

TOWN OF FALMOUTH
BOARD OF SELECTMEN
REVISED AGENDA

MONDAY, FEBRUARY 26, 2018 – 6:30 P.M.
SELECTMEN'S MEETING ROOM
TOWN HALL

6:30 p.m. OPEN SESSION

6:30 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(3) – Discuss resolution of all turbine litigation
2. M.G.L. c.30A s.21(a)(6) – Status/update on potential purchase of Lyberty Green Project site

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamations: Eagle Scout – Jonathan W. Decker
Heritage Award – Falmouth Volunteers in Public Service (VIPS)
Heritage Award – David Willard, retiring Chairman of Cape Cod Five Foundation
4. Recognition
5. Announcements
6. Public Comment

7:10 p.m. SUMMARY OF ACTIONS

1. Administrative Orders
 - a. Approve Eversource Energy and Verizon New England, Inc. petition to install one new pole (#10/74.25) on Sandwich Road, north of Tamarak Road
 - b. Approve Eversource Energy and Verizon New England, Inc. petition to install one new pole (#86/10.5) on Hinckley Road, west of Little Harbor Road
 - c. Approve Pre-Proposal for a NOAA Coastal Resiliency Grant Application for the Coonamessett River Restoration
 - d. Authorize the Town Manager to expend \$8,700 from Article 17 (April 2011 Town Meeting) to fund two items. The first item is \$700 is to help cover the cost of the town-wide mailing regarding the Nitrogen Control Bylaw for Fertilizer. The second item is \$8,000 to help pay for the seasonal staff needed to conduct the Bournes Pond Shellfish Denitrification Study funded by November 2016 Town Meeting.
 - e. Approve Water Main Extension Agreement Pansecoy Lane, East Falmouth
 - f. Vote to Re-Open Chapter 91 License Hearing of February 12, 2018 - 59 Childs River Road, East Falmouth - James Milligan, Jr. and Erica Milligan
2. Special Events
 - New - Recommended:
 - a. Wedding Ceremony – Old Silver Beach – Andrews/Brown – Saturday, 9/15/18

PUBLIC HEARINGS

7:15 p.m.

1. Application for New On-Premise Liquor License for a Farmer-Brewery – Aquatic Brewing, LLC, 661 Main Street, Falmouth

7:30 p.m.

2. Continuation of Liquor License Violation Hearing, Falmouth Pier 37 Boathouse LLC, 88 Scranton Ave., Falmouth

7:50 p.m.

3. Application for New On-Premise Liquor License for a Farmer-Winery – Cape Cod Winery, Inc., 4 Oxbow Road, East Falmouth

8:00 p.m.

4. Vote to Establish Fee for On-Premise Farmer-Brewery and On-Premise Farmer-Winery Pouring Licenses

8:05 p.m. BUSINESS

1. Status Report - Route 151 Corridor Study – Ray Jack, DPW Director
2. Report/Update - Shellfish Management Committee
3. Interview, Vote and Appoint Committee Members:
 - a. Recreation Committee
4. Approve Request for Sign Variance - Promotional Signage – Molly's Parking
5. Approve 2018 Annual License Renewals:
Livery Licenses
Top Notch Limousine – 116 Bernard E. Saint Jean Dr.

6. Vote Article Recommendations for April 2018 Annual Town Meeting
7. Continued Review and Discussion of Town Manager Future Goals and Discussion of Merit Increase
8. Minutes of Meetings:
Public Session – January 27, 2018; February 12, 2018
Executive Session – February 12, 2018
Vote to Release/Not to Release Minutes of Executive Sessions
9. Individual Selectmen's Reports
10. Review of Town Manager's Report
11. Review and/or Discuss Correspondence Received

Susan L. Moran, Chairman
Board of Selectmen

RECEIVED

2/20/18

Boy Scout Troop 40

Lynn A Briggs
Troop Secretary
26 Comanche Drive
Falmouth, MA 02540

phone: (774) 836-8188
e-mail: lynnbdream2@gmail.com

JAN - 8 2017

SELECTMEN'S OFFICE



January 3rd, 2018

Susan L. Moran, Chairman
Falmouth Board of Selectman
59 Town Hall Square
Falmouth, MA 02540

Dear Ms. Moran,

Jonathan W. Decker of Boy Scout Troop 40 of Falmouth, Massachusetts, sponsored by Saint Barnabas Memorial Church, has progressed through the ranks of scouting and has achieved the rank of Eagle Scout. Jonathan is a good citizen and a credit to his community and nation.

Here is a statement from Jonathan about his Eagle Project and what scouting has done for him:

"My Eagle project was to beautify the playground at St. Barnabas church. St. Barnabas has always been a large help to Boy Scout Troop 40, they provide us with a beautiful hall to hold our weekly meetings. When I contacted the church about any help they needed, they noted their playground needed rejuvenation. I then told the church I would be willing to do this as my Eagle Scout project. For the project, I painted picnic benches, planted flowers and grasses, and pulled up weeds and ivy from the site. The church was very happy with the result, and the playground looks a lot better now.

Scouting has been a very large part of my life. I began with scouts when I was in first grade with cub scouts, I started as a tiger, the youngest rank in cub scouts. Throughout Boy Scouts I have made some lifelong friends, learned incredible skills, and had incredible experiences. Whether it was volunteering at the service center, or going on a 100 mile hike in New Mexico, I have enjoyed every part of scouting, and it means quite a bit to me. I will cherish the memories I made in scouting for the rest of my life. Being an Eagle Scout to me means the end of a long road, and a road I am so grateful I took. The skill it takes to become an Eagle Scout is tremendous, and I am honored to be among those who have achieved this high rank. Scouting will be something that I never forget, and hopefully get to continue in the future."

I hope you will consider sending a letter of recognition or appropriate citation to this fine individual, to be read at his Eagle Court of Honor on Saturday, March 10th, 2018 at 2:00 p.m. at St. Barnabas Hall in Falmouth, Massachusetts.

Please consider presenting a commendation from the town recognizing this fine individual, to be read at the Eagle Court of Honor on Saturday, March 10th, 2018 at 2:00 pm at St. Barnabas Hall in Falmouth, Massachusetts. He wishes to extend an invitation to attend his ceremony to you as well as your colleagues, Megan English Braga, Doug Jones, Samuel H. Patterson, and Doug Brown.

Thank you,

A handwritten signature in black ink, appearing to read "Lynn A Briggs".

Lynn A Briggs, Troop 40, Boy Scouts of America



PROCLAMATION

WHEREAS: Jonathan W. Decker of Boy Scout Troop 40 has successfully completed qualifications for the rank of Eagle Scout, a rigorous and demanding process that teaches patience, perseverance and teamwork, and requires strong goal setting; and

WHEREAS: Jonathan W. Decker met these challenges with aplomb and shall be recognized as an outstanding representative of his family, his troop and his community; and

WHEREAS: The Boy Scouts of America, long acknowledged for building fine citizens, calls for Special Court of Honor to award its highest symbol of achievement to those who complete this rank; and

WHEREAS: Jonathan W. Decker is now an Eagle Scout with all its rank and privilege;

NOW, THEREFORE, We, Susan L. Moran, Megan English Braga, Doug Jones, Samuel H. Patterson and Douglas C. Brown as Selectmen of the Town of Falmouth, do hereby declare and PROCLAIM

SATURDAY, MARCH 10, 2018 AS JONATHAN W. DECKER DAY

IN WITNESS WHEREOF, we have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed.

Susan L. Moran, Chairman

Samuel H. Patterson

Megan English Braga

Douglas C. Brown

BOARD OF SELECTMEN

Doug Jones



FALMOUTH MUSEUMS ON THE GREEN
HOME OF THE FALMOUTH HISTORICAL SOCIETY

RECEIVED

FEB - 9 2017

SELECTMEN'S OFFICE

February 8, 2018

To: Falmouth Board of Selectmen
From: Mark Schmidt, Executive Director, Falmouth Historical Society
Subject: Heritage Dinner and Award

On Wednesday April 25, 2018, at 5:30 pm, the Falmouth Historical Society will host its 19th annual Heritage Award, honoring an individual or group that has made a positive impact upon Falmouth and the region. This year's focus is on education, and we have chosen two recipients to honor: Falmouth Volunteers in Public Service (VIPS), and David Willard, retiring chairman of the Cape Cod Five Foundation. We would like to venerate this organization and this individual, and the impact that they have made upon Falmouth, by including a proclamation from the Selectmen for each of them.

Might each proclamation (one for each organization) say something like:

Be it hereby known that the Town of Falmouth offers its most sincere congratulations to <the Falmouth Volunteers in Public Schools/David Willard>, in receiving of the 19th annual Falmouth Historical Society Heritage Award, for your enduring commitment to the improvement and importance of education and to the students of our community. Your contributions to our town and to Falmouth's population have made it a better place for all of us.

Given this 25th day of April 2018.

*Board of Selectmen
Town of Falmouth, MA*

Sincerely,

Mark A. Schmidt
Executive Director
Falmouth Historical Society



Certificate of Recognition

The Town of Falmouth Honors
**Falmouth Volunteers in Public
Schools (VIPS)**

Be it hereby known that the Town of Falmouth offers its most sincere congratulations to the Falmouth Volunteers in Public Schools in receiving the 19th annual Falmouth Historical Society Heritage Award, for your enduring commitment in the improvement and importance of education and to the students of our community. Your contributions to our town and to Falmouth's population have made it a better place for all of us.

Given this 25th day of April, 2018

Falmouth Board of Selectmen

Susan L. Moran, Chairman

Samuel H. Patterson

Megan English Braga

Douglas C. Brown

Doug Jones



Certificate of Recognition

The Town of Falmouth Honors
David Willard

Be it hereby known that the Town of Falmouth offers its most sincere congratulations to David Willard in receiving the 19th annual Falmouth Historical Society Heritage Award, for your enduring commitment in the improvement and importance of education and to the students of our community. Your contributions to our town and to Falmouth's population have made it a better place for all of us.

Given this 25th day of April, 2018

Falmouth Board of Selectmen

Susan L. Moran, Chairman

Samuel H. Patterson

Megan English Braga

Douglas C. Brown

Doug Jones



Town of Falmouth

Department of Public Works - Engineering Division

416 Gifford Street, Falmouth, MA 02540
Office: 508-457-2543, Fax: 508-548-1537

Nicholas Croft, Engineering Technician

ncroft@falmouthmass.us

Date: September 21, 2017

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to install new JO pole in Sandwich Road Public Way to relocate service for 485 Sandwich Road.

A petition was submitted by Eversource to install a new Jointly Owned pole in Sandwich Road Public Way to relocate service for 485 Sandwich Road.

The Engineering recommendation is to **deny** the request as submitted on Plan No. 2226125, Work Order No. 2226125 dated Aug. 3, 2017.

Eversource Reminder: All Street Openings require a permit obtained from the Engineering Office.

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

New Bedford, Massachusetts
AUGUST 3, 2017

To the Board of Selectmen of **Falmouth**, Massachusetts

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) and
VERIZON NEW ENGLAND, INC.

request permission to locate poles, wires, cables and fixtures, including the necessary sustaining and protecting fixtures to be owned and used in common by our petitioners, along and across the following public way or ways:-

**SANDWICH ROAD, North of Tamarak Road
WO#2226125**

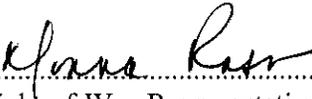
**One (1) Pole
POLE #10/74.25**

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires, and cables, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked Plan No. **2226125**, Dated **AUGUST 3, 2017**.

Also for permission to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

Your petitioners agree to reserve space to one crossarm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

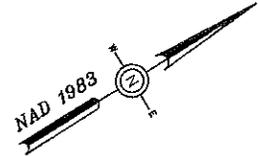
NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy)

By.....
Right-of-Way Representative

VERIZON NEW ENGLAND, INC.

By.....
Manager Rights of Way

Plan to accompany petition of EVERSOURCE ENERGY
To install new JO pole to be stencil 10/74.25/Relocate service



PARCEL ID: 27 05 003 003
2 TAMARACK RD
N/F
LIVINGSTONE JR JAMES R
LIVINGSTONE SUZANNE L

PARCEL ID: 27 05 003 002
488 SANDWICH RD
N/F
THE BANK OF NEW YORK MELLON TR
CWALT INC ALT LOAN TRUST 2006

TAMARACK RD

SANDWICH RD

LEGEND

- ⊕ Proposed Hand Hole
- ⊕ Existing Hand Hole
- Proposed Conduit
- Existing Conduit
- Proposed Pole
- Existing Pole
- Pole with Riser
- Ⓜ Proposed Multitap
- ⓐ Proposed Manhole

PARCEL LINE

EDGE OF PAVEMENT

PARCEL LINE

EDGE OF PAVEMENT

PARCEL ID: 27 06 002 004
489 SANDWICH RD
N/F
VASQUES SERGIO
VASQUES PAMELA A

EDGE OF PAVEMENT

WOODED AREA/NO SW

WOODED AREA/NO SW

JO-ES
10/74

61.00'±

NEW JO-ES
10/74.25

PARCEL LINE

PARCEL LINE

PARCEL LINE

PARCEL ID: 27 06 003 024
477 SANDWICH RD
N/F
COLLINI THOMAS A
COLLINI D J

PARCEL ID: 27 06 003A 002
481 SANDWICH RD
N/F
BIRDWHISTELL SCOT P

PARCEL ID: 27 06 003B 001
485 SANDWICH RD
N/F
CASPERSEN TRUSTEE KEITH H
CASPERSEN TRUSTEE RUTH ANNA



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

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MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES
BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

Plan #	2226125	NSTAR EVERSOURCE <small>Electric</small> d/b/a 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Ward #		
Work Order #	2226125	Plan of 485 SANDWICH RD
Surveyed by:	N/A	FALMOUTH, MA
Research by:	SC	Showing PROPOSED NEW POLE LOCATION
Plotted by:	BP	
Proposed Structures:	LM	
Approved:	A DEBENEDICTIS	Scale 1"=20' Date 08/03/17
P#		SHEET 1 of 1

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

In Board of Selectman of the Town of **Falmouth**, Massachusetts.

Notice having been given and a public hearing held, as provided by law.

IT IS HEREBY ORDERED:

that the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) and
VERIZON NEW ENGLAND, INC.

be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **3** day of **AUGUST, 2017**.

All construction under this order shall be in accordance with the following conditions:-

Poles shall be of sound timber and reasonably straight, and shall be set substantially at the points indicated upon the plan marked Plan No. **2226125**, Dated **AUGUST 3, 2017** filed with said petition. There may be attached to said poles by said VERIZON NEW ENGLAND, INC. not to exceed **40** wires and **4** cables and by said NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) necessary wires, cables and fixtures

and all of said wires and cables shall be placed at a height of not less than **18** feet from the ground at highway crossings, and not less than **16** feet from the ground elsewhere.

The following are public ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:-

SANDWICH ROAD, North of Tamarak Road
WO#2226125

One (1) Pole
POLE #10/74.25

Also that permission be and hereby is granted each of said Companies to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Falmouth**, Massachusetts held on the 12th day of February, 2017.

Clerk of Selectmen.

This form should be used by the Town Clerk to make a (over)
certified copy of the Original and mail same to:

Eversource Energy
180 MacArthur Drive
New Bedford, MA 02740
Attn: Donna Rosa

We hereby certify that on January 25 ~~2017~~, at 2:00 o'clock, 9 M., a public hearing was held on the petition of the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

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.....
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.....
.....

Selectmen of the Town of **Falmouth**
Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of **Falmouth**, Massachusetts, on the _____ day of _____, **2017**, recorded with the records of location orders of said Town Book, _____ Page _____. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk.



Town of Falmouth

Department of Public Works - Engineering Division

416 Gifford Street, Falmouth, MA 02540
Office: 508-457-2543, Fax: 508-548-1537

Nicholas Croft, Engineering Technician

ncroft@falmouthmass.us

Date: January 26, 2018

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to install a new JO – ES utility pole on Hinckley Road.

A petition was submitted by Eversource to install a new JO – ES utility pole on Hinckley Road to accommodate service.

The Engineering recommendation is to **approve** the request as submitted on Plan No. 2231018, Work Order No. 2231018 dated November 17, 2017.

Eversource Reminder: All Street Openings require a permit obtained from the Engineering Office.

Thank you,

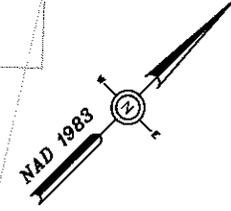
Nicholas Croft
Engineering Technician
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY to install new JO-ES pole for Hinckley Road.

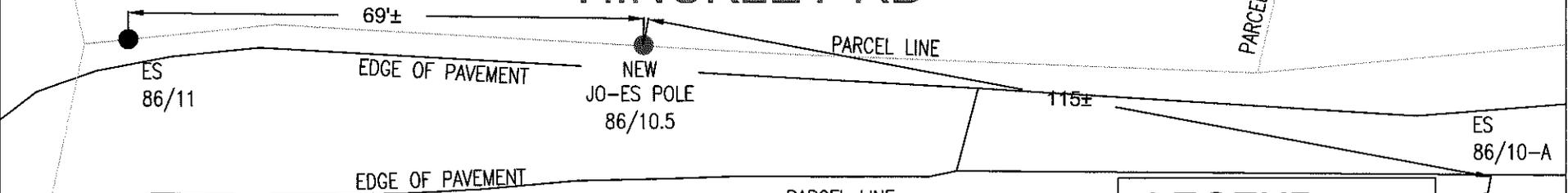
PARCEL ID: 51A 01 037 001A
39 JUNIPER POINT RD
N/F
CRANE CHARLES M
CRANE THOMAS S

PARCEL ID: 51A 01 035 000A
15 HINCKLEY RD
N/F
NAUSHON TRUST INC
C/O J M FORBES & CO

PARCEL ID: 51A 01 032 000
16 BUTLER ST
N/F
BROWN ANNE L MEIGS



HINCKLEY RD



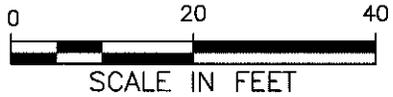
PARCEL ID: 51A 01 036 000
0 HINCKLEY RD
N/F
BROWN ANNE L. MEIGS

PARCEL ID: 51A 01 034 000
30 LITTLE HARBOR RD
N/F
UNITED STATES OF AMERICA
FEDERAL BUILDING

LEGEND

- ⊕ Proposed Hand Hole
- ⊕ Existing Hand Hole
- Proposed Conduit
- - Existing Conduit
- Proposed Pole
- Existing Pole
- ⊙ Pole with Riser
- [M] Proposed Multitap
- [O] Proposed Manhole

84.63'± TO
LITTLE HARBOR RD



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW. YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

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MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

Plan #	2231018
Ward #	
Work Order #	2231018
Surveyed by:	N/A
Research by:	PG
Plotted by:	BP
Proposed Structures:	TL
Approved:	A DEBENEDICTIS
P#	

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of	HINCKLEY RD
Showing	PROPOSED POLE LOCATION
Scale	1"=20'
Date	11/17/17
SHEET	1 of 1

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

New Bedford, Massachusetts
NOVEMBER 17, 2017

To the Board of Selectmen of **Falmouth**, Massachusetts

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) and
VERIZON NEW ENGLAND, INC.

request permission to locate poles, wires, cables and fixtures, including the necessary sustaining and protecting fixtures to be owned and used in common by our petitioners, along and across the following public way or ways:-

**HINCKLEY ROAD, West of Little Harbor Road
WO# 2231018**

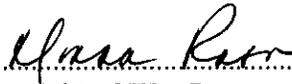
**One (1) Pole
POLE 86/10.5**

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires, and cables, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked Plan No. **2231018**, Dated **NOVEMBER 17, 2017**.

Also for permission to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

Your petitioners agree to reserve space to one crossarm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy)

By.....
Right-of-Way Representative

VERIZON NEW ENGLAND, INC.

By.....
Manager Rights of Way

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

In Board of Selectman of the Town of **Falmouth**, Massachusetts.

Notice having been given and a public hearing held, as provided by law.
IT IS HEREBY ORDERED:

that the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) and
VERIZON NEW ENGLAND, INC.

be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **17** day of **NOVEMBER, 2017**.

All construction under this order shall be in accordance with the following conditions:-

Poles shall be of sound timber and reasonably straight, and shall be set substantially at the points indicated upon the plan marked Plan No. **2231018**, Dated **NOVEMBER 17, 2017** filed with said petition. There may be attached to said poles by said VERIZON NEW ENGLAND, INC. not to exceed **40** wires and **4** cables and by said NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) necessary wires, cables and fixtures

and all of said wires and cables shall be placed at a height of not less than **18** feet from the ground at highway crossings, and not less than **16** feet from the ground elsewhere.

The following are public ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:-

HINCKLEY ROAD, West of Little Harbor Road
WO# 2231018

One (1) Pole
POLE 86/10.5

Also that permission be and hereby is granted each of said Companies to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Falmouth**, Massachusetts held on the 12th day of February, 2018.

Clerk of Selectmen.

This form should be used by the Town Clerk to make a certified copy of the Original and mail same to:

Eversource Energy
180 MacArthur Drive
New Bedford, MA 02740
Attn: Donna Rosa

We hereby certify that on January 25 ~~2018~~ 2017 at 2:00 o'clock, P M., a public hearing was held on the petition of the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

.....
.....
.....
.....
.....

Selectmen of the Town of **Falmouth**
Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of **Falmouth**, Massachusetts, on the _____ day of _____, **2017**, recorded with the records of location orders of said Town Book, _____ Page _____. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk.

Coonamessett River Restoration, Falmouth, Massachusetts
NOAA Coastal Resilience Grants Program (FY 2018)
FO# NOAA-NMFS-HCPO-2018-2005502
Pre-Proposal

Applicant Organization: Town of Falmouth, Massachusetts

Project Title: Coonamessett River Restoration

Site Location: Falmouth, MA (Latitude 41.587210°, Longitude -70.572964°)

Requested NOAA Funding: \$400,000.00

Proposed Non-Federal Match: \$200,000.00

Overall Project Cost: \$ 4,792,348 (Leveraged Funds: \$ 3,242,348)

Project Summary: The Town of Falmouth (“Town”) is currently undertaking the restoration of the lower Coonamessett River and associated former cranberry bog complex in Falmouth, Massachusetts. The first phase of the project is nearly complete, resulting in the removal of the first dam from the ocean and restoration of 1600 linear feet of in-stream habitat and 17 acres of riparian corridor (former cranberry bog). The Town has completed 75% design plans for the second phase of the Project, which includes removal of a second dam, replacement of a failing road-stream crossing, and restoration of the remaining 39 acres of the cranberry bog complex and 3,000 linear feet of the Coonamessett River. The Town requests \$400,000.00 from NOAA that will be used to complete implementation of the Phase 2 design. Ultimately, these funds will allow the project to achieve its primary goal of a restored wetland complex and free-flowing riverine system that provides a lasting ecological benefit to river herring, American eel, eastern brook trout, as well as resident fish.

The Coonamessett River is a high-priority watershed for diadromous fish restoration according to the NOAA Restoration Center’s Regional Fish Passage Prioritization and the Massachusetts Division of Marine Fisheries. This is, in part, due to its expected resilience to climate change. It is one of the largest rivers on Cape Cod. With glacial outwash as its geology, the hydrology of the river is extremely stable. It is less affected by storms, drought, and changes in air temperature than similarly-sized rivers that are surface-water driven. Thus, restoration of this river will result in populations of diadromous fish (including “Managed Species” such as river herring and American eel) that are less vulnerable to future changes in climate and storm regimes and are more resilient as the climate continues to change.

Currently, the resilience of the site is reduced through the historic anthropogenic manipulation of the river and bogs. Migratory fish have limited access to spawning grounds due to the presence of in-stream barriers (dams and culverts). These culverts also restrict flows, and reduce storm surge protection and the potential for salt marsh migration. The anthropogenically manipulated

bog platform itself is restrictive and limits flood mitigation values and ground/surface water exchange.

Actions to be taken during the award period and their relevance to the objectives of the Coastal Resilience Grants Program include 1) removal of a dam (“Middle Dam”) that is under stress from an increase in the magnitude and frequency of storms and reduces storm surge capacity. It is also a barrier to salt marsh migration and fish passage; 2) replacing the undersized and failing John Parker Road culverts with a structure that can pass the full range of flows consistent with an increase in the magnitude and frequencies of storms as well as provide passage for fish and wildlife; 3) breaking up the cranberry platform and selective removal of the anthropogenic sand layer to improve ground/surface water exchange and increase flood storage/mitigation potential; And 4) restoring a free-flowing river that can change width, depth, and form as necessary to adapt to changes in hydrology associated with changes in climate.

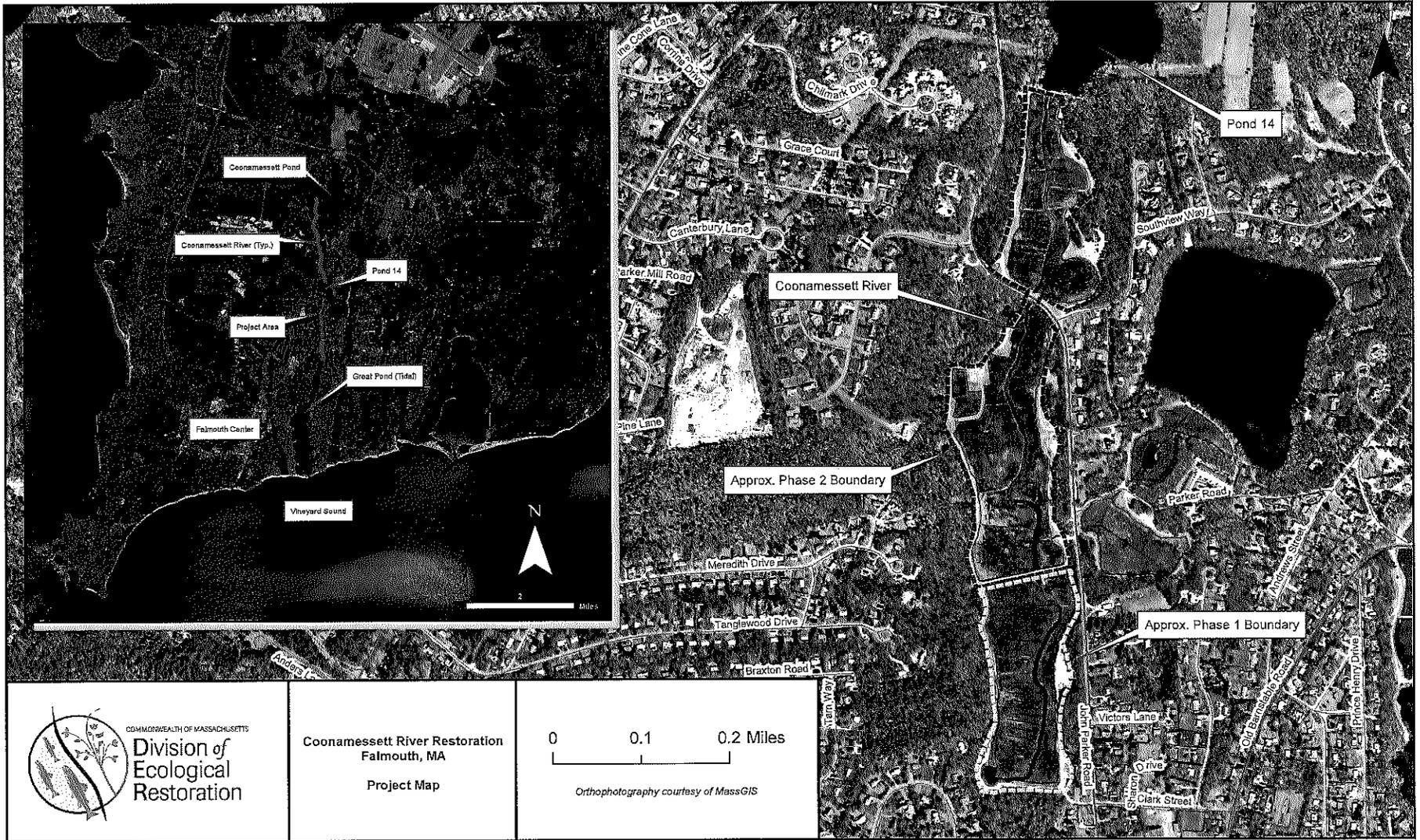
Performance measures include 1) monitoring the abundance and movement of herring through the system; 2) tracking success of riparian and wetland plantings; 3) monitoring river discharge and water temperature; and 4) impacts of restored floodplain elevations on vegetative recovery. Economic outcomes will be determined through the use of the Massachusetts Division of Ecological Restoration’s study on the restoration economy (see <http://www.mass.gov/eea/agencies/dfg/der/>).

Project Timeline: 75% design plans are complete and permitting began in the fall of 2017. On-the-ground work will commence in November/December 2018.

Permits and Approvals: MA Department of Transportation Chapter 85 culvert/bridge review (initiated in September, 2017); MEPA Certificate (submitted 2/18; expected 4/18); Ch. 91 License (not applied for); Massachusetts Wetlands Protection Act Restoration Order of Conditions (not applied for); 401 Water Quality Certificate (not applied for); U.S. Army Corps of Engineers Pre-Construction Notification (not applied for); Section 106 Compliance (pending).

Landowner(s): Town of Falmouth, 59 Town Hall Square, Falmouth, MA 02540

Project Partners/Funders: National Oceanic and Atmospheric Administration; Massachusetts Division of Ecological Restoration; Massachusetts Division of Marine Fisheries, Massachusetts Division of Fisheries and Wildlife; Massachusetts Environmental Trust; Coonamessett River Trust; Falmouth Community Preservation Fund; Falmouth Rod and Gun Club; The 300 Committee Land Trust; The Botanical Club of Cape Cod; Association to Preserve Cape Cod; FishAmerica and the National Fish and Wildlife Foundation.



Coonamessett River Restoration
 Falmouth, MA
 Project Map

0 0.1 0.2 Miles
 Orthophotography courtesy of MassGIS

Diane Davidson

From: Julian Suso <jsuso@falmouthmass.us>
Sent: Thursday, February 22, 2018 12:19 PM
To: Diane Davidson
Subject: FW: FW: BoS Feb 26

Diane,
For BOS packet - confirming that NO cash match is being requested for this grant application, only an IN-KIND (labor) match.
Julian

-----Original Message-----

From: Betsy Gladfelter [mailto:egladfelter@whoi.edu]
Sent: Thursday, February 22, 2018 9:18 AM
To: Julian Suso <jsuso@falmouthmass.us>; Jennifer Petit <jpetit@falmouthmass.us>
Subject: Re: FW: BoS Feb 26

Hi Julian and Jennifer,

There will be no request for town money in this proposal. The town contribution is all in kind (includes town engineering oversight for the culvert reconstruction and my time, and other in kind contributions from conservation, dpw, dmes and other town staff). Sate contributions are Division of Ecological Restoration (and potentially funding from MET; grant applied awaiting decision), other other includes the large volunteer efforts (Coonamesett River Trust, Botanical Club of CC and the Islands) and others, who are doing significant monitoring and outreach)

I'll be home late Sunday night if there are any other questions.

Thank you, Betsy

On 2/22/2018 8:46 AM, Julian Suso wrote:

> Hello Jenifer,
> I am forwarding a grant authorization request for the Coonamesett River project from Betsy Gladfelter. The BOS is anticipated to be considering this request for "authorizing" the grant "pre-proposal" at their upcoming meeting on Monday. Can you please forward the attached to the Finance Committee sub-committee that reviews these for their review/input in advance of Monday if possible? Thanks.

> Julian

>

> -----Original Message-----

> From: Betsy Gladfelter [mailto:egladfelter@whoi.edu]
> Sent: Thursday, February 22, 2018 2:29 AM
> To: Diane Davidson <ddavidson@falmouthmass.us>
> Cc: Suso Julian <jsuso@falmouthmass.us>; Susan Moran, Selectman
> <smoran@falmouthmass.us>; Peter Johnson Staub
> <peter.jstaub@falmouthmass.us>
> Subject: BoS Feb 26

>

> Dear Diane,

>

> Please find attached a pre-proposal for a NOAA Coastal Resiliency grant for the Coonamessett River River Restoration for the BoS packets for the February 16 meeting.

>

> Thank you, Betsy



Water Quality Management Committee
59 Town Hall Square - Falmouth, MA - 02540
WQMC@falmouthmass.com

February 20, 2018

To: Julian Suso
Town Manager

From: Eric Turkington, Chair Water Quality Management Committee
CC: Amy Lowell, Wastewater Superintendent
Subject: Summary of Action items for next available Selectmen's meeting:

Authorize the Town Manager to expend \$8,700 from Article 17 (April 2011 Town Meeting) to fund two items. The first item is \$700 is to help cover the cost of the town-wide mailing regarding the Nitrogen Control Bylaw for Fertilizer. The second item is \$8,000 to help pay for the seasonal staff needed to conduct the Bournes Pond Shellfish Denitrification Study funded by November 2016 Town Meeting.

Background

The Town's Nitrogen Control Bylaw for Fertilizer was adopted at November Town Meeting, 2012 and prohibits the use of nitrogen fertilizer within 100 feet of any estuary. Each year in early spring, a mailing is sent to all property owners within 100 feet of an estuary to remind them of this prohibition. There are approximately 2700 affected properties. The Marine and Environmental Services (MES) department sends this letter because it is responsible for enforcement. The total cost of this mailing, including printing, addressing envelopes and postage is approximately \$2,700. The FY2018 MES budget does not have sufficient funds to cover all costs of mailing and printing and the WQMC requests that funds from Article 17 (April 2011 Town Meeting) be used to cover this shortfall.

Town Meeting (November 2016) approved \$75,000 to conduct a shellfish denitrification study in Bournes Pond. \$60,000 was allocated for the denitrification study and \$15,000 was allocated cover the costs of the MES staff and equipment needed to plant the oysters in Bournes Pond that are required for the study. According to the UMASS Dartmouth School for Marine Science and Technology (SMAST), which was contracted to perform the denitrification study, in the summer of 2017 the experimental site was overtopped with drift algae and the oysters could not be seen and therefore a video survey to conduct population surveys and select coring sites was not possible. SMAST recommended that the town delay the experiment one season. This would allow a site that does not have overtopped algae to be used as well as the installation of a known quantity of oysters to achieve the proper density for analysis. This delay caused a shortfall in the MES staffing budget of \$8,000 for FY2019. The WQMC requests that Article 17 (April 2011 Town Meeting) funds be used to cover this shortfall. This staff is needed to install and grow the shellfish for the Bournes Pond Denitrification Study to be conducted during the 2018 growing season.

The Water Quality Management Committee, at its February 15, 2017 meeting voted to recommend that \$8,700 of Article 17 funds be used for these two purposes.

**TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
MEMORANDUM**

RECEIVED
FEB 21 2018
SELECTMEN'S OFFICE

TO: JULIAN SUSO, TOWN MANAGER
FROM: FRANK K. DUFFY, TOWN COUNSEL 
SUBJECT: WATER MAIN EXTENSION AGREEMENT
PASNECOY LANE, EAST FALMOUTH
DATE: 2/21/2018
CC: STEVE RAFFERTY, WATER SUPT.

I enclose herewith a Water Main Extension Agreement for vote of approval and signature by the Board of Selectmen prior to recording in the Barnstable County Registry of Deeds.

WATER MAIN EXTENSION AGREEMENT
TO SERVE (PASNECOY LANE)
BARNSTABLE COUNTY, MASSACHUSETTS

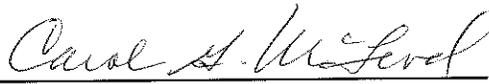
We, Carol McLeod and Mary Park, of 36 Pasnecoy Lane, East Falmouth 02536 for nominal non-monetary consideration paid, grant to the Town of Falmouth, a municipal corporation within the County of Barnstable, Commonwealth of Massachusetts, with an address of 59 Town Hall Square, Falmouth, MA 02540, its successor and assigns, with Quitclaim Covenants the perpetual right, privilege and easements over a certain private way in the Town of Falmouth, Barnstable County, Massachusetts, known as Pasnecoy Lane to enter upon and locate, relocate, construct, reconstruct, lay, relay, repair, replace, maintain, operate, remove, and inspect water mains and appurtenances thereto, in through, under, across, and over the private way known as Pasnecoy Lane, which abuts our land shown as Lot 15A on Registry of Deeds page 239, book 27679.

I hereby agreed that legal title of said water mains, and their appurtenances, shall remain the property of the Town of Falmouth.

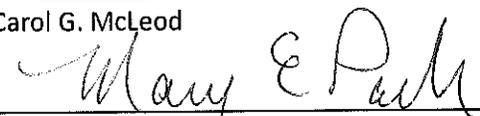
This easement is granted by authority of G.L. c. 187, s. 5.

For title see deed recorded in Barnstable County Registry of Deeds Book 27679 page 239.

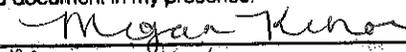
IN WITNESS WHEREOF the undersigned has hereunto set his hand and seal this 20 day of Jan, 2018.

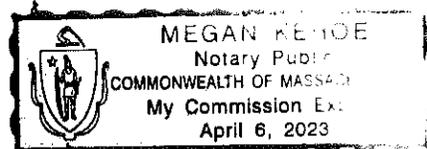


Carol G. McLeod



Mary E. Park

The Commonwealth of Massachusetts
On this 20th day of January, 2018,
Carol G. McLeod and Mary E. Park
personally appeared before me, and proved to me through
satisfactory evidence of identification, which were MA DLS
to be the person whose name is signed on the preceding or
attached document in my presence.

 Megan Kehoe, Notary Public
My Commission Expires 04/06/2023



Acceptance

The undersigned members of the Board of Selectmen of the Town of Falmouth hereby accept this Water Main Extension Agreement to serve Pasnecoy Lane and agree to its recording in the Barnstable County Registry of Deeds.

For authority see Ch. 65, sec. 3 of the Code of Falmouth.

Voted and signed the _____ day of _____, 2018

Town of Falmouth
By its Board of Selectmen

Susan L. Moran, Chairman

Megan English Braga, Vice Chairman

Doug Jones

Samuel H. Patterson

Douglas C. Brown

AMENT KLAUER LLP

Attorneys at Law
39 Town Hall Square
P. O. Box 919
Falmouth, MA 02541-0919

Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.

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

February 15, 2018

Susan Moran, Chair
Falmouth Board of Selectmen
Town Hall Square
Falmouth, MA 02540

Julian Suso, Town Manager
Falmouth Town Hall
Town Hall Square
Falmouth, MA 02540

**RE: Chapter 91 License for 59 Childs River Road, East Falmouth, MA
32 18 010 099 – James Milligan, Jr. and Erica Milligan**

Dear Madame Chair, Mr. Suso and Members of the Board:

Applicants James Milligan, Jr. and Erica Milligan request that the Board of Selectmen reconsider its decision voted on February 12, 2018. It is my understanding that as the Board of Selectmen is the Special Permit Granting Authority for a special permit under the Zoning Bylaw that reconsideration may be requested at any time before the written decision is filed with the Town Clerk in accordance with the Zoning Board of Appeals procedures, and that at this time the decision has not been filed. I discussed this matter with Town Counsel and he felt that a request for reconsideration to the Board of Selectmen would be possible in this instance.

A decision is to be filed within fourteen days of the vote. In order to allow the Board time to act on this request for reconsideration, Mr. and Mrs. Milligan, the Applicants, waive any objection on their part to extending the fourteen day filing requirement. The Applicants agree to extend the filing time by an additional thirty (30) days or however long may be necessary to effectuate this request.

In discussing this with Atty. Duffy, he felt that the Board would discuss whether to allow reconsideration, and that if the Board votes to grant reconsideration, the Board will then give notice in accordance with General Laws Chapter 40A Section 11 of a hearing date for the Board's further proceeding. The Applicants would pay for the new notices. Presumably, the Board would allow some public input at the new hearing, before deliberating further and taking another vote.

February 15, 2018

Page 2

The Applicants request reconsideration because of two conditions that were placed on the grant of the requested special permit for the extension of their existing dock. During the hearing Selectmen Jones questioned as to why the Conservation Commission did not restrict the use of the dock to only one boat and indicated a preference to do so in your decision. I responded that I did not know of any intent for use by more than one boat but would not want to condition the permit to such a restriction. There was no further discussion of such a restriction while the matter was open to the public. Only after the hearing was closed was it specifically requested that the one boat restriction would in fact be a condition of the special permit and I believe that this was done with insufficient discussion. In addition, the Board required that "outpiling" shown on the plan (being approximately 11' from the end of the dock) be removed.

The proposed dock ends in a "L" configuration with a total length of 20.5'. The applicant's boat is nearly 40' in length. While the applicant intends to use this dock for his own boat, which will take up the entirety of the dock and then some, there may be the occasional dinghy or small tender used by children or visitors, which may be present at the same time as the owner's boat. They do not wish to run afoul of the Special Permit decision and would prefer to eliminate the restriction and at worst would at least seek to clarify it.

As to the requirement for the removal of the outpiling, we would likewise request that this be amended and removed from the decision. I had misunderstood the request and believed that it referred to an existing piling, not to the proposed. This piling is there for the specific purpose of docking the applicant's boat. As was noted, the dock length is only 20.5' in total and the applicant's boat is nearly 40' in length. The proposed outpiling is there as a necessity for securing the applicant's vessel. This was discussed at length and approved by the Conservation Commission and is a necessity for the Applicant's proposal. They have purposely used an undersized dock, smaller than is allowable under the wetland regulations, but require the outpiling in order to do so.

In summary, I believe that there was insufficient discussion as to the boat restriction and a mistake of understanding as to the necessity of the outpiling. As such, it is requested that the Board vote to reconsider this application and provide a new hearing date and notice of same.

Please do not hesitate to contact me if there are any questions. Thank you for considering this reconsideration request.

Very Truly Yours,



Kevin P. Klauer II, Esq.

KPK/
Enclosures

cc: James Milligan, Jr. and Erica Milligan
Matthew Costa, Cape & Islands Engineering

Diane Davidson

From: Susan Moran <smoran@falmouthmass.us>
Sent: Friday, February 16, 2018 10:01 PM
To: Diane Davidson
Cc: Julian Suso; Frank Duffy
Subject: Re: Ch. 91 License-Dock-59 Childs River Rd.-Milligan

Yes and great analysis, Frank.

Sent from my iPhone

On Feb 16, 2018, at 4:12 PM, Diane Davidson <ddavidson@falmouthmass.us> wrote:

Julian,

All set. Su gave the "OK" to place this on the agenda

Diane

From: Julian Suso [<mailto:jsuso@falmouthmass.us>]
Sent: Friday, February 16, 2018 3:44 PM
To: Frank Duffy <fduffy@falmouthmass.us>
Cc: peter.jstaub@falmouthmass.us; ddavidson@falmouthmass.us; Patricia Harris <pharris@falmouthmass.us>; smoran@falmouthmass.us
Subject: Re: Ch. 91 License-Dock-59 Childs River Rd.-Milligan

Ok Frank. Diane, it looks like the "reconsideration request to reopen the hearing" is to be placed before BOS for a vote on Feb 26. Then, if agreed by the Board, this would be subject to the hearing requirements/notices which Frank has described. I am also copying Su Moran for her review and potential concurrence with this future Agenda matter.

Julian

Sent from my iPhone

On Feb 16, 2018, at 2:07 PM, Frank Duffy <fduffy@falmouthmass.us> wrote:

Julian: The Board of Selectmen are the special permit granting authority under sec. 240-77, Wetlands Regulations, of the zoning bylaw. For most other special permits under the zoning bylaw, the Board of Appeals is the special permit granting authority. The Board of Appeals has published its procedural rules in the Code of Falmouth as Sec. 310-1.00 et seq. and the rules provide in Sec. 310-6.03 that an applicant may apply for reconsideration before the 14 day filing period has expired and the applicant waives the 14 day filing requirement. Reconsideration is discretionary with the board. If the board agrees to hear the matter on reconsideration, new notices are sent and published at the applicant's expense and the hearing is re-opened for reconsideration.

Mr. Klauer's letter of Feb. 15 makes both the request and waives of the 14 day filing requirement.

Reconsideration make sense in a procedural context as it may eliminate unnecessary appeals to court which take time and cost money for all concerned.

Although the Board of Appeal's procedural rules apply only to that board, I see no reason why the Board of Selectmen sitting as the special permit granting authority under sec. 240-77 of the zoning bylaw cannot accept and follow the same procedure for reconsideration of its decisions.

The reconsideration request can be presented to the Board of Selectmen which must vote to reopen the hearing. If the request is granted, new notices must be sent and published as an original hearing before the hearing is re-opened for reconsideration.

Frank K. Duffy, Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

CONFIDENTIALITY NOTICE: This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. If you are not the intended recipient and have received this communication in error, please contact the sender immediately and delete the original message. Thank you.

From: Julian Suso [<mailto:jsuso@falmouthmass.us>]
Sent: Thursday, February 15, 2018 1:57 PM
To: fduffy@falmouthmass.us
Cc: peter.jstaub@falmouthmass.us; ddavidson@falmouthmass.us
Subject: Fwd: Ch. 91 License-Dock-59 Childs River Rd.-Milligan

Frank,
Your thoughts/guidance on this would be timely. Thanks.
Julian

Sent from my iPhone

Begin forwarded message:

From: "Diane Davidson" <ddavidson@falmouthmass.us>
To: "Susan Moran" <smoran@falmouthmass.us>
Cc: "Julian Suso" <jsuso@falmouthmass.us>, "Peter Johnson-Staub" <peter.jstaub@falmouthmass.us>
Subject: Ch. 91 License-Dock-59 Childs River Rd.-Milligan

Hi Su,

I received the attached letter from Kevin Klauer on behalf of James and Erica Milligan of 59 Childs River Rd. requesting that the Board of Selectmen vote to reconsider its decision on the hearing held on Monday, 2/12/18, and schedule a new hearing date on an upcoming agenda.

Please advise if you would like me to place this under Administrative Orders on the next agenda of 2/26.

(The decision has not been filed with the Town Clerk.)

Thank you,

Diane

Diane S. Davidson

Office Manager/Licensing

Office of the Town Manager and Selectmen

Town of Falmouth

59 Town Hall Square

Falmouth, MA 02540

(508) 495-7321



**TOWN OF FALMOUTH
WEDDING/COMMITMENT CEREMONY
AND PARKING PERMIT**

NAME Sierra Andrews – Tyler Brown

MAILING ADDRESS P.O. Box 864, North Falmouth, MA 02556

CEREMONY DAY & DATE Saturday, September 15, 2018

LOCATION Old Silver Beach (Public Side)

SET-UP ARRIVAL TIME 3:00 p.m. **CEREMONY HOURS** 4:00 p.m. – 5:00 p.m.

NUMBER OF GUESTS 100 **NUMBER OF VEHICLES** 50 (will arrange for carpooling)

TIME NEEDED FOR PARKING VEHICLES 3:00 p.m. – 10:00 p.m.

ENTERTAINMENT Music. Photographs.

CONDITIONS:

1. No alcoholic beverages to be consumed on the premises.
2. Public parking is on a first come first serve basis.
3. Have a member of the wedding party check the parking lot a few hours before ceremony to verify there are spaces available. If yes, OK to use spaces. If not, arrange carpooling/shuttle.
4. Restrooms will not be available.

PERMIT FEE \$150.00 **FILING FEE** \$10.00

DEPOSIT \$300.00 (Deposit refundable at conclusion of event provided that no litter or damage has occurred)

BOARD OF SELECTMEN:

Diane Davidson

From: Bruce Mogardo <bruce.mogardo@falmouthmass.us>
Sent: Friday, February 23, 2018 2:22 PM
To: Diane Davidson
Subject: Brown Wedding Sept. 15

I have spoken to the soon to be bride and she was asked to reduce the number of cars and use some form of carpooling. She anticipates around 50 or less parking spaces. She will be using the public side which has nearly 300 spaces and the dirt lot will also be available as well. I believe we can easily accommodate her needs. Additionally, we do not lock beach lots after labor day.

Bruce Mogardo, Acting Beach Supt.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Aquatic Brewing LLC has applied for a NEW On-Premise Farmer-Brewery Pouring License to be exercised at 661 Main Street, Falmouth, MA. A continued hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, February 26, 2018 at 7:15 p.m. on the above application.

LICENSING BOARD

Susan L. Moran

Megan English Braga

Doug Jones

Samuel H. Patterson

Douglas C. Brown

Publication Date: Friday, February 16, 2018



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

[Empty box for ABCC License Number]

Falmouth

01/11/2018

ABCC License Number

City/Town

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

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

APPLICANT INFORMATION

Name of Licensee Aquatic Brewing LLC D/B/A Aquatic Brewing

ADDRESS: 661 Main Street CITY/TOWN: Falmouth STATE MA ZIP CODE 02540

Manager Gregory Horning

Granted under Special Legislation? Yes No

\$19 Farmer Series Pouring Permit Annual Malt
(i.e. restaurant, package store) (Annual or Seasonal) (i.e. Wines and Malts / All Alcohol)

If Yes, Chapter [] of the Acts of (year) []

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the Local Licensing Authority: Approves this Application

Please indicate what days and hours the licensee will sell alcohol: 8 AM - 11 PM weekdays; 12 noon - 11 PM Sundays

If Approving With Modifications, please indicate below what changes the LLA is making:

Please indicate if the LLA is downgrading the License Category (approving only Wines and Malts if applicant applied for All Alcohol):

No

Changes to the Premises Description

Patio/Deck/Outdoor Area Total Square Footage []

Seating Capacity []

Indoor Area Total Square Footage []

Number of Entrances []

Number of Exits []

Floor Number	Square Footage	Number of Rooms

Abutters Notified: Yes No

Date of Abutter Notification 2/2/18

Date of Advertisement 2/2/18

Please add any additional remarks or conditions here:

[Empty box for additional remarks]

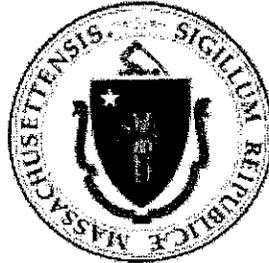
Check here if you are attaching additional documentation

The Local Licensing Authorities By: [Signature lines]

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

[Signature box] Date APPROVED by LLA

The Commonwealth of Massachusetts
Department of the State Treasurer



License Number: FB-LIC-000200
Record Number: 2017-000110-FB-REN
Capacity: 5K Barrels or Less

Alcoholic Beverages Control Commission

Hereby Grants a Farmer-Brewery License

AQUATIC BREWING LLC DBA AQUATIC BREWING

661 MAIN ST FALMOUTH, MA 02540

This license authorizes the holder to manufacture and brew, keep and expose for sale and to sell in kegs, casks, barrels, bottles, or other containers malt containing not more than 12 per cent of alcohol by weight.

This license is subject to the following conditions:

1. The licensed premises and all books, records and other documents relating to the business authorized to be conducted under this license shall be subject to inspection at any time by any member of the Commission or any duly authorized agent thereof.
2. Alcoholic beverages shall not be kept or exposed for sale on premises other than those described in this license.
3. Alcoholic beverages shall not be sold to any person under twenty-one years of age, or delivered to any person under eighteen years of age.
4. This license authorizes the holder to package and sell malt beverages brewed by him to any person authorized under the provisions of Chapter 138 of the General Laws, as amended, to re-sell such beverages; and to make sales as

provided by Sections 28 and 19C of said Chapter 138, as amended.

5. Licensees hereunder shall not sell or deliver alcoholic beverages on Sundays or legal holidays (except to Section 14 licensees); nor shall any sales or deliveries of such beverages be made to retail licensees during polling hours on the day on which a State or Municipal election, primary or caucus is being held unless sales by such licensees are authorized by Local Licensing Authorities of the City or Town wherein their licensed premises are situated. Sales and deliveries hereunder are authorized on other days between the hours of 8:00 o'clock AM and 11:00 o'clock PM only.

6. This license is subject to suspension, cancellation or revocation for breach of any of its conditions or for violation of any law of the Commonwealth.

This license is issued conditionally and subject to the fact that there exists no breach of any condition of any previous license or violation of any law of the Commonwealth under any previous license and this license shall be subject to revocation, cancellation, modification or suspension for any such breach of condition or violation of law.

IN WITNESS WHEREOF, the undersigned have hereunto affixed their official signatures this November 10, 2017.

2018

This License will expire
12/31/2018 unless otherwise
suspended or revoked during this period

Handwritten signature of Jean Lorizio.

Jean Lorizio, Chairman

Handwritten signature of Elizabeth Lashway.

Elizabeth Lashway, Commissioner

Handwritten signature of Kathleen McNally.

Kathleen McNally, Commissioner

This License Shall Be Displayed on the Premises in a Conspicuous Place Where It Can Be Easily Read.

Fee \$ 22.00

CODE SUMMARY:

- 3,640 SQ. FT. TENANT LEASE SPACE IN EXISTING METAL BUILDING
- MIXED USE GROUP TYPES: A2 / RESTAURANT 880 SQ. FT., BREWING AREA, F2 / FACTORY / INDUSTRIAL (LOW HAZARD) 1630 SQ. FT., STORAGE 512 830 SQ. FT.
- OCCUPANCY LOADS, PERSONS / SQ. FT.: A2 / RESTAURANT 1/15 X 880 = 65.33 (66 PERSONS); F2 / FACTORY 1/200 X 1630 = 8.15 (8 PERSONS); S2 1/200 X 1050 = 5.25 (5 PERSONS)
- TOILET ROOMS REQUIRED: (MEN 1/70, WOMEN 1/35); 62 PERSONS TOTAL / 2 = 31 MEN AND 31 WOMEN (2 TOILETS REQUIRED)
- TYPE SA, MIXED USE, 8500 SQ. FT., MAX., 1 STORY
- STEEL FRAME AND METAL SIDING - IMPROTECTED COMBUSTIBLE
- 2 EXITS REQUIRED - 3 PROVIDED

KEY:

- STUD WALL
- CMU BLOCK
- BRICK ASSEMBLY
- CONCRETE
- DOOR TAG
- WINDOW TAG
- SMOKE / CARBON MONOXIDE DETECTOR
- HEAT DETECTOR

NOTES:

ARCHITECT OF RECORD:

ROBT. SHERMAN DUCKHAM ARCHITECTS & INTERIORS
53 CENTRAL AVE. MEDFORD, MA
1780 448 - 4108

PROPOSED INTERIOR RENOVATION

AT

861 MAIN STREET
PALMOUTH, MASS.

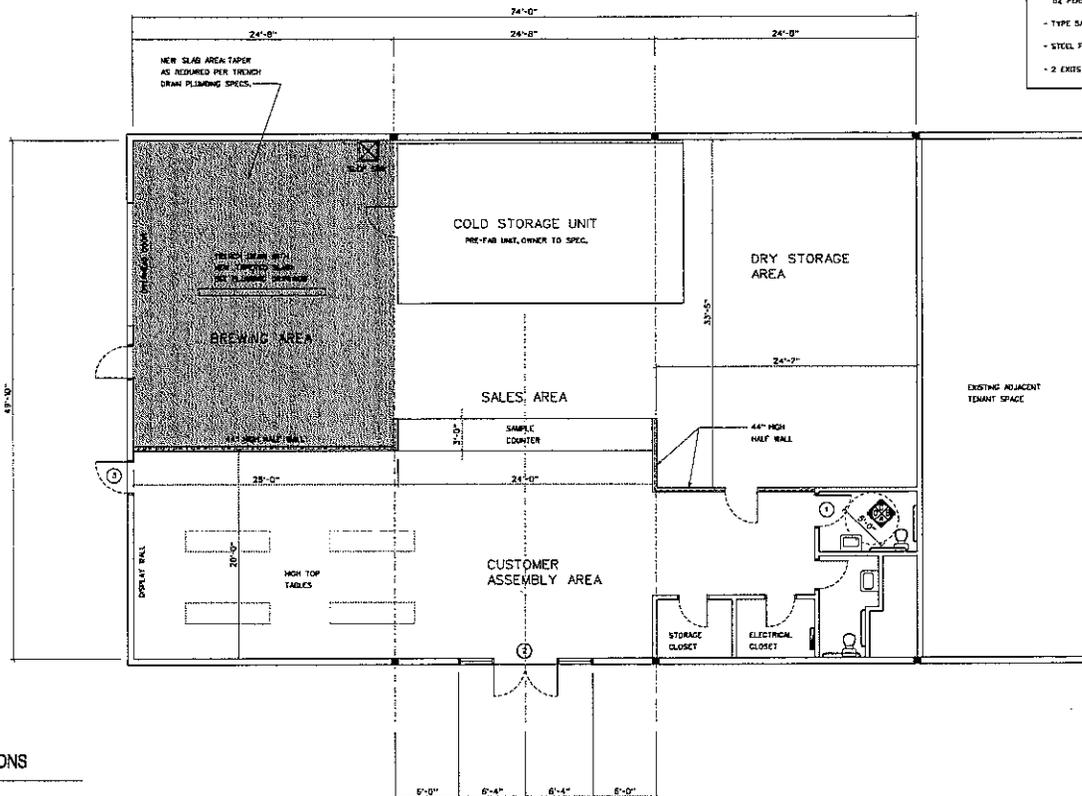
PREPARED FOR

GREG HORNING &
ALEX BERGAN
AQUATIC BREWING COMPANY

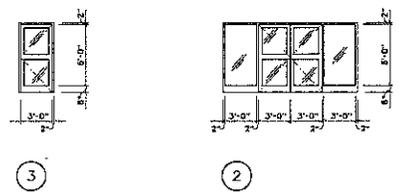
BY

MARK S. MCCARTHY
LONGFELLOW
DESIGN BUILD
774.225.1709 PALMOUTH, MA

4 DECEMBER 2017



DOOR ELEVATIONS



DOOR SCHEDULE

TAG	FRAME	SIZE	MATERIAL	EQUIPMENT	QUANTITY
1	METAL	3'-0" x 6'-0"	WOOD SOLID CORE	CLOSER AND PRIVACY LOCKSET	1
2	METAL WITH SIDELITE	5'-0" x 6'-0" DOUBLE DOORS WITH 3'-0" SIDE LITES	ANODIZED ALUMINUM AND EXTERIOR GLASS	CLOSER	1
3	METAL	3'-0" x 6'-0"	ANODIZED ALUMINUM AND EXTERIOR GLASS	CLOSER	1

DRAWING:

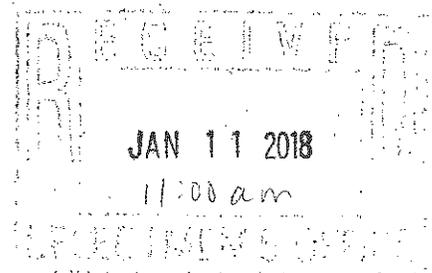
EXISTING CONDITIONS FLOOR PLANS

SCALE: 1/8" = 1'-0"

A - 1

AMENT KLAUER LLP

Attorneys at Law
39 Town Hall Square
P. O. Box 919
Falmouth, MA 02541-0919



Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.

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

January 9, 2018

VIA HAND DELIVERY

Susan L. Moran, Chairman
Board of Selectmen
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Re: Application for Liquor License
Proposed Licensee: Aquatic Brewing LLC
Location: 661 Main Street, Falmouth, MA

Dear Ms. Moran:

Please accept this letter as a request for the issuance of a liquor license by Aquatic Brewing LLC for a portion of the premises known as 661 Main Street, Falmouth, MA. The applicant is a brewer seeking permission for the on-premises sale of their beer. They are leasing a portion of the building located at 661 Main Street. Submitted herewith are the following documents:

- Money Transmittal Form with proof of payment;
- Check for \$10.00 made payable to the Town of Falmouth representing the Town's filing fee; and
- Check for \$25.00 made payable to the Town of Falmouth representing the advertising fee; and
- Petition for Alcoholic Beverages License with all appropriate attachments.

Please schedule these matters on the Selectmen's agenda as soon as possible. We have obtained a certified abutter's list from the Assessor's Office with regards to the petition to alter the license premises and will notify the abutters as soon as a hearing date has been set and notice is published. After notifying all abutters, we will provide your office with the Affidavit of Notice of Mailing to Abutters and others.

Susan L. Moran
January 10, 2018
Page 2

If you require additional information, please do not hesitate to contact our office.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin P. Klauer II", with a horizontal line extending to the right.

Kevin P. Klauer II, Esq.

KPK/
Enclosure

cc: Greg Horning
Alex Bergan



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

APPLICATION FOR A RETAIL ALCOHOLIC BEVERAGES LICENSE

The following documentation is required as a part of your retail license application.

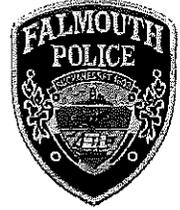
ABCC investigators reserve the right to request additional documents as a part of their investigation.

- Monetary Transmittal Form with \$200 fee
You can **PAY ONLINE** or include a \$200 check made out to the ABCC
- Retail Application (this packet)
- Beneficial Interest - Individual Form
For any individual with direct or indirect interest in the proposed licensee
- N/A* Beneficial Interest - Organization Form
For any organization with direct or indirect interest in the proposed licensee
- CORI Authorization Form
For the manager of record AND any individual with direct or indirect interest in the proposed licensee. This form must be notarized with a stamp*
- Proof of Citizenship for proposed manager of record
Passport, US Birth Certificate, Naturalization Papers, Voter Registration
- Vote of the Corporate Board
A corporate vote to apply for a new / transfer of license and a corporate vote to appointing the manager of record, signed by an authorized signatory for the proposed licensed entity
- Business Structure Documents
If Proposed Licensee is applying as:
 - A Corporation or LLC - **Articles of Organization** from the Secretary of the Commonwealth
 - A Partnership - **Partnership Agreement**
 - Sole Proprietor - **Business Certificate**
- N/A* Purchase and Sale Documentation
Required if this application is for the transfer of an existing retail alcoholic beverages license
- Supporting Financial Documents
Documentation supporting any loans or financing, including pledge documents, if applicable
- Floor Plan
Detailed Floor Plan showing square footage, entrances and exits and rooms
- Lease
Signed by proposed licensee and landlord. If lease is contingent upon receiving this license, a copy of the unsigned lease along with a letter of intent to lease, signed by licensee and landlord
- Additional Documents Required by the Local Licensing Authority

* Excludes Officers and Directors of Non-Profit Clubs



Lieutenant John (Sean) F. Doyle
Falmouth Police Department
750 Main Street Falmouth, MA 02540
Phone: 774-255-4527 ext. 4505 | Fax: 508-457-2566
Email: sdoyle@falmouthpolice.us



January 21, 2018

Board of Selectmen
59 Town Hall Square
Falmouth, MA 02540

Re: Application for a New Farmer-Brewer on Premise Pouring License for Aquatic Brewing LLC and CORI Check on Gregory Horning

Dear Board of Selectmen,

I have reviewed the application for a new Farmer-Brewer On Premise Pouring License for Aquatic Brewing LLC to be exercised at 661 Main St. As long as all applicable laws and by-laws are adhered to then this department does not have any issue(s) with the application. Also, I have conducted a CORI check on Gregory Horning and I did not locate any disqualifying information.

Respectfully,

John (Sean) F. Doyle
Lieutenant



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

RECEIVED

JAN 26 2017

59 TOWN HALL SQUARE, FALMOUTH, MA 02540
508-495-7460 – FAX 508-495-7463

SELECTMEN'S OFFICE

Memorandum

TO: Diane Davidson, Office Manager/Licensing

FROM: Sari D. Budrow, Zoning Administrator 

RE: New Application for Liquor License – Aquatic Brewing LLC
649 Main Street, Falmouth

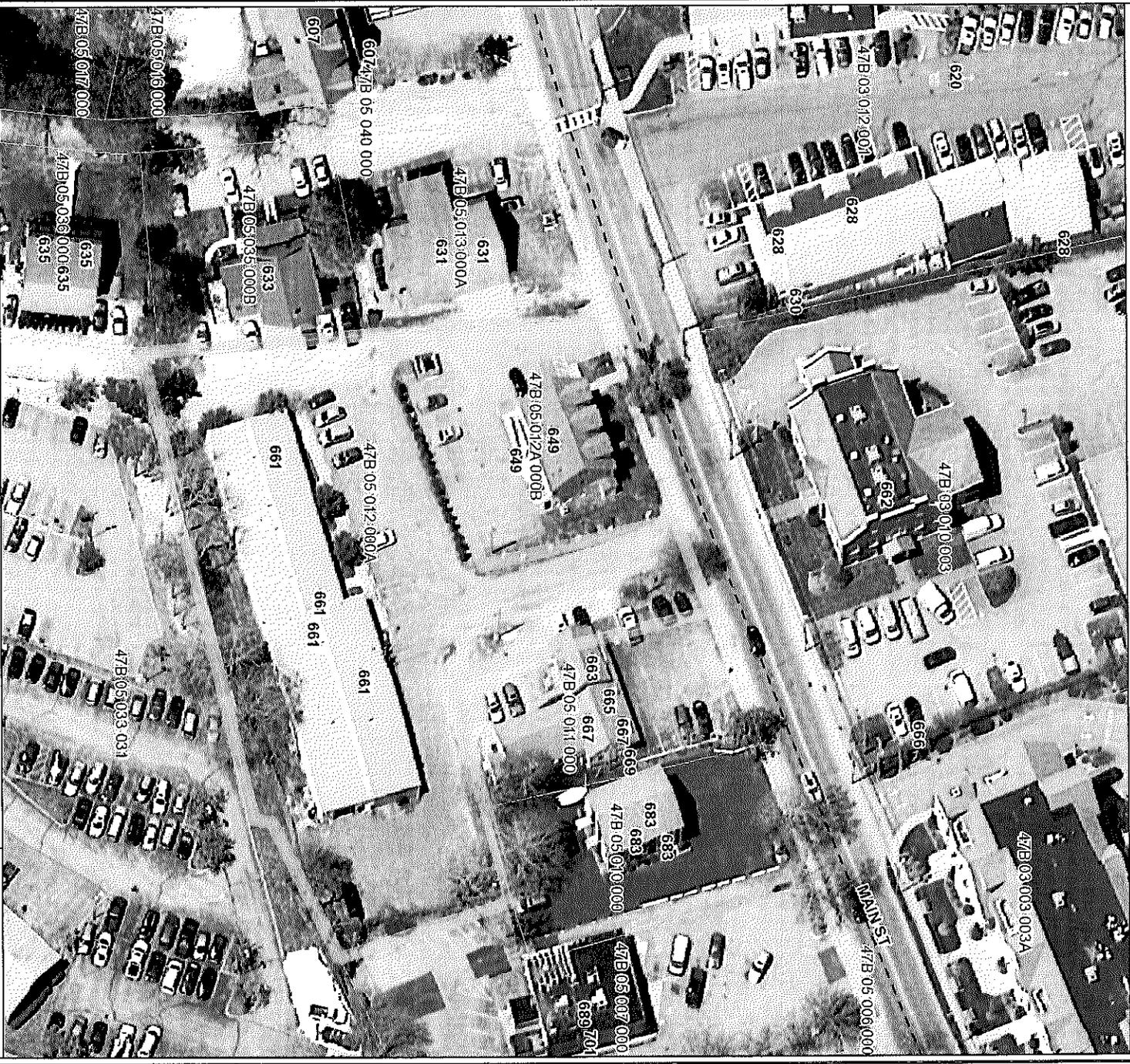
DATE: January 25, 2018

The subject property is zoned Business Redevelopment and consists of approximately 40,900 square feet of land that is not located within any overlay district. The site contains a one-story building that is currently in front of the Board of Appeals to allow construction of a second floor that will contain seven (7) apartments. The current building has approximately 3 to 4 retail/professional spaces, Aquatic Brewery is leasing the easterly portion of said building.

The Aquatic Brewery was scheduled to come before the Board of Appeals last year but was withdrawn as we were told a special permit would not be required because the operation would strictly be retail services (with twelve seats) – a microbrewery that would sell their beer from the premises (retail) to customers (Section 240-240 E. of the Code of Falmouth – retail sales). The license that the applicant is applying under allows manufacturing and ‘distribution’ (in effect wholesaling) is not allowed in the Business Redevelopment District – it is allowed in Light Industrial C zoning. Will there be additional trucks to the site picking up product for sell elsewhere?? Small, tight site for additional trucks to pick up/deliver product and with the proposed additional seven apartments on second level turning radii of any large truck/vehicle may be an issue. Wholesaling is not allowed in the Business Redevelopment district.

The Board of Appeals has no issues regarding the proposed microbrewery, unless it will be functioning as a wholesaler and selling product to vendors/establishments off premise.

If you have any questions or concerns regarding the above, please do not hesitate to contact me.



- Parcels
- Road Ownership
 - All other values-
 - COUNTY/TOWN
 - STATE
 - WATER FEATURES
 - STREAM
 - Town Boundary



1" = 70 ft



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

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that the Town of Falmouth Board of Selectmen will conduct a continued public hearing in accordance with G. L. c. 138, s. 64 to determine if there are violations of the alcoholic beverages license issued to Falmouth Pier 37 Boathouse LLC located at 88 Scranton Avenue, Falmouth, MA. In addition, the Board of Selectmen, in accordance with G. L. c. 138, s. 12, will determine the public need for a change in hours of operation of the licensed establishment.

The hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, February 26, 2018 at 7:30 p.m.

LICENSING BOARD
Susan L. Moran
Megan English Braga
Doug Jones
Samuel H. Patterson
Douglas C. Brown

Publication Date: Friday, February 9, 2018



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320
Fax (508) 457-2573

February 2, 2018

By Certified Mail and U.S. Mail

Conor R. McLaughlin, Manager
Falmouth Pier 37 Boathouse LLC
88 Scranton Avenue
Falmouth, MA 02540

By Certified Mail and U.S. Mail

Conor R. McLaughlin
323 Manley Street
West Bridgewater, MA 02379

Re: All Alcohol Seasonal Restaurant License - #00111-RS-0390

Dear Mr. McLaughlin:

The Board of Selectmen of the Town of Falmouth, as Licensing Authority, will conduct a continued public hearing in accordance with G. L. c. 138, s. 64 to determine if there are violations of the alcoholic beverages license issued to Falmouth Pier 37 Boathouse LLC. The Falmouth Police Department has informed the Board that it has responded to incidents at the licensed premises on eleven (11) occasions from May 21, 2017 through August 20, 2017 involving the unlawful behavior of patrons who consumed alcoholic beverages at the Boathouse. These incidents occurred on or about May 21, June 10, June 25, July 2, July 16, July 22, July 29 (3 calls for service), August 5 and August 20 all in the year 2017.

The hearing commenced on Monday November 20, 2017 at 7:50 p.m. with a second session on Monday, December 4, 2017 at 7:30 p.m. in the Selectmen's Meeting Room, Town Hall, 59 Town Hall Square, Falmouth, MA, and was continued to Monday, February 26, 2018 at 7:30 p.m. At the conclusion of the December 4 session, the Board made a public announcement to continue the hearing for a further session on Monday, February 26, 2018 at 7:30 p.m. At this session the Board will hear testimony concerning the public need for a change in hours of operation of the licensed establishment, including a decrease in hours.

You may attend with counsel and present witnesses. Other rules of procedure will be announced at the beginning of the hearing by the presiding officer. Please take note that the Board of Selectmen may modify, suspend or revoke the license or take any other appropriate action consistent with the evidence. In accordance with G. L. c. 138, s. 12, the Board of Selectmen may discuss hours of operation and may order a decrease in hours of operation.

Sincerely,

Julian M. Suso
Town Manager

cc: Edward Dunne, Chief of Police
Frank Duffy, Town Counsel
Falmouth Board of Selectmen

ANNOUNCEMENT

The following announcement shall be read by the Chairman of the Board of Selectmen at the commencement of the hearing:

This hearing is being conducted in accordance with the provisions of General Laws Chapter 138, Section 64, which requires that the Board of Selectmen investigate complaints regarding liquor licenses with the witnesses under oath. In order to comply with the statute, all persons intending to testify at this hearing shall now stand.

Please raise your right hand. "Do you solemnly swear to affirm to tell the truth, the whole truth and nothing but the truth, so help you God?"

Will the secretary please note in the record that all persons intending to testify at this hearing stood and took an oath prior to testimony.

**TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
MEMORANDUM**

TO: BOARD OF SELECTMEN
FROM: FRANK K. DUFFY, TOWN COUNSEL
SUBJECT: BOATHOUSE RESTAURANT LICENSE VIOLATIONS
DATE: 2/22/2018
CC: JULIAN SUSO, TOWN MANAGER
PETER JOHNSON-STAUH, ASSISTANT TOWN MANAGER
EDWARD DUNNE, CHIEF OF FALMOUTH POLICE DEPARTMENT

The hearing was commenced on November 20, 2017 with a second session held on December 4, 2017. At the conclusion of the session on December 4th, the Board of Selectmen continued the hearing to February 26, 2018. The purpose of the continuance was to allow the board to learn of the disposition of a complaint pending before the Alcoholic Beverages Control Commission alleging that the licensee served alcohol to an intoxicated patron. The ABCC held its hearing on January 9, 2018 and determined that on or about August 18, 2017, Falmouth Pier 37 Boathouse LLC served alcoholic beverages to an intoxicated patron in violation of G.L. c. 138, s. 69 (one count) and the ABCC suspended "the license for a period of four (4) days which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur."

A copy of the ABCC decision is attached hereto as Exhibit A and it should be introduced as an exhibit at the hearing currently being conducted by the board.

On February 2, 2018 the office of the Town Manager issued a new notice of the continued hearing for February 26, 2018 and sent the notice and published it in accordance with G.L. c. 138, s. 12. At the conclusion of the session on December 4, 2017, the board announced that at the continued hearing on February 26, 2018 it would hear testimony concerning public need for a change in the hours of operation of the licensed establishment, including a decrease in hours. The new notice contained the words "[i]n accordance with G.L. c. 138, s. 12, the Board of Selectmen may discuss hours of operation and may order a decrease in hours of operation."

At the session on December 4, 2017, the board discussed and closed the hearing based on findings as follows (from minutes):

1. The Boathouse is a holder of a seasonal all alcoholic beverages pouring license.
2. Boathouse violations were reviewed.
3. Summary of 11 incidents during summer season 2017 were reviewed.
4. The BOS held a hearing on 11/20/17 and heard testimony that affirmed violations, licensee offered no evidence or challenged accuracy of report.
5. The reports established a pattern of ineffective [and negligent] management of the Boathouse and a failure to maintain order and decorum on the premises and in the immediate surrounding **area**.
6. Reports established the FPD responded to at least 11 occasions on most occasions multiple officers responded to preserve peace and good order and protect patrons and the public. These responses are a severe demand on the department's personnel and resources.
7. The incidents in the reports describe situations of potential danger to the responding police officers, patrons and employees of the Boathouse, and the public in the neighborhood.

At the continued hearing on February 26, 2018, the board will primarily focus on an appropriate disposition of the matter and the following issues:

- A. An evaluation of the licensee's plan to effectively control the behavior of patrons and maintain peace and good order on the licensed premises in the future; and
- B. An evaluation of evidence presented to the board to determine if there is a public need to change the hours of operation of the licensed premises.

G.L. c. 138, s. 23 provides the local licensing authority must examine whether approving a license in the first instance or changing an existing license would "serve the **public need** in such manner as to protect the **common good**." Identifying what "public need" or "common good" represent is difficult to determine. The following comment appears in an MCLE publication Alcohol, Food and Entertainment Licensing (2002):

In reality, however, it seems to represent a community view and response to the licensee or its proposed changes. Simply put, a well-run establishment with the support of its neighbors and local elected officials is more likely to be seen as meeting the public need/common good than is a less reputable operation, or so called "bucket of blood," which has operated with disregard of community standards. Developing a showing of public need/common good ... requires input and support from the surrounding community.

Public need is not concerned with need in the literal sense of requirement, rather the test includes an assessment of public want and the appropriateness of a liquor license at a particular location. Ballerin, Inc. v. Licensing Board of Boston, 49 Mass. App. Ct. 506 (2000). A determination of public need is based on an assessment of public want and the appropriateness of a liquor license in a particular location. Town of Middleton v. Alcoholic Beverages Control Commission, 64 Mass. App. Ct. 1108 (2005).

Any decision to reduce capacity or change hours of operation must be based upon articulated findings and reasons. The statutory standard that governs a local licensing authority in choosing this or that closing hour - whether general regulation or a particular licensee - is the "public need." Yerardi V. Board of Selectmen of Randolph, 19 Mass. App. Ct. 296 (1985). The purpose of discipline is not retribution but the protection of the public. Arthurs v. Board of Registration in Medicine, 383 Mass. 299 (1981).



Jean M. Lorizio, Esq.
Chairman

Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510

RECEIVED

JAN 18 2017

SELECTMEN'S OFFICE

DECISION

FALMOUTH PIER 37 BOATHOUSE LLC D/B/A PIER 37 BOATHOUSE
88 SCRANTON AVE
FALMOUTH, MA 02540
LICENSE#: 039000111
VIOLATION DATE: 08/18/2017
HEARD: 1/09/2018

Falmouth Pier 37 Boathouse LLC d/b/a Pier 37 Boathouse (the "Licensee") holds an alcohol license (seasonal) issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, January 9, 2018, regarding an alleged violation of M.G.L. Ch. 138 § 69-Sale or delivery of an alcoholic beverage to an intoxicated person (1 count). Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Temple's report.

The following documents are in evidence:

1. Investigator Temple's Investigative Report; and
2. Licensee's Stipulation of Facts.

There is one (1) audio recording of this hearing.

The Commission took Administrative Notice of the Licensee's record.

FINDINGS OF FACT

1. On Friday, August 18, 2017, at approximately 11:00 p.m., Investigators Di Cicco and Temple ("Investigators") conducted an investigation of the business operation of Falmouth Pier 37 Boathouse LLC d/b/a Pier 37 Boathouse to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises where their attention was drawn to [REDACTED] in front of the side bar located to the right of the entrance.
3. Investigators observed that [REDACTED] was unsteady on his feet and he swayed as he stood in line at the bar. [REDACTED] then appeared to have difficulty standing and began to lean on the bar.
4. Investigators moved closer and saw [REDACTED] had glassy and watery eyes and they heard that his speech was very slurred. Based on their observations, Investigators determined [REDACTED] was intoxicated.

5. At approximately 11:10 p.m., Investigators observed [REDACTED] purchase a bottle of Bud Light beer from the bartender, [REDACTED] [REDACTED] paid for the beer with a credit card and Investigators observed he scribbled his signature.
6. [REDACTED] then appeared confused about the bill and the bartender provided him with receipts showing that the bill had been paid. In an uncoordinated manner, [REDACTED] threw a \$20 bill in U.S. Currency towards [REDACTED] [REDACTED] handed the \$20 bill back to [REDACTED] and attempted to serve the next customer.
7. Investigators then approached [REDACTED] and [REDACTED] at the bar and identified themselves. Investigators asked [REDACTED] why he had served [REDACTED] when [REDACTED] was clearly intoxicated.
8. [REDACTED] appeared confused and spoke to the Investigators but they could not understand what he said. Investigators informed [REDACTED] that he appeared to be intoxicated and they wanted to make sure that he got home safely.
9. Investigators asked [REDACTED] to get the manager, Conor McLaughlin. Investigators identified [REDACTED] to McLaughlin.
10. Mr. McLaughlin informed Investigators that [REDACTED] had been [REDACTED] roommate in college, and that [REDACTED] was staying nearby with [REDACTED] and was, therefore, not driving.
11. Investigators stated [REDACTED] was very intoxicated to which McLaughlin agreed. McLaughlin assured Investigators that he would make sure [REDACTED] got home safely.
12. Investigators advised Mr. McLaughlin of the violation and that a report would be submitted to the Chief Investigator for review.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138 § 69-Sale or delivery of an alcoholic beverage to an intoxicated person (1 count). Therefore, the Commission suspends the license for a period of four (4) days which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner *Kathleen McNally*

Jean M. Lorizio, Chairman *Jean M. Lorizio*

Elizabeth A. Lashway, Commissioner *Elizabeth A. Lashway*

Dated: January 10, 2018

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty (30) days of receipt of this decision.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Christopher Temple, Investigator
Joseph Di Cicco, Investigator
Administration, File

**TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
MEMORANDUM**

TO: BOARD OF SELECTMEN
FROM: FRANK K. DUFFY, TOWN COUNSEL
SUBJECT: BOATHOUSE
DATE: 12/1/2017
CC: JULIAN SUSO, TOWN MANAGER
PETER JOHNSON-STAUH, ASSISTANT TOWN MANAGER
EDWARD DUNNE, CHIEF OF POLICE

The Board of Selectmen held a public hearing on November 20, 2018 upon the request of the Chief of Police to hear evidence of police response to events at the Boathouse Restaurant on 11 occasions in the summer of 2017. The police request was sent to the board on August 28, 2017. At the beginning of the public hearing the chair read the notice of hearing and administered an oath to all persons intending to present testimony.

During the summer of 2017 the Falmouth Police Department responded to 11 incidents on or about the premises of the Boathouse. A brief summary of the incidents is as follows:

- May 21 Intoxicated male refuses to leave
- June 10 Patron passed out at bar
- June 25 Disturbance and disorderly
- July 2 Possible assault (could not locate)
- July 16 Fight in parking lot
- July 22 Possible fight (could not locate)
- July 29 Open container in parking lot
- July 29 Assault and battery
- July 29 Disturbance and disorderly
- August 5 Male passed out in parking lot
- August 20 Assault and battery

Chief Dunne reviewed the incidents and explained the time and effort expended by police officers who responded to calls for police assistance. He discussed generally issues of safety for patrons of the restaurant and the police officers and other first responders who rendered aid and assistance. Sgt. Michael Simoneau offered relevant testimony. He is the midnight shift supervisor and participated in most of the response calls. He spoke generally about the neighborhood and its two licensed establishments, the Boathouse and the Raw Bar. They both close at 1 PM each night and send about 400 patrons onto the nearby streets, parking lots and the neighborhood. Many of these patrons have been drinking and are under the influence of alcohol to some degree. There are fights and other disturbances. On a typical night a supervisor and 2 or 3 Falmouth police officers are present in the area to maintain order and insure public safety.

The Board heard testimony from Brian McLaughlin, owner of the Boathouse property, and his son, Connor McLaughlin, manager on the license. They have been owner and manager for about 8 years. They offered no evidence to deny the events described in the police reports or to challenge the accuracy of the reports in any way. They noted that the incidents occurred mostly in the parking lot and not within the building of the restaurant.

At the conclusion of testimony the Board voted to find that the events described in the police reports were substantiated and constitute violations of the board's published Alcoholic Beverages Regulations published June 6, 1994. Regulation # 12 obliges the manager "to at all times maintain order and decorum on the premises and in the immediate surrounding area." Regulation #16 provides "[a]ll licenses are subject to suspension, revocation or modification for the breach of any condition, regulation or laws of the Town or the State." Further the licensee permitted to occur on its premises violations of local bylaws and the laws of the Commonwealth relative to disturbing the peace, disorderly conduct and assault and battery. The board closed the evidentiary phase of the hearing. At the resumed hearing on December 4, 2017, the board will consider appropriate penalties.

G.L. c. 138, s. 64 provides that the local licensing authority, after hearing and opportunity to be heard, may modify, suspend, revoke or cancel a license upon satisfactory proof that the licensee has violated or permitted a violation of any condition thereof, or any law of the Commonwealth. The Board of Selectmen adopted the Alcoholic Beverages License Violations Policy. A copy of the policy is attached hereto. There are increasingly severe penalties for multiple violations.

According to information provided to me by the Town Manager's office, there are previous violations for the Boathouse in the past four years. They are:

- January 2014 Fire and safety code violation – license suspended 16 days (7 to be served with 9 held in abeyance) by ABCC.
- April 2015 Exceeding building capacity – warning with subsequent violations to be treated as second offense
- Currently there is a pending violation before the ABCC for “overserving” an intoxicated patron, but there is no decision to report at this time. The ABCC hearing is scheduled for January 9, 2018.

Treating the fire and safety code violations as one offense, the present matter is a third, fourth and subsequent offenses. The board's policy provides that a third offense merits a minimum penalty of a six day suspension and a maximum penalty of a twelve day suspension or revocation. Fourth and subsequent offenses merit a minimum penalty of a fourteen day suspension and a maximum penalty of revocation.

I mention to the board that its policy is not a bylaw or statute which must be followed without exception in all instances. A policy is more flexible. The board adopted it and the board may vary it. Variation from the policy with respect to penalties should be founded upon a finding that exigent circumstances justify different penalties.

At the public hearing on Nov. 20, the Boathouse owner offered to hire Falmouth police officers for details to work on or about the premises for security purposes. This is not an option. The State Ethics Commission has ruled (in a Falmouth case) that police officers may not accept private detail work at licensed establishments in the same town where they serve as police officers unless the detail is sponsored by the police department. Such work is deemed “inherently incompatible with law enforcement duties. Chief Dunne has confirmed to me that the Falmouth Police Department does not sponsor details to work licensed establishments.

I recommend the board review the section in the policy which reviews the factors to consider when determining penalties. It is found at Mitigating and/or Aggravating Factors.

The current license expires December 31, 2017. The license is a seasonal license and the business is closed. Assuming the license will be renewed for 2018, it is acceptable for the board to impose penalties to be served during the 2018 licensing period. I did confirm this procedural matter with the general counsel for the ABCC.

For consideration:

- 1) Revocation
- 2) Suspension
- 3) Conditions

- 1) mandatory private security detail on premises or in parking lot at designated hours;
- 2) adjustment to capacity of the premises;
- 3) change in hours of operation.

Any decision to reduce capacity or change hours of operation must be based upon articulated findings and reasons. The statutory standard that governs a local authority in choosing this or that closing hour – whether a general regulation or for a particular licensee – is “the public need.” *Yerardi v. Board of Selectmen of Randolph*, 19 Mass. App. Ct., 296 (1985), p. 299. The purpose of discipline is not retribution but the protection of the public. *Arthurs v. Board of Registration in Medicine*, 383 Mass. 299 (1981), p. 317.

Alcoholic Beverages License Violation Policy

Scope: Pursuant to the provisions of Massachusetts General Laws Chapter 138, § 1 *et seq.*, the Board of Selectmen (hereinafter "the Board") shall have the authority to suspend revoke or take other appropriate action regarding an alcoholic beverages license of a duly authorized licensee (hereinafter "licensee") after a hearing as required by law.

In addition to any criminal penalties sought by local law enforcement against the licensee, the Board adopts this Alcoholic Beverages Violation Policy to promote fair enforcement of alcoholic beverage licensing laws. This policy is for guidance only and does not limit the discretion of the Board to take other action under appropriate circumstances.

First Offense:

- Minimum sanction – written warning with a clear indication that any further violations will be penalized in accordance with the guidelines provided for a second offense.
- Maximum sanction – up to a six-day suspension of license.
 - For sales to minor, where there are no aggravating circumstances, the Board of Selectmen, in the exercise of its discretion, may offer first time violators the option to purchase and install Age Verification apparatus (hereinafter "license swiping machine") in exchange for penalty reduction. License-swiping machines have been demonstrated to reduce instances of the sale of alcoholic beverages to minors. In the event the licensee agrees to this option, the licensee must install the license-swiping machine within thirty days of issuance of the sanction and submit monthly reports for three months following the purchase and installation of the apparatus.

Second Offense:

- Minimum sanction – three day suspension of license.
- Maximum sanction – six day suspension of license.

Third Offense:

- Minimum sanction – six day suspension of license.
- Maximum sanction – twelve day suspension of license or revocation of license.

Fourth or Subsequent Offense:

- Minimum sanction – fourteen day suspension of license
- Maximum sanction – revocation of license.

Mitigating and/or Aggravating Factors

In the exercise of its discretion, the Board may also consider the following factors in the imposition of penalties against the licensee. This list is not intended to be exhaustive and the Board may consider other aggravating or mitigating factors that may be present in any given situation.

1. Actions taken by the licensee to prevent future violations, including, but not limited to the purchase of age verification apparatus or server training;
2. Past history in relation to compliance checks or health inspections;
3. Deliberateness of the violation;
4. Management level of employees involved in the violation; and
5. Licensee's failure to comply with server training requirements.

Additional Requirement/Considerations

Only offenses that have occurred within the last four years preceding the date of the violation shall be used in calculating the number of offenses for the purposes of these policy guidelines. A change of ownership of the licensed establishment, but not a change of managers, will reset the count of previous offenses at zero. This shall not apply where the new owner is a family member or former employee of at least one year duration.

In the event of a suspension issued pursuant to these guidelines, Licensees must post notices on the front door of the establishment as well as on all cooler doors (where applicable) stating clearly that the establishment's license to sell alcohol has been suspended, the time period of the suspension, the reason for the suspension, internal cooler doors must be locked during the suspension period.

Establishments who are targeted by local law enforcement compliance checks and abide by the laws of the Commonwealth of Massachusetts with respect to the sale of alcohol to minors during said compliance checks shall be noticed in writing by local law enforcement within thirty days, with a copy to the Board.

Correspondence between licensees, local law enforcement and/or the Board, regarding license violations shall be sent via certified and regular mail or hand delivered.

The Board will consider the day of the week and the season of the year when determining dates for suspension of license and suspension shall be served on corresponding days and seasons. The Board will consider the 5 day appeal period to the Mass. Alcoholic Beverages Control Commission in determining appropriate dates for suspensions.

The preceding guidelines shall not be construed to restrict, in any manner, the powers of the Board to otherwise modify, suspend or revoke any liquor license as a result for a licensee's failure to comply with the laws of the Commonwealth of Massachusetts.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Cape Cod Winery, Inc. has applied for a NEW On-Premise Farmer-Winery Pouring License to be exercised at 4 Oxbow Road, East Falmouth, MA. A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, February 26, 2018 at 7:50 p.m. on the above application.

LICENSING BOARD

Susan L. Moran

Megan English Braga

Doug Jones

Samuel H. Patterson

Douglas C. Brown

Publication Date: Friday, February 16, 2018

Copy to: Abutters



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

ABCC License Number

Falmouth
City/Town

02/02/2018
Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

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

APPLICANT INFORMATION

Name of Licensee Cape Cod Winery, Inc. D/B/A Cape Cod Winery

ADDRESS: 4 Oxbow Road CITY/TOWN: East Falmouth STATE MA ZIP CODE 02536

Manager Erika Orlandella

Granted under Special Legislation? Yes No

\$19 Farmer Series Pouring Permit
 Type (i.e. restaurant, package store)

Annual
 Class (Annual or Seasonal)

Wines
 Category (i.e. Wines and Malts / All Alcohol)

If Yes, Chapter of the Acts of (year)

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the Local Licensing Authority: Approves this Application

Please indicate what days and hours the licensee will sell alcohol: 8 AM - 11 PM weekdays; 12 noon - 11 PM Sundays

If Approving With Modifications, please indicate below what changes the LLA is making:

Please indicate if the LLA is downgrading the License Category (approving only Wines and Malts if applicant applied for All Alcohol):

No

Changes to the Premises Description

Indoor Area Total Square Footage

Patio/Deck/Outdoor Area Total Square Footage

Number of Entrances

Seating Capacity

Number of Exits

Floor Number	Square Footage	Number of Rooms

Abutters Notified: Yes No

Date of Abutter Notification 2/20/18

Date of Advertisement 2/16/18

Please add any additional remarks or conditions here:

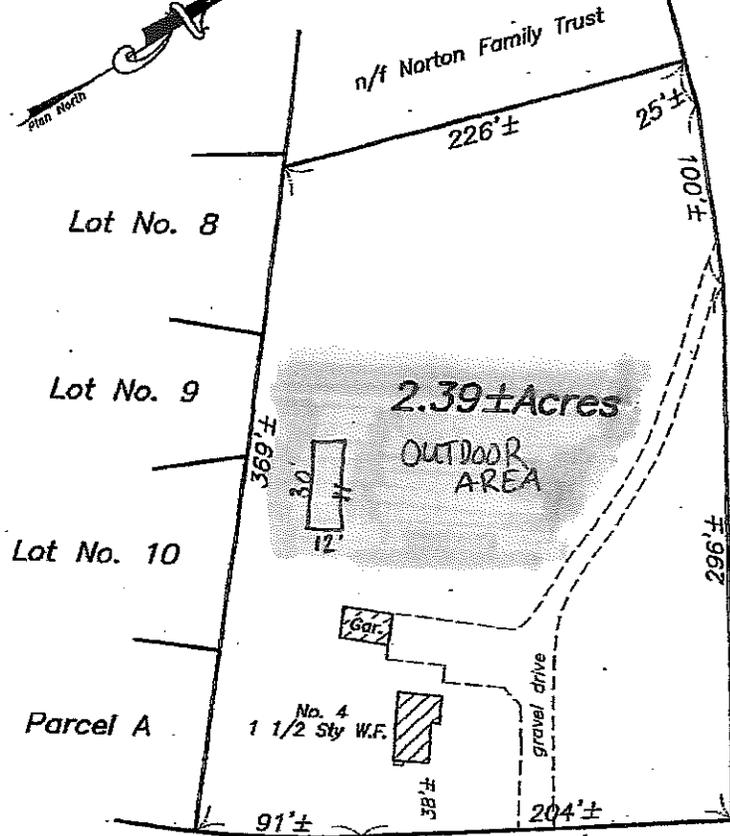
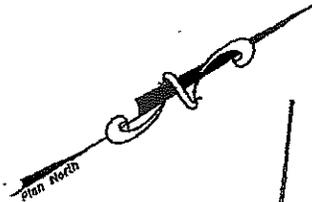
Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

Date APPROVED by LLA

This Mortgage Inspection Plan has been prepared in accordance with the Procedural and Technical Standards for the Practice of Land Surveying (250 CMR 8.00) and the Standards as adopted by the Massachusetts Association of Land Surveyors and Civil Engineers, Inc. It has been prepared for MORTGAGE PURPOSES ONLY and shall not be recorded, used in preparing deed descriptions or construed as a boundary survey. Under no circumstances shall this plan be used to establish property lines or utilized in applying for building permits (i.e. building additions, fences etc.) It shall be further acknowledged and understood, that if a boundary survey is performed at a later date, R.A.S. associates assumes no responsibility or liability for any actions by others based upon an incorrect use of this plan.



Brick Kiln Road

= proposed area

Ox Bow Road

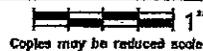
Client: Laura M. Moynihan, Esq. & North Middlesex Savings Bank Job No. 14-135

MORTGAGE INSPECTION PLAN Location: Falmouth, MA Date: 11/22/2014 Rev: 12/04/2014

Title Reference: Barnstable County Registry of Deeds
Deed Book/Page: 27844/179, See Assessors Parcel 34 04 041 000.

The certifications made herein are based upon a Mortgage Loan Inspection performed under my immediate supervision and are made to the above named client only as of this date. The land depicted hereon is based upon client furnished title information and may be subject to further exceptions, takings, easements and rights of way. No certification is intended with respect to lines of title. Boundary information compiled from abutting property plans and town worksheets.

Scale: 1"=75'

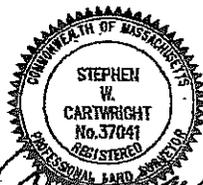


I hereby certify that, to the best of my knowledge and in my professional opinion, the structure or structures depicted are in compliance with the horizontal dimensional setback requirements of the Zoning By-Laws of the municipality when constructed and to restrictions on record or may be exempt from enforcement action under Mass. G.L. Title VII, Chapter 40A, Section 7, unless otherwise noted.

To the best of my knowledge and belief, the structures depicted do not lie within a Special Flood Hazard Zone as determined by F.E.M.A. and delineated on F.I.R.M. Community Map No. 255211 dated 07/16/14. Flood Hazard Zones have been determined schematically as shown on the FEMA Maps and are not necessarily accurate. Until both an elevation survey is performed and Elevation Certificate is completed, an accurate determination cannot be made.

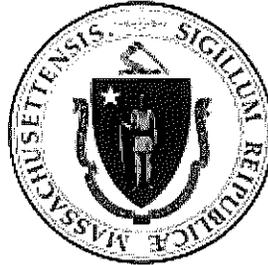
"Servicing the South Shore and Cape Cod continuously since 1983"

RAS associates Civil Engineers - Land Surveyors - Land Use Consultants
30 Carolyn Drive, Plymouth, Massachusetts 02360 (508) 224-9035



Stephen W. Cartwright
Stephen W. Cartwright, P.L.S.

The Commonwealth of Massachusetts
Department of the State Treasurer



License Number: FW-LIC-000027

Record Number: 2017-000073-FW-REN

Capacity: More Than 5K but Less
Than 20K Gallons

Alcoholic Beverages Control Commission

Hereby Grants a Farmer-Winery License

Cape Cod Winery, Inc.

4 Ox Bow Rd East Falmouth, MA 02356

This license authorizes the above-named holder: (1) to produce, rectify, blend, or fortify from fruits, flowers, herbs or vegetables wine containing not more than 24 percent of alcohol by volume at 60 degrees Fahrenheit; and, (2) to sell wine or winery products: (a) at wholesale to any person holding a valid wholesaler's and importer's license under section 18; (b) at retail or wholesale to a person in a state or territory in which the importation and sale of wine is not prohibited by law; and, (c) at wholesale to a person in any foreign country.

This license is subject to the following conditions:

1. The licensed premises and all books, records and other documents relating to the business authorized to be conducted under this license shall be subject to inspection at any time by any member of the Commission or any duly authorized agent thereof.
2. Alcoholic beverages shall not be kept or exposed for sale on premises other than those described in this license.
3. Alcoholic beverages shall not be sold delivered or furnished to any person under twenty-one years of age; or delivered by any person under eighteen years of age.
4. Sales and deliveries hereunder are authorized between the hours of 8:00 o'clock AM and 11:00 o'clock PM only.
5. The above-named holder must obtain a license issued under M.G.L. c. 138 §19F to sell at retail by the bottle to consumers, for consumption off the winery premises.

This license is issued conditionally and subject to the fact that there exists no breach of any condition of any previous license or violation of any law of the Commonwealth under any previous license and this license shall be subject to revocation, cancellation, modification or suspension for any such breach of condition or violation of law.

IN WITNESS WHEREOF, the undersigned have hereunto affixed their official signatures this March 23, 2016.

2018

This License will expire
12/31/2018 unless otherwise
suspended or revoked during this period

Handwritten signature of Jean Lorizio.

Jean Lorizio, Chairman

Handwritten signature of Elizabeth Lashway.

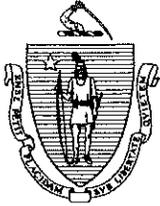
Elizabeth Lashway, Commissioner

Handwritten signature of Kathleen McNally.

Kathleen McNally, Commissioner

This License Shall Be Displayed on the Premises in a Conspicuous Place Where It Can Be Easily Read.

Fee \$ 22.00



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

APPLICATION FOR A RETAIL ALCOHOLIC BEVERAGES LICENSE

The following documentation is required as a part of your retail license application.

ABCC investigators reserve the right to request additional documents as a part of their investigation.

- Monetary Transmittal Form with \$200 fee
You can PAY ONLINE or include a \$200 check made out to the ABCC
- Retail Application (this packet)
- Beneficial Interest - Individual Form
For any individual with direct or indirect interest in the proposed licensee
- Beneficial Interest - Organization Form
For any organization with direct or indirect interest in the proposed licensee
- CORI Authorization Form
For the manager of record AND any individual with direct or indirect interest in the proposed licensee. This form must be notarized with a stamp*
- Proof of Citizenship for proposed manager of record
Passport, US Birth Certificate, Naturalization Papers, Voter Registration
- Vote of the Corporate Board
A corporate vote to apply for a new / transfer of license and a corporate vote to appointing the manager of record, signed by an authorized signatory for the proposed licensed entity
- Business Structure Documents
If Proposed Licensee is applying as:
 - A Corporation or LLC - **Articles of Organization** from the Secretary of the Commonwealth
 - A Partnership - **Partnership Agreement**
 - Sole Proprietor - **Business Certificate**
- Purchase and Sale Documentation
Required if this application is for the transfer of an existing retail alcoholic beverages license
- Supporting Financial Documents
Documentation supporting any loans or financing, including pledge documents, if applicable
- Floor Plan
Detailed Floor Plan showing square footage, entrances and exits and rooms
- Lease
Signed by proposed licensee and landlord. If lease is contingent upon receiving this license, a copy of the unsigned lease along with a letter of intent to lease, signed by licensee and landlord
- Additional Documents Required by the Local Licensing Authority

* Excludes Officers and Directors of Non-Profit Clubs



Lieutenant John (Sean) F. Doyle
Falmouth Police Department
750 Main Street Falmouth, MA 02540
Phone: 774-255-4527 ext. 4505 | Fax: 508-457-2566
Email: sdoyle@falmouthpolice.us



February 15, 2018

Board of Selectmen
59 Town Hall Square
Falmouth, MA 02540

Re: Application for a New Farmer-Winery Pouring License for the Cape Cod Winery Inc. at 4 Oxbow Rd. and CORI Check on the Proposed Manager

Dear Board of Selectmen,

I have reviewed the application for a new Farmer-Winery Pouring License for the Cape Cod Winery Inc. to be exercised at 4 Oxbow Rd. As long as all applicable laws and by-laws are adhered to then this department does not have any issue(s) with the application. Also, I have conducted a CORI check on the proposed manager (Orlandella) and I did not locate any disqualifying information.

Respectfully,

John (Sean) F. Doyle
Lieutenant

**TOWN OF FALMOUTH
BOARD OF SELECTMEN
PUBLIC HEARING NOTICE**

As provided under Chapter 119, of the Code of Falmouth, a Public Hearing will be held in the Selectmen's Meeting Room, Town Hall on Monday, February 26, 2018 at 7:55 p.m. to establish and promulgate a fee, which will become effective as of February 27, 2018 for On-Premise Farmer-Brewery and On-Premise Farmer-Winery Pouring Licenses in the Town of Falmouth.

Susan L. Moran, Chairman
Board of Selectmen

*Publication Date: Friday, February 16, 2018, Falmouth Enterprise
Account #: 2056*

Diane Davidson

From: Frank Duffy <fduffy@falmouthmass.us>
Sent: Tuesday, January 23, 2018 11:02 AM
To: 'Diane Davidson'
Cc: 'Deb Packard'; 'Julian Suso'; Patricia Harris
Subject: RE: New Farmer-Brewery License Application

Diane: To answer your question I called the ABCC and spoke to Executive Director Ralph Sacramone. He reports that local licensing authorities issue licenses for on premises sale and/or consumption of beer brewed at the brewery. The fee is usually the same as charged for a beer and wine pouring license. However local licensing authorities have some discretion and may establish a different fee for this category of license.

If the board approves this license, I will help you prepare the license with appropriate references to category of license and restrictions on sales to products of the brewery.

Frank K. Duffy, Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

CONFIDENTIALITY NOTICE: This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. If you are not the intended recipient and have received this communication in error, please contact the sender immediately and delete the original message. Thank you.

From: Diane Davidson [<mailto:ddavidson@falmouthmass.us>]
Sent: Thursday, January 18, 2018 9:19 AM
To: Frank Duffy
Cc: Deb Packard; Julian Suso
Subject: New Farmer-Brewery License Application

Hi Frank,

Attached is a copy of an application for a new farmer-brewery license from Aquatic Brewing LLC. This is the first of this type in Falmouth.

I would like to ask for your guidance in the creation of a new license type and establishing the annual Local License Authority fee. Attached is a copy of Chapter 138 Section 19C. It provides annual license fee information in (9) (I), but I think this is for the State fee.

Right now, I have this hearing this penciled in for the February 12, 2018 Selectmen's agenda.

Please let me know if there is anything else I can provide.

Thank you,

Diane

*Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Selectmen
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
(508) 495-7321*

TOWN OF FALMOUTH
Approved Fee Schedule – 2018

At a Public Hearing held on November 20, 2017, the following Fee Schedules were voted by the Board of Selectmen as provided under Chapter 119, §2 of the Code of Falmouth.

BEACH

Replacement Sticker	\$10.00
Resident/Taxpayer	\$35.00/year
Seasonal Sticker	\$250.00
One-Week Sticker	\$70.00
Two-Week Sticker	\$120.00
Three-Week Sticker	\$170.00
Four-Week Sticker	\$220.00
Hotel/Motel Sticker	\$10.00/daily
Timesharing/Interval Ownership	\$35.00

DAILY PARKING FEES

Old Silver Beach	\$20.00
Surf Drive Beach	\$15.00
Mill Road Beach	\$10.00
Menauhant Beach	\$10.00
Recreation Vehicles (Old Silver Beach Only)	\$40.00
Other Beaches	\$20.00
Children's Swimming Lessons per Child	\$30.00
Each Additional Child	\$20.00
More than 3 children	up to 3 children \$70.00 no additional cost
Special Use of Public Beach Property	\$200.00/day

BOARD OF ASSESSORS

Copies of Deeds (per sheet)	\$1.00
Copies of Certified Abutters List	\$25.00

BOARD OF SELECTMEN

Yard Sale Permits	\$10.00
Filing Fee (Wetlands, Aquaculture, Fuel Storage)	\$25.00
Advertising Fee (Wetlands)	\$45.00
Advertising Fee (Aquaculture, Fuel Storage)	\$25.00
Vending Machines (Printed Matter, Per Machine)	\$25.00
Taxi License	\$50.00

ENTERTAINMENT LICENSES

Non-Motorized Conveyance	\$25.00
Fortune Tellers	\$50.00
Juke Box	\$75.00

One Entertainer	\$75.00
Dancing, Band, Floor Shows, Theater, Movies	\$100.00
Movie Theater License	\$500.00
Amusement Devices (Video Games) PER MACHINE	\$100.00
Amusement Devices – Seasonal (Video Game) PER MACHINE	\$75.00
Bowling Alleys 1 st Alley	\$30.00
Per Additional Alley	\$15.00
Pool Table	\$100.00

SUNDAY ENTERTAINMENT

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

AUTO DEALERSHIP FEES

Class I	\$100.00
Class II	\$75.00
Class III	\$50.00
Junk Yard	\$25.00
Second-Hand Dealers	\$25.00

ALCOHOLIC LICENSES

<u>Year Round All Alcoholic</u>	
Common Victual, Inn Holder	\$1,750.00
Club	\$1,350.00
Veterans Clubs	\$675.00
Retail Package Goods Store	\$1,850.00
Druggist	\$525.00
Filing Fee	\$50.00

Year Round Wine & Malt

Common Victual, Inn Holder	\$1,200.00
Retail Package Goods Store	\$1,150.00
Club	\$425.00
Filing Fee	\$50.00

Seasonal All Alcoholic

Common Victual, Inn Holder:	
Until November 30 th	\$1,650.00
Until January 15 th	\$1,700.00
Club	\$1,275.00
Seasonal Wine Only	\$825.00
Filing Fee	\$50.00

One-Day Liquor License	\$25.00
Agricultural Event Liquor License for Farmer/Winery	\$50.00

OTHER LICENSES

Common Victual	\$60.00
Lodging House License	\$35.00
Inn Holders	\$60.00

Collection Container Permit	\$75.00
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SPECIAL EVENTS PERMIT FEES

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

Road Races (by distance):

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

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

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

Use of Town Beaches for Weddings/Ceremonies, Resident	\$75.00
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Use of Town Beaches for Weddings/Ceremonies, Non-Resident	\$150.00
--	----------

Use of Town Beach Parking Lots, Resident	\$75.00
--	---------

Use of Town Beach Parking Lots, Non-Resident	\$150.00
--	----------

UTILITIES LICENSE AGREEMENTS

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

Filing Fee all other licenses and permits (except as noted above)	\$10.00
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CONSERVATION COMMISSION

Notice of Intent Applications:

Category 1 (single family – additions, pools)	\$100.00
Category 1(a) (single family – construction, including raze/rebuild)	\$200.00
Category 2 (commercial and other Conservation)	\$300.00
Category 3 (coastal projects/dredging)	\$550.00
Category 4 (road crossing)	\$450.00



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, Massachusetts 02114*

Jean Lorizio, Esq.
Chairman

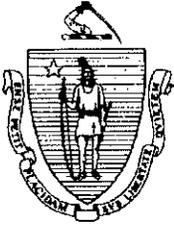
ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY
REGARDING NEW MANUFACTURERS' POURING PERMITS

On July 17, 2017, Governor Baker signed into law the Acts of 2017, Chapter 47, § 59, which amended M.G.L. c. 138, § 19. This amendment authorizes "pouring permits" for manufacturers licensed under M.G.L. c. 138, § 19.

The Manufacturer's Pouring Permit is an on-premises license that allows the licensee to sell alcoholic beverages it manufactures on its premises. The Manufacturer's Pouring Permit licensing process follows the same process as all retail licenses, including Farmer-Series Pouring Permits: they must be approved in writing by both the local licensing authorities and the Alcoholic Beverages Control Commission.

As always, all licensees must ensure that they are in compliance with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by state law.

(Issued August 29, 2017)



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

Deborah B. Goldberg
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

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

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

Farmer-Series Pouring Permit Updates

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

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

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

The New “19H” Pouring Permit

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

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

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

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

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

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

(Issued August 11, 2016)

Farmer-Brewery / Farmer-Winery - Fee Survey

	<u>Town</u>	<u>Farmer-Brewery</u>	<u>Farmer-Winery</u>	<u>Comment</u>
1	Amherst	\$ 250.00		Set low fee to promote agriculture
2	Charlton	\$ 1,000.00		
3	Hanover	\$ 500.00		
4	Mashpee	\$ 1,300.00		
5	Montague	\$ 110.00	\$ 110.00	Seating under 50
		\$ 220.00	\$ 220.00	Seating 51 - 99
		\$ 550.00	\$ 550.00	Seating over 100
6	Northbridge	\$ 1,000.00		Same as annual license fee
7	Norton	\$ 100.00		
8	Shelburne Falls	\$ 500.00		
9	Shrewsbury		\$ 1,200.00	
10	Southwick	\$ 500.00	\$ 500.00	
11	Strubridge	\$ 500.00		
12	Westport	\$ 550.00	\$ 550.00	
13	Whitman	\$ 350.00		
14	Williamsburg		\$ 200.00	

Town of Falmouth - Wine and Malt annual license fee is \$1200.00

**TOWN OF FALMOUTH
BOARD OF SELECTMEN**

Proposed new fee for On-Premise Farmer-Brewery and On-Premise Farmer-Winery Pouring Licenses:

<u>DEPARTMENT</u>	<u>PRESENT FEE</u>	<u>PROPOSED FEE</u>
<u>BOARD OF SELECTMEN</u>		
On-Premise Farmer-Brewery	None	\$1,200.00
On-Premise Farmer-Winery	None	\$1,200.00



TOWN OF FALMOUTH
Office of the Town Manager & Selectmen
59 Town Hall Square, Falmouth, Massachusetts 02540

TO: Julian Suso, Town Manager
FROM: Peter Johnson-Staub, Assistant Town Manager
SUBJECT: Aquaculture Planning
DATE: February 23, 2018

This memo responds to your request for a status report on aquaculture planning. The impetus of this planning exercise is to facilitate increased shellfish propagation particularly in waterbodies that have been closed off to aquaculture due to seasonal closures. There are a number of potential community benefits to be attained by increased aquaculture. They include:

1. improving water quality at a cost that is less than the cost of additional sewer construction;
2. providing economic opportunities for aquaculture licensees;
3. providing an increased supply of local seafood for local markets;
4. creating additional seed stock to support wild harvest recreational and commercial shellfishing;

A draft Rotational Aquaculture Plan was developed with consulting support from Sciencewares (Sia Karplus) and with input from an informal working group and multiple public meetings. This draft plan was well received by the Board of Selectmen in August of 2017.

We have held two well attended public meetings since the draft plan was completed to solicit input on some of the operational questions identified in the draft completed in August. Among the issues discussed were:

- Site Selection;
- Pre-Screening Criteria for License Applicants;
- Licensing Requirements for those awarded a license through a lottery;

The \$25,000 approved by Town Meeting in April 2016 have been expended. With the support of the Board of Selectmen, Town Meeting approved \$45,000 in November of 2017 for the next phase of work which includes the following elements:

- Finalize permitting strategy (including BOS, Division of Marine Fisheries, Army Corps of Engineers, possibly MA Environmental Policy Act (MEPA));
- Provide gear specifications and mapping for 3 permits;
- Prepare MA Division of Marine Fisheries (DMF) filings;
- Prepare NOI filing for Conservation Commission and review/modify local regulations as needed;
- Prepare filing for Army Corp of Engineers (all documents and associated meetings under General Permit);
- Address other, non-permitting issues listed in August 3, 2017 Draft Rotational Aquaculture Plan;

We have experienced some delays in procuring consulting services for this next phase of work due in part to difficulty finding consultants qualified and interested to perform this work. I hope to have a recommendation for award within the next week or two. We anticipate the planning and permitting

required to gain approval for this innovative aquaculture initiative will take at least 5 months and possibly much longer depending on the responses of the permitting agencies. We will be seeking approval of 3 locations/licenses as a pilot phase so that we can test this new approach and assess any changes that may be needed before permitting additional locations.

Please let me know if I can provide further information on this matter.

CC: Board of Selectmen

Chuck Martinsen, Shellfish Constable

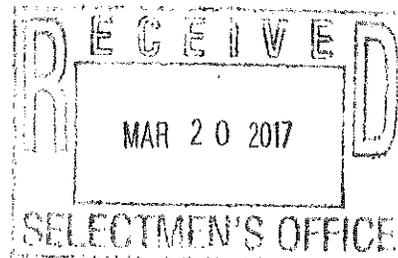
//Aqua Plan Status 2-23-2018.docx

2/26/18

Recreation Committee

1 vacancy to fill an unexpired term until 6/30/18 (Phil Afonso resignation).

1 applicant: Richard Boles



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION APPLICATION FORM

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

Name: Richard Boles

Address: 14 Journeys End Rd Village: East Falmouth ZIP: 02536

Mailing Address: same Village: _____ ZIP: _____

Telephone: 508-254-5392 Email: boles538289@msn.com

How long have you been a Resident 5yrs (date: 7/12) / Taxpayer 5yrs (date: 7/12)

Amount of time you are available to give: RETIRED Teacher... NOT AN ISSUE

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

1. RECREATION COMMITTEE
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Relevant affiliation & work & personal experiences RETIRED WELLNESS TEACHER (ITEM 9 PE), ATHLETIC DIRECTOR, COACH, PARKS & RECREATION STAFF.

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

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

WORKING IN THE "WELLNESS & RECREATION" FIELDS IN SCHOOLS & COMMUNITY. GRADUATE OF SPRINGFIELD COLLEGE 1975. MANY YEARS OF WORKING WITH SCHOOL ADMINISTRATORS, FACULTY, STAFF AND PARENTS.

Three (3) References:

<u>Name</u>	<u>Title</u>	<u>Phone</u>
1. <u>JONNA Q. DOMINGOS</u>	<u>Secretary to Principal</u> <u>Morse Pond School</u>	<u>508-517-2917</u>
2. <u>TERRY PAMPER</u>	<u>RETIRED FALMOUTH RESIDENT</u>	<u>508-457-0915</u>
3. <u>JOSH OLIVER</u>	<u>TEACHER AT MORSE POND SCHOOL</u>	<u>774-836-7750</u>

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

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

3/18/17
DATE

Robert T. Bolin
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.

Molly's Parking

Temporary Hand-Held Sign

- A hand-held sign directing people to Molly's Parking Lot on Depot Avenue with the following conditions:
 1. A sign permit is required by the Building Department.
 2. The sign is approved for one season—the 2018 summer season.
 3. The sign holder will act courteously.
 4. The sign holder will stand only on Palmer Avenue.
 5. The hand-held sign will only be used when the Palmer Avenue Steamship Authority lot is closed.
 6. The sign holder will not interfere with the flow of traffic or with pedestrian traffic.

Temporary Off-Premise Sign

- An off-premise sandwich board sign, measuring 2'x5', to be placed at the corner of Depot Avenue and No. Main Street
- A temporary on-premise sign, measuring 3'x4', with the following conditions:
 1. A sign permit is required by the Building Department.
 2. The signs are approved for one season—the 2018 summer season.



TO **BOARD OF SELECTMEN**

FROM **Molly Campbell**

DATE 2 | 16 | 18

I am seeking a variance for permission to place Promotional Signage as follows (a) 12 sq. ft. on "Parking...Mollys" to be placed on premise (29 Depot Avenue, Falmouth, MA) (b) 2 x 5 sandwich board sign to be placed at the corner of Depot Avenue and North Main Street "Park at Mollys for Island" and (c) 2 sq. ft. handheld sign "Molly's Parking Overnight Parking" to be used when the Palmer Avenue Steamship Authority lot is closed. The sign holder will stand only on Palmer Avenue and will not interfere with the flow of traffic or pedestrian traffic. This variance has been sought and allowed by the Board of Selectmen for several years. Please see attached for dates and placement and image of proposed signs.

A permit will be sought if a variance is granted.

Thank you.

Molly Campbell
29 Depot Avenue
Falmouth, MA 02540

Town of Falmouth Sign Permit Application (rev. 12/08)
 (508) 495-7470 Fax (508) 548-4290

For office use only:

BD Permit#: _____ Fee*: _____ HDC App. #: _____ DRC App. #: _____

*The Sign Permit Fee is \$25.00 per sign, payable to the Town of Falmouth (special event and promotional signs under §180-30 are no charge) – please submit the required fee to the Building Department along with the completed sign permit application.

DATE: _____
 STREET ADDRESS FOR PROPOSED SIGN(S): _____
 APPLICANT NAME: Mary E. Campbell PHONE: 508 540 1791
 MAILING ADDRESS: 29 Depot Avenue TOWN/STATE/ZIP: Falmouth MA 02540
 BUSINESS NAME: Molly's Pastry
 BUSINESS OWNER: Mary E. Campbell ADDRESS/PHONE: _____
 PROPERTY OWNER: _____ ADDRESS/PHONE: _____
 CONTRACTOR / SIGN COMPANY: _____
 ASSESSOR'S PARCEL ID: _____ ZONING DISTRICT: _____

IS THE PROPOSED SIGN LOCATED WITHIN A LOCAL HISTORIC DISTRICT? Y / N
 If YES, the applicant must first submit this application to the Historic District Commission (HDC) for their approval. See attached 'Town of Falmouth Sign Permit Process and Required Submittals' for a detailed description of the HDC requirements.

FREESTANDING SIGN(s) § 184-25; Projecting sign(s) § 184-35
 List number and sizes of each sign that presently exist for each street frontage: _____
 Area of proposed standing sign is: _____ x _____ = _____ square feet.
 Do the frames, borders, etc. exceed 8 square feet in area? Y / N _____
 The proposed standing sign will be set back from _____ street line _____ feet.

WALL SIGN(s) § 184-37; Awning(s) § 184-22
 List number and sizes of each wall and roof sign that presently exist on building: _____
 Size of proposed wall sign is: _____ x _____ = _____ square feet.
 The lineal frontage of the wall supporting the sign is: _____ lineal feet.
 The proposed sign will face _____ street/parking lot

ROOF SIGN(s) § 184-37
 List number and sizes of each wall and roof sign that presently exist on building: _____
 Size of proposed roof sign is: _____ x _____ = _____ square feet.
 The wall that the sign will be above is: _____ lineal feet.

PROMOTIONAL/SPECIAL EVENT SIGN(s) § 184-30
 Size of proposed sign is: _____ x _____ = _____ square feet. 3 Promotional for 2018
 Start date: _____; End date: _____ Total number of days that the sign will be displayed: System

If the sign is eight (8) square feet or greater, this application must be submitted the Design Review Committee (DRC) for approval. See attached 'Town of Falmouth Sign Permit Process and Required Submittals' for a description of the DRC requirements.

OFF-PREMISES SIGN(s) § 184-32; VARIANCE § 184-20
The Board of Selectmen must approve all off-premise signs.
 Proposed location: _____ Size: _____ square feet.
 Board of Selectmen License No.: _____ (Note: A copy must be attached)

INSTRUCTIONS TO APPLICANT: (1) Attach a separate sheet with a site plan showing the location of the proposed sign on the lot as well as a sketch of the proposed sign with dimensions and the approximate appearance. **(2)** All signs in local Historic Districts must receive approval from the Historic District Commission (HDC) before the sign permit application is filed with the building department. **(3)** All applications for signs at a size of eight (8) square feet or greater that are located outside of local historic districts must be submitted to the Design Review Committee (DRC) for approval.

Mary E. Campbell
 Signature of Applicant Date 2/16/18

Historic District Commission _____ or _____ Design Review Committee _____
 Date _____ Date _____
 With the following conditions: _____

Building Commissioner/Inspector _____ Date _____
 With the following conditions: _____

Off Premises 12 sq ft + 2 x 5 Sandwich Board Sign and 2 sq ft handheld

Number:
18-3-Limo

Fee
\$50.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Top Notch Limousine LLC
116 Bernard E. Saint Jean Drive
East Falmouth, MA 02536
is hereby granted this
Limousine License

In accordance with the provisions of Chapter 40, Section 22 of the General Laws with amendments thereto and Chapter 280, Code of the Town of Falmouth the above named entity is hereby licensed to engage in the business of transporting and discharging passengers for hire at the located premises described as follows:

116 Bernard E. Saint Jean Drive, East Falmouth, MA 02536

6 vehicles

Valid from: February 26, 2018

Valid until: December 31, 2018

By order of The Falmouth Board of Selectmen

February 26, 2018

This License Must be Posted in a Conspicuous Place upon the Premises

**WARRANT FOR THE APRIL ANNUAL TOWN MEETING
MONDAY, APRIL 9, 2018 AT 7:00 p.m.**

For action on articles in the Warrant

COMMONWEALTH OF MASSACHUSETTS

Barnstable, SS To either of the constables of the Town of Falmouth, in said county:

In the name of the Commonwealth of Massachusetts you are directed to notify and summon the inhabitants of the Town of Falmouth qualified to vote in Town Affairs to meet at the Memorial Auditorium, Lawrence School, Falmouth; Monday, April 9, 2018 at 7:00 p.m. for the purpose of acting on the articles contained in the following warrant:

ARTICLE 1: To choose all other necessary Town Officers for the year in accordance with nominations to be offered at Town Meeting.

ARTICLE 2: To hear reports of Committees and Town Officers and act thereon.

ARTICLE 3: To see if the Town will vote to authorize the Selectmen to settle claims and suits which are pending or may arise against the Town. Or do or take any other action in the matter. On request of the Board of Selectmen.

ARTICLE 4: To see if the Town will authorize the Board of Selectmen to apply for and accept state and federal grants they deem beneficial to the Town, provided that the Board of Selectmen shall hold a public meeting prior to the board's acceptance of any such grant(s) or gifts(s), if said grant(s) or gift(s) require the Town to meet future conditions or requirements including anticipated future costs to the Town. Further, when applicable, the Board of Selectmen will advise the Finance Committee of such anticipated costs prior to the public meeting and may seek further review/comment of the Finance Committee. Or do or take any other action in the matter. On request of the Board of Selectmen.

ARTICLE 5: To see if the Town will vote to fix the salaries of the Elected Officials as follows:

Moderator.....	\$ 1,500
Town Clerk.....	\$92,582
Selectmen (4).....	\$ 5,000
Chairman of Selectmen.....	\$ 6,000

And further, the Town Clerk is authorized to receive a Cost of Living Adjustment on the same terms and conditions of TAM employees. Or do or take any other action in the matter. On request of the Board of Selectmen.

ARTICLE 6: To see if the Town will appropriate a sum of money for the purpose of paying unpaid bills from a prior fiscal year, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

ARTICLE 7: To see if the Town will vote to adopt 780 CMR 115 AA of the Massachusetts State Building Code known as the Stretch Energy Code for the purpose of regulating the design and construction of buildings for the effective use of energy, including any amendments or modifications thereto, a copy of which is on file with the Town Clerk, or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 8: To see if the Town will vote to amend Article VI "General Residence Districts" of Chapter 240 - Zoning - of the Code of Falmouth by adding the following:

"§240- 28.H (5) Accessory Apartments

(1) Purpose

The intent of the Accessory Apartment bylaw is to: Broaden the range of housing choice in Falmouth by increasing the number of small dwelling units available for rent; Encourage greater diversity of population with particular attention to young adult citizens and to allow for "Aging in Place" for our senior citizens; Promote more economic and energy efficient use of the town's housing supply. All this while maintaining the appearance and character of the town's single family neighborhoods.

(2) Definitions

Accessory Apartment. Sections 240-3 A, 240-66. D and 240- 70.D not-with-standing, an additional dwelling unit, subordinate in size and accessory to the principle dwelling unit on the lot, located in either the principle dwelling or an accessory structure on the lot. An accessory apartment is constructed so as to maintain the appearance and essential character of a single family dwelling or accessory structure thereto located on the lot.

(3) Requirements

- a) Only one accessory apartment shall be allowed per lot.
- b) Either the principal dwelling or accessory apartment must be owner-occupied for a period of seven months in every calendar year, or owned by a nonprofit organization or government authority whose purpose is to provide affordable housing.
- c) Either the principal dwelling or accessory apartment may be rented, but not both during the five months the owner occupant may be absent. Rental periods shall be no less than six (6) months and weekly/monthly rentals (summer rentals so called) are expressly prohibited. Neither the principal dwelling nor accessory apartment shall be used as commercial accommodations at any time.
- d) The accessory apartment shall have no more than two bedrooms and a maximum of eight hundred (800) square feet of floor area, or forty (40) percent of the floor area of the principal dwelling, whichever is less.
- e) The total number of bedrooms on the lot shall not exceed four (4) when the lot contains less than twenty thousand (20,000) square feet.
- f) Whether allowed as a matter of right or by special permit, accessory apartments located on lots subject to the provisions of the Water Resource Protection or Coastal Pond Overlay Districts¹ the total number of bedrooms shall not exceed one (1) per ten thousand (10,000) square feet of lot area, unless both the principal dwelling and accessory apartment are connected to the municipal sewer system or to an on-site septic system with enhanced nitrogen removal approved by the Board of Health.

(4) Design Standards

Accessory apartments, whether a part of new construction, reconstruction, alteration or change to a single family residence or accessory structure (attached) thereto, shall maintain the following standards:

- a) The architectural effect, as the result of the accessory apartment being constructed within the principal dwelling, shall be that of a single family residence compatible with the surrounding neighborhood.
- b) The architectural effect, as the result of the accessory apartment being constructed within an accessory structure, shall be that of a garage or barn customarily incidental to a single family residence compatible with the surrounding neighborhood.
- c) Parking for the accessory apartment shall be provided in a manner that is compatible with the surrounding neighborhood.

(5) Procedures

- a) Accessory Apartment constructed within a single family dwelling. Prior to the issuance of a building permit for an accessory apartment constructed within a single family dwelling a Site Plan Review (Design Review), pursuant to Article XXXIX (39) of the Zoning Bylaw, shall be conducted

¹ Articles XV and XXI of the Falmouth Zoning Bylaw

by the Planning Board, taking into account the design standards, requirements and purposes of this accessory apartment bylaw. The application for site plan review shall include the information contained in Section 240-195 C, unless waived by the Planning Board.

- b) Accessory Apartment constructed within or as a detached accessory structure (not attached to a single family dwelling): In addition to the site plan review requirements above, an accessory apartment built within or as an accessory structure, not attached to a single family dwelling, a special permit from the Board of Appeals shall be required. In addition to the design standards, requirements and purposes of this accessory apartment bylaw, the Board of Appeals shall take into account the standards found in section 240-216 A- I of this bylaw.

(6) Enforcement

- a) Upon a written determination by the Building commissioner that the property owner has failed to comply with these provisions the property owner shall bring the accessory apartment into compliance within ninety (90) days of such notice. Failing compliance the property shall be restored to single family dwelling status within ninety (90) days of said failure determination, in a manner that complies with all requirements of the State Building Code and any other local regulations or bylaws.

(7) Monitoring

- a) An affidavit shall be submitted annually to the building commissioner, signed by the property owner, attesting that the principal dwelling or accessory apartment has been owner-occupied for a period of seven months and not otherwise rented as set forth in section 3 (b) above. The Building Commissioner may allow a property owner to be absent during this seven month period for cause, such as military assignment, work or health related issues, academic sabbatical or similar circumstance."

Or do or take any other action on this matter. On request of the Planning Board

ARTICLE 9: To see if the Town will vote to amend Chapter 240- - Zoning – of the Code of Falmouth by adding the following to Article VIII – Agricultural Districts:

"§240-38.O In Agricultural A and Agricultural AA Districts only - Ground-mounted solar photovoltaic array."

Or do or take any other action on this matter. On request of the Planning Board.

ARTICLE 10: **ARTICLE:** To see if the Town will vote to amend the Town’s Salary Administration Plan as follows:

<u>Action</u>	<u>Title</u>	<u>Grade</u>	<u>Min</u>	<u>Max</u>
Delete:	Chief Water Plant Operator	14	\$30.68	\$39.05
Add:	Chief Water Plant Operator	15	\$32.82	\$41.53
Delete:	Assistant Chief Water Plant Operator	12	\$26.79	\$34.11
Add:	Assistant Chief Water Plant Operator	13	\$28.67	\$36.50
Delete:	Water Plant Operator	9	\$21.87	\$27.88
Add:	Water Plant Operator	10	\$23.40	\$29.81
Delete:	Chief Wastewater Plant Operator	14	\$30.68	\$39.05
Add:	Chief Wastewater Plant Operator	15	\$32.82	\$41.53
Delete:	Assistant Chief Wastewater Plant Operator	12	\$26.79	\$34.11
Add:	Assistant Chief Wastewater Plant Operator	13	\$28.67	\$36.50
Delete:	Wastewater Plant Operator	9	\$21.87	\$27.88
Add:	Wastewater Plant Operator	10	\$23.40	\$29.81

Or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 11: To see if the Town will vote to amend the Town's Salary Administration Plan as follows:

<u>Action</u>	<u>Position</u>	<u>Grade</u>	<u>Min</u>	<u>Max</u>
Delete:	Administrative Clerk	7	\$19.32	\$24.46
Add:	Administrative Coordinator	11	\$25.32	\$32.02

Or do or take any other action on the matter. On request of the Community Preservation Committee.

ARTICLE 12: To see if the Town will vote to appropriate such sums of money as may be deemed necessary to defray the Town's expenses for Fiscal Year 2019 and to determine how the same shall be raised and by whom expended, or do or take any other action on this matter. On request of the Board of Selectmen.

ARTICLE 13: To see if the Town will vote to appropriate a sum of money to the General Stabilization Fund for further appropriation and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 14: To see if the Town will vote to appropriate a sum of money to the Capital Improvement Stabilization Fund for the purpose of funding future capital improvements, and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 15: To see if the Town will vote to appropriate a sum of money to the Other Post-Employment Benefits Trust Fund for further appropriation and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 16: To see if the Town will vote to appropriate a sum of money to the Workers Compensation Trust fund, and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 17: To see if the Town will vote to appropriate a sum of money for the purpose of wage settlements to employees of the Town, and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 18: To see if the Town will vote to appropriate a sum of money for the purpose of funding engineering, design, construction, and other related costs of an all-purpose athletic field at Falmouth High School, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the School Committee.

ARTICLE 19: To see if the Town will vote to appropriate a sum of money to pay for the Town's obligation pursuant to the Mass CEC agreement relating to the Wind Turbines, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 20: To see if the Town will vote to appropriate a sum of money for the purpose of purchasing a truck for the Marine and Environmental Services Department, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 21: To see if the Town will vote to appropriate a sum of money for the purpose of a twenty-five (25%) percent match to satisfy a condition of the supplemental grant for the Coonamessett River

Restoration Project, to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

ARTICLE 22: To see if the Town will vote to appropriate a sum of money for the purpose of replacing the seats in Memorial Auditorium at the Lawrence school, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the School Committee.

ARTICLE 23: To see if the Town will vote to reduce the number of appointed members of the Substance Abuse Commission from nine (9) members to five (5) members. Or do or take any other action on this matter. On request of the Board of Selectmen.

ARTICLE 24: To see if the Town will vote to authorize the Board of Selectmen to submit to the Massachusetts General Court a petition for a special act, as follows:

AN ACT AUTHORIZING THE TOWN OF FALMOUTH TO CONTINUE THE EMPLOYMENT OF POLICE CHIEF EDWARD DUNNE.

- 1) Notwithstanding any general or special law to the contrary, Edward Dunne, chief of police of the town of Falmouth, may continue to serve in that position until June 30, 2024, the date of his retirement or the date he is relieved of his duties by the Town Manager of the town of Falmouth, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. The Town Manager may, at the expense of the town, require that Edward Dunne be examined by an impartial physician on or about his 65th birthday and each year thereafter on or about his birthday to determine such capability. No further deductions shall be made from the regular compensation of Edward Dunne pursuant to Chapter 32 of the Massachusetts General Laws for service subsequent to the date he reaches 65 years of age and, upon retirement, he shall receive a superannuation retirement allowance equal to the allowance that he would have been entitled had he retired on that date.
- 2) This act shall take effect upon its passage.

Or do or take any other action on this matter. On request of the Town Manager.

ARTICLE 25: To see if the Town will vote to authorize the Board of Selectmen to abandon an easement for water main extension originally granted to the town by Kenneth P. Andrews and Hisako Andrews of 356 Old Meeting House Road, East Falmouth, MA 02536 in a "Water Main Extension Agreement and Easement to Serve Hiken Way, East Falmouth, Barnstable County, Massachusetts" which document is dated October 14, 2005 and recorded in the Barnstable County Registry of Deeds in book 20385, page 268, and Hiken Way is shown on a plan recorded in said registry in plan book 603, page 49, or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 26: To see if the Town will vote to accept the provisions of Massachusetts General Laws chapter 39, section 23D, which permits local board members who miss a single session of an adjudicatory hearing before their board to be able to vote on the matter provided they review the evidence submitted at the missed hearing session and file a certificate to said effect, said provision to be applicable to all types of local adjudicatory hearings. Or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 27: To see if the Town will vote to adopt a bylaw to be added to Chapter 156 of the Code of Falmouth, Peace and Good Order, authorizing fingerprint-based background checks, as follows:

Article IX
Fingerprint-Based Background Checks

§156-15 Fingerprint-Based Criminal Record Background Checks

§156-15.1 Purpose and Authorization

In order to protect the health, safety, and welfare of the inhabitants of the Town of Falmouth and as authorized by Chapter 6, section 172B ½ of the Massachusetts General Laws as enacted by Chapter 256 of the Acts of 2010, this by-law shall require a) applicants for certain Town licenses permitting engagement in specific occupational activities within the Town as enumerated in Section 156-15.2 below to submit to fingerprinting by the Falmouth Police Department, b) the Police Department to conduct criminal record background checks based on such fingerprints, and c) the Town to consider the results of such background checks in determining whether or not to grant a license.

The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI) as may be applicable to conduct on the behalf of the Town and its Police Department fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this by-law. The Town authorizes the Police Department to receive and utilize FBI records in connection with such background checks, consistent with this by-law.

§156-15.2 Applicant's Submission to Fingerprinting by the Falmouth Police Department

Any applicant for a license to engage in any of the following occupational activities within the Town shall submit a full set of fingerprints taken by the Falmouth Police Department within ten (10) days of the date of the application for a license for the purpose of conducting a state and national criminal record background check to determine the suitability of the applicant for the license:

- Manager of Alcoholic Beverage License
- Hawker and Peddler
- Owner or Operator of Public Conveyance
- Dealer of Second-Hand Articles
- Ice Cream Truck Vendor

At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's FBI criminal history records.

§156-15.3 Police Department Processing of Fingerprint-Based Criminal Records Background Checks and Communication of Results

The Police Department shall transmit fingerprints it has obtained pursuant to Section 156-15.2 of this by-law to the Identification Section of the Massachusetts State Police, DCJIS, and/or the FBI as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in Section 156-15.2.

The Police Department shall provide the applicant with a copy of the results of his or her fingerprint-based criminal records background check and supply the applicant the opportunity to complete or challenge the accuracy of the information contained in it, including in the FBI identification record. The Police Department shall also supply applicants with information regarding the procedures for obtaining a change, correction, or updating of a criminal record, including a copy of 28 C.F.R. Part 16.34 pertaining to FBI identification records. The Police Department shall not utilize the fingerprint-based criminal records background check pursuant to the paragraph below until it has taken steps detailed in this paragraph and otherwise complied with the Town's policy applicable to Town licensing related criminal record background.

The Police Department shall communicate the results of fingerprint-based criminal record background checks to the applicable licensing authority within the Town. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability, or any felony or misdemeanor that involved forces or threat of force, controlled substances or a sex-related offense.

§156-15.4 Reliance on Results of Fingerprint-Based Criminal Records Background Checks

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in 156-15.2. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines

that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination. The licensing authority shall not deny a license based on information in a criminal record unless the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.

§156-15.5 Compliance with Law, Regulation, and Town Policy

Implementation of this by-law and the conducting of fingerprint-based criminal record background checks by the Town shall be in accordance with all applicable laws, regulations, and town policies, including, but not limited to, the Town's policy applicable to licensing-related criminal record checks which shall include record retention and confidentiality requirements. The Town shall not disseminate the results of fingerprint-based criminal background checks except as may be provided by law, regulation, and town policy. The Town shall not disseminate criminal record information received from the FBI to unauthorized persons or entities.

§156-15.6 Fees

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be initially be one hundred dollars (\$100) and thereafter may be determined by the Board of Selectmen in accordance with Chapter 119 of the Code of Falmouth. A portion of the fee, as specified in Mass. Gen. Laws Chapter 6, Section 172B ½, (currently \$30.00) shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

§156-15.7 Effective Date

This by-law shall take effect July 1, 2018. Or do or take any other action on this matter. On request of the Board of Selectmen.

ARTICLE 28: To see if the Town will ask the Board of Selectmen to develop and recommend a comprehensive recycling bylaw for Falmouth that would include mandatory recycling and bundled services for private haulers in compliance with Massachusetts Waste Bans 19.017 of 310 CMR. The Board of Selectmen would return to Town Meeting for bylaw approval. On petition of Linda E. Davis and Members of the Solid Waste Advisory Committee.

ARTICLE 29: To take whatever action necessary to amend Town Meeting rules to require every vote to be a roll call vote using the electronic voting system. Should the electronic voting system not be operational current voting rules are to be followed.

Said voting results are to be recorded by the Town Clerk and made available on the Town website such that members of the public can see whether each Town Meeting member voted and the manner which each voted on each article/action. On petition of J. Malcom Donald.

ARTICLE 30: To see if the Town will vote to transfer a sum of money within the FY 2018 budget approved by Article 18 of the April 3, 2017 Annual Town Meeting to make necessary adjustments thereto, or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 31: To see if the Town will vote to appropriate a sum of money to supplement the FY 2018 budget approved by Article 18 of the April 3, 2017 Annual Town Meeting, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 32: With the recent completion of the Little Pond Sewer Service Area (LPSSA) project residents in the area are **require** to abandon their old title five sewer systems and connect to this new sewer system. And since this new system's operating costs will cause your residential water bill to approximately double, and since each residence is **only authorized one water meter**, you will be unnecessarily charged for water usage that doesn't even enter the town sewer system. Specifically, the

water used for lawns, gardens, washing your house, etc. Only approximately two thirds of your residential water usage is actually gray water (water that does into the sewer system). **This means that you are being unnecessarily charged for 33.33% of your water usage!! That means if your water bill is \$600 a year, you are paying \$199.98 too much!!** But, if you had a second separate water meter in your home (one for inside use and one for outside use) you would not be charged a sewer tax for the water used outside your home.

This petition is to place an article in the annual warrant to have the town of Falmouth authorize a second water meter for each residence affected by this new sewer system. The town to provide the additional water meter and the homeowner would pay for its installation. On petition of Stephen C. Bazycki.

ARTICLE 33: To see if the Town will vote to amend Chapter 240-Zoning Article XIV Dimensional Regulations Section 240-70 "Maximum Building Height" to read as follows: The maximum height for principal structures is 2½ stories not to exceed 35 feet and for accessory structures (delete "is 1½ stories), not to exceed (delete 18 feet) (insert 22 feet) as measured from the base of the structure to the highest point... On petition of Patricia P. Johnson and others.

ARTICLE 34: To see if the Town will vote to amend the Zoning Bylaw by deleting Section 240-142 (as amended in 1983) and substituting the following updated Section 240-142 regulating cooking and housekeeping amenities in commercial accommodations guest units:

§240-142 Cooking and housekeeping facilities.

Commercial accommodations units may contain amenities for private cooking and housekeeping only as the Board of Appeals allows, by special permit, upon the Board's determination that the allowed amenities are customary to guest units and will not change the nature of the use as commercial accommodations. On petition of Kevin P. Klauer, II

ARTICLE 35: To see if the Town will vote to amend the Zoning Bylaw by deleting Section 240-37.E. and substituting the the following updated Section 240-37.E. to allow splitting of wood for firewood as a permitted accessory use in the Agricultural Zoning Districts:

§240-37.E. Portable woodworking mill and/or log-splitter;
On petition of Kevin P. Klauer II

ARTICLE 36: To see if the Town will vote to amend the Zoning Bylaw, Section 240-67.C. (Lots for commercial accommodations) by inserting "and Business Redevelopment" in Section 240-67.C.(2)(c), after "Business 2," so that Section 240-67.C.(2)(c) will begin "Business 2 and Business Redevelopment: allowed." Said Section will otherwise remain the same. On petition of Kevin P. Klauer, II

ARTICLE 37: To see if the Town will vote to appropriate a sum of money for the purpose of paying relocation costs related to the purchase of Andrews Farm to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 38: To see if the Town will vote to authorize the Board of Selectmen to transfer care and control of the Tony Andrews Farm, or any part thereof, from the Conservation Commission to the Agricultural Commission upon completion of all necessary preliminary procedures and at such time as the board in its discretion deems appropriate. Or do or take any other action on the matter. On request of The Board of Selectmen.

ARTICLE 39: To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for appropriate legislation in accordance with Article 97 of the Amendments to the Constitution of Massachusetts, to authorize the Board of Selectmen to change the use and or management, including without limit, by grant of licenses or leases, which are consistent with the terms of

the Conservation and Agricultural Restriction on the following described property, without seeking additional approval from the General Court. Said Property is described as a portion of the Andrews Farm Property. Or do or take any other action on this matter. On request of the Board of Selectmen.

ARTICLE 40: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to make capital improvements to Guv Fuller Field; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 41: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to Falmouth Rod & Gun Club, Inc. to preserve open space and rehabilitate and restore passive recreation uses at Upper Childs River and Farley Bog; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 42: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to Historic Highfield, Inc. to rehabilitate the ballroom and foyer hardwood floors in Highfield Hall located at 58 Highfield Drive; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 43: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to Friends of Nobska Light, Inc. to partially fund the preservation of the Nobska Light Keeper's House; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 44: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Falmouth Historical Commission to conduct the Inventory of Historical Resources - Phase 2; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 45: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund to fund the administrative expenses of the Community Preservation Committee and to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 46: To see if the Town will vote to transfer a sum of money from the Community Preservation Fund to the Community Housing Reserve, and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Community Preservation Committee.

ARTICLE 47: To see if the Town will vote to transfer a sum of money from the Community Preservation Fund to the Historic Preservation Reserve, and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Community Preservation Committee.

ARTICLE 48: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Land Bank Debt Reserve Account, and to determine how the same shall be raised, or do or take any other action on the matter. On the request of the Community Preservation Committee.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of holding said meeting.

Given under our hand this 22nd day of January in the year of our Lord Two Thousand Eighteen.

Susan L. Moran, Chairman

Megan English Braga, Vice Chairman
Douglas C. Brown
Doug Jones
Samuel H. Patterson

To: fduffy@falmouthmass.us; jpetit@falmouthmass.us; kip@falmouthretirement.org; nicklaw@aol.com; rrf0071@aol.com
Subject: Town Meeting Article 24 for Chief Dunne

Hi Frank

Jennifer Petit and Kip St Germaine asked me to reach out to you regarding the draft Special Act language for Chief Dunne to allow him to work past age 65.

As drafted, the language, (set out below) does not deal with the situation if the Chief becomes disabled or dies while performing his duties as Police Chief. Because the draft bill stops retirement deductions being taken from his compensation, neither he nor his surviving spouse would be eligible for any Ch 32 benefits due to disability or death in the line of duty post age 65. The Retirement Board would have to deny any claims under Ch. 32 sec. 7 (accidental disability, including the Heart Law presumption), sec. 9, (Accidental Death benefit) or Killed in the Line of Duty Sec. 100.

I suggest that the draft language be amended to add the following language:

Chief Dunne will be continue to be a member in service under Ch. 32 sec. 1 for purposes of eligibility for benefits under chapter 32 sections 7, 9 or 100 during any period after his 65th birthday while serving as Chief of Police

ARTICLE 24: To see if the Town will vote to authorize the Board of Selectmen to submit to the Massachusetts General Court a petition for a special act, as follows: AN ACT AUTHORIZING THE TOWN OF FALMOUTH TO CONTINUE THE EMPLOYMENT OF POLICE CHIEF EDWARD DUNNE. 1) Notwithstanding any general or special law to the contrary, Edward Dunne, chief of police of the town of Falmouth, may continue to serve in that position until June 30, 2024, the date of his retirement or the date he is relieved of his duties by the Town Manager of the town of Falmouth, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. The Town Manager may, at the expense of the town, require that Edward Dunne be examined by an impartial physician on or about his 65th birthday and each year thereafter on or about his birthday to determine such capability. No further deductions shall be made from the regular compensation of Edward Dunne pursuant to Chapter 32 of the Massachusetts General Laws for service subsequent to the date he reaches 65 years of age and, upon retirement, he shall receive a superannuation retirement allowance equal to the allowance that he would have been entitled had he retired on that date. 2) This act shall take effect upon its passage. Or do or take any other action on this matter. On request of the Town Manager.

Nick Poser
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Allowing separate metering does not equal a lower cost for the typical sewered homeowner!

- Town's metering and billing for water and sewer is based on total water consumption at each occupied structure on a property.
- The rate structure for water and sewer is set to recover 100% of the annual operational cost as well as incurred capital cost of projects.
- Allowing separate meters for water that is used at a dwelling but does not get returned to the sewer will require that the rate for the use of the sewer be increased to continue to recover the operating costs.
- Simple case in point - assume all homes install a second meter then:
 - $(\text{Annual cost of operation and capital}) / (\text{billable consumption}) = \text{usage rate}$
 - Current sewer usage fee is \$6.70/100 cubic feet.
 - Assuming that 25% of water usage does not go to sewer
 - Revised sewer usage fee would need to be \$8.37/100 cubic feet
- If only high consumers install a second meter, then the cost to homeowners without a second meter will increase.

Advantages and benefits of current metering and fee system:

- Encourages smart usage (conservation) of water.
- Simplifies the meter reading and bill preparation.
- Lowest cost for meter maintenance and billing costs.
- No risk of intentional or accidental cross connection of water services on same lot.

Private irrigation wells are an option for homeowners.

- Within areas served by sewers, the Board of Health allows wells for irrigation.
- Wells need to be a minimum of 10 feet from lot line.

2018 TOWN MANAGER GOALS

DRAFT ONLY

Draft to BOS 1-22-18

1. Work with Selectmen, Senior Center Building Committee, OPM, Design Architect and appropriate staff members in the design and construction of the new senior center.
2. Work with Personnel Director and others in recruiting and hiring an IT Director, Town Planner, Recreation Director and Health Agent (Director of Public Health).
3. Continue to manage multiple department head transitions and explore potential administrative reorganization/consolidation where appropriate using best practices.
4. Continue transition process with wind turbines, considering multiple alternatives and reducing taxpayer financial outlay.
5. Analyze and evaluate Fire Department staffing requirements for emergency response purposes, pursuing the implementation of the most cost-efficient management approaches given the existing patterns of service demands.
6. Develop a master, long-range Town facilities plan to improve the efficiency and effectiveness of Town services. As an important element, this is to include a review of potential alternatives for the most cost-efficient Fire Station locations to most effectively deliver basic emergency services to residents. This latter element should include a comprehensive analysis and plan as a successor to the very dated, 1990 Report given the many community land use and related changes which have occurred in the ensuing 28 years.
7. Complete phase 2 of ESCO energy projects.
8. Continue to pursue the implementation of a Community Development Group as part of the Town organization. This includes the utilization of a director responsible for collaboratively managing the activities of the multiple departments in this Group and working with the regulatory Boards involved.
9. Pursue Town Hall restructuring/internal reconstruction process.
10. Pursue development of Town archives in collaboration with Town Clerk.
11. Pursue Town bond rating upgrade.
12. Work with the Finance Director to prepare a Capital Plan with funding strategies for Board review.

13. Work with the Coastal Resiliency Action Committee to develop action plans for community consideration.
14. Continue work in implementing employee performance management process.
15. Continue regional initiative on wastewater and related matters with Upper Cape Towns, further exploring and pursuing potential best practices in multiple areas.
16. (to be determined)

Note: This draft list is not suggesting that ALL of the above remain as primary goals, nor is it an attempt to be all-encompassing. I welcome the Board working to set consensus priorities among these (and possibly other goals) as you deem most appropriate. Bottom line – reducing this list and focusing consensus priority is certainly welcomed and recognizes our reasonable limitations in available staff support resources and time. Thank you.


Julian

2018 TOWN MANAGER GOALS

Patterson Recommendation 02-08-2018

1. Pursue the implementation of a Community Development Group as part of the Town staff organization that includes the use of a group manager to lead and coordinate the efforts of multiple Town departments, and the associated regulatory boards and committees to better manage the Town's changing development and housing needs.
2. Implement a formal Town employee performance evaluation system to provide feedback on the quality of work and set goals for improvement.
3. Continue to evaluate the Town staff organization and facilities to identify opportunities for improved service quality and efficiency, and use this as the basis to develop a master organization and facilities plan.
4. Explore and pursue available options to best use the Town's investment in the wind turbines to produce renewable energy and to reduce the costs.
5. Work with the Water Quality Management Committee, regional organizations and Town staff to develop a cost-effective approach to treat and dispose of the Town's wastewater which minimizes the impact to the natural environment, supports growth in business and housing opportunities, and assures long-term sustainability of the Town's natural resources.
6. Coordinate staff and citizen efforts to develop an approach and plan for managing the Town's resiliency to coastal storms and sea level rise to minimize future impacts to citizen housing, to Town facilities and infrastructure, and to economic vitality.

The minutes of January 27, 2018 are being finalized and will be ready for the March 12, 2018 agenda.

TOWN OF FALMOUTH
BOARD OF SELECTMEN
Meeting Minutes
Open Session
MONDAY, FEBRUARY 12, 2018
SELECTMEN'S MEETING ROOM
TOWN HALL

Present: Susan Moran, Chairperson; Megan English Braga, Vice Chairperson; Doug Jones; Sam Patterson; Doug Brown.

Others Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. Chair Moran called the open session to order at 6:32 p.m. and motioned to convene the executive session under 1. M.G.L. c.30A s.21(a)(3) – Discuss resolution of all turbine litigation. 2. M.G.L. c.30A 2.21(a)(3) – Review of settlement agreement with Mass CEC. 3. M.G.L. c.30A s.21(a)(6) – Status/update on potential purchase of Lyberty Green Project site because to not go into executive session could prejudice ongoing negotiations. Mr. Jones seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll call vote: Mr. Brown, aye; Mr. Patterson, aye; Ms. English Braga, aye; Chairman Moran, aye; Mr. Jones, aye.
2. Chair Moran reconvened the Open Session at 7:05 p.m.
3. Pledge of Allegiance
4. Recognition

Dewitt Jones was recognized by the BOS, he served in many capacities including a WWII Veteran, teaching abroad, life of service of a teacher in the community, and member of various committees. His legacy of service lives on with his family members. Moment of silence was held in Mr. Jones' memory.

5. Announcements
Dr. Gladfelter reported the phase one of the Coonamessett River Restoration Project is expected to be complete by mid March. The site is currently a construction site and closed to the public.

The BOS voted to have the Town Manager enter into an agreement with the MA CEC, which effectively reduces the obligation the town has from \$1.5 million to \$178,000.

Mr. Suso noted appreciation for BOS support and thanked Attorney Duffy and Jennifer Petit for their participation in negotiations with the MA CEC to an appropriate settlement.

Warrant Article at Town meeting to fund \$178,000, this applies to Wind 1 only.

The BOS will continue to take comments for the live survey through the end of February. Comments may be sent via email to Megan, Chair Moran, and/or Mr. Johnson-Staub. Comments will be added to the survey that is online. In mid March there will be another agenda item for the BOS.

6. Public Comment-none.

SUMMARY OF ACTIONS

1. Administrative Orders
 - a. Approve Eversource Energy and Verizon New England, Inc. petition to install one new pole (#10/74.25) on Sandwich Road, north of Tamarak Road
 - b. Approve Eversource Energy and Verizon New England, Inc. petition to install one new pole (#86/10.5) on Hinckley Road, west of Little Harbor Road

Mr. Jones held items a and b because the Town is still waiting for Lakeview Avenue projects to be completed, the poles are not yet removed and it has been 1.5 years. These items look as though they are to benefit Eversource Energy, not community members.

Mr. Suso reached out to Eversource for a status report and was told that Eversource felt the Lakeview project was complete, but portions of the work remain undone. The Town is frustrated and Mr. Suso asked the legislatures to intervene in this; public safety is compromised on Lakeview Avenue.

Mr. Brown noted there were other incomplete projects around Town.

Mr. Jones motion to hold a and b. Second Mr. Patterson. Vote: Yes-5. No-0.

- c. Vote to Accept Donation in the amount of \$500.00 from the Falmouth Classic Car Club to the Veterans Donation Account

Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- d. Vote to Authorize Town Manager to sign Amendment to Agreement for Wastewater Planning – Funding from AFCEE Mitigation Funds

Mr. Suso noted the BOS has a copy of communication from Amy Lowell, WW Superintendent.

Amy Lowell, Waste Water Superintendent, provided a status of waste water and nutrient planning. The approval allowed the Town to go forward with the LPSSA and demonstration projects that Water Quality Management Committee (WQMC) has been working on. The conditional part was the State required the Town to come back with a Notice of Project Change; an update on how the Town plans to handle the nitrogen loading for the projects. LPSSA was reviewed, the WQMC continues demonstration projects, which were part of the Town's vision when the plan submitted in 2013. In order to meet the 2019 deadline, it is time to initiate the next phase of the plan. The DPW worked with WQMC and engineer to develop the scope of work for the next amendment. Scope is to provide engineering evaluations and backup for the next phase of waste water planning; it would move east towards the Great Pond watershed. The scope involves discharge options. It will provide cost estimates for the options. Another phase would be to work with DPW and WQMC on a document that meets states' requirement for the next phase of planning. Total value of amendment is \$575,000, proposed to fund through AFCEE mitigation funds, request is for the BOS to authorize the Town Manager to execute this amendment.

Mr. Brown asked if this would be enough to look at the Waquoit Bay watershed? According to Ms. Lowell, it would be part of the planning for each watershed, but too much to ask any planning document that it cover in detail every watershed stretching east to the implementation level. It is intended to go to the next stage with the Great Pond watershed and outlining the proposed plan by the Town for the other watersheds, but not as implementable as the next state for the Great Pond Watershed.

Mr. Jones motion to authorize the Town Manager to execute this amendment. Second Mr. Patterson. Vote: Yes-5. No-0.

- e. Approve Proposal to License Location of Lawrence Lynch Corp. Sign at 396 Gifford Street Subject to Sign Review Approval
Continued to the BOS meeting scheduled for 2/26/18.
- f. Approve Extension of Woods Hole Business Association Church Street Parking Agreement

Mr. Suso noted the BOS authorized an agreement with WHBA regarding parking spaces in the SSA lot, used by business association for employee parking. This is one page from the original agreement, it expires in May 2018 and Beth Holt transmitted a request for an extensions, the RFP authorized extension up to 5 years by the BOS.

Donald Estes, Landfall, and Beth Holt, Quicks Hole Tavern noted the WHBA uses 45 spaces, SSA operates a shuttle, and it is extremely successful. Eighteen companies participate and pay a fee equal to what the Town would sell to the SSA, average 2.5 spaces per business and the businesses have done a good job issuing permits and controlling the continuous use of the spaces. The SSA has been helpful in processing the permits. They are not aware of any abuse of the situation, if opportunity for more spaces, that would be appropriate. This frees up space for customers and they request a five year extension.

They would like 60 spaces, it is unknown how full the SSA lot is in the summer. The SSA likely has that data.

Ms. English Braga noted they do not want to lock into that number for five years, if extended for a period of time and look at the data about how many spaces would be an appropriate number.

The vote would be to ask the Town Manager to negotiate and if there is an opportunity to increase the number, do it for certain number of years.

The WHBA is happy to turn the spaces back to the Town or SSA during the winter months, last winter the SSA was informed they could use additional spaces, but does not think they got used.

Mr. Jones motion approval of extension for 40-60 spaces. Second Ms. English Braga. Vote: Yes-5. No-0.

g. Authorize Town Manager to Contract with a Consulting Engineering Firm on Wind Turbines

Mr. Suso noted a few discussions regarding the importance of exploring alternatives for future utilization/repurposing for the turbines and is asking the BOS to authorize his moving forward with an engineering firm to assist in the alternatives process and critical issues to explore, expect about \$15-20,000 cost range. The original study did not take a serious look at alternative locations on the waste water site, what was looked at were alternative locations within Town. His understanding is the occupied sites were based on wind speed measurements at that time to determine best location for continuous wind as opposed to where they would not bother anyone.

Chair Moran asked to include the cost of take down, updated cost estimate, and looking at the concept of repurposing the tower for any reasonable purposes.

Ms. English Braga noted this fits in with the requirement from Rob Palmer to present a plan for what will happen regarding W1 and the need to respond by the end of May 2018.

Mr. Jones motion to authorize the Town Manager to contract with a consulting engineering firm on wind turbines. Second Mr. Patterson. Vote: Yes-5. No-0.

Christine Legere, Cape Cod Times, asked if they are talking about moving both turbines to somewhere on the wastewater property or just one of them. Chair Moran noted the study will be comprehensive and both turbines will be considered.

2. Special Events

Recurring - Recommended:

- a. Flag Day 5K – Start/Finish Falmouth Heights Ball Field – Sunday, 6/10/18
- b. Seagull Six Road Race – Start/Finish Woods Hole Community Hall – Sunday, 3/25/17
- c. Liam Maguire's Irish Pub Almost Five Miler – Town Hall Square – Sunday, 5/6/18
- d. Wounded Warrior Soldier Ride – Bike Path – Thursday, 5/17/18
- e. June Jog – E. Falmouth PTO – Falmouth Heights Beach – Sunday, 6/3/18
- f. Falmouth Classic Car Club Car Show – Marina Park – Sundays, 6/10, 7/15 and 8/12/18
- g. Run Jack Run Family Fun Run/Walk – Falmouth High School to Trotting Park – Wednesday, 7/4/18
- h. Falmouth Sprint Triathlon – Surf Drive Beach – Sunday, 7/15/18

Mr. Jones noted they will reroute off Woods Hole Road.

- i. The Falmouth Walk – Town Hall Sq. to St. Barnabas – Saturday, 8/18/18
- j. Rotary Club Craft Fair – Falmouth Rotary Club – Marina Park & Bandshell – Saturday, 9/1/18 and Sunday, 9/2/18

- k. Zooma Women's Half Marathon & 10K – Old Silver Beach Lots – Saturday, 9/29/18
- l. Kirwin/Murray Memorial Bike Ride – Start/Finish Surf Drive Beach House (Cape Cod Marathon Route) – Sunday, 10/4/18

Ms. English Braga noted the date will be edited to reflect correct date of 10/14/18.

- m. Cape Cod Marathon Weekend – Start/Finish Village Green & Town Hall Square – Saturday, 10/27/18 and Sunday, 10/28/18

The hours were changed for the half marathon, it will not be at the same time as the Recreation Department soccer program.

Ms. English Braga noted that they always put in trash removal conditions, she hopes they include language about recycling as well. Mr. Suso will have a note made on each permit when they are picked up. Any measures required for the events are on the sponsor, town does not provide it.

Ms. English Braga motion approval of items a-m. Second Mr. Patterson. Vote: Yes-5. No-0.

Falmouth Village Association:

- n. Easter Egg Scramble – Library Lawn – Saturday, 3/31/18
- o. 4th of July Bike Parade – St. Barnabas to Mullen-Hall School – Wednesday, 7/4/18
- p. Concerts in the Park – Peg Noonan Park – Fridays, 7/6, 7/13, 7/20, 7/27, 8/3 and 8/10/18
- q. Movies in the Park – Peg Noonan Park – Wednesdays, 6/27, 7/18, 7/25, 8/1, 8/8, 8/15, 8/22 and 8/29/18
- r. Street Fair – Main Street – Wednesday, 7/11/18
- s. Trick or Treat Stroll – Village Green – Main Street – Saturday, 10/27/18
- t. Holiday Stroll – Queens Buyway – Main Street – Saturday, 12/8/18

Mr. Patterson motion approval items n-t. Second Mr. Brown. Vote: Yes-5. No-0.

New - Recommended:

- a. Wedding Ceremony – Bristol Beach – Leeper – Friday, 7/27/18
- b. Wedding Ceremony – Old Silver Beach – Andrews/Brown – Saturday, 9/15/18

This item was held so the BOS could find out if parking is planned from 3 p.m. to 10 p.m. for an event that is from 4 p.m. to 5 p.m.

- c. Wedding Ceremony – Surf Drive Beach (Mill Road) – Schwartz – Sunday, 9/16/18
- d. Wedding Ceremony – Surf Drive Beach (Mill Road) – Robbins – Saturday 10/6/18

All were reviewed by Beach Director and approved.

Mr. Jones approval items a, c, and d. Second Ms. English Braga. Vote: Yes-5. No-0.

PUBLIC HEARINGS

- 1. Application for New On Premise Liquor License for a Farmer-Brewery – Aquatic Brewing, LLC, 661 Main Street, Falmouth
Chair Moran read the hearing notice.

Request to continue was made by the applicant.

Mr. Jones motion to continue to 7:15 p.m. on 2/26/18. Second Mr. Patterson. Vote: Yes-5. No-0.

2. Wetlands/Dock Hearing – James and Erica Milligan - 59 Childs River Road, E. Falmouth – Childs River Chair Moran read the hearing notice.

Kevin Klauer, Attorney at Ament Klauer Law Firm, Falmouth

Attorney Klauer represents the owners and provided a plan for the project. Lot was described with dwelling, has a pier permitted since 1952, owners want to modify with an extension to an existing dock, total length will be about 65' and add 1' of depth to the mooring area. This was approved by the Conservation Commission, order of conditions issued. He is requesting a special permit from the BOS. Attorney Klauer's understanding is it is a one boat expectation, he was not involved in the Conservation Commission permitting, he would not want to restrict it. The Harbormaster wants to eliminate a tie off on the existing pier going into the water, the omission is a nonissue because the dock is extended. The total width of the water way is unknown, the plan of the area shows it is wide at that point, this is 68 feet with total of 210 feet, close to passing the 25% threshold. Other docks in the area are similar character of this dock, even with the extension.

The Conservation Commission looked at this in detail, Mr. Patterson is comfortable with this proposal.

Public comments in favor: none.

Public comments against: none.

Mr. Jones motion to close the hearing. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones motion approval as conditioned, including removal of the tie off and limiting the dock to one boat. Second Mr. Patterson. Vote: Yes-5. No-0.

7:50 p.m.

3. Application for Transfer of All Alcoholic Package Store License – Himalayan King, Inc. d/b/a Old Barn Package Store, 20 Luscombe Ave., Woods Hole
Chair Moran read hearing notice.

Attorney Tom Sousa, represents the applicant, the principal of Himalayan King will be the manager of the store. He has been working at the Barn in Mashpee for six years, took techniques of alcohol management recently, is a good fit, and will be a responsible manager. The manager lives in Hyannis, understands he will be responsible for alcohol sold even if he is not there at the time.

Mr. Jones noted the FPD completed a CORI check and has no issues.

Public comment in favor: none.

Public comment against: none.

Mr. Jones motion to close the hearing. Second Ms. English Braga. Vote: Yes-5. No-0.

Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

BUSINESS

1. Discussion of Live Survey

Mr. Johnson-Staub explained that Linda Pogue, invited the public to have listening session for the BOS, responses were to prompts so the BOS could take the information for future planning work. Promoted the event via emails to Town Meeting membership, press releases, Town Facebook page, and contacted community groups. 91 people were present, about half were Town Meeting members, had new voices, an executive summary and transcript for the event will be posted on the Town website. The public is invited to add onto ideas received, email them to Mr. Johnson Staub or the BOS through the end of February and they will be added. The point of this item is to talk about what may be next steps. The BOS discussed looking at agendas going forward about ways of thinking going forward.

Ms. English Braga enjoyed the variety of ideas both detailed and conceptual. Going forward, she likes the idea of more targeted and broadness to be able to have wide spectrum, maybe some prompts could change, but these were starter prompts. Folks are passionate about certain issues, most part the audience and participants went with the prompts, it was a guided discussion. The BOS can reach out to families, need to strategically think about those events and bring issues; work with other committees to touch base with folks when at those events.

She also suggested a category to bring in other boards/committees to connect the ideas with committees/boards that drive those conversations.

Chair Moran noted it was more of a conversation and welcomes the community reaching out to the BOS formally or when running into them in the community.

Mr. Patterson appreciated the comments of new comers, setting the tone for the rest of the survey offers and focus on this being a great place to live.

Mr. Brown felt it was a good tone, Ms. Pogue did good job guiding to be productive.

Mr. Jones noted they can keep asking people for information, go get it by finding where people are in the community and connecting with them.

The BOS discussed considering next actions may be to divide into threes: 1. Things that can be handled via agenda items; 2. Things they may want to have more information on; 3. Long term planning. The next event may be a summer event.

2. Amend warrant for April Annual Town Meeting to include petition article to amend the Falmouth zoning bylaw properly submitted but omitted by mistake
Ms. Moran noted this has been seen, but did not get on. Mr. Suso said there was no article number assigned, it was received timely, but due to a clerical error it was omitted. This is a zoning article, it would not be presented to the BOS for position, just added to the warrant.

Mr. Jones motion to add new article 35 and others after increased by one. Second Mr. Patterson. Vote: Yes-5. No-0.

3. Approve Request for Variance to Sign Code – Law Office of Andrea L. McKnight P.C., 562 Palmer Ave.
This item was extended for two weeks.
4. Interview, Vote and Appoint Committee Members:
 - a. Building Code Board of Appeals
Don Devaney was on the committee before, enjoyed helping townspeople solve their problems amongst the building code. The code changed this year, the changes are yet to be quantified. Many members who invest a lot of time to help people doing projects. He is interested in the term ending 2020.

Ms. Jones motion to appoint to the term ending 6/30/20. Second Mr. Patterson. Vote: Yes-5. No-0.

- b. Commission on Disabilities
Jean Stack has passion about disability and accessibility, she has been nurse for 40 years, currently working with Cape Cod Healthcare, affected personally and has worked professionally with those who are disabled. Education on accessibility is needed.

Mr. Jones motion to appoint to the term ending 6/30/20. Second Mr. Brown. Vote: Yes-5. No-0.

- c. Substance Abuse Commission
Esther Ann Price wants to be on the committee because of her personal involvement with substance abuse; she spent almost ten years working with military veterans and others. When soldiers come home, many turn to drugs. Heroin is a major problem. A lot is done to educate the kids, need to reach out to the older addicts, ones who are lost and make sure they can get the proper treatment. Look at sober houses, changing how they are viewed. She has done research and we cannot control their operation because the NIH says addiction is a disability, so another set of rules comes in to play.

Mr. Patterson encouraged Ms. Price to reach out to the state legislatures.

Ms. English Braga motion approval to the term ending 6/30/21. Second Mr. Patterson. Vote: Yes-5. No-0.

Ms. English Braga listed the committee position vacancies.

3. Presentation of Petition Articles for April 2018 Town Meeting (5 minutes each)
 - a. Present Petition Article # 28 – Linda Davis, Solid Waste Advisory Committee
Linda Davis, Solid Waste Advisory Committee, this article goal is to bring the town into compliance with regulations on what is banned from the waste stream. The town needs comprehensive mandatory recycling bylaw/regulations that bring us all under the same umbrella on what to do with trash and recyclables. This article asks the BOS to take the leadership role for the Town and put us in compliance with state regulations and move forward. A comprehensive bylaw would make it clear to all what was expected of them.
 - b. Present Petition Article # 29 – J. Malcolm Donald
New electronic voting system in Town and it came to his attention there was a lag in using the old rules that limit the capability of what the system can do i.e.: record individual votes and attendance. The votes are only recorded when roll call vote. This is an opportunity to know who is voting for what, whether individuals were there for all votes.
 - c. Present Petition Article # 32 – Stephen C. Bazycki
Not present.
4. Approve 2018 Annual License Renewals:
 - Common Victualler License
 - Betsy's Diner, 457 Main Street
 - Subway, 137 Teaticket Highway

Mr. Jones motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.

5. Discussion of Process for Board of Selectmen Agenda Packets
This came up at live survey. The concept is that the BOS in advance of their meetings receives documentation and background of each agenda item. Normally receive this Friday evening after 5 p.m., they review it over weekend. The discussion is that this information would be made to the public.

Marc Finneran, Precinct 6, stated that this makes it easier to participate in the meeting when you know what is in the meeting. It is done in other towns. Any extra information released would be helpful.

Ms. English Braga noted a great idea, puts to rest the rumbling these are secret documents, helpful for those who are interested in issues, and promotes more engagement.

Mr. Jones noted if released the same time it goes to the BOS, public may inquire upon the BOS. Thursday is agenda for the meeting, earliest the BOS gets it is Friday afternoon, he suggested it be released to website/press on Monday.

Mr. Patterson suggests not releasing the minutes because they have not been reviewed. Those are released after BOS approves them.

According to Mr. Brown, it requires more work on office staff regarding whiting out personal information on applications, these are public documents.

Mr. Johnson Staub noted the workload on staff is feasible and already done after the meeting. Executive session minutes and packet would not be part of the packet. Because discussed at public meeting, it is included in the packet. Other communities have that separation in releasing the packet to the BOS and public.

Mr. Suso said it makes sense to have the same distribution Monday morning onto the website. He has spoken with Diane Davidson, she has indicated a Monday morning release on the Town website so that those who want a copy can secure it from that source. Need to adjust to take out executive session minutes and any other privileged material would need to be dealt with.

Sam Patterson noted mistake in the past, inadvertently posted personal information. He recommends a procedure for what is culled out and what is not. Chair Moran noted that is within the Town Manager's purview. Mr. Brown suggested circling a note as the BOS is reading, they can give heads up that something should not be included.

Mr. Suso said this will be done the next regular meeting.

6. Minutes of Meetings:
Public Session

January 2, 2018-already done.

January 8, 2018-already done.

January 22, 2018

Mr. Patterson motion approval as edited. Second Ms. English Braga. Vote: Yes-5. No-0.

Executive Session

January 8, 2018-already done.

January 22, 2018

Executive Session 1

Ms. English Braga motion approval and not release. Second Mr. Patterson. Vote: Yes-5. No-0.

Executive Session 2

Ms. English Braga motion approval and not release. Second Mr. Patterson. Vote: Yes-5. No-0.

Executive Session 3

Ms. English Braga motion approval and not release. Second Mr. Patterson. Vote: Yes-5. No-0.

7. Individual Selectmen's Reports

Mr. Brown:

Attended the Water Quality Management Committee Meeting, an engineering firm gave an overview of waste water options on the Otis Air Force Base. If they pitched in with others, it would less money, but it seems we are past that, it is just discharge. They have very little capacity left out there and no treatment option.

Attended the Woods Hole Group SMART group meeting, Representative Vieira noted he is reluctant to say he will fix the New Bedford pier when there has been no commitment from the SSA that they will have service there.

Mr. Patterson:

Attended the FPD indoctrination and award ceremony. FPD personnel are struggling for housing, they are required to live within 15 miles of Town, and some are living in other towns.

Attended the Finance Committee, Conservation Commission, and Community Preservation Committee meetings.

Attended the open house for three 550 square foot apartment units available at the Fairwinds Club.

Cape Cod Selectmen Counselors Association meeting, Wendy Norcross, Cape Cod Chamber of Commerce, and Shepley Building product were present. They are trying to attract young families looking for amenities.

Ms. English Braga:

Cape Cod Young Professionals presentation to Human Services, looking at some of their programs they have run before in Falmouth.

Attended the Solid Waste Advisory meeting.

Attended the Democratic caucus, many delegates elected, half were individuals under age 24.

The COA met and voted unanimously to support movement of the field to the high school. The Recreation Committee, COA, Commission on Disabilities had a joint meeting this week to discuss future use of space behind the complex.

Chair Moran:

She is the representative to the Assembly of Delegates and it is budget season. There is a new dredge, Falmouth in front of the line, reviewing budget, it is posted on the website. Falmouth will be the testing ground for the new dredge. Old one is being kept online.

Kristy Senatori is new President of the Cape Cod Commission and she will be reviewed over the next few months.

Chair Moran is the first Chair/President of the Barnstable County Economic Committee.

Mr. Jones:

ZBA discussion about Town Planner, hoping the BOS will encourage someone who becomes a resident of the Town of Falmouth.

8. Review of Town Manager's Report

Mr. Suso reported that the interview process for the Town Planner position is in process. They will soon begin the Recreation Department Director position interview process.

Reminded all Monday 2/19/18 is President's Day; Town Hall and Administrative Offices will be closed.

Mr. Johnson-Staub noted the Senior Center Building Committee is moving along, hired an owners project manager, selecting architects to be interviewed tomorrow, interviews will take place a week from tomorrow.

9. Review and/or Discuss Correspondence Received

Mr. Jones motion to adjourn at 9:20 p.m. Second Ms. English Braga. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

REPORT

TO: Board of Selectmen

FROM: Julian M. Suso

Date: February 23, 2018

JMS
Suso

- Selectmen will convene at 6:30PM in executive session on Monday to hear status updates on turbine litigation and Lyberty Green.
- The Board will be re-convening the continuation of the Liquor License Violation Hearing for the Boathouse. Under separate cover, the Board has received some background information from Town Counsel on this.
- Public Works Director Ray Jack will be joining us to present a status report on a "Corridor Study" of the Rt. 151 Corridor which has been engaged to facilitate the comprehensive review and analysis of the public safety/traffic-related issues along this busy corridor. This will, of course, include an analysis of the Boxboro Road intersection at which there was a recent traffic fatality. The importance of the corridor study is recognizing that no one intersection along Rt. 151 operates in isolation.
- With Peter's assistance, we will provide a brief update on Aquaculture and Shellfish Management issues which have been underway for the past year. I understand that there has been an "informal" request to create another BOS Committee – Shellfish Management. It is my hope that they Board can take this under advisement as to potentially including this within the scope of an already existing Committee (Agriculture) rather than another stand-alone.
- Selectmen will be considering voting your positions on the appropriate Town Meeting articles which fall within the Board's "domain." As in the past, based upon Selectmen's comments/position on each article, I will be working with Peter, Jennifer Petit and Board Chair Su Moran in fashioning the language of the BOS recommendation which would go to print in the Town Meeting warrant booklet. Proposed warrant article 24 – Police Chief Employment – has been recommended for a modest but important amendment from the Falmouth Retirement Board. I attach this requested amendment. I have reviewed/discussed this with Town Counsel and Chief Dunne and they are in agreement with proceeding with the amendment subject to Selectmen's agreement.

- On this evening's agenda the Board has carried the "continued review and discussion of Town Manager future goals and discussion of merit increase." Pursuant to this, your Board packet will include the draft listing of potential goals first developed a few weeks ago, along with any supplemental suggestions received from the Board since that time.
- We are nearing completion of the search/interview process for both the Recreation Director and the Town Planner positions. Review and analysis is still underway with the IT Director position, which includes multiple potential candidates. The search process is now well underway for the Health Agent position, given the retirement of David Carignan.
- I was pleased to convene the initial meeting of the Accessory Apartment Bylaw Temporary Working Group on this past Wednesday evening. Our discussion was extremely cordial and most informative. There will be a follow-up meeting early March. At this point, it appears by consensus that suggestions for further changes to this Bylaw (if any) will likely be on a timetable to be considered for the November Town Meeting. This important work continues.
- As you know, we were very pleased to have achieved the closing of the Town's purchase of the Andrews Farm property this past week. My compliments to Associate Town Counsel Pat Harris and Peter Johnson-Staub for their diligent work in bringing the Town to this milestone. More to come.

To: fduffy@falmouthmass.us; jpetit@falmouthmass.us; kip@falmouthretirement.org; nicklaw@aol.com; rrf0071@aol.com
Subject: Town Meeting Article 24 for Chief Dunne

Hi Frank

Jennifer Petit and Kip St Germaine asked me to reach out to you regarding the draft Special Act language for Chief Dunne to allow him to work past age 65.

As drafted, the language, (set out below) does not deal with the situation if the Chief becomes disabled or dies while performing his duties as Police Chief. Because the draft bill stops retirement deductions being taken from his compensation, neither he nor his surviving spouse would be eligible for any Ch 32 benefits due to disability or death in the line of duty post age 65. The Retirement Board would have to deny any claims under Ch. 32 sec. 7 (accidental disability, including the Heart Law presumption), sec. 9, (Accidental Death benefit) or Killed in the Line of Duty Sec. 100.

I suggest that the draft language be amended to add the following language:

Chief Dunne will be continue to be a member in service under Ch. 32 sec. 1 for purposes of eligibility for benefits under chapter 32 sections 7, 9 or 100 during any period after his 65th birthday while serving as Chief of Police

ARTICLE 24: To see if the Town will vote to authorize the Board of Selectmen to submit to the Massachusetts General Court a petition for a special act, as follows: AN ACT AUTHORIZING THE TOWN OF FALMOUTH TO CONTINUE THE EMPLOYMENT OF POLICE CHIEF EDWARD DUNNE. 1) Notwithstanding any general or special law to the contrary, Edward Dunne, chief of police of the town of Falmouth, may continue to serve in that position until June 30, 2024, the date of his retirement or the date he is relieved of his duties by the Town Manager of the town of Falmouth, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. The Town Manager may, at the expense of the town, require that Edward Dunne be examined by an impartial physician on or about his 65th birthday and each year thereafter on or about his birthday to determine such capability. No further deductions shall be made from the regular compensation of Edward Dunne pursuant to Chapter 32 of the Massachusetts General Laws for service subsequent to the date he reaches 65 years of age and, upon retirement, he shall receive a superannuation retirement allowance equal to the allowance that he would have been entitled had he retired on that date. 2) This act shall take effect upon its passage. Or do or take any other action on this matter. On request of the Town Manager.

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