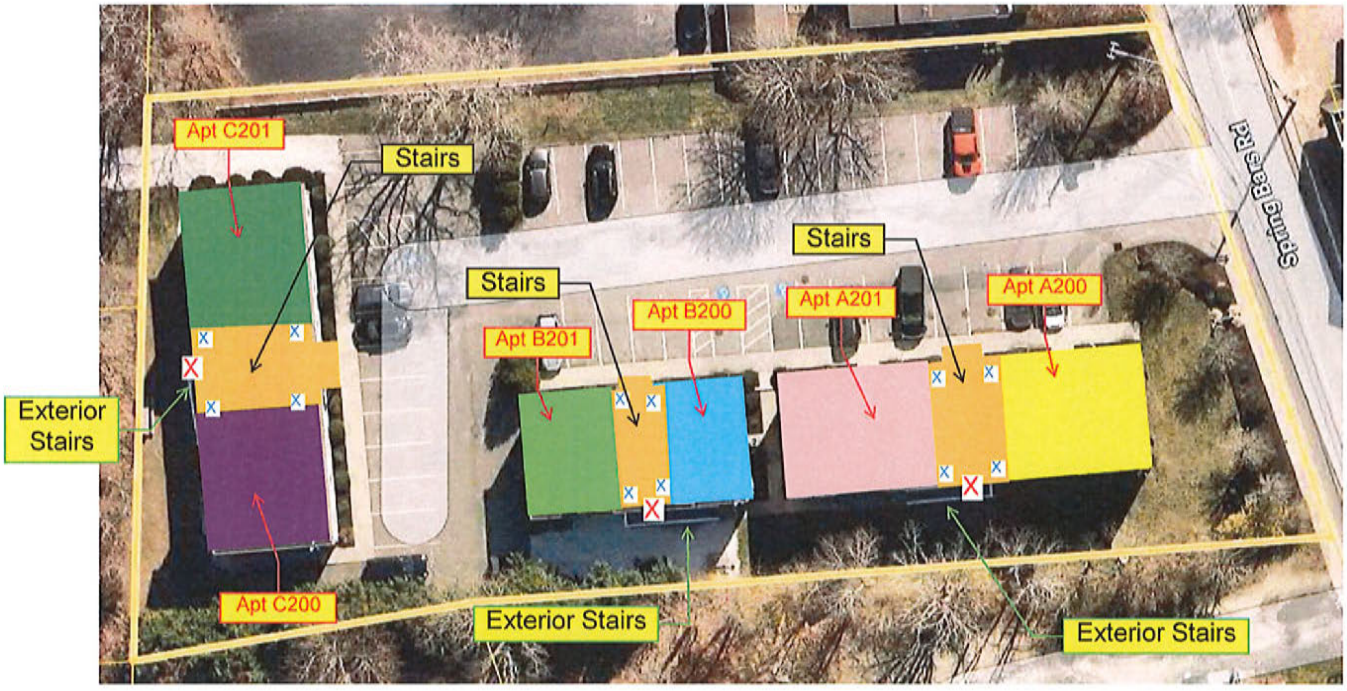


First Floor



Post units accessed at all doors.

Second & Third Floors



X - Exterior Access

x - Interior Access

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Diane Davidson, Office Manager
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider a vote to approve the application by Barnstable County Agricultural Society for a Special One-Day Wine and Malt Liquor License - Barnstable County Fair - Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., E. Falmouth - Monday, 7/21 - Sunday, 7/27/25 - 12:00 noon - 10:00 p.m.

Purpose:
The Select Board will consider a vote to approve an application submitted by the Barnstable County Agricultural Society for a Special One-Day Wine and Malt liquor license for seven (7) days (Monday, 7/21 to Sunday, 7/27/25) from 12:00 noon to 10:00 p.m. at the Cape Cod Fairgrounds.

Background/Summary:

- Applicant Wendy Brown with the Barnstable County Agricultural Society submitted the Special One-Day License application for the Sale of Wine and Malt Alcoholic Beverages for the event titled Barnstable County Fair.
- The Barnstable County Fair is to be held from Monday, July 21 through Sunday, July 27, 2025 from 12:00 PM to 10:00 PM each day, and approximately 5,000 people are expected to attend the event.
- The application was reviewed by members of the Internal Working Group for Special Events and approval is recommended.

Recommended Actions:

Department Recommendation:
The Town Manager recommends that the Select Board approve the application for a Special One-Day Wine and Malt Liquor License- Barnstable County Agricultural Society- Barnstable County Fair- Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., E. Falmouth- Monday, July 21, 2025 through Sunday, July 27, 2025.

Options:

- Motion to approve the application for a Special One-Day Wine and Malt Liquor License- Barnstable County Agricultural Society- Barnstable County Fair- Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., E. Falmouth- Monday, July 21, 2025 through Sunday, July 27, 2025.
- Motion to deny approval of the application for a Special One-Day Wine and Malt Liquor License- Barnstable County Agricultural Society- Barnstable County Fair- Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., E. Falmouth- Monday, July 21, 2025 through Sunday, July 27, 2025.
- Select Board defined alternative.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the application for a Special One-Day Wine and Malt Liquor License- Barnstable County Agricultural Society- Barnstable County Fair- Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., E. Falmouth- Monday, July 21, 2025 through Sunday, July 27, 2025.

Budget:
Applicable? (yes or no):
No.
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A.

Attachments:
1. Barnstable County Fair

Date: 5/19/25

ONE-DAY LIQUOR LICENSE APPLICATION REVIEW FORM

Applicant: Barnstable County Agricultural Society, Inc., Wendy Brown

Event: Barnstable County Fair

Location: Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., E. Falmouth

Date: Monday, 7/21 - Sunday, 7/27/25 **Time:** 12:00 p.m. - 10:00 p.m.

License Type: ☑ Wine & Malt Beverages or ☐ All Alcoholic Beverages

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

☑ Police	No objection.
☑ Fire	No objections.
☑ Health	No issues.
☑ Building	No objection.
☐ Communications	
☐ M.E.S.	
☐ DPW	
☐ Recreation	
☐ Beach	
☐	

NOTES: This event was reviewed by the departments checked above with no objections.

PAID $185.00 CK#20336

APPLICATION

SPECIAL ONE-DAY LIQUOR LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES

M.G.L.A. CHAPTER 138, SECTION 14

NAME OF APPLICANT: Barnstable County Agricultural Society, Inc.

ADDRESS OF APPLICANT: 1220 Nathan Ellis Highway

East Falmouth (TOWN) | MA (STATE) | 02536 (ZIP CODE)

NAME OF ORGANIZATION: Barnstable County Agricultural Society, Inc.

MAILING ADDRESS: 1220 Nathan Ellis Highway, E. Falmouth, MA 02536

TELEPHONE #: 508-563-3200 **EMAIL:** wendy@barnstablecountyfair.org

LOCATION TO BE LICENSED-ADDRESS: 1220 Nathan Ellis Highway

E. Falmouth (TOWN) | MA (STATE) | 02536 (ZIP CODE)

EVENT TITLE: Barnstable County Fair **APPROXIMATE # OF PEOPLE:** 5000

DATE(S) OF EVENT: July 21-27, 25 **HOURS OF EVENT:** Noon-10pm

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Wendy Brown

TYPE OF LICENSE:

1. **WINE & MALT** ☑
2. **ALL ALCOHOLIC** ☐ *NON-PROFIT ORGANIZATIONS ONLY*

FOR PROFIT ☐
NON-PROFIT ☑

REQUIREMENTS check list:

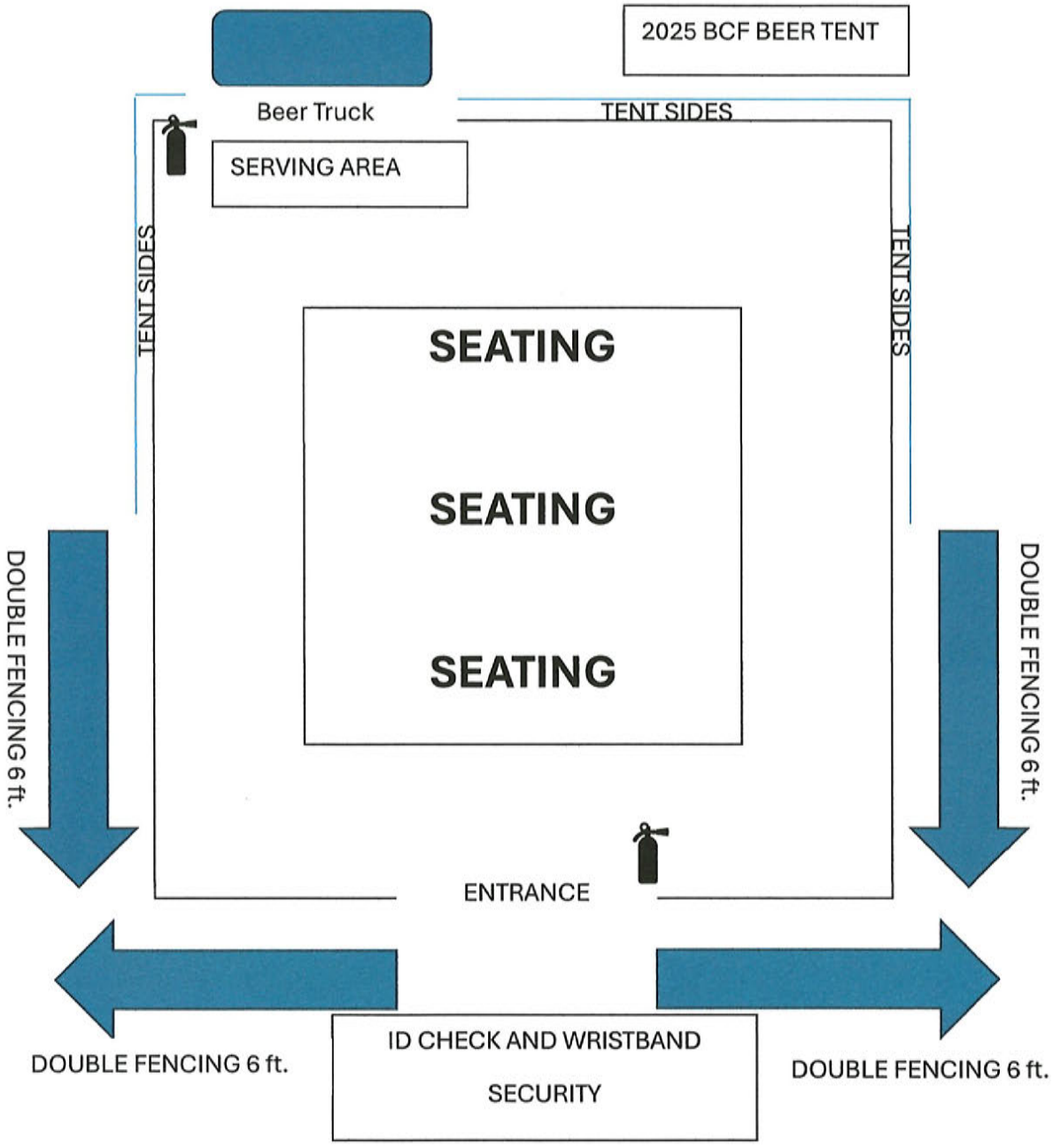
1. **Submit in a separate note or letter a narrative overview of the event including a description of the premises, food service, and security**
2. **Certificate of non-profit status (if your organization is non-profit)**
3. **Certificate of liquor liability insurance;** *1 MILLION PER OCCURANCE - $2 MILLION AGGREGATE*
4. **Certificate of TIPS or other alcohol safety training for all persons handling alcohol**
5. **Floor plan of area where alcohol will be served, consumed, and securely stored and how this will be separated from public areas (roping, fences, etc.)**
6. **Temporary Food Permit (Health Department)**

March 1, 2025
DATE

Wendy Brown
APPLICANT SIGNATURE

FEE: $25.00 PER DAY

$10.00 FILING FEE


2025 BCF BEER TENT
Beer Truck
TENT SIDES
SERVING AREA
TENT SIDES
TENT SIDES
SEATING
SEATING
SEATING
DOUBLE FENCING 6 ft.
DOUBLE FENCING 6 ft.
ENTRANCE
DOUBLE FENCING 6 ft.
ID CHECK AND WRISTBAND
SECURITY
DOUBLE FENCING 6 ft.

Diane Davidson

From: Brian Reid <brian.reid@falmouthpolicema.gov>
Sent: Monday, May 12, 2025 10:59 AM
To: Diane Davidson; Jeff Lourie; Ryan Hergt; Boyd Demello; Craig O'Malley; Gary Street; Scott McGann
Cc: Morgan Cardoso; Linda Kinchla; Katie Pierias
Subject: Re: One-Day Liquor License Application-Barnstable County Agricultural Society

No objection from police.

Brian L. Reid
Captain of Operations and Specialized Services
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
774-255-4527 Ext. 4502

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Monday, May 12, 2025 10:20 AM
To: Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Gary Street <gary.street@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>
Cc: Morgan Cardoso <morgan.cardoso@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Katie Pierias <katie.pierias@falmouthma.gov>
Subject: One-Day Liquor License Application-Barnstable County Agricultural Society

To all,

Attached please find an application submitted by the Barnstable County Agricultural Society for a Special One-Day Wine & Malt liquor license for the Barnstable County Fair from July 21 – July 27, 2025 (7 days) for your review and comment.

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

Diane Davidson

From: Boyd Demello <boyd.demello@falmouthfirema.gov>
Sent: Monday, May 12, 2025 11:08 AM
To: Diane Davidson; Jeff Lourie; Brian Reid; Ryan Hergt; Craig O'Malley; Gary Street; Scott McGann
Cc: Morgan Cardoso; Linda Kinchla; Katie Pierias
Subject: RE: One-Day Liquor License Application-Barnstable County Agricultural Society

Fire Rescue has no objections to this application

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: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Monday, May 12, 2025 10:20
To: Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Gary Street <gary.street@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>
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Office Manager/Licensing
Office of the Town Manager & Select Board
59 Town Hall Square
Falmouth, MA 02540
(508) 495-7321
diane.davidson@falmouthma.gov

Diane Davidson

From: Morgan Cardoso
Sent: Monday, May 12, 2025 11:25 AM
To: Diane Davidson
Cc: Scott McGann
Subject: RE: One-Day Liquor License Application-Barnstable County Agricultural Society

No issues with health dept.

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. .
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Applicant Side Login Page : https://permiteyes.us/falmouth/loginuser.php
Public View Site (no login required): https://permiteyes.us/falmouth/publicview.php

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Cc: Morgan Cardoso <morgan.cardoso@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Katie Pierias <katie.pierias@falmouthma.gov>
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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

From: Gary Street
Sent: Monday, May 12, 2025 4:24 PM
To: Diane Davidson
Subject: RE: One-Day Liquor License Application-Barnstable County Agricultural Society

Diane,

I spoke with Boyd and he explained to me that the sides of the tent are only half of the open and that the bottom of the tent sides are open. It has worked in the past and Fire Prevention is ok with it. I will remove my objection.

Respectfully,

Gary Street

Gary Street CBO
Building Commissioner and Zoning Enforcement Officer
Town of Falmouth
Gary.Street@Falmouthma.gov
(508)495-7470

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Monday, May 12, 2025 4:21 PM
To: Gary Street <gary.street@falmouthma.gov>
Subject: RE: One-Day Liquor License Application-Barnstable County Agricultural Society

Hi Gary,

I will send an email to Wendy Brown at Cape Cod Fairgrounds and ask her (or the tent vendor) to submit a plan showing at least 2 ways out of the tent.

Thank you,

Diane

From: Gary Street <gary.street@falmouthma.gov>
Sent: Monday, May 12, 2025 10:44 AM
To: Diane Davidson <diane.davidson@falmouthma.gov>
Subject: RE: One-Day Liquor License Application-Barnstable County Agricultural Society

Diane,

Since the tent has sides which will act as barriers it will require a second means of egress. Please ask the vendor to submit a plan showing at least 2 ways out of the tent.

Respectfully,

TiPS® On-Premise

CERTIFIED

Issued: 06/26/2023

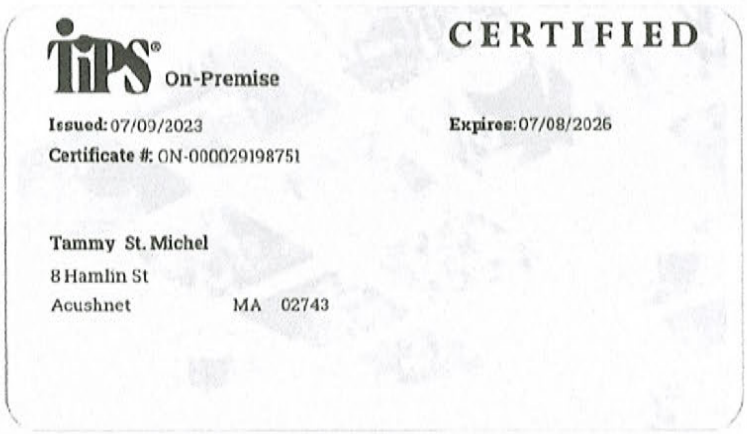
Expires: 06/25/2026

Certificate #: ON-000029117846

Thomas M St. Michel

8 Hamlin St

Acushnet MA 02743



TIPS® On-Premise

CERTIFIED

Issued: 07/09/2023

Expires: 07/08/2026

Certificate #: ON-000029198751

Tammy St. Michel
8 Hamlin St
Acushnet MA 02743

CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY) 6/11/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
A & B INSURANCE GROUP LLC
235 Littleton Road, Unit 3
Westford, MA 01886

CONTACT NAME:
PHONE (A/C, No, Ext): (978) 399-0025 FAX (A/C, No): (978) 399-0079
E-MAIL ADDRESS: wendy@abinsgroup.com
PRODUCER CUSTOMER ID #:

INSURER(S) AFFORDING COVERAGE	NAIC#
INSURER A : Hospitality Mutual	
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Garnish & Drink
Thomas St. Michel & Tammy St.Michel
8 HAMLIN STREET
Acushnet, MA 02743

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	GENERAL LIABILITY						EACH OCCURRENCE	$ 1,000,000
	COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	$
	CLAIMS-MADE [X] OCCUR						MED EXP (Any one person)	$
x	Liquor Liability			CPP2000461	5/20/24	5/20/25	PERSONAL & ADV INJURY	$
							GENERAL AGGREGATE	$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG	$
	[X] POLICY [ ] PRO-JECT [ ] LOC							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS						BODILY INJURY (Per accident)	$
	SCHEDULED AUTOS						PROPERTY DAMAGE (Per accident)	$
	HIRED AUTOS							$
	NON-OWNED AUTOS							$
	UMBRELLA LIAB [ ] OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB [ ] CLAIMS-MADE						AGGREGATE	$
	DEDUCTIBLE							$
	RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						WC STATU-TORY LIMITS [ ] OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] (Mandatory in NH)	N/A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

To Be Updated when we get new Binder

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Traveling bartenders serving alcoholic beverages.

CERTIFICATE HOLDER
Barnstable County Fair grounds
1220 Nathan Ellis Highway, Route 151
East Falmouth, MA 02536

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Wendy M Ashe

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

mass.gov/dor

Letter ID: L1237291936
Notice Date: February 3, 2025
MA Taxpayer ID: 10562706

CERTIFICATE OF EXEMPTION

BARNSTABLE COUNTY AGRICULTURAL SO
1220 NATHAN ELLIS HWY
EAST FALMOUTH MA 02536-4244

Attached below is your Certificate of Exemption (Form ST-2). Cut along the dotted line and display at your place of business. You must report any change of name or address to us so that a revised ST-2 can be issued.

DETACH HERE

MASSACHUSETTS DEPARTMENT OF REVENUE

Form ST-2

Certificate of Exemption

BARNSTABLE COUNTY AGRICULTURAL
SOCIETY INC
1220 NATHAN ELLIS HWY
EAST FALMOUTH MA 02536-4244

MA Taxpayer ID: 10562706
Certificate Number: 1735463936

This certifies that the organization named above is an exempt purchaser under Chapter 64H, section 6(d) or (e) of the Massachusetts General Laws. All purchases of tangible personal property by this organization are exempt from taxation to the extent that such property is used in the conduct of the business of the purchaser. Misuse of this certificate by any tax-exempt organization or unauthorized use of this certificate by any individual will lead to revocation. Willful misuse of this certificate is subject to criminal sanctions of up to one year in prison and $10,000 ($50,000 for corporations) in fines. This certificate is non-transferable and may be suspended or revoked for failure to comply with state laws and regulations.

Effective Date: March 29, 2025

Expiration Date: March 28, 2035

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Phyllis Downey, Administrative Assistant
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider a vote to approve the application by Martha Gilbert - Gilbert Bridal Shower for a Special One-Day Wine & Malt Beverages License to be executed at West Falmouth Library, 575 West Falmouth Highway, West Falmouth on June 7, 2025, from 2:30 pm to 5:30 pm.

Purpose:
The Select Board will consider a vote to approve an application by Martha Gilbert - Gilbert Bridal Shower for a Special One-Day Wine & Malt Beverages License to be held at West Falmouth Library, 575 West Falmouth Highway, West Falmouth on June 7, 2025, from 2:30 pm to 5:30

Background/Summary:

- The application was submitted on May 6, 2025.
- All license requirements have been received.
- The event is a bridal shower for approximately 50 guests to be held at the West Falmouth Library in the Community Room.

Recommended Actions:
Department Recommendation:
The Town Manager's Office recommends approval of the application by Martha Gilbert - Gilbert Bridal Shower for a Special One-Day Wine & Malt Beverages License to be held at West Falmouth Library, 575 West Falmouth Highway, West Falmouth on June 7, 2025, from 2:30 pm to 5:30 pm as presented.

Options:

- Motion to approve the application by Martha Gilbert - Gilbert Bridal Shower for a Special One-Day Wine & Malt Beverages License to be held at West Falmouth Library, 575 West Falmouth Highway, West Falmouth on June 7, 2025, from 2:30 pm to 5:30 pm.

- Motion to deny the application by Martha Gilbert - Gilbert Bridal Shower for a Special One-Day Wine & Malt Beverages License to be held at West Falmouth Library, 575 West Falmouth Highway, West Falmouth on June 7, 2025, from 2:30 pm to 5:30 pm.
- Some other Select Board voted alternative.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the application by Martha Gilbert - Gilbert Bridal Shower for a Special One-Day Wine & Malt Beverages License to be held at West Falmouth Library, 575 West Falmouth Highway, West Falmouth on June 7, 2025, from 2:30 pm to 5:30 pm as presented.

Budget:

Applicable? (yes or no):
No

Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:

1. Consent Agenda-Martha Gilbert Bridal Shower-Special One-Day Wine & Malt License 05.19.25

LICENSE APPLICATION REVIEW

Restaurant/Business: Martha Gilbert

Address: License address: West Falmouth Library 525 West Falmouth Highway,

License Type: _____

☐ **New License** Special One-Day Wine & Malt Beverages License

☐ **Transfer of License** _____

☐ **Change of License** _____

☐ Police No Objections

☐ Fire No Objections

☐ Building _____

☐ Health _____

☐ Zoning _____

☐ Planning _____

☐ DPW _____

NOTES:

APPLICATION

SPECIAL ONE-DAY LIQUOR LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES

M.G.L.A. CHAPTER 138, SECTION 14

Apply at least 30 days prior to Select Board hearing.

NAME OF APPLICANT: Martha H. Gilbert

ADDRESS OF APPLICANT: [redacted] Westmoreland Drive

Falmouth (TOWN) | MA (STATE) | 02540 (ZIP CODE)

NAME OF ORGANIZATION: Gilbert Bridal Shower

MAILING ADDRESS: same

[redacted] EMAIL: lmarthagilbert@comcast.net

LOCATION TO BE LICENSED-ADDRESS: (575) West Falmouth Library

W. Falmouth (TOWN) | MA (STATE) | 02574 (ZIP CODE)

EVENT TITLE: Gilbert Bridal Shower APPROXIMATE # OF PEOPLE: 50

DATE(S) OF EVENT: June 7, 2025 HOURS OF EVENT: 2:30 - 5:30 PM

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Martha H. Gilbert

TYPE OF LICENSE:

1. WINE & MALT [✓] FOR PROFIT [ ]
2. ALL ALCOHOLIC [ ] *NON-PROFIT ORGANIZATIONS ONLY* NON-PROFIT [ ]

REQUIREMENTS check list:

1. Submit in a separate note or letter a narrative overview of the event including a description of the premises, food service, and the alcohol security plan
2. Certificate of non-profit status for All Alcoholic Beverages Licenses ONLY)
3. Certificate of liquor liability insurance; *1 MILLION PER OCCURANCE - $2 MILLION AGGREGATE*
4. Certificate of TIPS or other alcohol safety training for all persons handling alcohol
5. Floor plan of area where alcohol will be served, consumed, and securely stored and how this will be separated from public areas (roping, fences, etc.)
6. Temporary Food Permit (Health Department)

4/28/25 DATE

Martha H. Gilbert APPLICANT SIGNATURE

FEES DUE UPON SUBMISSION:
$25.00 PER DAY *payable by Cashier's or Bank Check only*
$10.00 FILING FEE

April 28, 2025

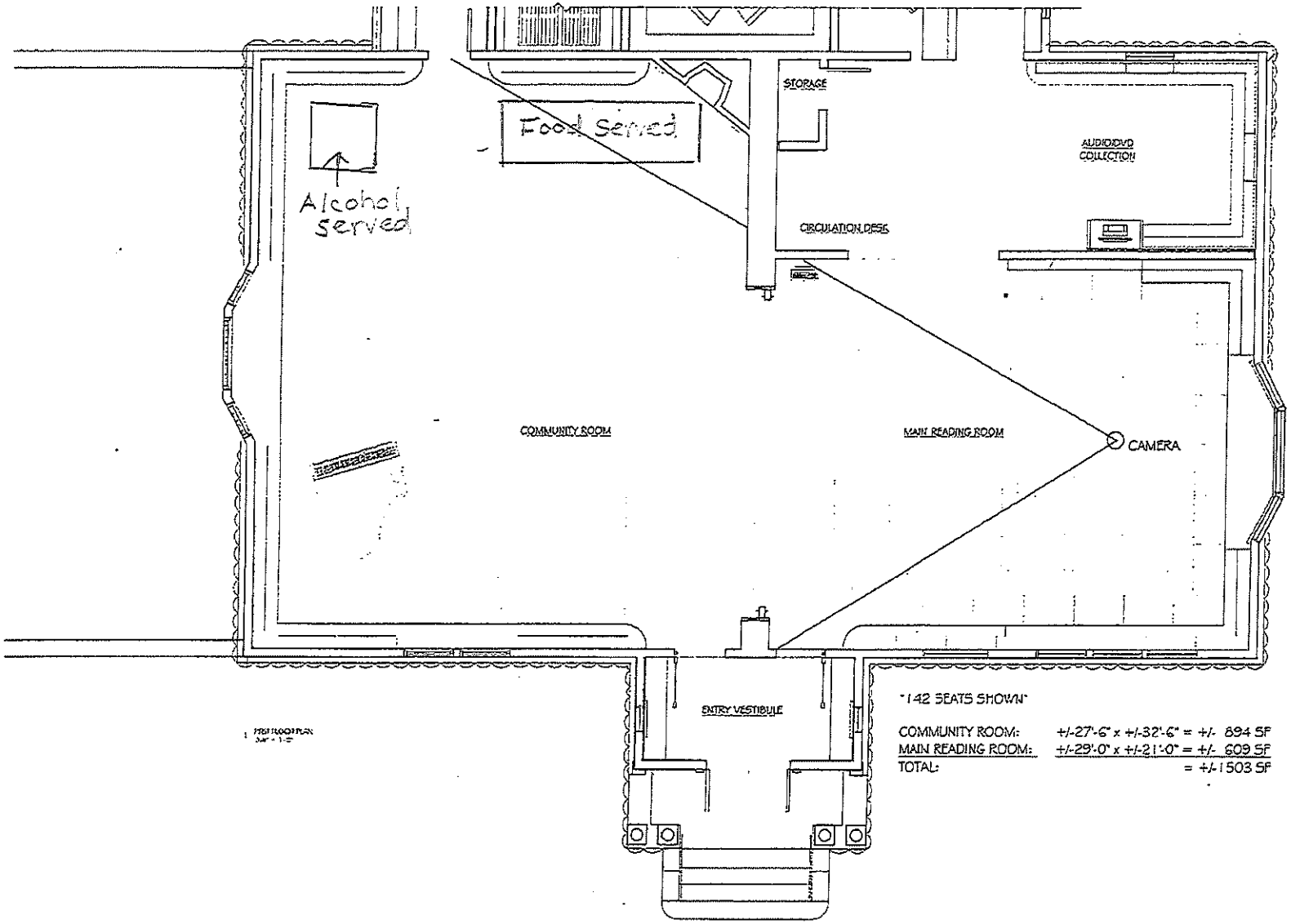
To whom it may concern,

I am requesting a special one day liquor license for my daughter's bridal shower on June 7th, 2025 between the hours of 2:30 to 5:30 pm at the West Falmouth Library, West Falmouth. The library will be closed to the public and this will be a private function of approximately 50 women, located in the Community Room. As this is a tea party event, the only alcohol being offered will be mimosas (orange juice and champagne) using a TIPS certified server, in addition to refreshments such as water, soft drinks, coffee and tea. Attached to this document is the TIPS certification. I have also attached a site plan of the event location, clearly indicating the designated area where alcohol will be served. I have contacted my insurance agent and secured the appropriate liquor liability insurance (please see attached certificate). I have requested a temporary food permit from the health department and was told a "potluck exemption" could apply to my event due to a combination of homemade salads and sandwiches along with store bought goods. Thank you for your time and consideration of my application and I look forward to your favorable response.

Sincerely,
Martha H. Gilbert
Martha Gilbert

Pad 1:11 PM 53%
dl.dropboxusercontent.com
Office of Planning and Development Falmouth News | capenews.net Home - Dropbox The New York Times - Breaking News, World News & Multimedia
jo ben sim cjcog37 -... X-Ray Res... Boston Ka... Facebook services2.... Account In... FiveThirty... Senate For... dl.drop...

10.21.13

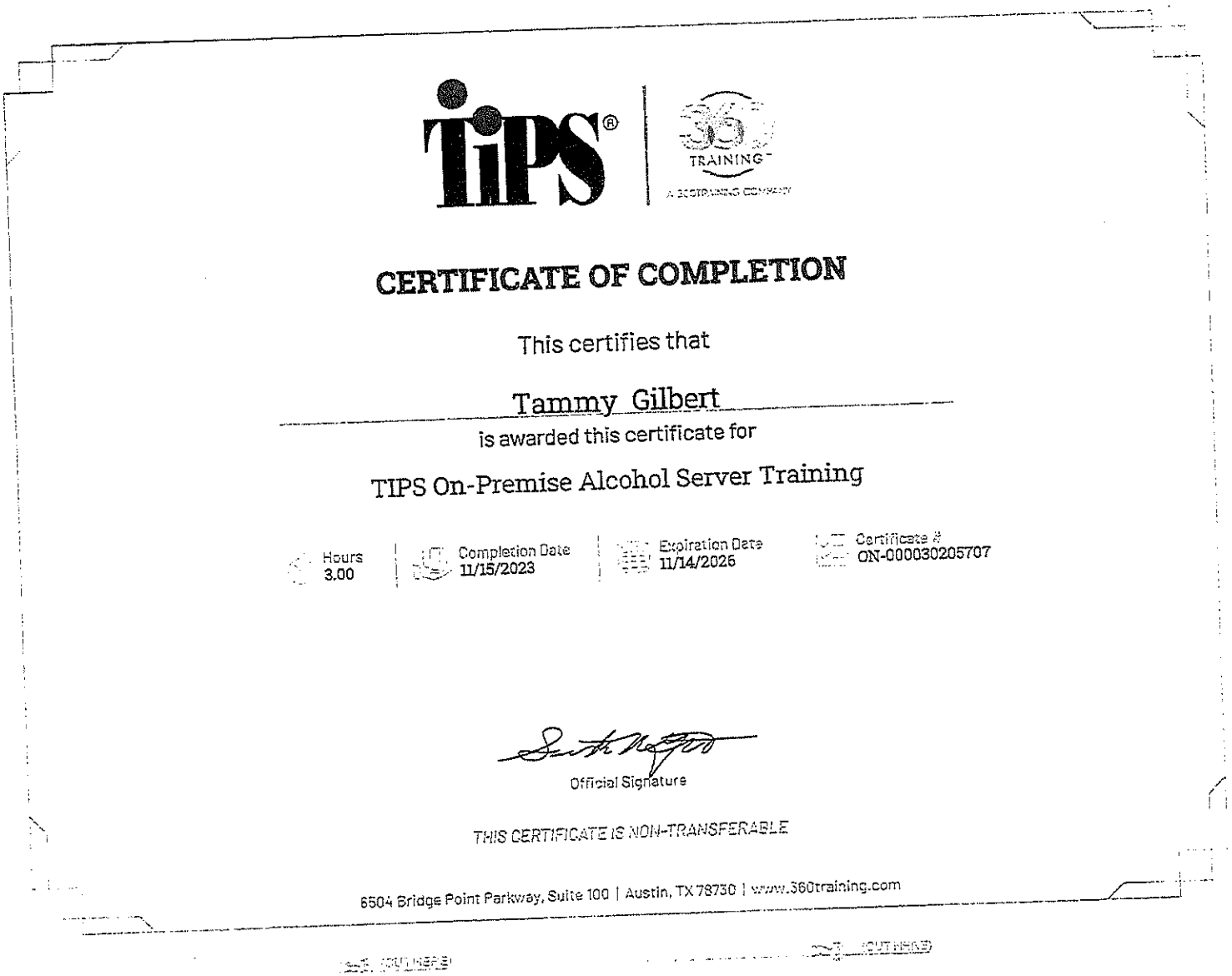


"142 SEATS SHOWN"

COMMUNITY ROOM:	+/-27'-6" x +/-32'-6" = +/-	894 SF
MAIN READING ROOM:	+/-29'-0" x +/-21'-0" = +/-	609 SF
TOTAL:	= +/-	1503 SF

Proposed Addition and Alterations To:
West Falmouth Library
575 West Falmouth Highway,
West Falmouth, MA

BROWN LINDQUIST FENUCCIO & RABER ARCHITECTS, INC



TiPS®

360 TRAINING
A 360TRAINING COMPANY

CERTIFICATE OF COMPLETION

This certifies that

Tammy Gilbert

is awarded this certificate for

TIPS On-Premise Alcohol Server Training

Hours	Completion Date	Expiration Date	Certificate #
3.00	11/15/2023	11/14/2026	ON-000030205707

Official Signature

THIS CERTIFICATE IS NON-TRANSFERABLE

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

Phyllis Downey

From: Boyd Demello <boyd.demello@falmouthfirema.gov>
Sent: Tuesday, May 6, 2025 2:30 PM
To: Falmouth Licensing; Brian Reid; Craig O'Malley; Ryan Hergt; Jeff Lourie
Subject: RE: Special One-Day Wine & Malt Beverages License

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: Tuesday, May 6, 2025 13:57
To: Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>
Subject: Special One-Day Wine & Malt Beverages License

Good afternoon,

Attached please find an application for a Special Wine & Malt Beverages License for a Bridal Shower Tea submitted by Martha Gilbert to be executed at West Falmouth Library, 575 West Falmouth Highway for approximately on June 7, 2025.

The event will take place in the Community Room of the library as noted on the floor plan.

May we please request your review of the application by Monday May 12th?

Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540
508-495-7325

Phyllis Downey

From: Brian Reid <brian.reid@falmouthpolicema.gov>
Sent: Wednesday, May 7, 2025 2:46 PM
To: Falmouth Licensing; Boyd Demello; Craig O'Malley; Ryan Hergt; Jeff Lourie
Subject: Re: Special One-Day Wine & Malt Beverages License

No objection from Police.

Brian L. Reid
Captain of Operations and Specialized Services
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
774-255-4527 Ext. 4502

From: Falmouth Licensing <licensing@falmouthma.gov>
Sent: Tuesday, May 6, 2025 1:57 PM
To: Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>
Subject: Special One-Day Wine & Malt Beverages License

Good afternoon,

Attached please find an application for a Special Wine & Malt Beverages License for a Bridal Shower Tea submitted by Martha Gilbert to be executed at West Falmouth Library, 575 West Falmouth Highway for approximately on June 7, 2025.

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May we please request your review of the application by Monday May 12th?

Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square
Falmouth MA 02540
508-495-7325

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 05/06/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Mark Sylvia Insurance Agency, LLC 404 Main Street Centerville MA 02632	CONTACT NAME: Mark Sylvia PHONE (A/C, No, Ext): (508)957-2125 FAX (A/C, No): (508)957-2781 E-MAIL ADDRESS: mark@marksylviainsurance.com
INSURED Greg & Martha Gilbert 67 Westmoreland Dr. Falmouth MA 02540	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A: Hudson Ins — 000000 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
a	COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:	A		TBA	6/7/25	6/7/25	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG $	$ 1000000 $ 1000000 $ $ $ 2000000 $ $
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) $	$ $ $ $ $
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION $						EACH OCCURRENCE AGGREGATE $	$ $ $
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y/N — N/A If yes, describe under DESCRIPTION OF OPERATIONS below						☐ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ $ $

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

// liquor liabilty and general liability for 6/7/25 for a weeding shower //

// West Fakmouth Liabrary is additional insured //

CERTIFICATE HOLDER

Town of Falmouth
59 Town Hall Square
Falmouth Ma 02540

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Fax: Email:

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ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Phyllis Downey, Administrative Assistant
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider a vote to approve the surrender of the All Alcoholic Beverages Restaurant License #00055-RS-0390 - Silver Lounge, Inc. d/b/a Silver Lounge, 412 North Falmouth Highway, North Falmouth.

Purpose:
At the request of the Alcoholic Beverages Control Commission the Select Board will consider approval of the surrender of license #00055-RS-0390, Silver Lounge, Inc. d/b/a Silver Lounge, - 412 North Falmouth Highway, North Falmouth

Background/Summary:

- On May 5, 2025, the Select Board approved the application by Megansett Circle, Inc. d/b/a Daily Brew for an All Alcoholic Beverages Restaurant License to be executed at 412 North Falmouth Highway, North Falmouth.
- The application was forwarded to the ABCC on May 7, 2025.
- ABCC investigator, Sabrina Luc, contacted the Select Board Office on May 8, 2025, to advise that a Letter of Surrender of the license held by Silver Lounge, Inc. d/b/a Silver Lounge and a vote by the Board was required for further processing.
- This requirement is new to this office and to attorney Kevin Klauer, who represents Megansett Circle, Inc. d/b/a Daily Brew.
- On May 9, 2025, attorney Geoffrey S. Nickerson, on behalf of Silver Lounge restaurant, forwarded a Letter of Surrender and a copy of the 2025 All Alcoholic Beverages Restaurant License.

Recommended Actions:
Department Recommendation:
The Town Manager's Office recommends approval of the surrender of the All Alcoholic Beverages Restaurant License #00055-RS-0390 - Silver Lounge, 412 North Falmouth Highway, North Falmouth.

Options:

- Motion to approve the surrender of the All Alcoholic Beverages Restaurant License #00055-RS-0390 - Silver Lounge, Inc. d/b/a Silver Lounge, 412 North Falmouth Highway, North Falmouth.
- Motion to deny the surrender of the All Alcoholic Beverages Restaurant License #00055-RS-0390 - Silver Lounge, Inc. d/b/a Silver Lounge, 412 North Falmouth Highway, North Falmouth.
- Some other alternative motion by the Select Board.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the surrender of the All Alcoholic Beverages Restaurant License #00055-RS-0390 - Silver Lounge, 412 North Falmouth Highway, North Falmouth as presented.

Budget:
Applicable? (yes or no):
No
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:
1. Consent Agenda-Silver Lounge surrender of liquor license #00055-RS-0390

OPPENHEIM & NICKERSON LLC
Attorneys at Law

Jeffrey W. Oppenheim
jwo@onllplaw.com

Geoffrey S. Nickerson
gsn@onllplaw.com

May 9, 2025

Ms. Phyllis Downey, Administrative Assistant
Town of Falmouth
Office of the Town Manager
59 Town Hall Square
Falmouth, MA 02540

Re: Silver Lounge, Inc.
License Number 00055-RS-0390

Dear Ms. Downey,

I represent Silver Lounge, Inc., the holder of the above-referenced license, a copy of which is attached hereto (the, "License").

Please accept this correspondence as confirmation of my client's intent to surrender the License.

I understand that the Town of Falmouth Select Board may want to conduct a vote on the surrender of the License at an upcoming meeting. If helpful, I would be glad to deliver the License to your office either in advance of or subsequent to the vote, whichever might be preferable.

Thank you for your time and consideration.

Respectfully,

Geoffrey S. Nickerson

2025 **License** 00055-RS-0390

Fee: 1750

Alcoholic Beverages

The Licensing Board of
The Town of Falmouth
Massachusetts
Hereby Grants a

All Alcoholic Common Victualler

License to Expose, Keep for Sale, and to Sell

All Kinds of Alcoholic Beverages

To Be Drunk On the Premises

To Silver Lounge, Inc. d/b/a Silver Lounge
Richard Haupt, Manager

412 North Falmouth Highway
North Falmouth, MA 02556

On the following described premises:

One Floor: Dining room, caboose, kitchen, cellar for storage.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities.

This license is valid from the 1st day of January 2025 until the 31st day of December 2025, unless earlier suspended, cancelled or revoked.

The hours during which Alcoholic Beverages may be sold are from:

10:00 am to 1:00 am Monday - Saturday ; 12 NOON - 1:00 am - SUNDAY.
NOTE: ALL GLASSES OFF TABLES/BAR AND PATRONS OUT BY 1:30 AM

BUILDING MUST BE SO INSULATED THAT ALL ENTERTAINMENT, MUSICAL OR OTHERWISE,WILLNOT BE HEARD OUTSIDE THE BUILDING.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 16th day of December 2024

Licensing Board

THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Diane Davidson, Office Manager
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider a vote to approve a correction of the license type, of an already approved license, from a Special One-Day Wine and Malt to a Special One-Day All Alcohol liquor license - Lupus Foundation of New England - Cape Cod Food Truck & Craft Beer Festival - Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy, E. Falmouth - Saturday, 8/16/25 - 11:00 am to 5:00 pm

Purpose:
The Select Board will consider a vote to correct the license type of an already-approved license from a Special One-Day Wine and Malt liquor license to a Special One-Day All Alcohol liquor license - Lupus Foundation of New England - Cape Cod Food Truck & Craft Beer Festival - Cape Cod Fairgrounds, 1220 Nathan Ellis Highway, East Falmouth - Saturday, 8/16/25 from 11:00 a.m. to 5:00 p.m.

Background/Summary:

- During its meeting on Monday, April 28, 2025, the Select Board approved the Special One-Day Wine and Malt liquor license for the Lupus Foundation of New England for the Food Truck Festival Event on Saturday, 8/16/25.
- The application submitted by the Lupus Foundation of New England requested a Special One-Day All-Alcohol liquor license.
- The license type was incorrectly typed on the agenda as a Special One-Day Wine and Malt liquor license.
- This vote will correct the license type from Wine and Malt to All-Alcohol as requested by the applicant.

Recommended Actions:
Department Recommendation:
To vote to approve the application submitted by the Lupus Foundation of New England for a Special One-Day All Alcohol liquor license for the Cape Cod Food Truck & Craft Beer Festival at Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., E. Falmouth - Saturday, 8/16/25 from 11:00 a.m. to 5:00 p.m.

Options:

- Motion to approve the application submitted by the Lupus Foundation of New England for a Special One-Day All Alcohol liquor license for the Cape Cod Food Truck & Craft Beer Festival at Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., E. Falmouth - Saturday, 8/16/25 from 11:00 a.m. to 5:00 p.m.
- Motion to deny the application.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the application submitted by the Lupus Foundation of New England for a Special One-Day All Alcohol liquor license for the Cape Cod Food Truck & Craft Beer Festival at Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., E. Falmouth - Saturday, 8/16/25 from 11:00 a.m. to 5:00 p.m.

Budget:
Applicable? (yes or no):
No.
Budgeted? (yes or no):
No.

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A.

Attachments:
1. One-Day Liquor License-Lupus Foundation-Food Truck Festival

mailed 6/5

2025

License
Alcoholic Beverages

25-7-WM

Fee: 25

The Licensing Board of
The Town of Falmouth
Massachusetts
Hereby Grants a

Special License For The Sale of Wine & Malt Beverages

License to Expose, Keep for Sale, and to Sell

Should be All Alcohol

Wines and Malt Beverages

To Be Drunk On the Premises

To Lupus Foundation of New England

Food Truck & Craft Beer Festival
Barnstable County Fairgrounds
1220 Nathan Ellis Highway
East Falmouth, MA 02536

On the following described premises:

Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., East Falmouth, MA 02536

THE ABOVE NAMED PROFIT OR NON PROFIT ORGANIZATION IS HEREBY GRANTED A SPECIAL LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES ONLY, TO BE DRUNK ON THE PREMISES.

This license is valid from the 16th day of August 2025 until the 16th day of August 2025, unless earlier suspended, cancelled or revoked.

The hours during which Alcoholic Beverages may be sold are from:

Saturday, August 16, 2025 from 11:00 a.m. to 5:00 p.m.

CONDITIONS: 1. Proof of liquor liability insurance required. 2. Alcoholic beverages served on the premises must remain on the premises. 3. Secure the area where alcohol will be sold and consumed. 4. Servers must be TIPS (or equivalent) certified. 5. Each individual vendor must apply for a food permit separately 30 days in advance. 6. Event coordinator to contact Health Dept., as this will include an off-hours inspection fee.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 28th day of April 2025

Licensing Board

THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ

PAID
$10.00 CK# 438344
$25.00 CK# 438398

RECEIVED
MAR 20 2025
SELECT BOARD OFFICE

APPLICATION

SPECIAL ONE-DAY LIQUOR LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES

M.G.L.A. CHAPTER 138, SECTION 14

Apply at least 30 days prior to Select Board hearing.

NAME OF APPLICANT: Beverly Goodell

ADDRESS OF APPLICANT: 290 W Boylston St, Suite 60676

Worcester (TOWN) MA (STATE) 01606 (ZIP CODE)

NAME OF ORGANIZATION: Lupus Foundation New England

MAILING ADDRESS: Same as above

TELEPHONE #: 508-713-5199 EMAIL: bgoodell@lupusne.org

LOCATION TO BE LICENSED-ADDRESS: 1220 Nathan Ellis Hwy (Cape Cod Fairgrounds)

E Falmouth (TOWN) MA (STATE) 02536 (ZIP CODE)

EVENT TITLE: Cape Cod Food Truck & Craft Beer Festival APPROXIMATE # OF PEOPLE: 2000

DATE(S) OF EVENT: 8/16/25 HOURS OF EVENT: 11am - 5pm

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Anthony Pepe

TYPE OF LICENSE:

1. WINE & MALT ☐
2. ALL ALCOHOLIC ☑ *NON-PROFIT ORGANIZATIONS ONLY*

FOR PROFIT ☐
NON-PROFIT ☑

REQUIREMENTS check list:

1. Submit in a separate note or letter a narrative overview of the event including a description of the premises, food service, and the alcohol security plan
2. Certificate of non-profit status for All Alcoholic Beverages Licenses ONLY)
3. Certificate of liquor liability insurance; *1 MILLION PER OCCURANCE - $2 MILLION AGGREGATE*
4. Certificate of TIPS or other alcohol safety training for all persons handling alcohol
5. Floor plan of area where alcohol will be served, consumed, and securely stored and how this will be separated from public areas (roping, fences, etc.)
6. Temporary Food Permit (Health Department)

DATE

B Goodell
APPLICANT SIGNATURE

FEES DUE UPON SUBMISSION:
$25.00 PER DAY *payable by Cashier's or Bank Check only*
$10.00 FILING FEE

TO: ALL CONCERNED
FROM: The FTFA Team
DATE: March 17, 2025

RE: SECURITY PLAN – FALMOUTH LICENSING BOARD

Hours of Operation:

WHAT: Cape Cod Food Truck & Craft Beer Festival
WHERE: Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy, E Falmouth MA 02536
WHEN: Saturday, August 16, 2025, **11 am to 5 pm** – Last call 4:30 pm

Distributor: Craft Collective will provide the beer and servers for our event.

Security: I.D. Checks will happen at the front gate. I.D. Checkers will ensure everyone drinking will be 21 or older. They will then issue a wristband that reads FTFA 21+. All servers from Craft Collective know to only serve those with a wristband. Wristbands are non-transferable.

Flow & Control: This event is for all ages, a family-friendly event. Our main entrance/exit will be the only point of normal entry and exit. Personnel will be posted at the main entrance/exit with a mechanical counter. This person's sole responsibility will be to keep an accurate count of people entering and leaving the area. All the other exits except the main exit/entrance point will be designated as emergency exits only.

Beer will be served out of a fenced-in tent – see site plan.

Entertainment: We are planning to have either a DJ or live music at our event—a small P/A System.

Police: FTFA will hire the number of police officers that the Town of Falmouth requires.

Anthony Pepe

Anthony Pepe
Owner
Food Truck Festivals of America
781-956-3832


12TH ANNUAL
CAPE COD
FOOD TRUCK & CRAFT BEER
FESTIVAL
P
PARKING
P
PARKING
HANDICAPPED
PARKING
BEER GARDEN
DRINK
TICKETS
MAIN
ENTRANCE
EXIT
MUSIC
SPONSORS
ARTISANS
EMERGENCY
EXIT
RESTROOM
FOOD TRUCK
FESTIVALS
OF AMERICA
Drink Tickets
RESTROOM
Restrooms
Food Trucks
Beer Truck /
Ice Truck

Commonwealth of Massachusetts
Department of Revenue
Christopher C. Harding, Commissioner

mass.gov/dor

Letter ID: L1020008064
Notice Date: December 3, 2018
MA Taxpayer ID: 10666638

CERTIFICATE OF EXEMPTION

LUPUS FOUNDATION OF NEW ENGLAND I
40 SPEEN ST STE 205
FRAMINGHAM MA 01701-1898

000353

Attached below is your Certificate of Exemption (Form ST-2). Cut along the dotted line and display at your place of business. You must report any change of name or address to us so that a revised ST-2 can be issued.

DETACH HERE

MASSACHUSETTS DEPARTMENT OF REVENUE — Form ST-2

Certificate of Exemption

LUPUS FOUNDATION OF NEW ENGLAND
INC
40 SPEEN ST STE 205
FRAMINGHAM MA 01701-1898

MA Taxpayer ID: 10666638
Certificate Number: 154005504

This certifies that the organization named above is an exempt purchaser under Chapter 64H, section 6(d) or (e) of the Massachusetts General Laws. All purchases of tangible personal property by this organization are exempt from taxation to the extent that such property is used in the conduct of the business of the purchaser. Misuse of this certificate by any tax-exempt organization or unauthorized use of this certificate by any individual will lead to revocation. Willful misuse of this certificate is subject to criminal sanctions of up to one year in prison and $10,000 ($50,000 for corporations) in fines. This certificate is non-transferable and may be suspended or revoked for failure to comply with state laws and regulations.

Effective Date: January 4, 2019

Expiration Date: January 3, 2029

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Diane Davidson, Office Manager
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider a vote to reappoint Kimberly Fish to the Barnstable County HOME Consortium Advisory Council

Purpose:
To reappoint Kimberly Fish as the Town of Falmouth's representative to the Barnstable County HOME Consortium Advisory Council.

Background/Summary:

- Kimberly Fish is currently the Town of Falmouth's representative to the Barnstable County HOME Consortium Advisory Council, serving a three-year term until June 30, 2025.
- The Barnstable County HOME Program Manager, Renie Hamman, sent a letter dated April 28, 2025 requesting that the Town reappoint Kim Fish as Falmouth's member representative to the Barnstable County HOME Consortium Advisory Council to another three-year term.

Recommended Actions:
Department Recommendation:
To reappoint Kimberly Fish as the Town of Falmouth's representative to the Barnstable County HOME Consortium Advisory Council to another three-year term to run from July 1, 2025 through June 30, 2028.

Options:

- Motion to reappoint Kimberly Fish as the Town of Falmouth's representative to the Barnstable County HOME Consortium Advisory Council to another three-year term to run from July 1, 2025 through June 30, 2028.
- Motion to not reappoint Kimberly Fish as the Town of Falmouth's representative to the Barnstable County HOME Consortium Advisory Council.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the reappointment of Kimberly Fish as the Town of Falmouth's representative to the Barnstable County HOME Consortium Advisory Council to another three-year term to run from July 1, 2025 through June 30, 2028.

Budget:

Applicable? (yes or no):
No.

Budgeted? (yes or no):
No.

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A.

Attachments:

1. ReAppointment Letter-K.Fish-04-28-25

Barnstable County
Regional Government of Cape Cod
3195 Main Street | Barnstable, Massachusetts 02630

Joseph R. Pacheco
Director

Mandi Speakman
Deputy Director

Department of Human Services

April 28, 2025

Via email only: mike.renshaw@falmouthma.gov

Mike Renshaw, Town Manager
59 Town Hall Square
Falmouth, MA 02540

RE: Barnstable County HOME Consortium Advisory Council

Dear Mr. Renshaw:

I am writing to inform you that the term of the Town of Falmouth's member representative on the Barnstable County HOME Consortium Advisory Council, currently Kim Fish, expires on June 30, 2025. Ms. Fish has expressed interest in continuing to represent Barnstable on the Advisory Council for another three-year term. Ms. Fish's affordable housing experience is a valuable asset to this regional housing committee and we all very much thank her for her active participation.

Based on the above, we respectfully request that the Town reappoint Kim Fish as Falmouth's member representative to the Barnstable County HOME Consortium Advisory Council to another three-year term to run from July 1, 2025 through June 30, 2028. As the appointment is a two-step process with the Town appointment and then the County Commissioners approving the appointment, we would very much appreciate it if the Town could re-appoint Ms. Fish at the next available opportunity. This will allow us the time needed to place the appointment on a County Commissioner's consent agenda and have her officially sworn in without any lapse in representation.

We thank the Town of Falmouth for its continued support of affordable housing in the region. If you have any questions regarding this appointment or the regional HOME Program in general, please do not hesitate to contact me.

Sincerely

Renie Hamman, HOME Program Manager
508-375-6622

Attachment: *Barnstable County HOME Consortium Advisory Council Informational Sheet*

cc: *via email only*
Peter Johnson-Staub, Assistant Town Manager
Jed Cornock, Town Planner
Kim Fish, Housing Coordinator

Barnstable County
Regional Government of Cape Cod
3195 Main Street | Barnstable, Massachusetts 02630

Joseph R. Pacheco
Director

Mandi Speakman
Deputy Director

Department of Human Services

Barnstable County HOME Consortium Advisory Council

The HOME Consortium Advisory Council consists of seventeen members: one representative from each town and two at-large members. Additionally, the Affordable Housing Specialist of the Cape Cod Commission is an ex officio member.

The primary tasks of the Advisory Council include the following:

1. Determines the allocation of federal HOME Investments Partnership Program funds received by the County (currently approximately $500,000 annually) and reviews and approves project applications for funding for the development of affordable rental housing units located in Barnstable County.

   Additionally, the Barnstable County HOME Consortium was awarded $1,556,508 under the American Rescue Plan for a new HOME-ARP Program to provide housing and service needs specifically designated for a qualifying population of homeless and at-risk of homelessness. These funds will be administered through September 2030.
2. Establishes local HOME and HOME-ARP program policies as allowed by regulations.
3. Remains current on local, state, and federal housing issues and advocates for policies that will promote the creation and preservation of affordable housing in the region.
4. Acts as a liaison with their respective towns and local housing partnerships/committees and reports relevant regional, state, or federal housing policy information.
5. Participates in topical round-table discussions on regional affordable housing issues.
6. Participates in the implementation of the Barnstable County Shared Regional Housing Services pilot program

The Advisory Council has a standard monthly meeting schedule held on the third Thursday at 9:00 a.m. held virtually with all members and staff participating remotely, as allowed pursuant to Massachusetts state law.

Visit the Barnstable County Human Services Department for more information on the Programs:

HOME Investments Partnership Program

HOME-ARP Investments Partnership Program

Shared Regional Housing Services Pilot Program

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Jed Cornock, Town Planner
Meeting Date: May 19, 2025
Department/Office: Planning Department
Item Name: Consider a vote to approve a letter of support for the Habitat for Humanity of Cape Cod One Stop for Growth Grant Program application.

Purpose:
The Select Board will consider approval of a letter of support for the Habitat for Humanity of Cape Cod's One Stop for Growth Grant Program application for 14 deed-restricted affordable homes at 48 Benjamin Nyes Ln.

Background/Summary:
Provided in the draft letter.

Recommended Actions:
Department Recommendation:
Approve the draft letter of support as presented.

Options:

- Motion to approve the letter of support for the Habitat for Humanity of Cape Cod's One Stop for Growth Grant Program application for 14 deed-restricted affordable homes at 48 Benjamin Nyes Ln. as drafted.
- Motion to approve a letter of support for the Habitat for Humanity of Cape Cod's One Stop for Growth Grant Program application for 14 deed-restricted affordable homes at 48 Benjamin Nyes Ln. with Board specified amendments.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the letter of support for the Habitat for Humanity of Cape Cod's One Stop for Growth Grant Program application for 14 deed-restricted affordable homes at 48 Benjamin Nyes Ln. as drafted.

Budget:

Applicable? (yes or no):

No

Budgeted? (yes or no):

No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):

N/A

Attachments:

1. HHCC One Stop for Growth Application SB Support Letter 5-8-25

May 19, 2025

MassDevelopment
Site Readiness Program
99 High Street
Boston, MA 02110

RE: One Stop for Growth Grant Program Letter of Support
Habitat for Humanity of Cape Cod, 48 Benjamin Nyes Rd, North Falmouth

To whom it may concern:

The Falmouth Select Board strongly supports Habitat for Humanity of Cape Cod's (HHCC) One Stop for Growth Grant Program Application for the affordable housing project located on a 7.5 acre parcel of land at 48 Benjamin Nyes Lane in North Falmouth.

The funds requested will provide HHCC with significant financial support toward creating fourteen (14) single-family affordable homes in our community. Of the fourteen (14) homes, seven (7) will be permanently deed restricted at 60% of the Area Median Income ("AMI") while the remaining seven (7) will be permanently deed restricted at 80% of the AMI.

Additionally, this project includes the preservation of approximately 48 acres of land as permanently protected open space through a collaborative process with The 300 Committee Land Trust. This partnership will preserve natural vegetated woodlands and priority habitat while developing affordable community housing – a model that the town is extremely proud of and hopes others will replicate.

In September 2024, the Select Board as Trustees of the Falmouth Affordable Housing Fund voted to $1,500,000 to assist with both the acquisition of the property and the construction of the fourteen (14) deed restricted homes. Then, in February 2025, the Select Board voted to endorse the Local Initiative Program ("LIP") application submitted by HHCC.

DRAFT

These actions demonstrate the Select Board's support for this affordable housing project and we ask that you consider funding this One Stop for Growth Grant Program application.

Sincerely,

Chair, Falmouth Select Board

cc: Mike Renshaw, Town Manager
Jed Cornock, Town Planner
Kimberly Fish, Housing Coordinator
Noreen Browne, Director of Land Acquisition, Habitat for Humanity of Cape Cod

DRAFT

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Stephanie Madsen, Sustainability Specialist
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider a vote to approve the Solar Rooftop Lease for the Senior Center (780 Main St.)

Purpose:
The Select Board is asked to approve the rooftop solar Notice of Lease (NOL) and Lease Agreement with Sunwealth Power LLC. The lease is for a term of 25 years with an option to extend for 5 years and will allow for the solar panel installation on the roof of the Senior Center (780 Main St.) Along with the Lease and the Notice of Lease, the Town Manager will execute a Power Purchase Agreement (PPA) that addresses the contractual terms and conditions of the services to be provided by Sunwealth.

Background/Summary:

- The Select Board approved a Letter of Intent on 3/25/2024 for rooftop solar on the Senior Center (780 Main St.)
- The Council of Aging Senior Center Director and Board Chair signed a letter of support for solar on the Senior Center rooftop on 3.12.2024 prior to the SB 3.25.2024 Meeting.
- The Senior Center (SC) rooftop is already 'solar ready' and has conduits on roof for solar cables.
- There are no capital costs to the Town since Sunwealth Power will own, install, maintain, and operate the solar panel installation on the Senior Center (780 Main St) rooftop over the 25- year lease term.
- The Town has the option to purchase the solar array after 7 years.
- Both the lease and PPA agreements were thoroughly reviewed, discussed, and negotiated by the Town's legal counsel.
- The Senior Center will pay for the monthly solar supply produced by the rooftop solar – amount of solar produced per month times the PPA rate ($0.17/kwh)
- Based on the estimate $0.17 PPA rate, the Senior Center is estimated to save **$352,382** over the 25 year lease. Note that the rate could change if prices rise before the contract is fully executed.

- We thoroughly evaluated ownership and PPA models to determine the most beneficial path for solar installation. Based on a cost-benefit analysis, keeping in mind that solar rates can vary until the time of contract execution, we used the best values available at the time to determine best options. The PPA option for the Senior Center yielded better financial return on investment.
- A third-party vendor (Sunwealth Power) reduces oversight and maintenance burden on our Town electrician by owning, maintaining, and operating the panels (via this PPA & lease agreement).
- The Senior Center qualifies as a great location for rooftop solar because the roof is relatively new and there are no trees shading it.
- The SC 72 kw DC solar design is estimated to cover 55% of the electric usage annually.
- Sunwealth is adding snow guards at no additional cost (aka change in PPA rate)
- Our membership with PowerOptions allows us to use pre-vetted and RFP approved vendors for the lease and PPA (Solect and SunWealth).
- The Lease Agreement does not need to go out for RFP because it is exempt from Procurement process – M.G.L. c. 164 Section 137.
- The PPA is also exempt from Procurement Law (energy related services are exempt). M.G.L. c. 30B Section 1(b)(33)
- Solar installations meet our Green Communities commitment, Climate Action Plan, Emergency Climate declaration goals, as well as the Select Board's Strategic Plan II. Energy & Sustainability "Explore municipal and school sites for rooftop, ground mount, and carport canopies."

Recommended Actions:

Department Recommendation:
The Sustainability Specialist and Assistant Town Manager recommend that the Select Board vote to approve the Solar Rooftop Lease for the Senior Center (780 Main St).

Options:

- Motion to approve the Solar Rooftop Lease for the Senior Center (780 Main St).

- Motion to deny approval of the Solar Rooftop Lease for the Senior Center (780 Main St).

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the Solar Rooftop Lease for the Senior Center (780 Main St) as presented.

Budget:

Applicable? (yes or no): No
Yes
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:
1. Sunwealth Senior Center NOL_final_5.6.2025
2. Sunwealth Senior Center Solar Lease_final_5.6.2025

Record and return to:
Sunwealth Power LLC
2067 Massachusetts Ave, Suite 540,
Cambridge, MA 02140

NOTICE OF LEASE

In accordance with the provisions of Massachusetts General Laws, Chapter 183, section 4, as amended, notice is hereby given of the following described lease and easements:

Parties to the Lease Agreement (the "Lease"):

Host/Landlord: Town of Falmouth

Provider/Tenant: Sunwealth Power LLC
(and its successors and/or assigns)

Property Description: The real property located at 780 Main St, Falmouth, MA 02540, described on the attached Exhibit A (the "Property"). For Landlord's title see Deed filed with the Barnstable Registry District of the Land Court as Certificate of Title No. 8625.

Description of Leased Premises: A portion of the Property as described on the attached Exhibit B where solar equipment will be installed and accessed for the term of the agreement, including the roofs, exterior and interior walls, through to the main electric room, and exterior areas of the Property. (the "Lease Area")

Date of Execution of the Lease: _____ (the "Effective Date").

Term of Lease:

The Term of the Lease includes a Development Period, Operations Period and Decommissioning Period. The Lease shall commence on the Effective Date and, unless terminated earlier pursuant to the provisions of the Lease, the Operations Period shall continue until 11:59 p.m. on the last day of the calendar month in which the twenty-fifth (25th) anniversary of the Commercial Operation Date, as defined in the Lease, unless the Tenant exercises the Options to Extend, in which case the Term of Lease shall include the Development Period, the Operations Period, the Extension Term and the Decommissioning Period.

Options to Extend:

Tenant shall have the right to extend the Term of the Lease for five (5) years

Decommissioning Period

Tenant shall remove the System within 180 days of the termination of the Lease, (provided that if such 180 day term ends within the months of December, January, February, March, or April, the Decommissioning Period shall extend to July 31) whereupon the Lease shall expire and shall be of no further force and effect

Easements.

(a) Under the Lease, Landlord granted the easements (the "Easements") to Tenant described in Exhibit C across and burdening the Property.

(b) Landlord's grant of Easements in the Lease shall commence on the Effective Date and end upon termination of the Decommissioning Period.

Ownership of the Facility.

Landlord shall have no right, title or interest in the solar energy facility (as defined in the Lease) ("Project") or any component thereof and Tenant shall be the exclusive owner thereof.

Miscellaneous

1. This Notice of Lease may be executed in multiple counterparts, each of which shall be deemed an original and all of which, together, shall constitute one and the same instrument.

2. This Notice of Lease does not describe or refer to all of the terms or conditions contained in the actual Lease and nothing contained herein shall serve to modify or amend the terms of the actual Lease. In the event of any inconsistency between the provisions of the Lease and the provisions of this Notice, the provisions of the Lease shall control.

3. Any capitalized term not defined herein shall have the definition ascribed to it in the Lease.

EXECUTED as a sealed instrument as of _____, 2025.

LANDLORD:

Town of Falmouth
By its Select Board

_____
Nancy Robbins Taylor, Chair

_____
Edwin (Scott) P. Zylinski II, Vice Chair

_____
Douglas C. Brown

_____
Robert P. Mascali

_____
Heather M.H. Goldstone

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____ , 2025 before me, the undersigned notary public, personally appeared Nancy Robbins Taylor, Chair, and proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the within document and acknowledged to me that they signed it voluntarily for its stated purpose, as Chair of the Falmouth Select Board.

_____
Notary Public:
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____ , 2025 before me, the undersigned notary public, personally appeared Edwin (Scott) P. Zylinski II and proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the within document and acknowledged to me that they signed it voluntarily for its stated purpose, as Vice Chair of the Falmouth Select Board.

_____
Notary Public:
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____ , 2025 before me, the undersigned notary public, personally appeared Douglas C. Brown and proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the within document and acknowledged to me that they signed it voluntarily for its stated purpose, as a member of the Falmouth Select Board.

_____
Notary Public:
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____ , 2025 before me, the undersigned notary public, personally appeared Robert P. Mascali and proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the within document and acknowledged to me that they signed it voluntarily for its stated purpose, as member of the Falmouth Select Board.

_____
Notary Public:
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____ , 2025 before me, the undersigned notary public, personally appeared Heather M.H. Goldstone proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the within document and acknowledged to me that they signed it voluntarily for its stated purpose, as a member of the Falmouth Select Board.

_____

Notary Public:
My Commission Expires:

TENANT:
Sunwealth Power LLC

By: _____
c/o _____, Sunwealth Power LLC an
Authorized Signatory

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 29 date of April, 2025, before me, the undersigned notary public, personally appeared _____ of Sunwealth Power LLC, and an Authorized Signatory, personally known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Authorized Signatory of Sunwealth Power LLC, a Delaware limited liability company and the voluntary act of the company.

_____
Notary Public
My Commission Expires:

Kathryn E. Demars
Notary Public, Commonwealth of Massachusetts
My Commission Expires March 23, 2029

EXHIBIT A

PROPERTY DESCRIPTION

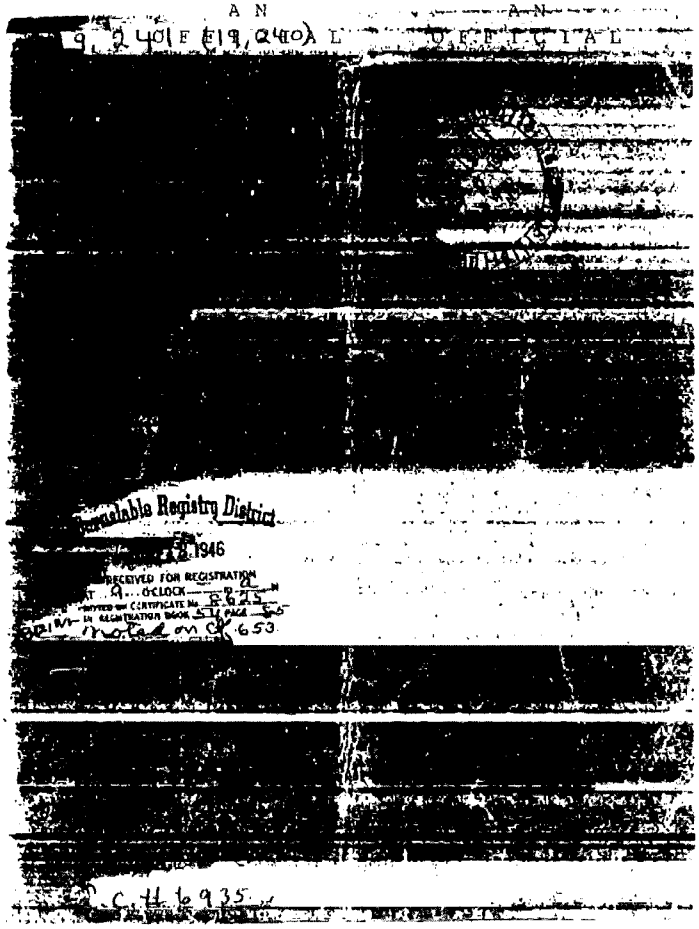
Property Address: 780 Main St, Falmouth, MA 02540

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NOT AN OFFICIAL COPY

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

Case No. 6935

(SEAL)

Upon the petition of the Inhabitants of Falmouth representing that they are the holders of Certificate of Title No. 653, issued from the Registry District of Barnstable County, and further representing that the United States of America by virtue of condemnation proceedings dated December 1, 1941, being Document No. 13688 noted on said Certificate No. 653, acquired title to Lot A as shown on Plan No. 6935-B; that no Certificate of Title issued to said United States of America for said Lot A as shown on said Plan No. 6935-B and further representing that by virtue of a certain Quitclaim Deed dated November 4, 1946 the United States of America acting by and through the Federal Works Administrator did remise, release and forever quitclaim to said Inhabitants of Falmouth all its right, title and interest in and to certain premises which are in fact Lot A on Plan No. 6935-B, after due proceedings it is

O R D E R E D that the Quitclaim Deed affixed to a copy of this Order be accepted for registration; that Certificate of Title No. 653 be cancelled as to Lot A as shown on Plan No. 6935-B and that a new Certificate of Title issue to the Inhabitants of Falmouth for said Lot A as shown on said plan.

By the Court.

Attest:

ROBERT L. FRENCH
RECORDER

December 17, 1946

A TRUE COPY,
ATTEST

RECORDER

Falmouth
Ready to issue C/T for Lot A Plan 6935-B
with Cert. #125

QUITCLAIM DEED

This DEED made this 4th day of November, 1946, by and between the United States of America, (hereinafter called the "Government"), acting by and through the Federal Works Administrator, (hereinafter called the "Administrator"), and the Town of Falmouth, Barnstable County, Commonwealth of Massachusetts, a municipal corporation of the Commonwealth of Massachusetts, (hereinafter called the "Grantee").

OFFICIAL COPY OFFICIAL COPY OFFICIAL COPY OFFICIAL COPY

WHEREAS, pursuant to the provisions of Public Law No. 849, 76th Congress, approved October 14, 1940, as amended by Public Law No. 42, 77th Congress, approved April 29, 1941, Public Law No. 137, 77th Congress, approved June 28, 1941, Public Law 409, 77th Congress, approved January 21, 1942, Public Law 522, 77th Congress, approved April 10, 1942, Public Law No. 119, 78th Congress, approved July 7, 1943, Public Law 150, 78th Congress, approved July 15, 1943, and Public Law No. 279, 78th Congress, approved April 1, 1944, (hereinafter called the "Act"), the Government has acquired certain public works consisting of Recreation Facilities under its Project No. Mass. 19-103 F in the Town of Falmouth, County of Barnstable, Commonwealth of Massachusetts; and

WHEREAS, pursuant to the authority conferred by the Act, the Government has agreed to sell to the Grantee and the Grantee has agreed to purchase from the Government, the aforesaid public works consisting of Recreation Facilities, upon terms which the Administrator deems to be in the public interest;and

WHEREAS, the Government has agreed to transfer to the Grantee all of the Government's right, title and interest in and to such Recreation Facilities;

NOW, THEREFORE, KNOWN ALL MEN BY THESE PRESENTS: That the Government in consideration of the premises and the payment to it by the Grantee of the sum of Twenty-Five Thousand Dollars ($25,000), the receipt whereof is hereby acknowledged, does hereby remise, release and forever quitclaim unto the Grantee, all of the Government's right, title and interest in and to the said Recreation Facilities and in and to the following described real estate and the improvements thereon:

All that certain tract or parcel of land lying and being in the City of Falmouth, County of Barnstable, Commonwealth of Massachusetts, more particularly described as follows:

NOT OFFICIAL COPY

Beginning at the southwesterly corner of the described lot at a point in the northerly line of East Main Street and at land of Dorothy S. Davis, formerly of Emma S. Davis, which point is indicated by a cement bound there located; thence South 65° 39' West by said East Main Street, a distance of 5.37 feet to a point, also in the northerly line of said East Main Street indicated by a cement bound there located; thence South 67° 23' West by said East Main Street a distance of 236.63 feet at other land of the Town of Falmouth; thence North 14° 41' 20" West by said land of the Town of Falmouth; a distance of 243 feet to a point also at land of the Town of Falmouth; thence North 78° 23' East by land of the Town of Falmouth, a distance of 255 feet to land of said Dorothy S. Davis; thence South 4° 27' East by said land of Dorothy S. Davis; a distance of 180 feet to the point of beginning and said first-mentioned bound,

together with the appurtenances and all the estate and rights of the Government in and to the said premises.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, its successors and assigns forever.

The Government acquired its right, title and interest in and to the above-described real estate conveyed by this instrument by decree of taking entered by the District Court of the United States for the District of Massachusetts, Case Misc. Civil No. 6445, a copy of which is filed with Land Registration Records of said Barnstable County as Document No. 19688, and noted on Certificate of Title No. 653, which Certificate of Title is filed with said Records in Book 3 Page 653.

IN WITNESS WHEREOF, The United States of America has caused these presents to be executed in its name by the Federal Works Administrator and the seal of the Federal Works Agency to be hereunto affixed, the day and year first above-written.

Attest: [signature]

UNITED STATES OF AMERICA
Federal Works Agency

By [signature]
Federal Works Administrator.

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UNITED STATES OF AMERICA)
) ss
DISTRICT OF COLUMBIA)

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Date November 4, 1946.

Then personally appeared, the above named Philip B. Fleming, Federal Works Administrator, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the United States of America,

Before me,

Maude E. Lyles
Notary Public
in and for the District of Columbia.

My commission expires: 10-10-48

DISTRICT OF COLUMBIA, ss:

I, CHARLES E. STEWART, Clerk of the District Court of the United States for the District of Columbia, the same being a Court of Record, having by law a seal, do hereby certify that Maude E. Lyles before whom the annexed instrument in writing was executed, and whose name is subscribed thereto, was at the time of signing the same a NOTARY PUBLIC in and for said District duly commissioned and sworn, and authorized by the laws of said District to take the acknowledgment and proof of deeds or conveyances of lands, tenements, or hereditaments, and other instruments in writing, to be recorded in said District, and to administer oaths, and that I am well acquainted with the handwriting of said Notary Public and verily believe that the signature to said instrument and impression of seal thereon are genuine, after comparison with signature and impression of seal filed in this office.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Court, at the City of Washington, D. C., the 5th day of November, A. D. 1946.

NO. 163016

CHARLES E. STEWART, Clerk.

By Philip D. Thurston, Deputy Clerk.

EXHIBIT B

LEASE AND EASEMENT AREA DESCRIPTION

The Lease and Easement Area shall mean the areas of the Property delineated in the Site Plan below.

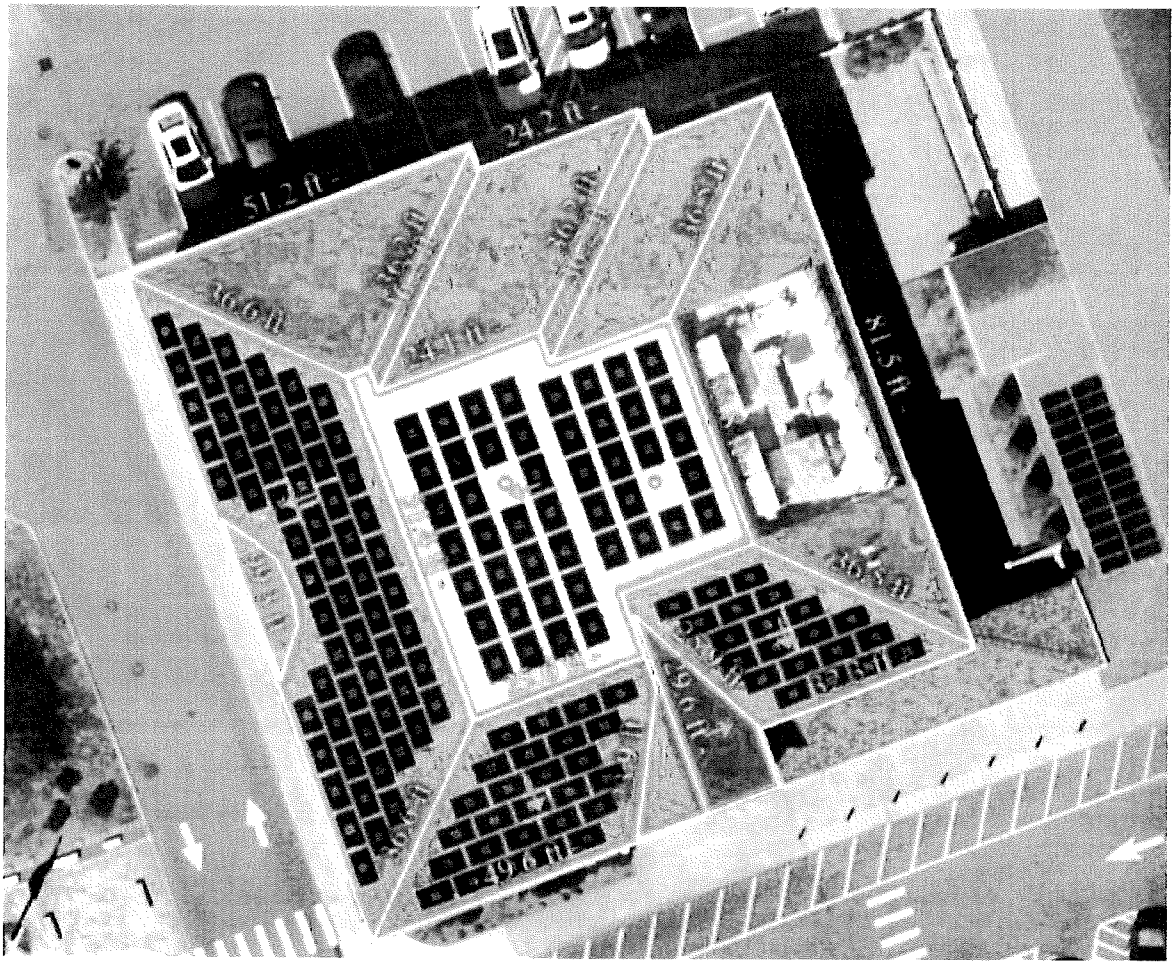


EXHIBIT C

Easements and Access Rights shall be those granted under the Lease and PPA.

LEASE AGREEMENT

This Lease Agreement (this "**Lease**") is entered into as of _____, 2025, (the "**Effective Date**") by and between Town of Falmouth ("**Host**"), and Sunwealth Power LLC ("**Provider**") a limited liability company located in Cambridge, Massachusetts (together, the "**Parties**").

WHEREAS, Host is a member of PowerOptions, Inc. ("**PowerOptions**"), a nonprofit corporation organized under the laws of the Commonwealth of Massachusetts and the Internal Revenue Code that assists its members with procuring energy products and energy-related services for facilities they own and/or operate;

WHEREAS, Provider and PowerOptions have entered into an agreement governing the terms and conditions of Provider's participation in the PowerOptions Solar Programs;

WHEREAS, Host is the owner of the properties located and described in Exhibit A (the "**Site**" or the "**Property**") and desires to make a portion of the Site (said portion of the Site as more fully described in Exhibit B, the "**Premises**") available to Provider for the construction, operation and maintenance of a solar powered electric generating project (the "**Project**"); and

WHEREAS, Host and Provider have entered into a Power Purchase Agreement dated on or about the date hereof (as amended, modified and supplemented from time to time, the "**PPA**") describing the power sales arrangement between the Parties.

NOW, THEREFORE, in consideration of the promises, the covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows.

1. DEFINITIONS. Certain capitalized terms used in this Lease not defined herein shall have the meanings set forth in the GLOSSARY OF TERMS attached to the PPA.

2. TERM.

The Term of the Lease shall begin as of the Effective Date and shall continue until 11:59 p.m. on the last day of the month in which the twenty-fifth (25^{th}) anniversary of the Commercial Operation Date occurs. Notwithstanding, in the event that the PPA is terminated prior to the otherwise applicable end of term, this Lease shall also terminate; provided, however, that in the event that the PPA terminates early pursuant to Section 20(c) of the PPA (due to Host Event of Default), and Host does not pay the Early Termination Amount to the Provider, and Provider desires to continue use of the Premises under this Lease, then the Term of this Lease shall continue until the end of the term as set forth above. This Lease may be extended in accordance with the provisions for an extension of the PPA (as more specifically set forth in Section 2 of the PPA). For greater clarity, the parties hereby confirm that Provider shall also have access rights as described in Section 3 hereof, for removal of the Project pursuant to Section 9 (Removal at End of Term) hereof.

3. LEASE RIGHTS.

(a) Lease Access Specifications; Access Rights. Host hereby grants Provider and its designees (including Installer) access to the Premises, for the Term and for so long as needed after termination to remove the Project pursuant to the applicable provisions herein, at reasonable times and upon reasonable notice (except in situations where there is imminent risk of damage to persons or property), for the sole purposes of designing, installing, inspecting, operating, maintaining, repairing, and removing the Project, and any other purpose set forth in this Lease (the "**Permitted Uses**"), and otherwise in accordance with the provisions of this Lease. The Premises are leased together with the following Access Rights with respect to the Site:

(i) Vehicular & Pedestrian Access. A non-exclusive easement for reasonable vehicular and pedestrian access across the Site using existing points of ingress and egress to the Premises for the Permitted Uses. In exercising such access Provider shall reasonably attempt to minimize any disruption to activities occurring on the Site.

(ii) Utilities & Communication Cables. The right to locate distribution utility and/or electrical lines, electrical equipment cables, and other related facilities, equipment and improvements across the Site. The location of any such lines and cables shall be subject to Host's approval and shall be at locations that minimize any disruption to Host's activities occurring on the Site. Access will also be provided for cellular service on the Premises for use by Provider in installing, operating and maintaining the Project.

(iii) Solar Access. The right to receive direct sunlight and solar energy, pursuant to which Host shall not construct new buildings or structures or install rooftop equipment, or plant new trees or vegetation of any type which now or hereafter, in Provider's reasonable opinion, may be a hazard to the Project, overshadow or otherwise block or interfere with direct sunlight and solar access to the Project at all hours of the day. Notwithstanding, Host shall retain the right to repair the roof on the Site as it determines necessary for its proper functioning, which work shall not unreasonably interfere with Provider's right to Solar Access as defined herein.

(iv) Interconnection Easement. An exclusive right to construct, operate, maintain, reconstruct, relocate, remove, and/or repair the electric utility service infrastructure and associated wires, lines and poles and other infrastructure necessary and convenient to interconnect the Project to the Local Electric Utility electrical distribution system, across portions of the Property to be determined by the Local Electric Utility, subject to the consent of Host and Provider, such consent not to be unreasonably withheld, conditioned or delayed. Provider shall bear all costs associated with interconnection, including fees, permits, taxes and charges.

(b) Quiet Enjoyment of Premises. Host hereby leases the Premises to Provider and Provider leases the Premises from Host for the Permitted Uses for the Term. Provided that Provider remains in compliance with its obligations under this Lease, Provider shall lawfully and

quietly have, hold, occupy and enjoy the Premises, use of the Access Rights, and any other rights granted by this Lease for the entire Term free of any claim of any person of superior title thereto without hindrance, interruption, suit, or interference of any kind by Host or any other person or entity claiming (whether at law or in equity) by, through, or under Host. Neither shall Provider at any time interfere with the quiet enjoyment and/or normal operations of the Site.

(c) Access to Premises. For the Term of this Lease, Host hereby grants to Provider the rights necessary for Provider to use and occupy portions of the Premises for the Permitted Uses, subject to the terms of this Lease, including ingress and egress rights to the Premises for Provider and its employees, contractors and subcontractors and access to electrical panels and conduits to interconnect or disconnect the Project with the Premises' electrical wiring subject to consultation with Host regarding access to Building electrical systems, provided however, except in cases of emergency, such ingress and egress rights shall be exercised from 7:30 AM and 4 PM on business days, meaning any day on which the Property is open for business or to patrons, students, or visitors (provided further that Provider notifies Host at least forty-eight (48) hours in advance, and receives written approval from Host, which shall not be unreasonably withheld, conditioned, or delayed, before accessing the Premises). In cases of emergency, Provider shall notify Host of the need for access immediately and Host shall respond as soon as possible to coordinate access. Provider's access does not include, and Provider may not use, Building interior comfort and convenience facilities, including bathrooms and public amenities, during construction or at any time during the Term. Further, such access must at all times comply with Section 4(e) (CORI) and Section 5(m) (Prohibition on Interaction with Students and Teachers). Host hereby covenants that (i) Provider shall have access to the Premises and Project during the Term of this Lease and for so long as needed after termination to remove the Project pursuant to the applicable provisions herein, and (ii) Host shall not interfere or handle any Provider equipment or the Project without written authorization from Provider; provided, however, that Host shall at all times have access to and the right to observe the Installation Work or Project removal and provided further, that the Town of Falmouth Facilities Management Department ("**FMD**") shall have full access to the entire roof area for maintenance and repair purposes, including below the Project.

(i) All work shall be coordinated with the Host in advance and shall not at any time interfere with the operations and/or other use at the Site at which the installation is taking place, nearby buildings, Town operations, parking, and/or usage of the Site. Provider shall keep work areas in a clean and safe condition. Provider shall remove all equipment, tools, vehicles, rubbish, waste and debris from the Site upon within thirty (30) days of Commercial Operation Date, or sooner if such material is no longer needed (such as waste and debris) if its presence on the Site creates a nuisance; interferes with the operation and/or quiet enjoyment of any users of the Site; present a hazard to persons or property, and/or negatively affects the aesthetics of the Site. Provider shall pay all fees for recycling and disposal

(d) No Interference. Host agrees not to conduct activities on, in or about the Property that have a reasonable likelihood of causing damage or impairment to, or otherwise adversely affecting, the Project. Host shall provide security to the extent of its normal security procedures, practices, and policies that apply to the Property to prevent theft, damage, vandalism and injury.

Host and Provider agree to cooperate to determine if any commercially reasonable security measures are required at the Property. Provider shall have the right to provide and install such reasonable security measures, as Host and Provider deem in their reasonable discretion, are or may be necessary for the protection of the Project or to prevent injury or damage to persons or property, subject in all cases to Host's normal security procedures and Provider's Access Rights.

(e) Storage Space. Provided that it is reasonably capable of doing so without interfering with normal operations of, or creating a nuisance on, the Site, Host shall provide temporary space at the Property, subject to the limitations set forth in this Lease, for the storage and staging of tools, materials and equipment and for the parking of construction crew vehicles and temporary construction trailers and facilities reasonably necessary during the Installation Work, service events during the Term, or Project removal, and access for rigging and material handling. Provider shall be responsible for providing shelter and security for stored items during construction and installation and shall indemnify and hold Host harmless for any damage to Provider's property. All such rights shall be subject to Paragraph 3(a)(i) of this Lease.

(f) Recording. Provider may record a Notice of this Lease in substantially the same form attached hereto as Exhibit C in the land records regarding its Access Rights under this Lease.

4. HAZARDOUS MATERIALS; SITE SECURITY; SITE CONDITIONS.

(a) Hazardous Materials. Provider and Installer are not responsible for any Hazardous Materials encountered at the Site except to the extent introduced and negligently released by Provider or Installer. Upon encountering any Hazardous Materials, Provider and Installer will stop work in the affected area and duly notify Host and, if required by Applicable Law, any Governmental Authority with jurisdiction over the Site. Upon receiving notice of the presence of suspected Hazardous Materials at the Site, Host shall take all measures required by Applicable Law to address the Hazardous Materials discovered at the Site. Host may opt to remediate the Site so that the Project may be installed on the Site, or determine that it is not economically justifiable or is otherwise impractical to remediate the Site, in which case Host and Provider may agree upon a different location for the Project whereupon such replacement location shall be the Site for purposes of this Lease. Provider and Installer shall be obligated to resume work at the affected area(s) of the Site only after Host notifies Provider and Installer that Host has complied with all Applicable Laws, and causes to be delivered to Provider from an authorized Governmental Authority or a qualified independent expert a written certification that (i) remediation has been accomplished as required by Applicable Law and (ii) all necessary approvals have been obtained from any Governmental Authority having jurisdiction over the Project or the Site. To the extent permitted by law, including M.G.L. c. 44, § 31, Host shall reimburse Provider for all additional costs incurred by Provider or Installer in the installation of the Project resulting from the presence of and/or the remediation of Hazardous Materials, including demobilization and remobilization efforts; provided, however, if sufficient appropriations are not available in the fiscal year when an indemnity obligation arises, Host agrees to seek appropriations to fulfill this obligation in the following fiscal year, to the extent permitted by law. Notwithstanding the preceding provisions, Host is not responsible for any Hazardous Materials introduced to the Site by Provider or Installer and released as a result of the negligence of Provider or Installer, nor is Host required to remediate an affected area if Host determines, in its sole discretion, that such remediation is economically

unjustifiable or otherwise impractical. Provider shall be solely responsible for the legal disposition of any Hazardous Materials it introduces to the Site, which responsibility shall include, but not be limited to, remediation as required by Applicable Law. Notwithstanding, Provider shall notify Host immediately of a Hazardous Materials Provider has introduced to the Site so that Host may take all measures necessary to ensure the safety of all persons and property.

(b) Site Security. Host will provide security for the Project to the extent of its normal security procedures, practices, and policies that apply to the Property. For the avoidance of doubt, Host shall not be required to add, enhance or modify its security protocols, systems or practices on account of the Project. Host will advise Provider promptly upon observing any damage to the Project. Notwithstanding anything to the contrary, except in the case of gross negligence or willful action/inaction on the part of Host's security, Provider shall bring no claim against Host based upon performance of Host's security personnel.

(c) Host shall not be required to make any repairs or alterations in or to the Site.

(d) The Parties agree that Provider shall not be liable for any conditions on the Site arising from or related to acts or omissions occurring prior to the Effective Date, except to the extent arising from or related to Provider's negligence or willful misconduct or to the extent that such conditions on the Site are exacerbated by the Provider or Installer.

(e) CORI. With respect to Projects to be installed at Massachusetts public schools and libraries the Host shall have the right to conduct a check of the Criminal Offender Record Information (CORI) maintained by the Massachusetts Criminal History Board, and the Massachusetts Sex Offender Record Information (SORI) maintained by the Massachusetts Sex Offender Registry Board, for any officer or employee of the Provider, the Installer, or of a subcontractor of the Provider or Installer who will work or be present at the Premises. Provider shall provide to Host the names and identification information of all such persons. Notwithstanding any other provision of the Lease, the Host may refuse to allow any such employee to work on the project if the Host, in its sole discretion, determines that such employee is not suitable for work on the project based on the results of such CORI or SORI, and the Provider shall ensure that such person or persons vacate and not return to the Site. The Host shall keep such information in a confidential file. Such CORI and SORI checks must be updated every year by Provider on the anniversary of the Effective Date of this Lease.

5. CONSTRUCTION; OPERATION OF PERMITTED USES; ROOF.

(a) Provider and its contractors, agents, consultants, and representatives shall have Access Rights, as per clause 3 of this Lease, subject to Site operational procedures for the Permitted Uses, and to any documents, materials and records of Host relating to the Site that Provider reasonably requests in conjunction with these activities. Provider, and its contractors, agents, consultants and representatives shall comply with Host's safety and security and operational procedures (as may be promulgated from time to time), and Provider and its contractors, agents, consultants and representatives shall conduct such activities in such a manner and at such a time

and day as to cause minimum interference with Host's activities at the Site in a good workmanlike manner.

(b) Provider shall operate, maintain, and repair the Project in a manner that will not obstruct or interfere with Host's quiet enjoyment and/or use of the Site or the rights of any other occupants, employees, staff, visitors, patrons, teachers, students, and/or other users of the Site, to the extent such rights are disclosed to Provider

(c) For rooftop projects only:

(i) Prior to installation of the Project Provider shall:

a. demonstrate in writing to the Host that the design and installation of the Project will not reduce the service life of the roof, void roof warranties, impede maintenance or otherwise adversely affect the roof or other parts of the Site or impact maintenance or operations for the building and grounds;

b. demonstrate to the Host that appropriate clearances are maintained between the Project and roof drains, roof edges, mechanical equipment, walkways, clerestory windows, roof hatches, fall protection systems, and similar items; and

c. engage a Massachusetts registered structural engineer to perform a structural analysis of the roof to ensure it has adequate capacity to support the proposed Systems without causing excessive stresses or deflections that could damage the roof or cause ponding and provide evidenced of such, signed by a licensed engineer.

(ii) Provider shall install the Project in a manner that will not void the roof warranty.

(iii) Provider shall operate and maintain equipment in accordance with the warranty requirements and manufacturer's recommendations and industry standards of safety and in a manner that will not jeopardize the integrity and safe operation of the Host Property's roof, electrical, mechanical, and other building systems.

(iv) Host has provided to Provider Host's current available records of the physical condition of the Premises, which, to the best of Host's knowledge, are complete and correct. If it is discovered during the structural analysis performed in accordance with Section 5.(c)(i)c., above, that the actual site conditions on part of, or on the entire Premises upon which all or part of the Project is to be installed, are materially different from the information provided by Host, then the Parties shall negotiate in good faith to adjust the rates payable to Host in order to compensate Provider for the costs of design and

construction changes and delays incurred to adapt the Project the unknown conditions and, if the Parties cannot agree to a good faith rate adjustment after thirty (30) days, Provider shall have the right to terminate this Lease and the PPA.

(d) Except with the prior express written consent of Host, Provider shall not use the Premises for any use other than the Permitted Uses.

(e) During the course of construction and completion of the Project and any substantial alteration thereto, Provider shall maintain all plans, shop drawings, and specifications relating to such construction which Host, its agents or representatives may examine at reasonable times upon reasonable prior notice for the purpose of determining whether the work conforms to the PPA and this Lease.

(f) Host has been informed by Provider and acknowledges that the presence of and construction and operation of the Project and other activities related to the development, operation and decommissioning of the Project may potentially result in some nuisance to Host, such as visual impact. Host hereby accepts such nuisance and waives any right that Host may have to object to such nuisance and Host releases Provider from any claims Host may have with respect to any such nuisance, provided the Project as built is consistent with the site plan and specifications attached hereto, as amended from time to time, or otherwise approved by Host, which approval shall not be unreasonably withheld, conditioned or delayed.

(g) For rooftop projects only, Host shall endeavor to, at its sole cost and expense, throughout the Term, maintain, repair and replace in a good and workmanlike manner as and when necessary, the building on which the Project is installed, including all building structural portions, and portions of the Property subject to Access Rights. Host shall perform all maintenance, repairs and replacements as dictated by Host's building and roof warranties, operations, and maintenance programs, and budget and shall coordinate any Maintenance with Provider if such Maintenance requires access to the Premises; provided, however, that in cases of emergency Host shall perform maintenance activities as soon as reasonably practicable after it learns of the need for such Maintenance. Host shall reimburse Provider for any damage to the Project caused by Host's Maintenance activities. To the extent that temporary disconnection or removal of the System is necessary to perform such Maintenance activities, such work and any replacement of the System after completion of Host's alterations and repairs, shall be done by Provider or its contractors at Host's cost, which shall be reimbursed if an appropriation or other source of funding exists. Provider shall not proceed with the disconnection or removal of the System until Host has confirmed the allocation of sufficient funds; if Host fails to allocate sufficient funds for Provider to temporarily disconnect or remove the System to perform the required Maintenance, such failure shall be considered a default under this Agreement, and Provider shall be entitled to exercise all rights and remedies available to it under this Agreement.

(h) Provider covenants and agrees to perform all work, including the construction, alteration (if permitted), repair and maintenance of the Project in a good and workmanlike manner

and in such a way as to minimize noise, dust and interference with the operation, use and enjoyment of the Property by Host, or by other tenants, visitors or users of the Property.

(i) Provider shall, at Provider's expense, comply with all laws and regulations applicable to Provider's installation and operation of the Project at the Property, including, but not limited to, Massachusetts prevailing wage law, M.G.L. c. 149, §26, et. seq. (if such law may ever apply to Provider's project) and shall be responsible for obtaining all permits or approvals required by any applicable authority in order to construct and operate the Project, and to comply, at all times during the term of this Lease, with all such permits and approvals.

(j) Provider covenants and agrees to keep the Project in good order, repair and condition throughout the Term, and to promptly and adequately repair all damage to the Premises and the Property caused by Provider or the Project. During the Term, any and all installation and construction work performed on the Property by Provider shall be conducted in a manner to comply with any requirements of any roof warranty delivered to Provider by Host. Provider shall reimburse Host for any costs of repairing the roof directly arising from the installation or operation of the Project. Provider shall conduct annual preventative and maintenance visits for the System ("**O&M Services**"). Provider shall perform the O&M Services with diligence, skill and care in accordance with prudent industry practices and shall use commercially reasonable efforts in providing the O&M Services.

(k) Provider shall not bring into or install or keep on the Premises, any objects, including the Project, the weight of which, singularly or in the aggregate, would exceed the maximum load per square foot of the building and/or roof of the building and taking into account snow loads and all other equipment located on the roof, as required by local building code. Provider shall engage an engineer licensed and qualified where the Project is located to certify the same to Host before Provider shall install, affix or place any part of the Project upon the Premises, with a copy of such certification to be provided to the Host.

(l) The Provider shall not make any alterations, improvements and/or additions to the Site, except as shown on the plans approved by Host as of the Effective Date, without first obtaining, in each instance, the written consent of the Host.

(m) Provider acknowledges and agrees that the Premises are being leased by Provider in their condition as of the delivery date, "As Is," without representation or warranty except for the express representations and warranties made by Host in this Lease and in the PPA, and Provider hereby waives any implied warranty that the Site is habitable or suitable for Provider's intended purposes or any other particular purpose. Provider acknowledges that Provider has inspected the Premises, and shall provide proof of such inspection to the Host and that by commencing construction of the Project, Provider will be deemed to have found the same satisfactory. Provider agrees that Host is under no obligation to perform any work or provide any materials to prepare the Premises for Provider and that Provider shall prepare the Site for the Project at its sole expense.

6. RENT.

(a) In lieu of monetary rent, the consideration for this Lease is the terms of the PPA.

(b) Other Charges. On and from the Effective Date, Provider shall pay or cause to be paid before any fine, penalty, interest or cost may be added thereto for the non-payment thereof, any and all property (real or personal) taxes assessed by the Town of Falmouth with respect to the Provider's leasehold interest in the Premises. Provider shall have the right, in its own name, to contest the validity or amount, in whole or in part, of any of the property taxes by appropriate proceedings timely instituted. Provider shall promptly pay any valid final adjudication enforcing any property taxes.

(c) Reimbursements. Any reimbursements payable by Provider hereunder shall be paid within fifteen (15) days after Host's invoice and if not paid when due shall bear interest at the rate of one and one-half percent (1.5%) per month.

(d) Provider shall reimburse Host for all costs of collecting any amount not paid by Provider when due, including, but not limited to reasonable attorneys' fees and court costs.

7. INTENTIONALLY OMITTED.

8. PERMITS, OWNERSHIP OF PROJECT, LIENS, MORTGAGES.

(a) Permits. Provider shall pay for and obtain all approvals from governmental entities necessary for the construction and operation of the Project, including land use permits, building permits, demolition and waste disposal permits and approval. Host shall cooperate in good faith with Provider and shall execute any such applications promptly upon request by Provider, and shall not unreasonably oppose or interfere with Provider in such regard. Provider shall provide Host with copies of all permits obtained in the approval process of the Project.

In furtherance of the above, Host hereby authorizes Provider to file with such federal, state and local authorities as Provider deems appropriate, and in the name of Host, Provider or both, as Provider deems appropriate (i) one or more applications to obtain any zoning relief regarding the Property or portions thereof as may be necessary and/or desirable to develop, construct and operate the Project on the Premises; and (ii) one or more applications to obtain construction, use or occupancy permits for the Project or any portion thereof, provided that all such applications shall be subject to Host's prior written review and approval.

(b) Project Ownership. Provider or Financing Party shall be the legal and beneficial owner of the Project at all times. The Project is personal property and shall not attach to or be deemed a part of, or fixture to, the Site. The Project shall at all times retain the legal status of personal property as defined under Article 9 of the Uniform Commercial Code. Host covenants that it will place all persons having an interest in or lien upon the real property comprising the Premises, on notice of the ownership of the Project and the legal status or classification of the Project as personal property. Host and/or Provider shall make any necessary filings to disclaim

the Project as a fixture of its respective Premises and Site in the appropriate Land Registry to place all interested parties on notice of the ownership of the Project by Provider.

(c) Liens. To the extent permitted by Applicable Law, each Party shall not directly or indirectly cause, create, incur, assume or suffer to exist any mortgage, pledge, lien, (including mechanics', labor or materialman's lien), charge, security interest, encumbrance or claim of any nature, including claims by governmental authorities for taxes (collectively referred to as "Liens" and each, individually, a "Lien") on or with respect to the interests of the other in the Site, the Premises, and the Project, and in the Access Rights granted hereunder. Provider shall have Installer execute lien waivers with respect to any mechanic's or materialman's lien against Host's interest in the Site. If permitted under Applicable Law, Host will post notices of non-responsibility to notify Installer and others that Host is not responsible for work performed on the Project. Each Party shall promptly notify the other of the imposition of a Lien on the property interests of the other Party, and shall promptly discharge such lien, provided however, that a Party may seek to contest the amount or validity of any Lien affecting the property of the other Party, provided it timely complies with all procedures for contesting such Lien, posts any bond or other security necessary under such procedures, and if such procedures do not require the posting of security, the Party establishes for the benefit of the other Party a deposit, letter of credit, or other security acceptable to the other Party to indemnify the other Party against any Loss which could reasonably be expected to arise if such Lien is not removed or discharged.

(d) Non Disturbance Agreements. Host shall pay for and obtain all consents required for it to enter into and perform its obligations under this Lease from its lenders, landlord, tenants, and any other persons with interests in the Site. If there is a mortgage, deed of trust, fixture filing or ground lease similar to the encumbrance (a "**Mortgage**," and the holder thereof from time to time the "**Holder**") encumbering the Property, whether executed and delivered prior to or subsequent to the date of this Lease, Host shall, promptly upon the request of Provider, use commercially reasonable efforts to cause the Holder of any such Mortgage to enter into a mutually agreeable nondisturbance agreement, which provides that (i) this Lease is subordinate to the Mortgage (unless the Holder shall elect otherwise); (ii) in the event that the Holder or any other party shall succeed to the interest of Host (such Holder or other party, a "**Successor**"), at the election of the Holder or Successor, Provider shall attorn to the Holder or Successor and this Lease shall continue in full force and effect between the Holder or Successor and Lessee; (iii) in the event of foreclosure of the Mortgage, so long as the Provider is not in default with the Lease after any applicable cure period, Holder agrees to recognize the rights of the Provider and this Lease, including Provider's Access Rights and the priority of Provider's (and/or Financing Party's rights) in the Project; and (iv) Holder or Successor recognize that the ownership of the Project remains in Provider and acknowledges that the Project is personal property of Provider. Such nondisturbance agreement shall be substantially in the form attached hereto as Exhibit D or in the form customarily used by Holder, and it shall be recorded, at Host's expense, in the appropriate Land Registry. If Host is the fee owner of the Premises, Host consents to the filing of a disclaimer of the Project as a fixture of the Premises in the Land Registry. If Host is not the fee owner, Host will obtain such consent from such owner of the Premises.

(e) Provider acknowledges and understands that the Lease is subject and subordinate to all existing leases, easements, rights of way, declarations, restrictions and other matters of record

and all existing agreements, including, but not limited to, the existing rights of the Host, that are not of record of the Host with respect to the Site that have been provided to Provider in writing prior to the Effective Date.

9. REMOVAL AT END OF TERM.

Subject to Host's exercise of its purchase option under Section 9(a) or 9(b) of the PPA, upon the expiration or earlier termination of the Lease, Provider shall, at Provider's expense, remove all of its tangible property comprising the Project from the Premises on a mutually convenient date but in no case later than one hundred eighty (180) days after the Expiration Date, which may be extended on a day to day basis if the circumstances warrant and are agreeable to the Parties. Upon removal of the Project, Provider shall repair any damage to the Premises caused by such removal and leave the Site in the same condition that existed as of the Effective Date, normal wear and tear excepted. If the Project is to be located on a roof, then in no case shall Provider's removal of the Project affect the integrity of Host's roof, which shall be as leak proof and otherwise in proper functioning as it was prior to installation of Project (other than ordinary wear and tear). For purposes of Provider's removal of the Project, Host's covenants pursuant to Section 3 (Lease Rights) and Section 16 (Representations and Warranties) shall remain in effect until the date of actual removal of the Project. Provider's covenants pursuant to Section 4 (Hazardous Materials; Site Security; Site Conditions), Sections 5(g) through (n), Section 6 (Rent), and Section 8 (Permits; Ownership of Project; Liens; Mortgages) shall remain in effect until the date of actual removal of the Project. Provider shall leave the Premises in neat and clean order. Following removal, Provider shall cause their installer to engage the roofing manufacturer to employ an approved, professionally licensed roofing contractor to inspect the occupied areas of the roof to make all necessary repairs required to maintain the roof warranty or warranties, or otherwise return the roof to the conditions specified herein. If Provider fails to remove or commence substantial efforts to remove the Project by such agreed upon date, Host shall have the right, at its option, to remove the Project to a public warehouse and restore the Premises to its original condition (other than ordinary wear and tear) at Provider's reasonable cost, or to assume ownership of the Project and dispose of the Project as it sees fit, and Provider shall reimburse Host for reasonable costs it incurs in removing the Project and restoring the Premises to its original condition, excepting normal wear and tear and casualty.

10. RELOCATION; CLOSURE OR SALE OF SITE.

Sections 10(c) (Relocation) and 10(e) (Sale of Site) of the PPA are incorporated as if fully set forth herein, and any references to the PPA shall apply to the Lease as used therein.

11. TAXES.

Section 11 of the PPA is incorporated as if fully set forth herein, and any references to the PPA shall apply to the Lease.

12. INSURANCE.

Section 12 of the PPA is incorporated as if fully set forth herein, and any references to the PPA shall apply to the Lease as used therein.

13. COOPERATION; SOLAR ACCESS; FUTURE IMPROVEMENTS; RIGHT TO INSPECT AND ENTER.

(a) Cooperation. Section 13(a) of the PPA is incorporated as if fully set forth herein, and any references to the PPA shall apply to the Lease as used therein. Additionally, Host shall execute and deliver to Provider and/or the Local Electric Utility any agreements required by Local Electric Utility for the interconnection of the Project with the Local Electric Utility's distribution system. Provider shall reimburse Host for all out-of-pocket costs incurred by Host in connection with such cooperation.

(b) Host to Not Restrict Solar Access. Host, or any lessee, grantee, invitee or licensee of Host, shall not erect any structures on, or make other modifications to, or plantings on, or engage in any activities on, the Site which will interfere with the construction, operation or maintenance of, or solar access of, the Project. Further, Host shall endeavour to maintain the Premises in a manner which allows for full unobstructed passage of sunlight to the Project, including removing or trimming vegetation or other objects causing shading of the Premises. Provided, however, for rooftop projects, Host may construct, reconstruct, modify, or alter the Premises so long as such activities do not interfere (including shading) with the operation of the Project. Host's failure to comply with its obligations in this Section 13(b) shall be a material breach. Provided, however, Host shall have thirty (30) days to cure such breach.

(c) Provider's Right to Remove. The parties hereby acknowledge that Provider shall have the right (but shall not be obligated) to trim or remove, at Host's reasonable cost, any trees or other vegetation now or hereafter on the Site which now or hereafter in the reasonable opinion of Provider may overshadow or otherwise block or interfere with access of sunlight to the Project.

(d) Adjoining Properties. If Applicable Law and existing easements do not ensure that structures or plantings on adjoining property will not interfere with the solar access for the Project, then Host and Provider shall use commercially reasonable efforts to obtain from owners of adjoining properties any easements reasonably necessary to protect the solar access of the Project. Such easements shall run for the benefit of both Host and Provider. Provider shall pay for the expense of obtaining such easements, including payments to property owners and legal costs, but the rates payable by Host for electric energy from the Project shall be increased by an amount sufficient for Provider to fully amortize such costs, over a period equal to the lesser of (i) five years or (ii) the remaining term of this Lease without regard to Host's option to purchase the Project.

(e) Right to Inspect and Enter. Host and its agents, consultants, and representatives shall have reasonable access to the Premises at all reasonable times, subject to Provider's reasonable safety, security, and operational rules concerning the portion of the Premises in which the Project is located. For an abundance of clarity, Host shall be permitted to access its own systems (not the Project) at all times. If the Host or its agent, consultants or representatives needs to access the portion of the Premises in which the Project is located for the purpose of ascertaining the condition of the Premises or the

Project, or to carry out such maintenance and repairs to Host's property and equipment as may be required, then such access shall not interfere with Provider's performance of its obligations hereunder, unless in an emergency or it is otherwise deemed necessary to protect the Site; and neither Host nor any of its agents, employees, consultants, contractors or representatives shall operate, touch or perform any repair or maintenance to the Project. If the Host or its agent, consultants or representatives determines it is necessary to access the portion of the Premises in which the Project is located, then Host shall notify Provider at least two (2) business days prior (except in case of emergency) and such consent shall not to be unreasonably withheld, conditioned or delayed. Notwithstanding, in the case of emergency, Host shall have the immediate right to inspect and/or mitigate a Site emergency with notice to the Provider as soon as practical.

14. PRESS RELEASES AND CONFIDENTIALITY.

Section 14 of the PPA is incorporated as if fully set forth herein, and any references to the PPA shall apply to the Lease as used therein.

15. INDEMNIFICATION.

Section 15 of the PPA is incorporated as if fully set forth herein, and any references to the PPA shall apply to the Lease as used therein.

16. REPRESENTATIONS AND WARRANTIES.

Section 16 of the PPA is incorporated as if fully set forth herein, and any references to the PPA shall apply to the Lease as used therein.

17. FORCE MAJEURE; CASUALTY.

Section 17 of the PPA is incorporated as if fully set forth herein, and any references to the PPA shall apply to the Lease as used therein.

18. INTENTIONALLY OMITTED.

19. PROVIDER DEFAULT AND HOST REMEDIES.

(a) Section 19(a) (Provider Events of Default) of the PPA is incorporated as if fully set forth herein, and any references to the PPA shall apply to the Lease as used therein.

(b) Remedies. Upon the occurrence of a Provider Event of Default, Host may, at its option, terminate this Lease, and shall be entitled to exercise any and all rights and remedies available under this Lease, at law or in equity.

20. HOST DEFAULT AND PROVIDER REMEDIES.

(a) Section 20(a) (Host Events of Default) of the PPA is incorporated as if fully set forth herein, and any references to the PPA shall apply to the Lease as used therein.

(b) Remedies. Upon the occurrence of a Host Event of Default, Provider may, at its option, terminate this Lease, and shall be entitled to exercise any and all rights and remedies available under this Lease, at law or in equity.

21. COLLATERAL ASSIGNMENT, FINANCING PROVISIONS.

Section 21 of the PPA is incorporated as if fully set forth herein, and any references to the PPA shall apply to the Lease as used therein.

22. LIMITATIONS ON DAMAGES.

Section 22 of the PPA is incorporated as if fully set forth herein, and any references to the PPA shall apply to the Lease as used therein.

23. DISPUTE RESOLUTION.

Section 23 of the PPA is incorporated as if fully set forth herein, and any references to the PPA shall apply to the Lease as used therein.

24. NOTICES.

Section 24 of the PPA is incorporated as if fully set forth herein, and any references to the PPA shall apply to the Lease as used therein.

25. MISCELLANEOUS.

Section 25 of the PPA is incorporated as if fully set forth herein, and any references to the PPA shall apply to the Lease as used therein.

(rest of page left blank intentionally – signatures appear on next page)

IN WITNESS WHEREOF, intending to be legally bound hereby, Provider and Host have executed this Lease as of the date first set forth above.

Sunwealth Power LLC, a Delaware limited liability company

By: Jonathan Abe

Name (printed): Jonathan Abe

Title: CEO

Town of Falmouth
By its Select Board

_____
Nancy Robbins Taylor, Chair

_____
Edwin (Scott) P. Zylinski II, Vice Chair

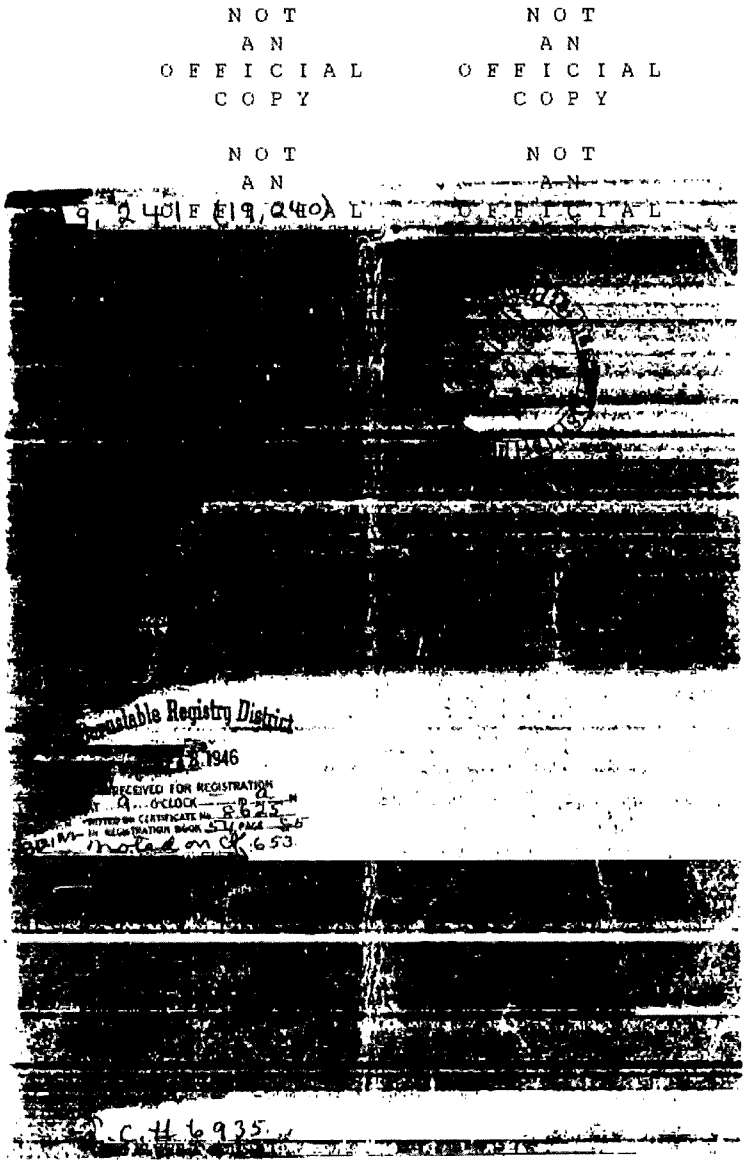
_____
Douglas C. Brown

_____
Robert P. Mascali

_____
Heather M.H. Goldstone

EXHIBIT A to Lease Agreement

DESCRIPTION OF SITE



NOT AN OFFICIAL COPY

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

Case No. 6935

(SEAL)

Upon the petition of the Inhabitants of Falmouth representing that they are the holders of Certificate of Title No. 653, issued from the Registry District of Barnstable County, and further representing that the United States of America by virtue of condemnation proceedings dated December 1, 1941, being Document No. 13688 noted on said Certificate No. 653, acquired title to Lot A as shown on Plan No. 6935-B; that no Certificate of Title issued to said United States of America for said Lot A as shown on said Plan No. 6935-B and further representing that by virtue of a certain Quitclaim Deed dated November 4, 1946 the United States of America acting by and through the Federal Works Administrator did remise, release and forever quitclaim to said Inhabitants of Falmouth all its right, title and interest in and to certain premises which are in fact Lot A on Plan No. 6935-B, after due proceedings it is

O R D E R E D that the Quitclaim Deed affixed to a copy of this Order be accepted for registration; that Certificate of Title No. 653 be cancelled as to Lot A as shown on Plan No. 6935-B and that a new Certificate of Title issue to the Inhabitants of Falmouth for said Lot A as shown on said plan.

By the Court.

Attest:

ROBERT L. FRENCH
RECORDER

December 17, 1946

A TRUE COPY,
ATTEST

RECORDER

Falmouth
Ready to issue C/T for Lot A Plan 6935-B
with CEC Pkgs

QUITCLAIM DEED

This DEED made this 4th day of November, 1946, by and between the United States of America, (hereinafter called the "Government"), acting by and through the Federal Works Administrator, (hereinafter called the "Administrator"), and the Town of Falmouth, Barnstable County, Commonwealth of Massachusetts, a municipal corporation of the Commonwealth of Massachusetts, (hereinafter called the "Grantee").

OFFICIAL COPY OFFICIAL COPY OFFICIAL COPY OFFICIAL COPY

WHEREAS, pursuant to the provisions of Public Law No. 849, 76th Congress, approved October 14, 1940, as amended by Public Law No. 42, 77th Congress, approved April 29, 1941, Public Law No. 137, 77th Congress, approved June 28, 1941, Public Law 409, 77th Congress, approved January 21, 1942, Public Law 522, 77th Congress, approved April 10, 1942, Public Law No. 119, 78th Congress, approved July 7, 1943, Public Law 150, 78th Congress, approved July 15, 1943, and Public Law No. 279, 78th Congress, approved April 1, 1944, (hereinafter called the "Act"), the Government has acquired certain public works consisting of Recreation Facilities under its Project No. Mass. 19-103 F in the Town of Falmouth, County of Barnstable, Commonwealth of Massachusetts; and

WHEREAS, pursuant to the authority conferred by the Act, the Government has agreed to sell to the Grantee and the Grantee has agreed to purchase from the Government, the aforesaid public works consisting of Recreation Facilities, upon terms which the Administrator deems to be in the public interest;and

WHEREAS, the Government has agreed to transfer to the Grantee all of the Government's right, title and interest in and to such Recreation Facilities;

NOW, THEREFORE, KNOWN ALL MEN BY THESE PRESENTS: That the Government in consideration of the premises and the payment to it by the Grantee of the sum of Twenty-Five Thousand Dollars ($25,000), the receipt whereof is hereby acknowledged, does hereby remise, release and forever quitclaim unto the Grantee, all of the Government's right, title and interest in and to the said Recreation Facilities and in and to the following described real estate and the improvements thereon:

All that certain tract or parcel of land lying and being in the City of Falmouth, County of Barnstable, Commonwealth of Massachusetts, more particularly described as follows:

NOT OFFICIAL COPY

Beginning at the southwesterly corner of the described lot at a point in the northerly line of East Main Street and at land of Dorothy S. Davis, formerly of Emma M. Davis, which point is indicated by a cement bound there located; thence South 65° 39' West by said East Main Street, a distance of 5.37 feet to a point, also in the northerly line of said East Main Street indicated by a cement bound there located; thence South 63° 29' West by said East Main Street a distance of 236.63 feet at other land of the Town of Falmouth; thence North 14° 41' 20" West by said land of the Town of Falmouth; a distance of 243 feet to a point also at land of the Town of Falmouth; thence North 78° 23' East by land of the Town of Falmouth, a distance of 255 feet to land of said Dorothy S. Davis; thence South 4° 27' East by said land of Dorothy S. Davis; a distance of 180 feet to the point of beginning and said first-mentioned bound,

together with the appurtenances and all the estate and rights of the Government in and to the said premises.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, its successors and assigns forever.

The Government acquired its right, title and interest in and to the above-described real estate conveyed by this instrument by decree of taking entered by the District Court of the United States for the District of Massachusetts, Case Misc. Civil No. 6445, a copy of which is filed with Land Registration Records of said Barnstable County as Document No. 19688, and noted on Certificate of Title No. 653, which Certificate of Title is filed with said Records in Book 3 Page 653.

IN WITNESS WHEREOF, The United States of America has caused these presents to be executed in its name by the Federal Works Administrator and the seal of the Federal Works Agency to be hereunto affixed, the day and year first above-written.

UNITED STATES OF AMERICA
Federal Works Agency

By _____
Federal Works Administrator.

NOT AN OFFICIAL COPY

UNITED STATES OF AMERICA)
DISTRICT OF COLUMBIA) ss

Date November 4, 1946.

Then personally appeared, the above named Philip B. Fleming, Federal Works Administrator, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the United States of America,

Before me,

Maude E. Lyles
Notary Public
in and for the District of Columbia.

My commission expires: 10-10-45

MAUDE E. LYLES NOTARY PUBLIC DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA, ss

I, CHARLES E. STEWART, Clerk of the District Court of the United States for the District of Columbia, the same being a Court of Record, having by law a seal, do hereby certify that Maude E. Lyles before whom the annexed instrument in writing was executed, and whose name is subscribed thereto, was at the time of signing the same a NOTARY PUBLIC in and for said District duly commissioned and sworn, and authorized by the laws of said District to take the acknowledgment and proof of deeds or conveyances of lands, tenements, or hereditaments, and other instruments in writing, to be recorded in said District, and to administer oaths; and that I am well acquainted with the handwriting of said Notary Public and verily believe that the signature to said instrument and impression of seal thereon are genuine, after comparison with signature and impression of seal filed in this office.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Court, at the City of Washington, D. C., the 5th day of November A. D. 1946

CHARLES E. STEWART, Clerk.

By [illegible] Deputy Clerk.

NO. 163016

EXHIBIT B to Lease Agreement

DESCRIPTION OF PREMISES

The Premises includes locations where solar equipment will be installed and accessed for construction, operation, maintenance and decommissioning as depicted on the Site Plan below (as it or the Project may be modified pursuant to the Lease).

The Premises is benefitted by the Access Rights and Easements set forth in Section 3 of the Lease including rights to combine and connect the Project to Host's existing main electric equipment and rights to interconnect the Project to the utility network.

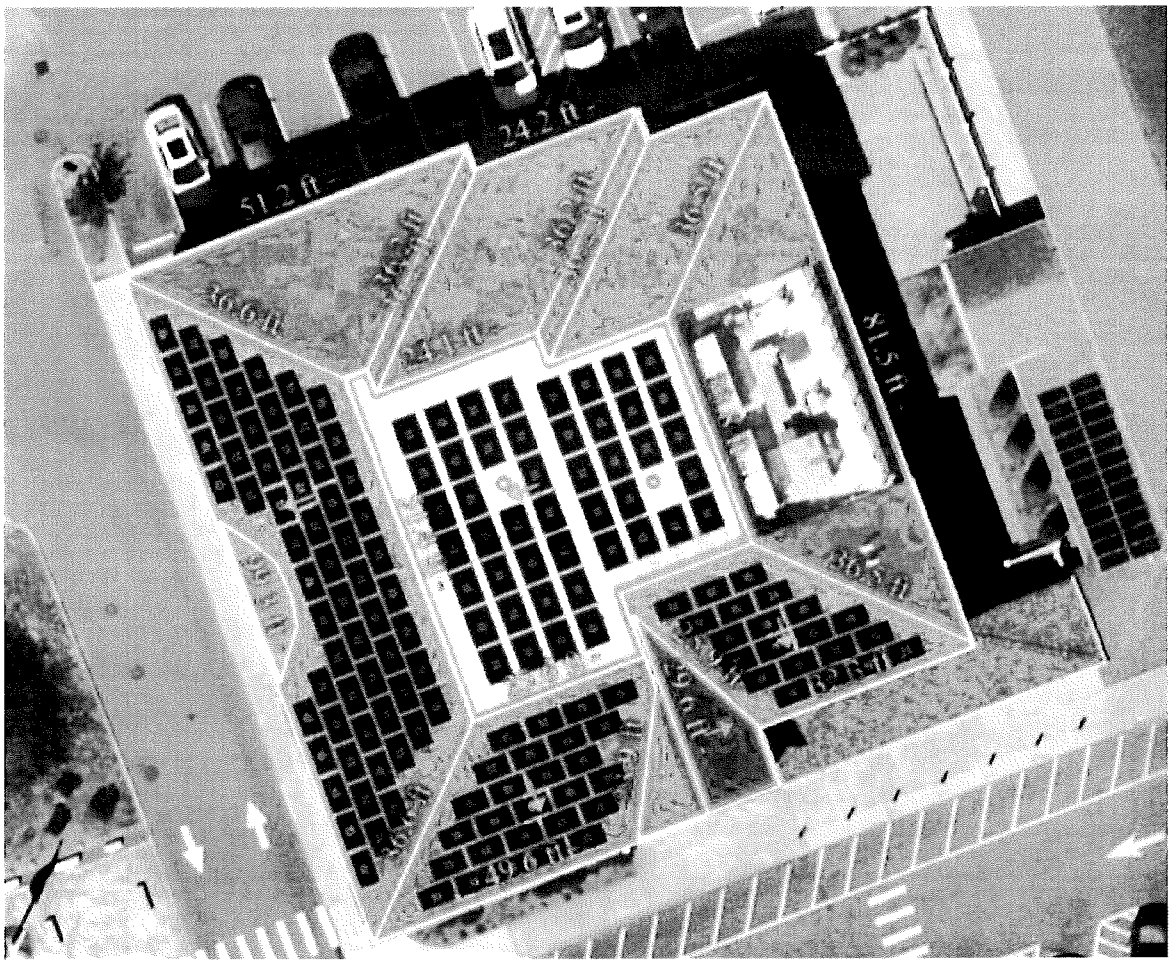


EXHIBIT C to Lease Agreement
Form of Notice of Lease
[On following Page]

Record and return to:
Sunwealth Power LLC
2067 Massachusetts Ave, Suite 540,
Cambridge, MA 02140

[insert address]

NOTICE OF LEASE

In accordance with the provisions of Massachusetts General Laws, Chapter 183, section 4, as amended, notice is hereby given of the following described lease and easements:

Parties to the Lease Agreement (the "Lease"):

Host/Landlord: Town of Falmouth

Provider/Tenant: Sunwealth Power LLC
(and its successors and/or assigns)

Property Description: The real property located at 780 Main St, Falmouth, MA 02540, described on the attached Exhibit A (the "Property"). For Landlord's title see Deed filed with the Barnstable Registry District of the Land Court as Certificate of Title No. 8625.

Description of Leased Premises: A portion of the Property as described on the attached Exhibit B where solar equipment will be installed and accessed for the term of the agreement, including the roofs, exterior and interior walls, through to the main electric room, and exterior areas of the Property. (the "Lease Area")

Date of Execution of the Lease: _____ (the "Effective Date").

Term of Lease:

The Term of the Lease includes a Development Period, Operations Period and Decommissioning Period. The Lease shall commence on the Effective Date and, unless terminated earlier pursuant to the provisions of the Lease, the Operations Period shall continue until 11:59 p.m. on the last day of the calendar month in which the twenty-fifth (25th) anniversary of the Commercial Operation Date, as defined in the Lease, unless the Tenant exercises the Options to Extend, in which case the Term of Lease shall include the Development Period, the Operations Period, the [Extension Terms] and the Decommissioning Period.

Options to Extend:

Tenant shall have the right to extend the Term of the Lease for five (5) years

Decommissioning Period

Tenant shall remove the System within 180 days of the termination of the Lease, (provided that if such 180 day term ends within the months of December, January, February, March, or April, the Decommissioning Period shall extend to July 31) whereupon the Lease shall expire and shall be of no further force and effect

Easements.

(a) Under the Lease, Landlord granted the easements (the "Easements") to Tenant described in Exhibit C across and burdening the Property.

(b) Landlord's grant of Easements in the Lease shall commence on the Effective Date and end upon termination of the Decommissioning Period.

Ownership of the Facility.

Landlord shall have no right, title or interest in the solar energy facility (as defined in the Lease) ("Project") or any component thereof and Tenant shall be the exclusive owner thereof.

Miscellaneous

1. This Notice of Lease may be executed in multiple counterparts, each of which shall be deemed an original and all of which, together, shall constitute one and the same instrument.

2. This Notice of Lease does not describe or refer to all of the terms or conditions contained in the actual Lease and nothing contained herein shall serve to modify or amend the terms of the actual Lease. In the event of any inconsistency between the provisions of the Lease and the provisions of this Notice, the provisions of the Lease shall control.

3. Any capitalized term not defined herein shall have the definition ascribed to it in the Lease.

EXECUTED as a sealed instrument as of _____ __, 2025.

LANDLORD:

Town of Falmouth
By its Select Board

_____
Nancy Robbins Taylor, Chair

_____
Edwin (Scott) P. Zylinski II, Vice Chair

_____
Douglas C. Brown

_____
Robert P. Mascali

_____
Heather M.H. Goldstone

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____ , 2025 before me, the undersigned notary public, personally appeared Nancy Robbins Taylor, Chair, and proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the within document and acknowledged to me that they signed it voluntarily for its stated purpose, as Chair of the Falmouth Select Board.

_____

Notary Public:
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____ , 2025 before me, the undersigned notary public, personally appeared Edwin (Scott) P. Zylinski II and proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the within document and acknowledged to me that they signed it voluntarily for its stated purpose, as Vice Chair of the Falmouth Select Board.

_____
Notary Public:
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____ , 2025 before me, the undersigned notary public, personally appeared Douglas C. Brown and proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the within document and acknowledged to me that they signed it voluntarily for its stated purpose, as a member of the Falmouth Select Board.

_____
Notary Public:
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____ , 2025 before me, the undersigned notary public, personally appeared Robert P. Mascali and proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the within document and acknowledged to me that they signed it voluntarily for its stated purpose, as member of the Falmouth Select Board.

_____

Notary Public:
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____ , 2025 before me, the undersigned notary public, personally appeared Heather M.H. Goldstone proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the within document and acknowledged to me that they signed it voluntarily for its stated purpose, as a member of the Falmouth Select Board.

_____

Notary Public:
My Commission Expires:

TENANT:
Sunwealth Power LLC

By: _____
_____,_____ , an
Authorized Signatory

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

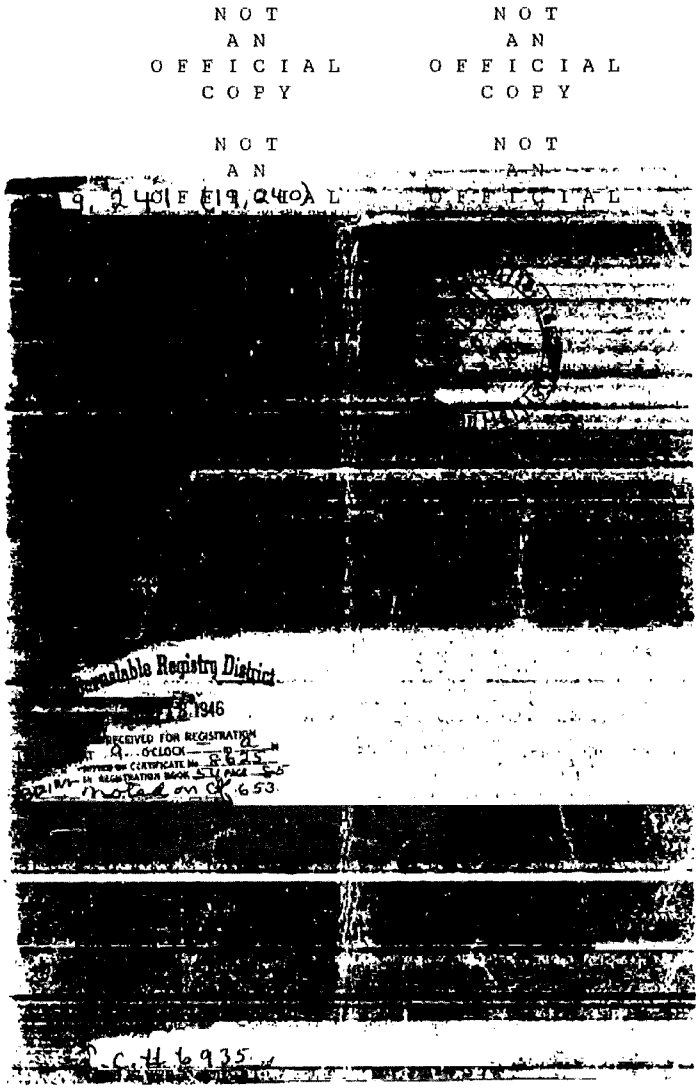
On this _____ date of _____, 2025, before me, the undersigned notary public, personally appeared _____ of Sunwealth Power LLC, and an Authorized Signatory, personally known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Authorized Signatory of Sunwealth Power LLC, a Delaware limited liability company and the voluntary act of the company.

_____
Notary Public
My Commission Expires:

EXHIBIT A

PROPERTY DESCRIPTION

Property Address: 780 Main St, Falmouth, MA 02540



NOT AN OFFICIAL COPY

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

Case No. 6935

(SEAL)

Upon the petition of the Inhabitants of Falmouth representing that they are the holders of Certificate of Title No. 653, issued from the Registry District of Barnstable County, and further representing that the United States of America by virtue of condemnation proceedings dated December 1, 1941, being Document No. 13688 noted on said Certificate No. 653, acquired title to Lot A as shown on Plan No. 6935-B; that no Certificate of Title issued to said United States of America for said Lot A as shown on said Plan No. 6935-B and further representing that by virtue of a certain Quitclaim Deed dated November 4, 1946 the United States of America acting by and through the Federal Works Administrator did remise, release and forever quitclaim to said Inhabitants of Falmouth all its right, title and interest in and to certain premises which are in fact Lot A on Plan No. 6935-B, after due proceedings it is

O R D E R E D that the Quitclaim Deed affixed to a copy of this Order be accepted for registration; that Certificate of Title No. 653 be cancelled as to Lot A as shown on Plan No. 6935-B and that a new Certificate of Title issue to the Inhabitants of Falmouth for said Lot A as shown on said plan.

By the Court.

Attest:

ROBERT L. FRANCH
RECORDER

December 17, 1946

A TRUE COPY,
ATTEST

RECORDER

Falmouth
Deed to issue Cff for Lot A Plan 6935-B
with Cert # 125

QUITCLAIM DEED

This DEED made this 4th day of November, 1946, by and between the United States of America, (hereinafter called the "Government"), acting by and through the Federal Works Administrator, (hereinafter called the "Administrator"), and the Town of Falmouth, Barnstable County, Commonwealth of Massachusetts, a municipal corporation of the Commonwealth of Massachusetts, (hereinafter called the "Grantee").

OFFICIAL COPY

WHEREAS, pursuant to the provisions of Public Law No. 849, 76th Congress, approved October 14, 1940, as amended by Public Law No. 42, 77th Congress, approved April 29, 1941, Public Law No. 137, 77th Congress, approved June 28, 1941, Public Law 409, 77th Congress, approved January 21, 1942, Public Law 522, 77th Congress, approved April 10, 1942, Public Law No. 119, 78th Congress, approved July 7, 1943, Public Law 150, 78th Congress, approved July 15, 1943, and Public Law No. 279, 78th Congress, approved April 1, 1944, (hereinafter called the "Act"), the Government has acquired certain public works consisting of Recreation Facilities under its Project No. Mass. 19-103 F in the Town of Falmouth, County of Barnstable, Commonwealth of Massachusetts; and

WHEREAS, pursuant to the authority conferred by the Act, the Government has agreed to sell to the Grantee and the Grantee has agreed to purchase from the Government, the aforesaid public works consisting of Recreation Facilities, upon terms which the Administrator deems to be in the public interest;and

WHEREAS, the Government has agreed to transfer to the Grantee all of the Government's right, title and interest in and to such Recreation Facilities;

NOW, THEREFORE, KNOWN ALL MEN BY THESE PRESENTS: That the Government in consideration of the premises and the payment to it by the Grantee of the sum of Twenty-Five Thousand Dollars ($25,000), the receipt whereof is hereby acknowledged, does hereby remise, release and forever quitclaim unto the Grantee, all of the Government's right, title and interest in and to the said Recreation Facilities and in and to the following described real estate and the improvements thereon:

All that certain tract or parcel of land lying and being in the City of Falmouth, County of Barnstable, Commonwealth of Massachusetts, more particularly described as follows:

NOT OFFICIAL COPY

Beginning at the southwesterly corner of the described lot at a point in the northerly line of East Main Street and at land of Dorothy S. Davis, formerly of Emma S. Davis, which point is indicated by a cement bound there located; thence South 65° 39' West by said East Main Street, a distance of 5.37 feet to a point also in the northerly line of said East Main Street indicated by a cement bound there located; thence South 63° 23' West by said East Main Street a distance of 236.63 feet at other land of the Town of Falmouth; thence North 14° 41' 20" West by said land of the Town of Falmouth; a distance of 243 feet to a point also at land of the Town of Falmouth; thence North 78° 23' East by land of the Town of Falmouth, a distance of 255 feet to land of said Dorothy S. Davis; thence South 4° 27' East by said land of Dorothy S. Davis; a distance of 180 feet to the point of beginning and said first-mentioned bound,

together with the appurtenances and all the estate and rights of the Government in and to the said premises.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, its successors and assigns forever.

The Government acquired its right, title and interest in and to the above-described real estate conveyed by this instrument by decree of taking entered by the District Court of the United States for the District of Massachusetts, Case Misc. Civil No. 6445, a copy of which is filed with Land Registration Records of said Barnstable County as Document No. 13688, and noted on Certificate of Title No. 653, which Certificate of Title is filed with said Records in Book 3 Page 653.

IN WITNESS WHEREOF, The United States of America has caused these presents to be executed in its name by the Federal Works Administrator and the seal of the Federal Works Agency to be hereunto affixed, the day and year first above-written.

UNITED STATES OF AMERICA
Federal Works Agency

By _____
Federal Works Administrator.

NOT AN OFFICIAL COPY

NOT AN OFFICIAL COPY

UNITED STATES OF AMERICA)
DISTRICT OF COLUMBIA) ss

NOT AN OFFICIAL COPY

NOT AN OFFICIAL COPY

Date November 4, 1946.

Then personally appeared, the above named Philip B. Fleming, Federal Works Administrator, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the United States of America,

Before me,

Maude E. Lyles
Notary Public
in and for the District of Columbia.

My commission expires: 10-10-48

MAUDE E. LYLES NOTARY PUBLIC DIST. OF COLUMBIA

DISTRICT OF COLUMBIA, SS

No. 163016

I, CHARLES E. STEWART, Clerk of the District Court of the United States for the District of Columbia, the same being a Court of Record, having by law a seal, do hereby certify that Maude E. Lyles before whom the annexed instrument in writing was executed, and whose name is subscribed thereto, was at the time of signing the same a NOTARY PUBLIC in and for said District duly commissioned and sworn, and authorized by the laws of said District to take the acknowledgment and proof of deeds or conveyances of lands, tenements, or hereditaments, and other instruments in writing, to be recorded in said District, and to administer oaths; and that I am well acquainted with the handwriting of said Notary Public and verily believe that the signature to said instrument and impression of seal thereon are genuine, after comparison with signature and impression of seal filed in this office.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Court, at the City of Washington, D. C., the 21st day of November A.D. 1946

CHARLES E. STEWART, Clerk.

By [illegible] Deputy Clerk.

EXHIBIT B

LEASE AND EASEMENT AREA DESCRIPTION

The Lease and Easement Area shall mean the areas of the Property delineated in the Site Plan below.

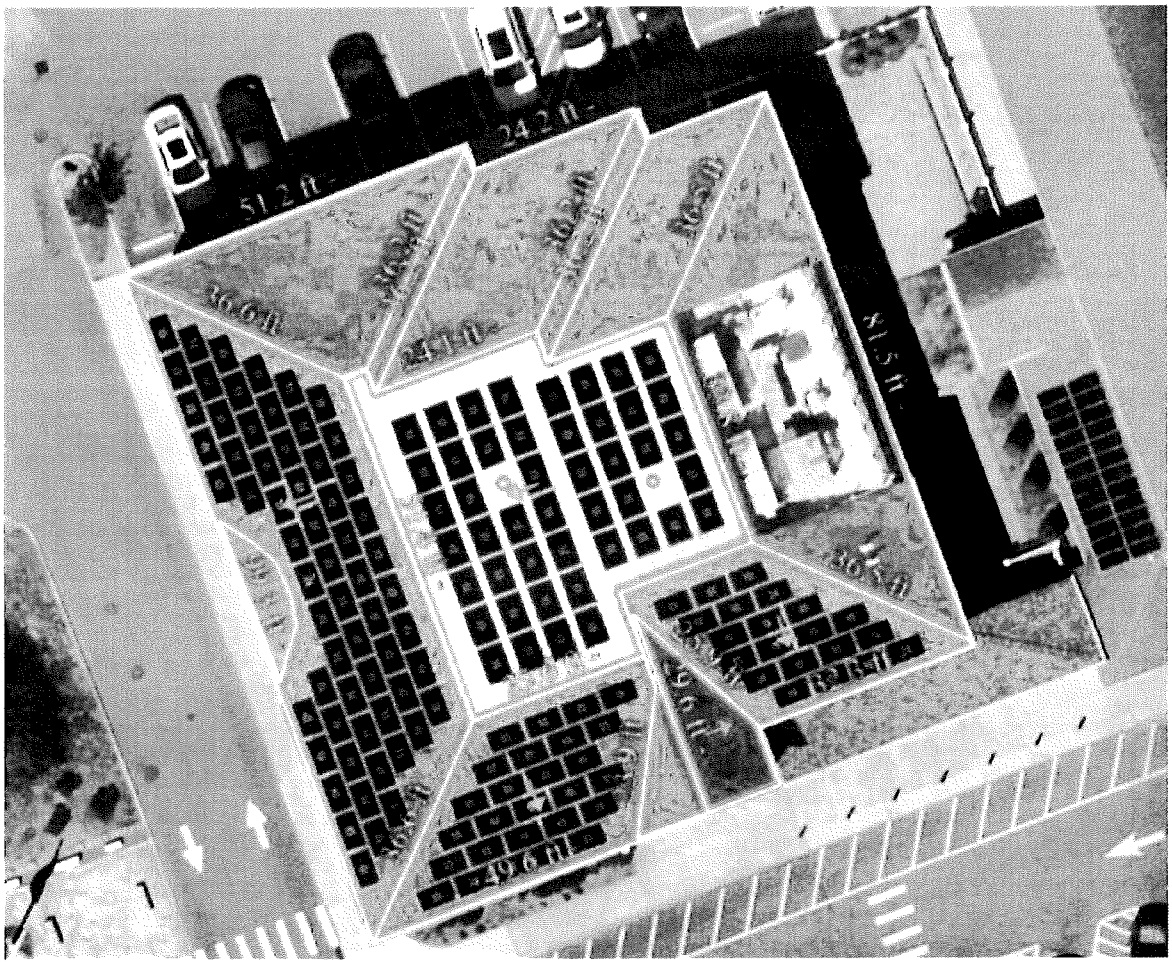


EXHIBIT C

Easements *and* Access Rights *shall be those granted under the Lease* and PPA.

EXHIBIT D to Lease Agreement

FORM OF SNDA

SUBORDINATION, NON-DISTURBANCE AND ATTORNMENT AGREEMENT

THIS AGREEMENT (this "Agreement") is made as of this _____ day of _____, 20__, by and among _____, a duly organized banking association, with a principal office at _____("Lender"), _____("Landlord"), and Sunwealth Power LLC, ("Tenant").

W I T N E S S E T H

WHEREAS, Tenant and Landlord have entered into a Lease Agreement dated _____, 20__, (the "Lease") covering the premises located at _____ (the "Premises"), notice of which is recorded with [Name of Registry] (the "Registry") in Book _____, Page _____, (being the property more particularly described in Exhibit A attached hereto and incorporated herein) pursuant to which Tenant has installed or will install on the Premises a photovoltaic facility for the generation of electricity from solar energy (the "Solar Facility"); and

WHEREAS, Lender is the mortgagee pursuant to a [Mortgage and Security Agreement dated _____] (the "Mortgage") and a [Conditional Assignment of Rents and Leases dated _____] (the "Assignment") encumbering, the Premises which are both recorded with the _____ Registry in Book _____page _____ and Book _____ page _____ respectively; and

WHEREAS, Lender, Tenant, and Landlord wish to set forth respective rights of each party;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and other valuable consideration, the parties hereto covenant and agree as follows:

1. The Lease and any extensions, renewals, replacements or modifications thereof, and all of the right, title and interest of Tenant thereunder in and to the Premises are and shall be subject and subordinate to the Mortgage and to all of the terms and conditions contained therein, and to any advances, renewals, modifications, replacements, consolidations, amendments and extensions thereof.

2. Lender consents to the Lease and in the event Lender comes into possession of or acquires title to the Premises as a result of the foreclosure, or other enforcement of the Mortgage, or as a result of any other means, Lender agrees that Lender will recognize Tenant and will not disturb Tenant or Tenant's financing parties in their possession of the Premises or their rights in the Lease for any reason other than one which would entitle Landlord to terminate the Lease under its terms or would cause, without any further action by Landlord, the termination of the

Lease, and the Lease will continue in full force and effect as a direct agreement between Lender and Tenant.

3. The Solar Facility shall not be, or be deemed to be, a part of or an accession or addition to or a fixture on the Premises even though the Solar Facility is installed on the Premises; nor shall the Solar Facility be moved from the Premises by the Lender unless Tenant's prior written consent to such move has been obtained.

4. Lender waives any and all right, title and interest in the Solar Facility and shall not acquire any such right title or interest by virtue of the installation of the Solar Facility on the Premises. The undersigned Lender further waives any right to seize, or to claim any interest, whatsoever in the Solar Facility on account of any claim or right the undersigned may have against any person, including, without limitation, any claim or right the undersigned may have or assert against the Landlord, by foreclosure or otherwise.

5. Tenant may at any time, at its option, enter upon the Premises and inspect, maintain, remove or repair the Solar Facility to the extent provided in the Lease.

6. When sending to Landlord any notice of impending or actual foreclosure of the Premises, the undersigned Lender shall concurrently provide Tenant a copy of the same.

7. Tenant agrees with Lender that if the interests of Landlord in the Premises shall be transferred to and owned by Lender by reason of foreclosure or other proceedings brought by it, or any other manner, or shall be conveyed thereafter by Lender or shall be conveyed pursuant to a foreclosure sale of the Premises, Tenant shall be bound to Lender under all of the terms, covenants and conditions of the Lease for the balance of the time thereof remaining and any extensions or renewals thereof which may be effected in accordance with any option therefor in the Lease, with the same force and effect as if Lender were the landlord under the Lease and Tenant does hereby attorn to Lender as its landlord, said attornment to be effective and self-operative without the execution of any further instruments on the part of any of the parties hereto immediately upon Lender succeeding to the interest of Landlord in the Premises. Notwithstanding the foregoing, Lender shall not be: (i) liable for any act or omission of Landlord, or for any fact, circumstance or condition existing or arising prior to Lender's succession in interest to Landlord unless such fact, circumstance or condition shall continue after such succession; or (ii) subject to any offsets, claims or defenses which Tenant might have against Landlord, except as set forth in the Lease.

8. This Agreement shall bind and inure to the benefit of the parties hereto, their successors and assigns. As used herein the term "Tenant" shall include Tenant, its successors and assigns; the words "foreclosure" and "foreclosure sale" as used herein shall be deemed to include the acquisition of Landlord's estate in the Premises by voluntary deed (or assignment) in lieu of foreclosure; and the word "Lender" shall include the Lender herein specifically named and any of its successors, participants and assigns, including anyone who shall have succeeded to Landlord's interest in the Premises by, or through, Lender foreclosure of the Mortgage.

9. All notices, consents and other communications pursuant to the provisions of this Agreement shall be in writing and shall be sent by registered or certified mail, return receipt requested, or by a reputable commercial overnight carrier that provides a receipt, or by facsimile with confirmation of transmission, and shall be deemed given when postmarked and addressed as follows:

If to Lender:

If to Tenant: Sunwealth Power LLC
Attn: Jonathan Abe
2067 Massachusetts Ave., Suite 540
Cambridge, MA 02140

If to Landlord:

or to such other address as shall from time to time have been designated by written notice by such party to the other parties as herein provided.

10. This Agreement may not be modified orally or in any manner other than by agreement, in writing, signed by the parties hereto. This Agreement may be executed in counterparts, each of which shall be deemed an original, and such counterparts taken together shall constitute but one agreement. This Agreement shall be governed by the laws of the state or commonwealth where the Premises are located.

[This Page Ends Here – Signature Page to SNDA Follows]

IN WITNESS WHEREOF, the parties hereto have placed their hands and seals the day and year first written above.

TENANT:
Sunwealth Power LLC

By:_____
Printed Name:
Title:

LANDLORD:

By:_____
Printed Name: Nancy Robbins Taylor
Title: Select Board Chair

LENDER:

By:_____
Printed Name:
Title:

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Jed Cornock, Town Planner
Meeting Date: May 19, 2025
Department/Office: Planning Department
Item Name: Consider a vote to approve a letter of support for the Route 151 Water Main Extension One Stop for Growth Grant Program application

Purpose:
To approve the draft letter of support for the Route 151 Water Main Extension One Stop for Growth Grant Program application.

Background/Summary:

- The Planning Department and the Department of Public Works are submitting this grant application to allow the town to extend municipal water infrastructure along Route 151 to support a proposed 248-unit mixed-income and multi-generational rental housing development in that area and to provide water service redundancy for over 3,000 properties in the North Falmouth area.
- The town submitted this same grant application in the last One Stop for Growth Grant Program cycle but was not awarded due to the high number of applications. The Planning & DPW departments are resubmitting the same application with the hopes that it will be funded in this cycle.

Recommended Actions:
Department Recommendation:
Approve the draft letter of support as presented

Options:

- Motion to approve the letter of support for the Route 151 Water Main Extension One Stop for Growth Grant Program application as presented.
- Motion to approve an amended letter of support for the Route 151 Water Main Extension One Stop for Growth Grant Program application.
- Motion to deny the approval of a letter of support for the Route 151 Water Main

Extension One Stop for Growth Grant Program application.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the letter of support for the Route 151 Water Main Extension One Stop for Growth Grant Program application as presented.

Budget:
Applicable? (yes or no):
No
Budgeted? (yes or no):
No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:
1. Draft Route 151 Water Main Extension SB Letter of Support

May 19, 2025

McKenzie Bell, Senior Community Grants Coordinator
Executive Office of Housing and Livable Communities
100 Cambridge St, Suite 300
Boston, MA 02114

RE: Nathan Ellis Highway (Route 151) Water Main Extension – HousingWorks Infrastructure Program (HWIP) Grant Application

To whom it may concern:

The Falmouth Select Board strongly supports the town's HousingWorks Infrastructure Program (HWIP) Grant Application for the Nathan Ellis Highway (Route 151) Water Main Extension Project. These funds will allow the town to extend municipal water infrastructure along Route 151 to support a proposed 248-unit mixed income and multi-generational rental housing development in that area and to provide water service redundancy for over 3,000 properties in the North Falmouth area.

Like many communities in the Commonwealth and more specifically on Cape Cod, the Town of Falmouth is experiencing a significant housing crisis. The creation of housing that is available and attainable to individuals of all income levels including working individuals and families is critical to supporting the hiring and retention of town staff, maintaining the stability of town operations, and sustaining the vitality of the community as a whole. Addressing housing in town is the Board's top priority in the most recent five-year strategic plan and with our newly approved Housing Production Plan as our guide, we are well positioned to resolve this crisis.

To that end, Falmouth Town Meeting recently implemented a zoning change in April 2024 that expanded and modified the Senior Care Retirement District (SCRD). This amendment enlarged the previous 7-acre district to 32 acres (at the Route 28 and 151 interchange) and added workforce housing as an allowable use. This zoning change will ultimately enable the development of 248 units of new housing for both older adults and members of our workforce who are struggling to find places to live on the Cape. Our Housing Production Plan identifies the need to create future housing options for both of these groups and the Board is excited at the prospect of addressing this need.

Additionally, this 6,900 foot water main extension will connect two existing dead ends on Nathan Ellis Highway (Route 151); a top priority in the town's water distribution system Capital Efficiency Plan (CEP). Falmouth's water distribution system has 385 miles of water mains with approximately 21,586 service connections, serving a population of approximately 33,000 in the winter and 77,500 in the summer. This water main extension was ranked first of the forty Phase II projects in the 10-year Capital Efficiency Plan which identified areas of the water distribution system in need of rehabilitation, repair, or replacement.

In conclusion, this HousingWorks Infrastructure Program (HWIP) Grant Application is a critical piece to this potential 248-unit mixed income and multi-generational rental housing development proposal and

DRAFT

has the added benefit of creating much needed redundancy in our municipal water system for a large portion of our population. We believe this situation is exactly what the grant program was intended to help with and we hope that you look favorably on our application.

Sincerely,

Nancy Robbins Taylor
Chair, Falmouth Select Board

cc: Mike Renshaw, Town Manager
Peter McConarty, Director of Public Works
Matt Lanen, Water Superintendent
Jed Cornock, Town Planner

DRAFT

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Jed Cornock, Town Planner
Meeting Date: May 19, 2025
Department/Office: Planning Department
Item Name: Consider a vote to approve a letter of support for the Local Comprehensive Plan Update One Stop for Growth Grant Program application

Purpose:
To approve the draft letter of support that will be attached to the One Stop for Growth Grant Program application.

Background/Summary:

- The Planning Department is submitting this grant application to allow the town to hire a professional consulting firm to guide the development of a new Local Comprehensive Plan that shapes a sustainable and resilient future, focused on housing, environmental quality, climate, land use, and quality of life for all residents.
- Specifically, this firm will facilitate the public outreach component, provide technical expertise, analyze data, and draft the plan components while ensuring a transparent, inclusive, and data-driven planning process.

Recommended Actions:
Department Recommendation:
Approve the draft letter of support as presented.

Options:

- Motion to approve the draft letter of support as presented.

- Motion to deny approval of the draft letter of support as presented.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the letter of support for the Local Comprehensive Plan Update One Stop for Growth Grant Program application as

presented.

Budget:
Applicable? (yes or no):
No
Budgeted? (yes or no):
No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:
1. Draft Local Comprehensive Plan Update SB Letter of Support

May 19, 2025

McKenzie Bell, Senior Community Grants Coordinator
Executive Office of Housing and Livable Communities
100 Cambridge St, Suite 300
Boston, MA 02114

RE: Town of Falmouth Local Comprehensive Plan Update – One Stop for Growth Grant Application

Dear Ms. Bell,

The Falmouth Select Board strongly supports the town's One Stop for Growth Grant Application for the update of our Local Comprehensive Plan (LCP) and asks that you consider funding this request.

In short, these funds will allow the town to hire a professional consulting firm to guide the development of a new plan that shapes a sustainable and resilient future, focused on housing, environmental quality, climate, land use, and quality of life for all residents. Specifically, this firm will facilitate the public outreach component, provide technical expertise, analyze data, and draft the plan components while ensuring a transparent, inclusive, and data-driven planning process.

Over the years, Falmouth has evolved, facing new challenges and opportunities. An updated LCP will ensure that we continue to make informed, strategic decisions that reflect the needs and goals of our residents, business owners, and visitors. The LCP's policies and initiatives will align with those in the newly updated Cape Cod Commission's Regional Policy Plan, with identified community priorities, and with best practices in planning and sustainability. This One Stop for Growth grant will provide the town with the resources to accomplish this effort in a thoughtful and inclusive manner.

We believe that this Local Comprehensive Plan update will provide valuable insights into the future of Falmouth and the Select Board is truly excited to be involved in the process.

Sincerely,

Nancy Robbins Taylor
Chair, Falmouth Select Board

cc: Mike Renshaw, Town Manager
Jed Cornock, Town Planner

DRAFT

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Peter McConarty, Director, Department of Public Works
Meeting Date: May 19, 2025
Department/Office: Department of Public Works
Item Name: Consider a vote to approve a MassDEP Technical Assistance Grant Extension

Purpose:
To seek the Select Board's approval to request an extension of the Towns 2024 Technical Assistance (TA) Grant (an in-kind grant from Mass DEP) which gave the Town 80 hours of technical assistance from County/DEP recycling specialist Kari Parcell.
The original TA grant was obtained for the purpose of coordinating a feasibility study and exploring options and strategies on how to develop a regional compost facility on land owned by the Commonwealth on Joint Base Cape Cod.
Background/Summary:

- Working via a Technical Assistance Grant in 2024 - early 25, Kari Parcell played an essential role in the progress made towards developing a regional compost facility at Joint Base Cape Cod. The initial phase of the project culminated in the 03.24.25 with the presentation by SCS Engineers of their "Proof of Concept Study" to the Barnstable County Commissioners. The study was very well received, and the Commissioners unanimously support the continued development of this project.

- Kari Parcell's expertise and continued coordination of the project is crucial to keep it moving forward.

- Next steps in compost facility initiative include:
    - Obtain Barnstable County funds to retain SCS Engineers so that they can advise the development group during land acquisition and general planning processes.
    - Get commitment of support from Sandwich and Mashpee.
    - Coordinate land acquisition with MassDEV.
    - Determine how the selected site can be transferred from the Commonwealth to a designated entity. (by County Legal Counsel)
    - Determine what (existing or new) entity will accept transfer of the site.

- Seek funding for Design and Permitting.

- This is an in-kind grant for 80 hours of recycling expert's time.

Recommended Actions:
Department Recommendation:
Public Works recommendation is to approve the TA grant for the purposes outlined above.

Options:

- Motion to approve a MassDEP Technical Assistance Grant Extension as presented.
- Motion to deny the approval of a MassDEP Technical Assistance Grant Extension.

Town Manager's Comments:
The Town Manager recommends that the Select Board approve the MassDEP Technical Assistance Grant Extension as presented.

Budget:
Applicable? (yes or no): no
Yes
Budgeted? (yes or no): N/A

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:
None

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Julie Williams-Tinkham, Director
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider a request to use funds from the Recreation Department donations account in the amount of $863.97 to purchase eco-friendly marketing items for distribution at community events

Purpose:
To request approval for the use of funds from the Recreation Donations account to purchase eco-friendly marketing items, exceeding the $500 expenditure threshold, for distribution at community events.

Background/Summary:

- The Recreation Department is seeking to enhance its visibility and engagement at community events through the distribution of branded marketing items. These items will serve both as promotional tools and as practical keepsakes to encourage ongoing community connection to our programs and services.
- In alignment with the department's commitment to environmental responsibility, all selected items are made from recycled or sustainably sourced materials.
- The total purchase cost is $863.97, thus requiring formal approval for use of the Recreation Donations account, which is designated for enhancing community-facing programs and initiatives.

Recommended Actions:
Department Recommendation:
The Recreation Department recommends approving the use of the Recreation Donations account for this purpose. The initiative supports both promotional outreach and sustainability.

Options:

- Motion to approve the use of the Recreation Department donations account to purchase eco-friendly marketing items totaling $863.97.
- Motion to deny the request, requiring the department to explore alternative funding

sources.
- Board-defined alternative.

Town Manager's Comments:
The Town Manager recommedns that the Select Board approve the use of funds from the Recreation Department donations account in the amount of $863.97 to purchase eco-friendly marketing items for distribution at community events, as presented.

Budget:
Applicable? (yes or no):
Yes
Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:
None

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Mike Renshaw, Town Manager
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Consider the approval of a Letter of Support for the Cape & Islands District Attorney's Office for additional funding for an elder abuse and fraud investigation unit

Purpose:
The Select Board will consider the approval of a letter of support for the Cape & Islands District Attorney's Office for additional state funding for an elder abuse and fraud investigation unit.

Background/Summary:

- On May 5, 2025, Cape and Islands District Attorney Galabois presented infomation to the Select Board regarding his vision for the creation of a new elder abuse and fraud investigation unit.
- Because the population of Falmouth and the region is aging, additional resources and innovative strategies will be required to combat elder abuse and fraud.

Recommended Actions:

Department Recommendation:
The Town Manager recommends that the Select Board approve a letter of support for the Cape & Islands District Attorney's Office for additional state funding for an elder abuse and fraud investigation unit.

Options:

- Motion to approve a letter of support for the Cape & Islands District Attorney's Office for additional state funding for an elder abuse and fraud investigation unit as presented.
- Motion to approve an amended letter of support for the Cape & Islands District Attorney's Office for additional state funding for an elder abuse and fraud investigation unit.

Town Manager's Comments:

The Town Manager recommends that the Select Board approve a letter of support for the Cape & Islands District Attorney's Office for additional state funding for an elder abuse and fraud investigation unit.

Budget:

Applicable? (yes or no):
No.

Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A

Attachments:

1. Elder abuse and fraud unit letters Fernandes - Moakley
2. Elder Abuse & Fraud 12-26-24

TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone: (508) 495-7320
townmanager@falmouthma.gov

May 19, 2025

Dylan Fernandes, State Senator Plymouth and Barnstable
State House
24 Beacon St., Room 70
Boston, MA, 02133

dylan.fernandes@masenate.gov

Dear Senator Fernandes,

As elected officials in the Town of Falmouth, we hear of cases of elder abuse and fraud perpetrated on an alarmingly regular basis. As a town, through our Senior Center and Police Department, we do what we can to educate people to prevent them from becoming victims. We are always looking for additional ways to protect our citizens. We welcome the Cape and Islands District Attorney's Office's initiative to create a unit focused on elder abuse and fraud to help address these crimes.

We understand that prosecution of these crimes is a challenge because of the significant time, effort, and special knowledge needed to investigate them. Unfortunately, sometimes these investigations can be beyond the capacity of our Police Department. The amount of money stolen can have a dramatic effect on an individual's life, but still not rise to the level of crime that the Attorney General's office will take on for investigation or prosecution. Local support with specialized investigators to help Police Departments, victim witness assistants to help the victims, and assistant district attorneys to prosecute these crimes would be a very welcome addition to the local community.

As Select Board of the Town of Falmouth, we ask that you support the Cape and Islands District Attorney's Office's request for additional funding during the current state budget process.

Sincerely,

Nancy Robbins Taylor, Chair

Robert P. Mascali

Edwin P. Zylinski II, Vice Chair

Heather M. H. Goldstone

Douglas C. Brown

SELECT BOARD

TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone: (508) 495-7320
townmanager@falmouthma.gov

May 19, 2025

Thomas Moakley, Representative Barnstable, Dukes and Nantucket
State House
24 Beacon St., Room 134
Boston, MA, 02133

thomas.moakley@mahouse.gov

Dear Representative Moakley,

As elected officials in the Town of Falmouth, we hear of cases of elder abuse and fraud perpetrated on an alarmingly regular basis. As a town, through our Senior Center and Police Department, we do what we can to educate people to prevent them from becoming victims. We are always looking for additional ways to protect our citizens. We welcome the Cape and Islands District Attorney's Office's initiative to create a unit focused on elder abuse and fraud to help address these crimes.

We understand that prosecution of these crimes is a challenge because of the significant time, effort, and special knowledge needed to investigate them. Unfortunately, sometimes these investigations can be beyond the capacity of our Police Department. The amount of money stolen can have a dramatic effect on an individual's life, but still not rise to the level of crime that the Attorney General's office will take on for investigation or prosecution. Local support with specialized investigators to help Police Departments, victim witness assistants to help the victims, and assistant district attorneys to prosecute these crimes would be a very welcome addition to the local community.

As Select Board of the Town of Falmouth, we ask that you support the Cape and Islands District Attorney's Office's request for additional funding during the current state budget process.

Sincerely,

Nancy Robbins Taylor, Chair

Robert P. Mascali

Edwin P. Zylinski II, Vice Chair

Heather M. H. Goldstone

Douglas C. Brown

SELECT BOARD

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE
DISTRICT ATTORNEY
CAPE & ISLANDS DISTRICT

ROBERT J. GALIBOIS
DISTRICT ATTORNEY

3231 Main Street
P.O. BOX 455
BARNSTABLE, MA 02630
PHONE (508) 362-8103
FAX (508) 362-1443
capeandislandsda.gov

Elder abuse and fraud

December 26, 2024

Demographics show that the community of Cape Cod and the Island is one of the oldest not just in Massachusetts, but the nation. Census reporting (with compilation and comparisons provided by Cape Cod Health Care Foundation) shows the following:

	Massachusetts	Cape Cod
Median age	39.6 years	53.7 years
population 45 and older	43.4%	60.1%
population 65 and older	16.5%	30.4%
population 75 and older	7.0%	13.2%

In this context, a nationwide scourge of fraud and elder abuse becomes even more serious here.

When queried, the following Police Departments provided the number of fraud cases that were reported to them:

Town	2023 Fraud Reports to Police Departments	2024 Fraud Reports as of 11/1 (date approx)	2023 Resulted in Arrest/Summons/ Hearing	2024 Resulted in Arrest/Summons/Hearing as of 10/25
Barnstable	217	176	7 (2.33%)	8 (4.55%)
Brewster		79		4 (5.04%)
Chatham	40	64		
Dennis	58	93		
Eastham	51	49		
Edgartown	32	37		
Harwich	85	84		
Mashpee	93	92		
Nantucket	177	164		
Orleans	65			
Provincetown	29	31		
Truro	29	30		
Yarmouth	217	118		

The CIDAO tracks and reports prosecutions of elder physical abuse to the state every year.

	Number of Cases 2023	Number of Charges 2023	Number of Cases 2024 as of 11/1	Number of Charges 2024 as of 11/1
District Wide Total	**139**	**477**	**130**	**331**

The cases fraud and elder abuse that reach law enforcement represent only a fraction of the full extent of the problem; for example Elder Services caseworkers report that they receive an average of 30 calls per month related to concerns about elder fraud or abuse, some of which they refer and some they try to resolve with their own resources. Councils on Aging also receive a high volume of calls.

While cases of physical abuse and neglect can surface in more visible ways, there is a large subset of serious, more hidden problems relate to financial fraud, scams, and misappropriation of savings and income. Manipulation, confusion, and exploitation are at the heart of these cases.

While the Massachusetts Attorney General's office has a department for consumer protection, the number of cases across the Commonwealth is beyond the capacity of that office to investigate. Many cases involve amounts of money that are very damaging to older individuals but do not rise to the level of Attorney General intervention.

In addition, cases involving financial forensics, complicated out-of-state bank account transfers for example, are much more time consuming, more difficult to investigate, prove, and prosecute, and often require expertise in accounting as well as computer hacking and digital tracing. This in large part explains why in Barnstable, for example, less than 5 percent of cases reported resulted in court action.

The Cape and Islands District Attorney's office is the ideal entity to highlight and attack this serious social issue. We believe we can and should become a state-wide model for how a proactive District Attorney's team can better protect our older population, prosecute those who prey on the most vulnerable.

To do so, we are requesting a funding increase beyond regular annual budget adjustments for the following new, targeted resources:

Two experienced assistant District Attorney positions focused on elder fraud and abuse:

Cost: $220,000 ($110k per) plus fringe

Two forensic investigators who would carry out crucial investigative work to build cases based on digital tracking, paper trails, and other evidence as pertains to more sophisticated "white collar" criminal activity.

Cost: $170,000 ($85k per) plus fringe

Two victim and witness advocates, support staff who would also work with social service agencies like Elder Service and police departments.

Cost: $120,000 ($60k per) plus fringe

TOTAL COST: $510,000 plus fringe @ 15 percent ($76,500) = $586,500

Town	2023 Fraud Cases Called In	2023 Fraud Cases Resulted in Report	$ Loss reported	2023 Resulted in Charges	2024 Fraud Cases as of end of October	2024 Fraud Cases Resulted in Report	2024 Resulted in charges	County	Population	Size Rank C&I District Wide
Barnstable	217	137		7 (3.23%)	176	116	8 (4.54%)	Barnstable	49,930	1
Brewster					79		4 (5.06%)	Barnstable	10,332	10
Chatham	40				64			Barnstable	6,667	11
Dennis	58				93			Barnstable	14,887	7
Eastham	51				49			Barnstable	5,791	13
Edgartown	32				37			Dukes	5,248	15
Harwich	85				84			Barnstable	13,559	9
Mashpee	93				92			Barnstable	15,354	6
Nantucket	177				164			Nantucket	14,065	8
Orleans	65	55	$469,138					Barnstable	6,354	12
Provincetown	29				31			Barnstable	3,700	17
Truro	29				30			Barnstable	2,472	20
Yarmouth	217				118			Barnstable	24,979	3
Aquinnah								Dukes	439	22
Bourne								Barnstable	20,346	4
Chilmark								Dukes	1,227	21
Falmouth								Barnstable	33,064	2
Gosnold								Dukes	38	23
Oak Bluffs								Dukes	5,310	14
Sandwich								Barnstable	20,345	5
Tisbury								Dukes	4,820	16
Wellfleet								Barnstable	3,612	18
West Tisbury								Dukes	3,564	19

Full data set as provided by PD's as of 12/26/2024 and compiled by CIDAO. Population numbers based on US Census population estimates July 1, 2023.

ITEM REPORT

To: Town of Falmouth Select Board
Submitted By: Diane Davidson, Office Manager
Meeting Date: May 19, 2025
Department/Office: Town Manager/Select Board
Item Name: Review and consider a vote to approve minutes of meetings:
Public Sessions: September 10, 2022; April 28, 2025 and May 5, 2025

Purpose:
To review and vote to approve minutes of public session meetings dated September 10, 2022; April 28, 2025 and May 5, 2025.

Background/Summary:

Recommended Actions:
Department Recommendation:
To review and vote to approve minutes of public session meetings dated September 10, 2022; April 28, 2025 and May 5, 2025.

Options:

- Motion to approve minutes of public session meetings dated September 10, 2022; April 28, 2025 and May 5, 2025 as presented.
- Motion to approve minutes of public session meetings dated September 10, 2022; April 28, 2025 and May 5, 2025 with edits.
- Other Board specified motion.

Town Manager's Comments:

Budget:
Applicable? (yes or no):
No.

Budgeted? (yes or no):

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Finance Director's Comments (if applicable):
N/A.

Attachments:
1. SelectBoard_09102022_DRAFT
2. SelectBoard_04282025_DRAFT
3. SelectBoard 05052025 DRAFT

TOWN OF FALMOUTH
SELECT BOARD
STRATEGIC PLANNING SESSION
SATURDAY, SEPTEMBER 10, 2022 – 9:00 A.M.
2nd FLOOR TRAINING ROOM
FALMOUTH FIRE & RESCUE DEPARTMENT HEADQUARTERS
399 MAIN STREET, 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; Sam Patterson; Edwin (Scott) Zylinski II; Onjalé Scott Price; Douglas C. Brown
Absent: Megan English Braga
Others present: Peter Johnson-Staub, Acting Town Manager

THIS IS A WORKSHOP MEETING – THERE WILL BE NO PUBLIC COMMENT.

OPEN SESSION

1. Call to Order - By Chair Taylor at 9:00 a.m.

2. Waterways Committee – Informational Update on Eel River West Coastal Resiliency Grant Study, and Annual Report

Jeff Thomas, Chair of the Waterways Committee, explained that the Committee has a non-capital budget request increase for FY23 at November Town Meeting. The Committee requested the following increase: $225,000 for yearly maintenance going forward, an increase from $150,000 last year. Also, per the Finance Department's direction, future one-off projects are proposed to be split with separate Engineering and permitting/dredging budget line items. He explained that 2022 spring inlet maintenance dredging was accomplished for the Great Pond and Green Pond approaches only. For 2023, the Committee expects the same list of dredging plus the Eel River approach. The 10 year comprehensive dredging permit expired in February 2022 but was extended due to COVID to December 31, 2022. The permit covers areas that are dredged on a frequent basis due to their relatively simple nature, and beaches used for dredge spoils nourishment. The permit covers both navigational and water quality dredging. The renewal of the permit is in process but delayed. The proposed permit renewal added Great Pond interior channel, Megansett approach, and the Trunk River interior.

The Board thanked Mr. Thomas for his presentation.

3. Strategic Planning Discussion

Ms. Scott Price stated that she took the goals and feedback from the last Strategic Planning session and drafted a document to help with this discussion. She explained that there are some areas which need to be considered under other priority areas such as maintaining financially

sustainability, the AAA bond rating, making use of appropriate public-private partnerships, DEI accessibility, and leveraging the work of the Cape Cod Commission.

Mr. Johnson-Staub made a presentation on the Town's AAA bond rating.

Mr. Brown asked about including a priority regarding regulation or prohibition of short-term rentals.

The Board continued to review the Strategic Planning document, noting proposed items of prioritization throughout.

There was discussion regarding upcoming capital items which could be postponed in order to allow for free cash for other one-time projects.

Mr. Johnson-Staub explained that the DEI Officer position description has been modified to increase the pay grade and elevate the position within the organization. This would require Town Meeting approval. This position will be reviewed as part of the Compensation Study which will likely adjust the position further in the FY24 budget. The recommendation is to hold off on hiring someone for this position until July 1, in order for these changes to take place.

Mr. Zylinski suggested combining the Human Resources and DEI offices in order to help streamline the process and potentially save some funding. Mr. Johnson-Staub stated that he would look into this idea as a potential managerial efficiency opportunity.

Ms. Taylor suggested departmental audits, similarly to what the school departments undertake.

Ms. Scott Price reviewed the priorities with budget implications including funding for a consultant study to replace the water mains, two clinical staffing positions, staffing for the Fire Station, DEI officer budget changes, Sustainability Director position, and a departmental audit budget.

The Board agreed to review a revised draft document and continue these associated discussion at its next work session.

ADJOURN

Motion by Mr. Zylinski: To adjourn at 11:50am.
Second: Ms. Scott Price. Vote: Yes – 4 No – 0

Respectfully submitted,
Kristan Patenaude, Recording Secretary

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, APRIL 28, 2025 – 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.

Present: Nancy Robbins Taylor, Chair; Edwin (Scott) Zylinski II, Vice Chair; Douglas C. Brown; Heather M. H. Goldstone, Robert P. Mascali
Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manger

1. OPEN SESSION

Call to Order: By Chair Nancy Robbins Taylor at 6:30 p.m.

Pledge of Allegiance: Led by Select Board

Recognition: Ms. Goldstone recognized the 250th Anniversary Committee, including Mr. Mascali, and all of those involved with the Lanterns & Lyrics celebration.

Mr. Mascali recognized the 250th Committee for their work and effort into the anniversary events.

Announcements: Ms. Goldstone announced that there will be the Opal Lee Walk on May 17th. This will be a preface to the Juneteenth celebration. That evening also is the Falmouth High Prom and After Prom.

Public Comment:

Craig Martin, Precinct 9, spoke about the proposed off leash areas in Town. He stated that he recognizes the need for a leash law due to potential bothersome dogs and enforcement and would prefer to see this over certain off leash areas.

2. COMMITTEE INTERVIEWS

a. Interview and consider a vote to appoint committee members
1) Veterans Council Committee: Brian Callanan

Motion by Mr. Mascali: To appoint Brian Callanan to the Veterans Council Committee.
Second: Ms. Goldstone.
Vote: Yes – 5 No – 0

2) Diversity, Equity, Inclusion and Belonging Committee: Jim Newman

Motion by Ms. Goldstone: To appoint Jim Newman to the Diversity, Equity, Inclusion and Belonging Committee through June 30, 2027. Second: Mr. Mascali.
Vote: Yes – 5 No – 0

3) Short-Term Rental Advisory Committee: Dan Gessen, Kara Foley, Thomas S. Crane, Elizabeth Klein, Anne Pride, Kelly McKeon, Charles T. McCaffrey

The Board interviewed three of the potential Short-Term Rental Advisory Committee members.

The Board agreed to table a decision on this matter to see if additional applicants would arrive to be interviewed later in the meeting.

3. PUBLIC HEARINGS

a. Shade Tree Hearing - on application of The 300 Committee for the removal of one (1) Pitch Pine and one (1) Red Oak. Trees will impact sight line of the new parking lot construction on Quaker Road opposite Highland Ave.

Mr. Zylinski read and opened the hearing at 6:51pm.

Jeremiah Pearson, Tree Warden, explained that these two trees have been identified as problematic trees for sightline issues in terms of the plot plan for the upcoming parking lot for The 300 Committee. Both trees are border trees and have been extremely cut back due to utility line work. His suggestion is to remove the trees and plant two new trees in a better spot on County Road.

Ms. Goldstone suggested a 2:1 planting ratio, as the newer plantings will be much smaller than the ones proposed to be removed. Mr. Pearson agreed that four trees could be planted.

Raymond Glass, 702 Quaker Road, stated that he and other neighbors have reviewed the site. He is not against removing the trees but does not believe that this will help with the sightlines. There is a small earthen rise in this area that may more so obstruct this sightline.

Motion by Ms. Goldstone: To close the hearing. Second: Mr. Mascali.
Vote: Yes – 5 No – 0

Jessica Whritenour, Executive Director of The 300 Committee, explained that Tom Bunker was hired to identify the best location for public safety for vehicles entering and exiting, while minimizing natural resource disturbance along the frontage. All information was submitted to the DPW Engineering Division when the driveway permit was applied for. The Engineering Division conducted a site visit and identified these two trees. The permit approval process included a review of Tom Bunker's information.

Motion by Ms. Goldstone: To approve the removal of one pitch pine and one red oak, as the trees will impact the sightline of the new parking lot construction on Quaker Road

opposite Highland Ave, with an amendment to the proposal to plant four replacement trees in another location along County Road. Second: Ms. Taylor.
Vote: Yes – 5 No – 0

b. Shade Tree Hearing - on application of the Town Engineer for the removal of five (5) Littleleaf Linden trees to accommodate the project to widen the intersection at Scranton Ave. and Main St.

Mr. Zylinski read and opened the hearing at 6:59pm.

Mr. Pearson explained that the root systems for the trees proposed to be removed have been deeply impacted by the construction in this area. The trees are likely unstable and removing them would allow for replanting of trees to make the area more aesthetically pleasing. These are public trees, not within the Town right of way.

Ms. Goldstone stated that this will lead to the loss of 50' tall important pollinator trees and she would like to see a planting plan in addition to these five ornamentals proposed to be replanted. Mr. Pearson stated that supplemental plantings will be proposed.

Motion by Mr. Mascali: To close the hearing. Second: Mr. Brown.
Vote: Yes – 5 No – 0

Motion by Mr. Mascali: To approve the application of the Town Engineer for the removal of five little leaf Linden trees to accommodate the project to widen the intersection at Scranton Ave. and Main St. Second: Mr. Brown.

AMENDMENT by Ms. Goldstone: To include a supplemental planting plan to account for the carbon and pollinator resources lost with these trees. Second: Mr. Brown.

Vote: Yes – 5 No – 0

c. Consider a vote to approve applications submitted by Megansett Circle, Inc. d/b/a Daily Brew for an Entertainment License and a Sunday Entertainment License to be exercised at 412 North Falmouth Highway, North Falmouth

Mr. Zylinski read and opened the hearing at 7:04pm.

Attorney Kevin Klauer, representing the applicant, explained that his clients, owners of the Daily Brew, are seeking a Common Victualler License and an Entertainment License for the location of 412 North Falmouth Highway. In terms of the Entertainment License, he explained that the Daily Brew is intending to purchase the Silver Lounge location, which recently ceased operations. The Daily Brew is a coffee shop and restaurant, primarily serving breakfast and lunch. They are applying for an Entertainment License as their intent is to have 1-2 musicians providing indoor entertainment only, as presently occurs at their Cataumet location. He noted that the Cataumet location will be closed, and the entirety of the operation will be relocated to the North Falmouth Highway location. The proposed hours run from 10:00 AM-10:00 PM, as his

clients intend to hold occasional special events or dinner services. The Silver Lounge has held an Entertainment License in this location for many years and has been the site of a restaurant since 1938.

Mr. Mascali asked about the hours of operation, as shown on the application, of 10AM-12AM. Attorney Klauer explained that most applications tend to go a bit outside of the normal operating hours. His clients intend on mostly breakfast and lunch service, with occasional special events. The intention would be to be able to host small events into the evening with music as needed.

Mr. Zylinski asked about the number of parking spaces on site. Attorney Klauer stated that there are approximately 80 spaces.

Mr. Mascali noted that the license application materials mention hours of Sunday from 11AM-12PM. Attorney Klauer stated that this is an error.

Nancy Weaner Bisienere, 6 Winslow Road, stated that she had questions about the proposed use and parking that may expand from the lot.

Patrick Bennett, 27 Winslow Road, asked about the number of days per week proposed for entertainment. He also asked about outdoor entertainment plans. Attorney Klauer stated that there are no plans for outdoor entertainment at this time. The hours of operation are proposed to be early/midafternoon to early evening, with the ability to have special functions in the evening. The Entertainment License is requested for seven days of the week. There is a specific occupancy limit for the venue due, in part, to the parking.

Motion by Mr. Brown: To close the hearing. Second: Ms. Goldstone.
Vote: Yes – 5 No – 0

Motion by Mr. Zylinski: To approve the application submitted by Megansett Circle Inc., d/b/a Daily Brew. Second: Ms. Taylor.

AMENDMENT by Ms. Goldstone: To include hours of operation 10AM-12AM, Monday-Saturday, and 11:00AM-12AM on Sunday. Second: Mr. Zylinski.

Vote: Yes – 5 No – 0

4. BUSINESS

a. Consider a vote to approve an application submitted by Megansett Circle, Inc. d/b/a Daily Brew for a Common Victualler License to be exercised at 412 North Falmouth Highway, North Falmouth

Motion by Mr. Zylinski: To approve the application by Megansett Circle, Inc. d/b/a Daily Brew for a Common Victualler License, as presented. Second: Ms. Goldstone.
Vote: Yes – 5 No – 0

b. Consider a vote to approve an application submitted by Seacoast Shores Association for a Change of Manager of its All Alcoholic Beverages Seasonal Club License to be exercised at 7 Farview Lane, East Falmouth

Mr. Renshaw stated that Seacoast Shores Association has a Seasonal All Alcoholic Beverages Club License to operate from April-November 30th, from 8:00 AM-12:00 AM, with Sunday hours from 10:00 AM-12:00 AM. There is a seating capacity for 127 guests. There are also Entertainment and Sunday Entertainment Licenses for this venue. A complete application was received in the Select Board Office on March 27th. A Town of Falmouth background check was completed on March 12th. The proposed manager listed several years of restaurant management experience on the application. Upon review of the application, there were no objections by the Police, Fire Rescue, or Health Departments. He recommended that the Board approve the application.

Motion by Ms. Goldstone: To approve the application by Seacoast Shores Association for a Change of Manager of its All Alcoholic Beverages Seasonal Club License, as presented.
Second: Mr. Zylinski.
Vote: Yes – 5 No – 0

c. Discuss and consider a vote to approve Falmouth Housing Trust (FHT) application to the Falmouth Affordable Housing Fund (FAHF) for $25,000 in funding for pre-development costs for their affordable housing project located at 419 Waquoit Highway

Mr. Renshaw explained that the project is located at 419 Waquoit Highway and comprises a total of 3.8 acres. The project is a collaborative effort with The 300 Committee Land Trust Development, Housing Trust, and the Massachusetts Department of Recreation. Lot 1 of the project site is approximately 1.1 acres and the Trust plans to construct five single family homes for home ownership. Of those five homes, two will be deed restricted at 80% of the Area Median Income (AMI), one home will be deed restricted at 100% of the AMI, and two homes will be deed restricted at 120% of the AMI, all in perpetuity. There will be two 3-bedroom homes and three 2-bedroom homes. On September 9, 2024, the Select Board, as trustees of the Falmouth Affordable Housing Fund, approved funding in the amount of $650,000 for construction of the five units. On January 21st of this year, the Trust submitted an application to the Falmouth Board Housing Fund requesting funding in the amount of $25,000 for predevelopment costs. On February 26th of this year, the Trust met with the Falmouth Affordable Housing Fund Working Group which gave a favorable recommendation. On March 13th, the Town Manager's Office sent a memorandum to the Community Preservation Committee (CPC) with a positive recommendation. The CPC met on March 27th and gave their positive recommendation to the Select Board.

Attorney Laura Moynihan explained that this parcel was originally acquired by The 300 Committee in 2024 for open space and affordable housing. It was divided into 1.1 acres to be made available for housing, and 2.7 acres for open space. Part of the plan is to develop a trail system to connect to nearby parcels. The project has been through the Zoning Board and received its comprehensive permit. Road work will begin this week, and the site clearing is complete. The buildings will be solar and EV ready, along with features requested by the

Working Group such as wider doorways on the first floor for handicap accessibility. This is a tiered affordability project. The homes will be well below the current median sales price in Town, at approximately $800,000, with families in the $90,000-$150,000 income range per household likely. The project's predevelopment costs included approximately $62,000 for engineering and survey. Some environmental testing and remediation on the existing dwelling were needed, as it contained lead and asbestos, costing approximately $26,000. The total predevelopment costs were $107,000. There is a $2.97M budget for the project between land acquisition, which the Affordable Housing Fund graciously gave the funds for, and building and structural, and soft costs. Since the last specs and bids came in, the costs have increased approximately 5%-7% and interest rates are close to 7% for construction financing. The project ended up being designed to subdivision standards, per Town requests, which was much more expensive. The project was also voluntarily upgraded to nitro advanced septic treatment systems and The 300 Committee donated $125,000 to that effort. There is a philanthropy fundraising amount of $590,000 and this $25,000 will help a great deal to offset some of those costs.

In response to a question from Mr. Mascali regarding any additional costs to these homeowner's, Attorney Moynihan stated that there will be a Homeowner's Association. The Housing Trust will fund the first three years of inspection costs of the nitro systems for the homeowners in hopes of helping with the costs. There will likely be a nominal fee of approximately $100/year to help with maintenance items around the development. Plowing and trash will be done by the Town.

Kim Fish, Housing Coordinator, stated that it is believed this project is worth the $25,000 being requested.

Motion by Ms. Goldstone: That the Board, acting as Trustees of the Affordable Housing Fund, grant $25,000 to the Falmouth Housing Trust for the predevelopment costs for the housing project located at 419 Waquoit Highway and authorize the Town Manager to execute the document setting forth the financial award to Falmouth Housing Trust.
Second: Mr. Brown.
Vote: Yes – 5 No – 0

d. Presentation and discussion regarding the establishment of a Cultural District

Alice Kociemba, Chair of the Falmouth Cultural Council, explained that the proposal is to establish Cultural Districts for Falmouth Village and Woods Hole. There are currently ten cultural districts on the Cape in six towns. The purpose of a cultural district is to shine a spotlight on the arts and culture of the area. Full-time artists do not make a livable wage, and this proposal will help to promote the arts and help the Town's individual artists and its nonprofits. Cultural districts increase economic vitality by marketing to cultural tourists. When people attend a cultural event, they often make an outing out of it. The Mass Cultural Council reports that 91% of cultural districts report a 1,300% increase in visits, and that 240 new businesses have opened. Studies have also shown that 77% of out-of-town visitors come specifically for a cultural event. She stated that her group met with Town Manager Renshaw on February 20th and received support from the Town Manager's Office. The group is now seeking a commitment from the Select Board with a resolution. This can then lead to community input meetings, assessing which community members live or work in the proposed district, and creating a partnership. She noted

that the other six Cape towns do not rely solely on volunteers, and she suggested that the Town invest in a full time Director of Cultural Affairs.

Mr. Brown stated that he attended a Mass Cultural Council meeting and suggested a District from Falmouth Arts Center to Highfield Hall. Ms. Kociemba agreed and noted that the way has to be navigable, not necessarily walkable.

Ms. Goldstone suggested a downtown District and incorporating all of Falmouth's cultural resources. Ms. Kociemba stated that one idea would be "in the loop" versus "out of the loop." This would allow the District to recognize those outside of the actual footprint.

Ms. Goldstone asked about the ratio of investment and resources to potential opportunities. Ms. Kociemba stated that, in Harwich, the District raises enough to support the artists. Falmouth's assets are vast.

e. Discussion of statement from the Diversity, Equity, Inclusion and Belonging (DEIB) Committee

Mananjo Jonahson, Chair of the DEIB, stated that, during these extraordinary, unprecedented times, the shared values of diversity, equity, inclusion, and belonging are also facing unprecedented challenges. National effort to dismantle DEI programs threaten the progress the Town has made, but it must remain steadfast in the commitment to fostering a welcoming and inclusive community for all. The Committee acknowledges and appreciates the actions that the Board has already taken to hold these values and the effort that has gone into making Falmouth a place where all residents, regardless of background, feel valued and safe. The Committee is acutely aware that immigrant communities, LGBTQ+ individuals, people with diverse religious backgrounds, those with disabilities, and other underrepresented groups, are increasingly under threat. The Committee commended the Town's efforts to support these populations. Now is not the time to retreat from these principles, but rather to reaffirm them The Committee urged the Board to affirm its commitment to diversity, equity, inclusion, and belonging, in its decision-making processes and that the Town continue to actively support the dignity and rights of its residents, ensuring their voices are heard and their contributions valued.

The mission of the Falmouth Diversity, Equity, Inclusion, and Belonging Advisory Committee is to promote an equitable, just, and welcoming environment in Falmouth, where all feel included and respected. The Committee reviews Town policies, procedures, and programs through a DEIB lens and makes recommendations for improvement to the Select Board. It actively engages with Falmouth's Town government, community partners, school districts, residents, and visitors to achieve this goal. It welcomes all to share any DEIB related concerns with the Committee and suggests resources and support as needed. It is committed to fostering a safe and respectful space where all are welcome to exchange ideas, share information, and participate in making Falmouth a community that recognizes and embraces the inherent worth and dignity of all people. Falmouth has worked hard to become a Town where everyone belongs. This is not a time to step back. The Committee stands ready to support the Select Board in maintaining and strengthening this commitment, ensuring that Falmouth remains a place where all people are welcomed, valued, and respected.

Ms. Goldstone thanked the DEIB Committee for its work and the statement made. She asked if there are other ways to get this message out to residents and visitors.

The Board thanked the Committee and expressed its support.

f. Consider a request from Fast Signs Cape Cod for a variance to Sign Code 184-18C: Measurement of Sign Area, for Haven Marina, 366 Menauhant Road, East Falmouth

Mr. Renshaw explained that Fast Signs Cape Cod applied on behalf of the property owner, Green Pond Holdings LLC, for a sign permit on February 19th. A variance is requested for a sign, located on the right side of the Haven Marina building, which is not illuminated. According to the applicant, the logo sign dimensions exceed the permissible height dimension of 36" as there are three pieces of the sign, two of which are 24" and one of which is 7" for a total of 55" in height. The logo is to be mounted and set back from the roadway over 75'.

Mark Conley, owner of Fast Signs Cape Cod, explained that the Haven Marina side of the sign is 36" high which is in compliance. The logo is aesthetically pleasing and was designed to look like a helm and an anchor. The top pieces of the sign are 7", adding a bit of dimension. The sign needs to be a bit larger due to the setback of the building. The sign does not interfere with the area or any abutters. The sign will not be illuminated and consists of letters that are stud mounted.

Motion by Ms. Goldstone: To approve the application from Fast Signs Cape Cod for a variance to Sign Code 184-18C: Measurement of Sign Area, for Haven Marina 366 Menauhant Road, East Falmouth, as presented. Second: Mr. Zylinski.
Vote: Yes – 5 No – 0

g. Consider the request from John Wesley United Methodist Church for a waiver of the special event permit fee for the Sunday Beach Services on Sundays from 7/6/25 - 8/3/25 (except 7/13 and 8/17)

Mr. Renshaw explained that the John Wesley United Methodist Church has requested a reduction of the permit fees associated with this event, similar to the reduction provided over the past nine years by the Board. This reduction results in a $262.50 reduced permit fee. He recommended that the Board approve this fee reduction request as it has done the past.

Motion by Mr. Mascali: To approve of the special event permit fee for the Sunday Beach Services on Sundays from 7/6/25 - 8/3/25. Second: Mr. Zylinski.
Vote: Yes – 5 No – 0

h. Consider approval of a Second-Hand Dealer License Renewal for Cape Cod Gold & Silver Coin located at 424 Main Street, Falmouth

Mr. Renshaw explained that the request is to consider approval of a Second-Hand Dealer License Renewal for Cape Cod Gold & Silver Coin. The applicant had a significant health issue which

made it difficult for him to submit the application materials in a timely fashion. Cape Cod Gold & Silver Coin has been licensed as a Second-Hand Dealer at 424 Main Street for more than 15 years. He recommended that the Board approve the Second-Hand Dealer License Renewal for Cape Cod Gold & Silver Coin, as presented.

Motion by Ms. Goldstone: To approve, as an administrative matter for a long standing business, the application for renewal of the Second-Hand Dealer License Renewal for Cape Cod Gold & Silver Coin, as presented. Second: Mr. Zylinski.
Vote: Yes – 5 No – 0

The Board recognized Charles McCaffrey regarding the earlier agenda item about appointments to the Short-Term Rental Advisory Committee.

The Board discussed appointments to the Short-Term Rental Advisory Committee.

Motion by Ms. Goldstone: To appoint Elizabeth Klein to the Short-Term Rental Advisory Committee. Second: Ms. Taylor.
Vote: Yes – 5 No – 0

Motion by Mr. Mascali: To appoint Thomas S. Crane to the Short-Term Rental Advisory Committee. Second: Mr. Brown.
Vote: Yes – 3 No – 2

5. **CONSENT AGENDA**

a. Licenses

1) Consider the request from Landfall, Inc. d/b/a Landfall Restaurant, 9 Luscombe Avenue, Woods Hole, to extend its Seasonal All-Alcoholic Common Victualler License until January 2, 2026

2) Consider a vote to approve an application by Markantonis Restaurant Group, Inc. located at 117 Main Street, Falmouth for a Change of d/b/a for its All-Alcoholic Beverages Restaurant License

3) Consider a vote to approve an application for a Special One-Day Wine and Malt Liquor License – Gray Matter Marketing - Cape Cod Brew Fest - Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., E. Falmouth - Saturday, 9/20/25 from 2:00 p.m. to 5:30 p.m.

4) Consider a vote to approve an application for a Special One-Day Wine and Malt Liquor License - Lupus Foundation of New England - Cape Cod Food Truck & Craft Beer Festival - Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., E. Falmouth - Saturday, 8/16/25 from 11:00 a.m. to 5:00 p.m.

5) Consider a vote to approve three (3) Special One-Day Wine and Malt Licenses - Fresh Pond Holy Ghost Society, 408 Carriage Shop Road, E. Falmouth -

Sunday, 6/8 from 12:00 pm. to 6:00 p.m.; Saturday, 6/28 from 4:00 p.m. to 10:00 p.m. and Sunday, 6/29 from 12:00 p.m. to 6:00 p.m.; and Saturday, 8/16/25 from 2:00 p.m. to 10:00 p.m.

6) Consider a vote to approve a Special One-Day Wine and Malt Beverages License for the West Falmouth Library-Annual Garden Party, 525 West Falmouth Highway, West Falmouth - Saturday, 6/14/25 from 6:00 p.m. to 8:00 p.m.

7) Consider a vote to approve a Special One-Day Wine & Malt Beverage License for the West Falmouth Library-Art Show Opening, 525 West Falmouth Highway, West Falmouth - 8/13/25 from 5:00 pm to 8:00 pm.

b. Administrative Orders

1) Approve warrant for the annual town election on May 20, 2025

2) Consider a vote to approve a request from the Master Gardener Association of Cape Cod for a variance to Sign Code 184-30: Movable, portable, or mobile signs D (1) (a), for the placement of five off- premises promotional signs for plant sale at Cape Cod Fairgrounds on 5/17/25

3) Consider a vote to amend the charge for the East Falmouth Library Building Advisory Committee

This item was held for additional discussion.

4) Consider a vote to approve an intermunicipal agreement for the sale of surplus intermediate oyster seed from Falmouth to the Town of Yarmouth

5) Consider a vote to authorize Marine and Environmental Services to file a 2025 Seaport Economic Council Grant Application

This item was held for additional discussion.

6) Consider a vote to appoint the Planning Board's nominee, Charlotte Harris, as its representative member of the Short-Term Rental Advisory Committee

7) Consider a vote to appoint the Falmouth Chamber of Commerce's nominee, Peg Ekholm, as its representative member of the Golf Advisory Committee

Motion by Mr. Zylinski: To approve the Consent Agenda, with the exception of Administrative Items 3 and 5. Second: Mr. Mascali.
Vote: Yes – 5 No – 0

Regarding Administrative Item #3, Ms. Goldstone stated that the goal of this was to expand the membership, but she did not see a change in the numbers per the submitted mission. Mr. Johnson-Staub stated that it was an error that this was not incorporated. He suggested amending

the language. Ms. Taylor requested that this be sent back to the Committee to make the associated changes.

Regarding Administrative Item #5, Ms. Goldstone asked for additional details regarding the proposed renovation to the Harbor Master's Office. Mr. Renshaw stated that additional details can be obtained. The Board agreed to hold off on this until its next meeting.

6. MINUTES

a. Review and vote to approve minutes of meetings: Public Sessions - March 24, 2025 and April 7, 2025

Motion by Ms. Goldstone: To approve the meeting minutes of March 24, 2025; and April 7, 2025. Second: Mr. Zylinski
Vote: Yes – 4 No – 0 Abstain - 1

7. TOWN MANAGER'S SUPPLEMENTAL REPORT:

- Mr. Renshaw provided an update with regards to the Trotting Park youth baseball fields. A community forum is scheduled for May 22nd at 6:30pm with the licensed site professional and the individual responsible for preparing the risk assessment report, along with the DPW Director. This information will be posted on the Town website.
- Mr. Johnson-Staub stated that, regarding the Great Pond sewer service area, Town Meeting approved $60M for the project. The Town has been included on the Massachusetts Clean Water Trust's Intended Use Plan, meaning that it has secured funding for the 0%-2% interest loan. As the Town's project is included this year, it is assured of funding for the $50M and eligible for the remaining amount toward the entire project, approximately $5M. Falmouth is in the 95%-100% of State Median Income and thus qualified for a loan with a subsidy of 3.3%.

8. SELECT BOARD REPORTS

- Ms. Goldstone stated that, in addition to 250th anniversary event, she attended a moving Holocaust remembrance event at Falmouth Jewish Congregation.
- Mr. Zylinski stated that he attended the CCMPO meeting today, his last as a sitting Board member. Mr. Brown stated that he has an interest in potentially attending future meetings.

9. ADJOURN

Motion by Mr. Mascali: To adjourn at 8:44pm.
Second: Ms. Goldstone. Vote: Yes – 5 No - 0

Respectfully submitted,
Kristan Patenaude, Recording Secretary

Town of Falmouth Select Board
Regular Meeting
Open Meeting Minutes - DRAFT
Monday, May 5, 2025, 6:30 PM
Select Board Meeting Room
Town Hall
59 Town Hall Square, Falmouth, MA 02540

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

OPEN SESSION – 6:00 PM

Call to order: By Chair Nancy Taylor

Chair Taylor called for a motion to go into Executive Session to discuss strategy with respect to collective bargaining – Communications Officers - AFSCME Council 93, Unit C

Motion by Mr. Zylinski: So moved **Second: Ms. Goldstone**

Roll call vote:
Zylinski: Aye
Mascali: Aye
Goldstone: Aye
Brown: Aye
Taylor: Aye

EXECUTIVE SESSION - 6:00 PM

a. M.G.L. c. 30A s. 21(a)(3) – To discuss strategy with respect to collective bargaining – Communications Officers - AFSCME Council 93, Unit C

OPEN SESSION - 6:30 PM

Call to Order: By Chair Taylor saying the Board was returning from Executive Session.

Pledge of Allegiance: Led by Select Board

Proclamation:
Falmouth Chamber of Commerce - 2025 Outstanding Citizen of the Year - Kathy Walrath
Mr. Mascali read out the proclamation in its entirety contained in the Select Board packet.

Town of Falmouth Juneteenth Community Proclamation
Chair Taylor recognized the presence of Charles Evan and Paul Glass at the meeting. Mr. Brown read out the proclamation in its entirety contained in the Select Board packet.

Recognition:
Ms. Goldstone recognized the pedestrian and bikeway committee for its reopening of the bikeway event on Sunday.

Announcements:

- Mr. Mascali announced the Chamber of Commerce meeting Thursday at the Seacrest.
- Mr. Brown announced the police gala on Friday at the Seacrest.
- Ms. Goldstone announced Juneteenth celebrations with the kickoff on May 17 and the need for volunteers for the after-prom celebration on May 17.

Public Comment:
Peter McConarty, DPW Director, provided an update on where to get information about the Trotting Park baseball fields, and then focused on the status of the drinking water situation at Long Pond. He included information about groundwater sampling and monitoring. He said there would be a community forum on May 22 at the Lawrence School.

COMMITTEE INTERVIEWS
Interview and consider a vote to appoint committee members

Conservation Commission: Ronald Bowman
Mr. Brown said he appreciated another contractor getting involved in regulatory matters.
Ms. Goldstone asked what prompted his application. Mr. Bowman said he grew up in Falmouth and feels it's important to protect and preserve the environment. He said he also feels it's important to give back.

Motion by Mr. Mascali: To appoint the applicant Ronald Bowman to fill an alternate member vacancy on the conservation commission with a term that expires June 30, 2026 Second: Mr. Brown Vote: Yes – 5 No - 0

Human Services Committee - William Hough
Mr. Brown thanked Mr. Hough for getting involved. Mr. Mascali said he would be a welcome addition to any committee in Town.

Motion by Mr. Mascali: To appoint William Hough to a position on the human services committee to fill the vacancy with a term ending with June 30, 2027. Second: Mr. Brown Vote: Yes – 5 No - 0

Short-Term Rental Advisory Committee: Kara Foley (licensed realtor position)
Mr. Brown said Ms. Foley had participated on the working group and would be a great addition to the committee.

Ms. Goldstone asked for Ms. Foley's view on short term rentals in terms of benefit or detriment to the Town. Ms. Foley said more information is needed to know more precisely what is going on. Mr. Brown said that is accurate.

Motion by Ms. Goldstone: To appoint Kara Foley to the licensed realtor position on the short-term rental advisory committee Second: Mr. Zylinski Vote: Yes – 5 No - 0

PUBLIC HEARINGS
Consider a vote to approve an application by Megansett Circle, Inc. d/b/a Daily Brew for an All-Alcoholic Beverages Restaurant license to be exercised at 412 North Falmouth Highway, North Falmouth
Mr. Zylinski read out the hearing notice.

Attorney Kevin Klauer, on behalf of the applicants/owners, John and Kathryn Hickey, reviewed the details of the application.

Ms. Goldstone asked about the proposed manager's (Sarah Hannon) experience with liquor licenses. Atty. Klauer said Ms. Hannon has not been the manager of record at a prior establishment, but you have to start somewhere.

Mr. Brown noted Ms. Hannon's work at Daily Brew and other establishments, seeking confirmation that this position would now be a full-time occupation. Atty. Klauer said yes, and that there have been conversations about the responsibility that comes with being a full-time manager for a liquor license.

Public comment:
Nancy Weaner Bisienere – said they have met with the Hickeys several times and were invited into the lounge to see what was happening there, which was very nice – said her parents would be pleased with the operation and would support the music and having the license – said it would enhance the property and hoped the Board would support it.

Mr. Zylinski asked what Ms. Bisienere's impression of Ms. Hannon was. Ms. Bisienere said Ms. Hannon has been open, friendly, and down to earth, and has been impressed with what she is doing so far. She said what they have been doing with the property is a definite plus.

Motion by Mr. Zylinski: To close the hearing Second: Ms. Goldstone Vote: Yes – 5 No - 0

Motion by Mr. Zylinski: To approve the application for the all-alcoholic beverages restaurant license – Megansett Circle, Inc. d/b/a Daily Brew, to be executed at 412 North Falmouth Highway, North Falmouth as presented Second: Mr. Brown Vote: Yes – 5 No - 0

BUSINESS
Update - Cape and Islands District Attorney - Robert J. Galibois
Attorney Galibois updated the Board on the following topics:
Child Emergency Response Team (CERT)– [Chair Tayor asked for clarification of the process for mandated reporting, including the DCF]; human trafficking; fentanyl and the dangerousness statute; Cape Cod Healthcare and Critical Incident Management Systems (CIMS); and addressing elder fraud.

Mr. Mascali asked DA Galibois what he thinks has accounted for the reduction of non-lethal overdoses; the answer was the availability of NARCAN.

Mr. Brown asked if the previous shortfall in the DA's office's budget has been increased. Atty. Galibois provided financial information about his districts and the size of his budget compared with others in the state. He said he has worked hard to try to close the gap, but inequity still exists. Mr. Brown suggested two letters of support. Later he asked how the DA and Us meetings were going.

Chair Tayor commented positively on the Keep Them Coming Program and was happy to see it was still "alive and well."

The Board briefly discussed the process for receiving information from DA Galibois, reviewing it, and having the town manager's office prepare a letter of support for the Select Board meeting on May 19.

Presentation - Update on Barnstable County's activities/programs - Michael Dutton, County Administrator
Mr. Dutton said he would update the Board on 4 things: outline the role of the county as it's described in the Barnstable County Charter, give an idea of what the county provides in terms of regional services (including environmental, education, fire training, hazardous waste, and health and wellness, for example), an update on ongoing issues, and where the county is going from here. His report included many details on the four areas of information about the county. He also highlighted the many challenges related to dredging and permitting. He included the news that AmeriCorps federal funding has been cut, but the county will continue with its portion for the next three months and will devise a plan for next year.

Mr. Brown said he understood the frustration about entities that don't get their work done. He suggested that the county draft a letter proposing a change to the management system where long delays in approvals have a negative

impact on the project itself. He suggested that other towns would sign such a letter. Mr. Dutton agreed and said he would follow up on that idea.

Mr. Mascali asked for an update on the housing situation on the county level. Mr. Dutton gave details about the creation of a working group voted by the County Commissioner and Assembly of Delegates. He said he is currently meeting with town managers to review the regional housing initiative and will follow up on those meetings. He said he hoped some specific ideas would come out of the working group.

Mr. Zylinski asked for a restatement of the percentage of usable spoils included in the report. Mr. Zylinski asked if the percentage was 98%. Mr. Dutton said he could provide the exact figure, but it was somewhere in the area of 98%, which included the history of the dredge.

Ms. Goldstone asked if pond water testing has come up with other towns. Mr. Dutton said that fresh water is customarily managed through the Cape Cod Commission, and that that agency will likely expand to include more ponds to get a broader picture of what is affecting them.

Consider a vote to approve a request for a variance to Sign Code §184-25 and 184-26: for the installation of a new sign with an embedded electronic message board sign at the entrance to the Department of Public Works, 416 Gifford Street

Mr. Renshaw provided a brief overview of the item and then introduced Peter McConarty, DPW Director, for the presentation. Mr. McConarty summarized the information that was provided in the Select Board packet regarding the property and the details of the signage. He said it would be for public safety purposes.

Chair Taylor asked the following: "If it is for public safety, it does not need a variance?" Mr. McConarty explained how the digital portion of the sign would be within the sign code and no variance would be needed. It was clarified that the digital portion was being used for public safety so the Board was being asked to affirm this.

Mr. Mascali asked what would happen if the Board did not approve this. Mr. McConarty said they would ask for a variance to Section 184-25 for the free-standing sign, and 184-26, which is for animated signs. He said the sign will not be animated but will be lit.

Mr. Renshaw then explained that the public safety component, which would require no variance, would simplify things, but that the agenda item does seek a variance if necessary.

Ms. Goldstone referred to the Exceptions Clause regarding public safety and would make a motion to approve with some additions.

Motion by Ms. Goldstone: To approve the Department of Public Works request that the content of the embedded digital message board portion of the sign is considered to be for public safety and welfare and pursuant to the function of the Department of Public Works and therefore meets Sign Code 184-9 Exceptions Second: Mr. Zylinski

Mr. Brown asked if the alerts could also appear on the DPW website. Mr. McConarty said the programs are not connected, but their intention, he said, is to have it reflected on both signs, which they should be able to do internally. Mr. Brown commented that the sign looked like it was close to the road. Mr. McConarty explained the challenges with signs at the DPW property, and that they would use a mobile sign first to get a sense of the actual placement that works best.

Vote: Yes – 5 No - 0

Consider a request from Falmouth Art Market for a waiver of the special event permit fee for the Art Market at Marina Park on Thursdays from 6/26/25 - 10/9/25

Mr. Rensahw orally reviewed the request for the Board, referring to the *Item Report* (Item: 6.d) in the Select Board packet. He included past actions of the Board regarding this request.

Sarah Glover, the coordinator of the Art Market, was present. Mr. Brown said he had a question about lawn maintenance at the venue. Mr. Renshaw said he wasn't aware of any particular complaints but would monitor it and address any issues that come up. Mr. Brown mentioned where cars might park if it is raining. Ms. Glover said the market doesn't occur if there is rain.

Motion by Ms. Goldstone: To approve the request from Falmouth Art Market to waive the special event permit fee for the Art Market at Marina Park from June 26 to October 9, 2025
Second: Mr. Mascali Vote: Yes – 5 No - 0

Report/presentation of the draft of the Select Board handbook

Chair Taylor asked for comments or suggestions from the Board on the draft prepared by Mr. Mascali.

Mr. Brown said one thing possibly missing was responsibilities of the chair and he wondered if it should include engaging the public, answering questions, but by email or otherwise. Mr. Mascali said he viewed this process as one that will occur over time and would then include the new Board after the election. He also raised the possibility that a handbook might not be necessary. He mentioned an on-boarding packet and other orientation materials for new members that contain useful information. He suggested that Board members review the draft, make edits, and send any ideas to him, and said again that it will be a process before they get to a final decision on a document.

Chair Taylor addressed the issue of the chair communicating via email and when it is appropriate to do so, and when to "reply all." She said she thought the draft is a really good start and has noted some suggestions. One specific suggestion is on p. 5 regarding members voting their conviction and avoiding bias, where she thought inserting some language about conflict of interest would be useful. She said she would like to see development in the section about relationship with the Town Manager. She agreed it's ongoing but reiterated it's a great start.

Ms. Goldstone said much of the language of the draft collated what is in the law or other documents such as the Charter. She said she would love to see the handbook include more unstated standard operating procedures that go beyond what is stated elsewhere. She agreed that it is an ongoing process that will reflect a consensus of the Board.

Mr. Zylinski asked if the draft was modeled after other towns' documents or was it "purely organic." Mr. Mascali said he checked a few towns, but also said this draft was consistent with Falmouth's Charter.

Mr. Brown said he appreciated the good start. Chair Taylor asked Board members to send any edits to Mr. Mascali.

Discuss the impacts of the proposed MassDevelopment study to examine the feasibility of moving the Cape Cod Gateway Airport to Joint Base Cape Cod

Mr. Rensahw orally reviewed the details of the issue for the Board, referring to the *Item Report* (Item: 6.f) in the Select Board packet. He said he is seeking direction from the Board regarding the request from the Barnstable Town Council.

Greg Dubin, resident of Ballymeade, summarized multiple concerns related to construction in the area. Concerns included increased traffic, noise from air traffic, construction issues, beach impact, runway length, diverted flights from Logan, air traffic safety, issues related to combined military and civilian operation, and degradation of property values.

Board discussion included these points:

- Concern over increased volume of people on the Cape
- Environmental issues and potential contamination
- Management of a military base and potential conflict of a military mission combined with civilian use
- Lack of transportation in area
- Impact on housing

- If one letter is sufficient to trigger a feasibility study, and which questions the study would address and in what context

Mr. Renshaw provided more details on the issue, but said he could not address the questions posed by the Board. He said he would continue to try to get more information from Mass Development.

Mr. Mascali said it is too soon to oppose anything or take a position at this point. He supported registering the stated concerns and following the matter closely. Mr. Renshaw agreed and said that the item called for no action beyond discussion. Chair Taylor said it is important to stay informed.

Mr. Zylinski said he thinks there is enough information. He voiced concerns about water degradation in the area and said he would be a "hard no" to have an airport at JBCC.

Mr. Brown said he would like to send a letter citing concerns about the environment and military mission conflict to let them know they have serious concerns. Chair Taylor clarified that the letter would not be about the feasibility study but rather concerns over potential negative impacts of an airport in the area. Ms. Goldstone supported a letter about the feasibility study and the inability to get answers thus far. She said there was a need for more information and answers to questions due to the impact of the project on multiple towns. Mr. Mascali agreed that registering the listed concerns and letting them know we're interested and watching is important.

Chair Taylor asked if there was consensus on the Board to draft a letter. Mr. Renshaw clarified that the letter would outline the concerns in general and request additional detail regarding the status of Barnstable's request. Mr. Brown said that after more information, the Board would know more and could then take a position.

CONSENT AGENDA - 8:15 PM

a. Licenses

1) Consider a vote to approve an application for a Sunday Entertainment License - Buzzards Bay Coalition - MBL, Swope Center, 5 North Street, Woods Hole - Sunday, 10/5/25 - 1:00 p.m. to 5:00 p.m.

b. Administrative Orders

1) Consider a vote to approve the petition by NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission to install 2 new JO poles to be labeled 25/41.5 approximately 50' (feet) west of existing pole 25/42 and 25/42.5 approximately 25' (feet) west of existing pole 25/43 and to relocate existing JO pole 25/42 approximately 20' (feet) west of its existing location. These pole locations are necessary to provide electric service to #556 Main Street.

2) Consider a vote to approve a request for variance to Sign Code §184-32 Off-Premises Signs - Buzzards Bay Coalition - Buzzards Bay Watershed Ride event signs in Woods Hole - Sunday, 10/5/25

3) Accept the FY25 Wellness Grant in the amount of $600.00 from Cape Cod Municipal Health Group to the Human Resources Department grant account

4) Accept the following donations from local businesses to be used as raffle prizes at the annual Health & Benefits Fair:
   - $100 gift card to the Island Queen
   - Two $50 gift cards to Crabapples Restaurant
   - Four $25 gift cards to Jim's Clam Shack
   - Two $25 gift cards to Ghelfi's Candies

- Kitchen Faucet from Ferguson

5) Consider a vote to appoint Inspectors of Animals: Scott McGann, Catherine Poquette, Chloe Eressy, Molly Masson

6) Consider a vote to authorize Marine and Environmental Services to file a 2025 Seaport Economic Council Grant Application

Chair Taylor held Administrative Orders - #1.

Motion by Mr. Zylinski: To move the Consent Agenda with the exception of Administrative Orders #1 held by the chair Second: Mr. Brown Vote: Yes – 5 No – 0

Ms. Goldstone thanked the town manager for the additional information about the Marine and Environmental Services grant.

Administrative Orders #1 – Chair Taylor asked for more information about the issue. Mr. Renshaw orally reviewed the details of the issue for the Board, referring to the *Item Report* (Item: 7.b.1) in the Select Board packet. He said the issue was reviewed earlier today with the DPW director focusing on how many poles would be positioned in a relatively small area (8 poles in a 250 ft. area). He said there would be more contact with Eversource before a decision would be sought from the Board.

Chair Taylor said the item would be tabled until more information was available.

MINUTES

Review and consider a vote to approve minutes of meetings:
Public Sessions - August 22, 2022; August 27, 2022 and April 22, 2025

Motion by Mr. Brown: To approve Second: Mr. Zylinski

Mr. Mascali noted that although he was not on the Board in 2022, Town Counsel has advised that a vote indicates support of the process and that it was handled properly.

Vote: Yes – 5 No - 0

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Renshaw reported on the following:

- Updates on the Hatchville Fire Station opening and the implementation and launch of the new computer aided dispatcher (CAD) system and station alerting system
- Staffing updates on the 6-station model, including information on staffing at the beginning of a shift
- Information about West Falmouth Fire Station 4 regarding a feasibility study for expansion

Mr. Mascali asked about adding a Select Board meeting in early June. Mr. Renshaw said he would bring a revised meeting calendar with suggested dates to the May 19 meeting for discussion.

SELECT BOARD REPORTS

Ms. Goldstone reported on the following:

- Attended the freshwater pond advisory committee meeting

Mr. Brown reported on the following:

- Would be meeting with the municipal leaders group meeting on Nantucket on Friday to look at composting

ADJOURN
Motion by Mr. Mascali: To adjourn **Second: Ms. Goldstone** **Vote: Yes – 5 No - 0**

Respectfully submitted,
Carole Sutherland, Recording Secretary