

**TOWN OF FALMOUTH**  
**BOARD OF SELECTMEN**

**AGENDA**

**MONDAY, MARCH 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)(3) – Collective bargaining update on fire union negotiations
3. M.G.L. c.30A s.20(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. Proclamation: Eagle Scout – Mason Drummey
4. Recognition
5. Announcements
6. Public Comment
7. Vote to Affirm Appointment of Health Agent

**7:15 p.m. SUMMARY OF ACTIONS**

1. Licenses
  - a. Approve Application for Special One-Day All Alcohol Liquor License – British Beer Company – Outdoor Beer and Oyster Festival – 263 Grand Ave. – Sunday, 5/20/18
  - b. Approve Application for One-Day Sunday Entertainment License – British Beer Company – Outdoor Beer and Oyster Festival – 263 Grand Ave. – Sunday, 5/20/18
  - c. Approve Application for Livery/Limo License – NeveRest LimoVan Services, LLC – 38 Village Common Drive
2. Administrative Orders
  - a. Vote to Approve Easement to the Town of Falmouth from Falmouth Boardsailing and Beach Club, Inc. to Facilitate Re-Construction for the Salt Pond Inlet on Surf Drive
  - b. Vote to Retroactively Approve Transmittal of Letter to Cape Cod Commission in Support of EDIC, related to Tech Park
  - c. Vote to Authorize Expenditure from Conservation Commission Donation Account for Municipal Vulnerability Program Expenses not to Exceed \$1800.00
  - d. Authorize Grant Application to Fund a Herring Brook Study
  - e. Authorize Letter to Eversource in Opposition to Herbicide Spraying for Vegetation Management
  - f. Authorize a Letter of Support for Cape Cod Commission in Seeking MassHousing Funding for a Regional Housing Preference Survey
  - g. Vote to Retroactively Authorize Transmittal of Application to State Dept. of Housing and Economic Development to Establish One/More Opportunity Zones in Falmouth
3. Special Events  
**Recurring - Recommended:**
  - a. Daffodil Days – Spohr Gardens – Fells Road Closure – Saturdays, 4/21/18 & 4/28/18
  - b. Woods Hole May Festival – Woods Hole Community Association – Taft Playground & Ball Park – Saturday, 5/26/18
  - c. Butterfly Garden Day – Spohr Gardens – Fells Road Closure – Saturday, 7/29/18
  - d. Falmouth Farmers Market – Marina Park – Thursdays, 5/24/18 – 10/11/18 & 11/20/18
  - e. Falmouth Art Market – Falmouth Cultural Council – Marina Park (bandshell side) – Thursdays, 6/7 – 8/30/18
  - f. Sunday Worship – John Wesley United Methodist Church – Surf Drive Beach & Parking Lot – Sundays, 7/1/18 – 9/2/18 (except 7/15 & 8/19)
  - g. Falmouth 4<sup>th</sup> of July Fireworks – Falmouth Heights Beach and Ball Field – Wednesday, 7/4/18  
**New - Recommended:**
  - a. Cape Cod Cycle Classic – Habitat for Humanity – Canal to Shining Sea Bike Path to Canal – Sunday, 9/23/18
  - b. Outdoor Beer & Oyster Festival – British Beer Company – 263 Grand Ave. – Sunday, 5/20/18

- c. Wedding Ceremony – Levy – Surf Drive Beach (children’s swim area) – Saturday, 6/9/18
- d. Wedding Ceremony – Allen-Sturtevant – Megansett Beach – Saturday, 9/29/18
- e. Wedding Ceremony – Maggiore – Falmouth Heights Kite Field – Saturday, 9/15/18

**PUBLIC HEARINGS**

**7:30 p.m.**

- 1. Wetlands/Dock Hearing – James and Erica Milligan - 59 Childs River Road, E. Falmouth – Childs River

**7:45 p.m. BUSINESS**

- 1. Presentation – Green Communities/Stretch Code – Seth Pickering, Mass DOER
- 2. Report/Discussion on Participating in Opioid Litigation Class Action – Frank Duffy
- 3. Report – Recreation Committee
- 4. Interview, Vote and Appoint Committee Member – Board of Health
- 5. Application for Commercial Shellfish License – Louis Romiza
- 6. Approve Request for Waiver of Special Event Permit Fee – Falmouth Art Market
- 7. Discuss and Vote to Consider a Dog Hearing Decision Appeal Request as Timely Filed
- 8. Request for Sign Variance for Water Station Locations – Refill Reuse Falmouth
- 9. Request for Sign Variance – Off-Premise Promotional Signs – Falmouth Rotary Club Pancake Breakfast
- 10. Request for Sign Variance – Off-Premise Promotional Signs – Falmouth Commodores Baseball Clinics
- 11. Live Survey Follow-Up
- 12. Update on RFP Process for Lyberty Green
- 13. Approve 2017 Seasonal License Renewals:

ALL ALCOHOL RESTAURANT  
 Falmouth Raw Bar, 56 Scranton Ave.  
 Falmouth Pier 37 Boathouse, 88 Scranton Ave.  
 Landfall Restaurant, 9 Luscombe Ave.  
 Quick’s Hole Taqueria, 6 Luscombe Ave.  
 Shuckers, 91A Water Street

Shuckers, 91A Water Street

ALL ALCOHOL CLUB  
 Seacoast Shores Association, 7 Farview Lane

ENTERTAINMENT  
 Falmouth Pier 37 Boathouse, 88 Scranton Ave.  
 Falmouth Raw Bar, 56 Scranton Ave.  
 Landfall Restaurant, 9 Luscombe Ave.  
 Quick’s Hole Taqueria, 6 Luscombe Ave.  
 Seacoast Shores Association, 7 Farview Lane  
 Shuckers, 91A Water Street

COMMON VICTUALLER  
 Falmouth Pier 37 Boathouse, 88 Scranton Ave.  
 Falmouth Raw Bar, 56 Scranton Ave.  
 Landfall Restaurant, 9 Luscombe Ave.  
 Quick’s Hole Taqueria, 6 Luscombe Ave.  
 Seacoast Shores Association, 7 Farview Lane

SUNDAY ENTERTAINMENT  
 Falmouth Pier 37 Boathouse, 88 Scranton Ave.  
 Falmouth Raw Bar, 56 Scranton Ave.  
 Landfall Restaurant, 9 Luscombe Ave.  
 Seacoast Shores Association, 7 Farview Lane  
 Shuckers, 91A Water Street

- 14. Minutes of Meetings:  
 Public Session – March 12, 2018  
 Executive Session – March 12, 2018  
 Vote to Release/Not to Release Minutes of Executive Sessions
- 15. Individual Selectmen’s Reports
- 16. Review of Town Manager’s Report
- 17. Review and/or Discuss Correspondence Received

Susan L. Moran, Chairman  
 Board of Selectmen



## PROCLAMATION

WHEREAS: Mason Drummey of Boy Scout Troop 42 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: Mason Drummey 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: Mason Drummey 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, APRIL 14, 2018 AS MASON DRUMMEY 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

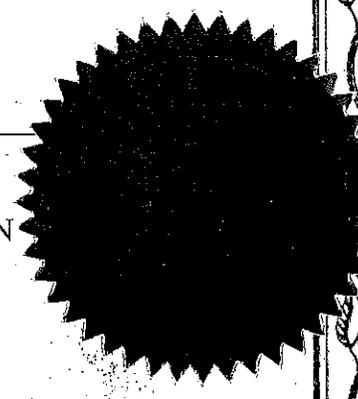
\_\_\_\_\_  
Samuel H. Patterson

\_\_\_\_\_  
Megan English Braga

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

\_\_\_\_\_  
Doug Jones

BOARD OF SELECTMEN



2018

# License Alcoholic Beverages

18-6-WM

Fee:

25

The Licensing Board of  
The Town of Falmouth  
Massachusetts  
Hereby Grants a

## Special License For The Sale of Wine & Malt Beverages

License to Expose, Keep for Sale, and to Sell

### Wines and Malt Beverages

To Be Drunk On the Premises

To British Beer Company  
Rob Loewen, General Manager

263 Grand Avenue  
Falmouth, MA 02540

On the following described premises:

Outdoor parking lot on British Beer Company and Seaside Inn property.

THE ABOVE NAMED PROFIT OR NON PROFIT ORGANIZATION IS HEREBY GRANTED A SPECIAL LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES ONLY, TO BE DRUNK ON THE PREMISES.

This license is valid from the 20th day of May 2018 until the 20th day of May 2018, unless earlier suspended, cancelled or revoked.

The hours during which Alcoholic Beverages may be sold are from:

Sunday, May 20, 2018 from 12:00 noon to 6:00 p.m.

CONDITIONS: (1) Beer and Wine must be served in and remain in outdoor area; (2). Must order beer and wine on a separate invoice from orders from British Beer Company, (3) Beer and wine must be delivered separately; (4). Must store beer and wine in a separate cooler in outdoor area; (5). Cannot bring beer and wine inside of BBC or take alcohol from inside of BBC to tent - cannot mix alcohol from inside BBC and the outdoor area; (6) Servers must be TIPS certified; (7) Rope or fence off area where alcohol will be sold and consumed.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 26th day of March 2018

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

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

Licensing Board

THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ

Number:  
18-1-ENT-1DA

Fee  
\$25.00

The Commonwealth of Massachusetts  
Town of Falmouth

This is to certify that  
**British Beer Company**  
**Rob Loewen, General Manager**  
263 Grand Avenue  
Falmouth, MA 02540  
is hereby granted this  
**Entertainment License**

**Date: Sunday, May 20, 2018. Hours: 12:00 noon to 6:00 p.m. Licensed Area: Outdoor parking lot on British Beer Company and Seaside Inn property.**

No innholder, common victualler, keeper of a tavern, or person owning, managing, or controlling any club, restaurant or other establishment required to be licensed under section twelve of chapter one hundred and thirty-eight or under section two, twenty-one A or twenty-one E of chapter one hundred and forty, and no persons owning, managing, or controlling any concert, dance, exhibition, cabaret or public show of any description to be conducted on any premises required to be licensed under the sections described above, shall, as a part of its usual business, offer to view, set up, set on foot, maintain or carry on a concert, dance, exhibition, cabaret or public show of any description, unless and until a license therefor has been issued by the licensing authorities.

Valid from: May 20, 2018

Valid until: May 20, 2018

By order of The Falmouth Board of Selectmen

March 26, 2018

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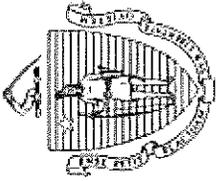
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This License Must be Posted in a Conspicuous Place upon the Premises

THE COMMONWEALTH OF MASSACHUSETTS

Town OF Falmouth

State Fee, \$ 2.00  
Municipal Fee, \$ 5.00



LICENSE

For PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is British Beer Company in or on the property at No. 263 Grand Ave. Falmouth MA 02540 (address)

The Licensee or Authorized representative, Rob Loewen in

accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
5/20/18	1-6p	Live Music on private property

Hon. Susan L Moran Mayor/ Chairman of Board of Selectman, Town of Falmouth (City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm - Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm - Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

**Do not write in this box**

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

**THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES**

(Revised 2015)

FORM 90

Number:  
18-4-Limo

Fee  
\$50.00

The Commonwealth of Massachusetts  
Town of Falmouth

This is to certify that  
NeveRest LimoVan Services, LLC  
Caleb A. Rawstron, Owner  
38 Village Common 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:

1 vehicle

Valid from: March 26, 2018

Valid until: December 31, 2018

By order of The Falmouth Board of Selectmen

March 26, 2018

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



Office Address: 369 Barlow's Landing Road  
Pocasset, MA 02559

Mailing Address: PO Box 461  
Monument Beach, MA 02553

April 7, 2017

Board of Selectmen  
Town of Falmouth, Massachusetts

**RE: The working relationship between NeveRest Limovan Services LLC and Green Shuttle of Cape Cod**

Esteemed Ladies and Gentlemen:

Green Shuttle of Cape Cod has been providing environmentally friendly livery transportation services to Cape Cod and Southeastern Massachusetts for over ten years. Our company headquarters is in the town of Bourne and has been since inception. NeveRest Limovan Services LLC is an independent contractor providing services exclusively to Green Shuttle of Cape Cod. Mr. Caleb Rawstron, owner-operator of NeveRest, has negotiated this agreement with Mr. Dean Athanas, Owner of Green Shuttle, and myself.

The arrangement provides for the following stipulations:

- Mr. Rawstron provides livery transportation services **exclusively** as a representative of Green Shuttle of Cape Cod, and is prohibited from promoting or advertising any other business entity, including his own.
- All billing and booking of trips is handled by Green Shuttle's administrative team. Mr. Rawstron shares no responsibility in either process.
- Mr. Rawstron receives his trips via e-mail, usually a week in advance, and plans his schedule accordingly.
- Mr. Rawstron periodically attends meetings with employees and clients of the Green Shuttle; however, Mr. Rawstron is never expected to facilitate or host these meetings in any way.
- NeveRest Limovan Services LLC receives payment for services rendered from the Green Shuttle per the terms of our agreement.

Our purpose in writing this letter is to assist the Board in understanding the general relationship parameters between our respective companies. If we can be of further assistance, please do not hesitate to contact us.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Chris Paolini", is written over the typed name.

Christopher Paolini, Operations Manager  
Green Shuttle of Cape Cod

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

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RECEIVED  
MAR 12 2018  
SELECTMEN'S OFFICE

**TO:** JULIAN SUSO, TOWN MANAGER  
**FROM:** FRANK K. DUFFY, TOWN COUNSEL  
**SUBJECT:** EASEMENT – SURF DRIVE  
**DATE:** 3/9/2018  
**CC:**



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I enclose herewith an Easement to the Town of Falmouth from Falmouth Boardsailing and Beach Club, Inc., to facilitate re-construction for the Salt Pond Inlet on Surf Drive. Kindly have the Board of Selectmen acknowledge acceptance of the Easement.

Please do not hesitate to contact the office should you have any questions. Thank you.

**EASEMENT**

By this EASEMENT, Falmouth Boardsailing and Beach Club, Inc. Falmouth, MA ("The Grantor") grants for nominal, non-monetary consideration to the Town of Falmouth, a municipality in Barnstable County, MA, 59 Town Hall Square, Falmouth, MA 02540 ("The Grantee") with Quitclaim Covenants, the perpetual right and easement to enter upon and use for the following purposes a portion of the Grantor's land on Surf Drive in Falmouth, Barnstable County, MA described in a deed recorded in Barnstable County Registry of Deeds in Book 4230, Page 51 and shown as Parcel E-1 on a sketch plan attached hereto as Exhibit A. The easement is for the purpose of facilitating the reconstruction and maintenance of the Salt Pond Inlet as shown on said sketch plan and said easement area contains approximately one thousand three hundred and four (1,304+/- sq. ft.) according to said plan. The Grantee's use of this easement shall not interfere with the Grantor's use of its property for boardsailing, bathing or other lawful purposes. The Grantee shall promptly repair and restore all disturbances to the easement area caused by its acts using this easement and shall be responsible for the negligent acts of its agents, servants and employees upon the easement area.

For title see Book 4230, Page 51. Property address: Surf Drive, Falmouth, MA 02540.

In WITNESS whereof the Grantor has signed and sealed this instrument as of this 6<sup>th</sup> day of March, 2018

Falmouth Boardsailing and Beach Club, Inc.

By H. Carter Howe  
H. CARTER HOWE, President

By Suzanne Morse  
SUZANNE MORSE, Treasurer

Accompanying Documents:

- 1) Plan

**EASEMENT**

Falmouth Boardsailing and Beach Club, Inc.

To

Town of Falmouth

\_\_\_\_\_, 2018

We the undersigned Board of Selectmen of the Town of Falmouth hereby accept this Easement on behalf of the Town of Falmouth under authority of ch. 65, § 3 of the Code of Falmouth.

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

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

Commonwealth of Massachusetts

County of Barnstable

On March 9, 2018 before me, the undersigned notary public

personally appeared H. CARTER HUNT

personally known to me

proved to me on the basis of satisfactory evidence of identification which was \_\_\_\_\_



FRANK K. DUFFY, JR.  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires December 10, 2021

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they signed it voluntarily for the purpose stated therein

WITNESS my hand and official seal.

Frank K. Duffy Jr.  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

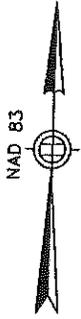
*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_



**SALT  
POND  
INLET**

**SURF DRIVE**

WOOD  
TIMBER  
FRAME

STREAM

PARCEL E-1  
FALMOUTH  
BOARDSAILING  
CLUB, INC.  
AREA ABOUT  
1,304 S.F.

N/F  
FALMOUTH  
BOARDSAILING CLUB, INC.  
0 SURF DRIVE  
PARCEL 47 07 028 000  
BOOK 4230 / PAGE 51

MEAN  
LOW

N/F  
TOWN OF FALMOUTH  
0 SURF DRIVE  
PARCEL 47 07 027 000

PROPERTY LINE

MEAN LOW WATER

N/F  
BUDD G. GOODMAN  
410 SURF DRIVE  
PARCEL 47 07 025 001  
BOOK 7388 / PAGE 241

INFORMATION SHOWN ON THIS  
PLAN WAS TAKEN FROM DESIGN  
PLANS PREPARED BY SULLIVAN  
ENGINEERING  
DATED 2016.

**VINEYARD SOUND**

DATE	BY	REVISION

TOWN OF FALMOUTH  
DEPARTMENT OF  
PUBLIC WORKS  
ENGINEERING DIVISION  
416 GIFFORD STREET  
FALMOUTH, MA 02540  
508-457-2543



EASEMENT PLAN  
PARCEL 47 07 028 000  
SURF DRIVE  
FALMOUTH, MA 02540

DESIGN: TOF    DATE : OCT. 5, 2017  
DRAWN: PMM  
CHECKED: JM    SCALE: 1"=20'  
DRAWING : Surf Drive\Easement.Dwg

SHEET  
1 OF 1



# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

March 19, 2018

Mr. Harold Mitchell, Chairman  
Cape Cod Commission  
3225 Main Street  
PO Box 226  
Barnstable, MA 02630

**Re: Falmouth Technology Park – Development Agreement by and between the Cape Cod Commission and the Falmouth Economic Development Industrial Corporation (“FEDIC”) with respect to the Falmouth Technology Park (“Development Agreement”)**

Dear Mr. Mitchell:

This letter is provided on behalf of the Board of Selectmen of the Town of Falmouth to confirm the support of the Board to the request made by the FEDIC for extension of the Development Agreement with respect to the Falmouth Technology Park, which will be considered by the Cape Cod Commission at its meeting on March 22, 2018. It is subject to the ratification of record at the Board’s upcoming meeting on Monday, March 26, 2018.

The Falmouth Technology Park provides important economic and public benefits to the Town and Cape Cod region. Such benefits are derived largely due to the business and light industrial uses that have developed within the Technology Park since 1993 when the Development Agreement first became effective. The Board of Selectmen is committed to supporting the continued development and redevelopment within the Technology Park pursuant to the Development Agreement, which provides for an extension period of up to 12 years. Accordingly, the Board requests that the Cape Cod Commission vote favorably to extend the Development Agreement.

Sincerely,

Susan L. Moran, Chair  
Falmouth Board of Selectmen

Cc Falmouth Board of Selectmen  
Town Counsel Frank Duffy  
Town Manager Julian M. Suso

**Diane Davidson**

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**From:** Julian Suso <[jsuso@falmouthmass.us](mailto:jsuso@falmouthmass.us)>  
**Sent:** Friday, March 23, 2018 12:53 PM  
**To:** [ddavidson@falmouthmass.us](mailto:ddavidson@falmouthmass.us)  
**Subject:** Fwd: 604(b) grant

Diane,  
I am forwarding Amy Lowell's email on the proposed Herring Brook grant application.  
Julian

Sent from my iPhone

Begin forwarded message:

**From:** Korrin Petersen <[petersen@savebuzzardsbay.org](mailto:petersen@savebuzzardsbay.org)>  
**Date:** March 20, 2018 at 8:19:52 PM EDT  
**To:** Julian Suso <[jsuso@falmouthmass.us](mailto:jsuso@falmouthmass.us)>  
**Cc:** Amy Lowell <[alowell@falmouthmass.us](mailto:alowell@falmouthmass.us)>, Rachel Jakuba <[Jakuba@savebuzzardsbay.org](mailto:Jakuba@savebuzzardsbay.org)>  
**Subject:** Re: 604(b) grant

I would be happy to be there to answer any questions.

Sent from my iPhone

On Mar 20, 2018, at 8:06 PM, Julian Suso <[jsuso@falmouthmass.us](mailto:jsuso@falmouthmass.us)> wrote:

Hello Amy,  
I will check with BOS Chair about BOS upcoming agenda. Who would be attending to answer questions, if any?  
Julian

**From:** Amy Lowell [<mailto:alowell@falmouthmass.us>]  
**Sent:** Tuesday, March 20, 2018 1:25 PM  
**To:** Julian Suso <[jsuso@falmouthmass.us](mailto:jsuso@falmouthmass.us)>  
**Cc:** Rachel Jakuba <[Jakuba@savebuzzardsbay.org](mailto:Jakuba@savebuzzardsbay.org)>; Korrin Petersen <[petersen@savebuzzardsbay.org](mailto:petersen@savebuzzardsbay.org)>  
**Subject:** Re: 604(b) grant

Hello Julian,

Korrin Petersen has offered to write a 604(b) grant application for funding a portion of the effort for a Herring Brook study, as discussed in her email below. The town would need to sign as the applicant.

Would you be willing/able to place this item (request for authorization to apply for this grant) to the Board of Selectmen's agenda for this coming Monday March 26th? Schedule is tight, as described below

Thank you

Amy

(Korrin, the RFR did not seem to be attached to your email below; could you please forward?)

Amy Lowell  
Wastewater Superintendent  
Town of Falmouth  
416 Gifford Street  
Falmouth MA 02540

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

From: "Korrin Petersen" <[petersen@savebuzzardsbay.org](mailto:petersen@savebuzzardsbay.org)>  
Sent: 3/19/2018 9:11:19 AM  
To: "Amy Lowell" <[alowell@falmouthmass.us](mailto:alowell@falmouthmass.us)>  
Cc: "Rachel Jakuba" <[Jakuba@savebuzzardsbay.org](mailto:Jakuba@savebuzzardsbay.org)>  
Subject: 604(b) grant

Good morning, Amy!

I know we discussed putting the Herring Brook study on the warrant for the fall. However, when I talked to Gary Gonyea at MassDEP about eligible 604(b) projects, it sounded like water quality assessments were preferred projects. We wouldn't be able to get the whole study done for Herring Brook under the 604(b) grant since they are only \$30K-\$50K projects, but we could probably get some of the preliminary tasks done like a QAPP and benthic surveys. It does not require a local match, but the time we (Rachel and I) would put into it could serve as match.

The deadline is March 28<sup>th</sup>. Rachel and I would do all the writing, we just need the town to be the applicant under 604(b). I've attached the RFR here. This likely needs a BOS vote? Their next meeting is the 26<sup>th</sup>.

Can we make this happen?

Korrin

**Korrin N. Petersen, Esq.**, Senior Attorney

**BUZZARDS BAY COALITION**

Main - 114 Front Street, New Bedford, MA 02740

Cape - 21 Luscombe Avenue, Woods Hole, MA 02543

Tel - 508-999-6363 x.206

**Diane Davidson**

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**From:** Julian Suso <[jsuso@falmouthmass.us](mailto:jsuso@falmouthmass.us)>  
**Sent:** Wednesday, March 21, 2018 5:31 PM  
**To:** 'Susan Moran'  
**Cc:** Diane Davidson  
**Subject:** RE: Comment period is over March 30th

Sounds good Su. Diane – FYI.  
Julian

**From:** Susan Moran [<mailto:smoran@falmouthmass.us>]  
**Sent:** Wednesday, March 21, 2018 3:27 PM  
**To:** Julian Suso <[jsuso@falmouthmass.us](mailto:jsuso@falmouthmass.us)>  
**Subject:** Re: Comment period is over March 30th

Yes. We can use the same form of letter we did earlier on this subject.

Sent from my iPhone

On Mar 21, 2018, at 2:01 PM, Julian Suso <[jsuso@falmouthmass.us](mailto:jsuso@falmouthmass.us)> wrote:

Su,  
Do you want to place this on BOS for consideration? (Not necessarily the “detailed” letter attached, but an “opposition to spraying” letter)?  
Julian

**From:** POCCA CAPE COD [<mailto:pocccapecod@gmail.com>]  
**Sent:** Wednesday, March 21, 2018 11:50 AM  
**To:** [townmanager@falmouthmass.us](mailto:townmanager@falmouthmass.us)  
**Subject:** Comment period is over March 30th

Dear town manager of Falmouth ~

Will your town please write a letter in opposition of the VMP on time?  
If so can you send it to me for my records?  
I am collecting from all other towns and have nothing from Falmouth as of yet.  
Thank you for getting back to me about this, it is real important since it lasts for the next 5 years. See attached for more details.

Best,  
Laura Kelley

Please share this far & wide, it is a critical time - we have until March 30th to comment for the next 5 years.

A CALL TO ACTION:  
Oppose Eversource's Use of Herbicides  
to Manage Vegetation on Cape Cod and MV power lines

Hearing #2 with MDAR in Chatham: <https://youtu.be/kPIXS-Bii5U>

Eversource submitted a five-year plan called The Vegetation Management Plan (VMP) 2018 to 2022 for managing vegetation under Rights-of-way (ROW) power lines on Cape Cod and Martha's Vineyard. This plan is to be approved by the Massachusetts Department of Agricultural Resources (MDAR). Unfortunately, the VMP lists the use of Herbicides which threaten the region's delicate natural resources like our drinking water aquifer. Residents and visitors can write to MDAR, also Governor Baker about this important matter that affects us all for the next 5 years.

Writing your comment letter: Start off with your name, address, date and "I am against the VMP on Cape and MV since it lists the use of Herbicides for 5 years because....." (choose hydrology or toxicology) MDAR wants us to show harm, how are Herbicides harmful? Show harm to land/water or a person/toxins.

Talking Points:

Hydrology: Cape Cod's aquifer has 6 "lenses" which are vulnerable to contamination because of the sandy composition of our soil and the fact that they are, on average, less than 20 feet below the surface level. Emerging contaminants, such as fire retardants, are legal yet are showing up in our drinking water. Attach a map showing depth to drinkable water to back up your comment, and a link to the settlement between the Town of Barnstable and Barnstable County over contamination of the Hyannis water supply from chemicals used in firefighting foams by the Barnstable County Fire and Rescue Training Academy.

Toxicology: The 9 Herbicides which Eversource intends to use are toxic. For example: Google Glyphosate, cut and paste excerpts from credible scientists and site them in your short letter. Comments only need to be a paragraph long.

For more information visit: [www.pocccapecod.org/VMP](http://www.pocccapecod.org/VMP)

### **Will you join the mission to help protect natural resources on Cape & MV?**

There are safer alternatives Eversource can use, like selective pruning instead of herbicide use. It is up to us to protect our drinking water and the natural resources we rely upon daily.

**1 - Call: Governor Baker:** Request the Governor contact the Chair of the Mass. Pesticide Board, John Lebeau, to remove Herbicides on the VMP for Cape Cod & MV considering we live above where we drink. Mass. state regulations list horizontal set backs for water Well protection of 50 feet but no vertical distances. Drinkable water lenses are less than 50 feet below throughout the power lines. That means state regulations don't match the Cape's unique hydrology, set backs are horizontal not vertical, so our water is not protected by state regulations.

Phone: [617.725.4005](tel:617.725.4005) and/or Email: [constituent.services@state.ma.us](mailto:constituent.services@state.ma.us)

### **2 - Call: EEA = Matthew A. Beaton**

Phone: [\(617\) 626-1101](tel:617.626.1101) and/or Email: [matthew.beaton@state.ma.us](mailto:matthew.beaton@state.ma.us)

Executive Office of Energy and Environmental Affairs (EEA)

100 Cambridge Street, Suite 900 Boston, MA 02114

### **3 - Write a letter to MDAR:**

The public comment period closes at 5 p.m. on March 30th, 2018.

MDAR seeks comments from credible scientific sources, so site a scientist and quote them directly.

Rights of Way Coordinator

Massachusetts Department of Agricultural Resources

251 Causeway Street, Suite 500 Boston, MA 02114

<~WRD000.jpg>

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**Laura Kelley**

774.353.6511

*POCCA Cape Cod ~ Protect Our Cape Cod Aquifer ~  
Helping to protect our quality of life on Cape Cod*

President: Protect Our Cape Cod Aquifer (POCCA)

Facebook: POCCA Cape Cod

<image001.jpg>

<Draft for town BOH and water boards.docx>

<Eversource-Eastern-MA-VMP-202018-2022-Cape-n-Islands.pdf>

<image1-1.png>

Letterhead

[Date]

Gregory P. Watson, AICP,  
Manager of Planning and Programs  
MassHousing  
1 Beacon Street  
Boston, MA 02108  
E: [gwatson@masshousing.com](mailto:gwatson@masshousing.com)

Re: Letter of Support, Town of Yarmouth and Cape Cod Commission in Planning for Housing Production Program Grant, "Cape Cod Housing Preference Survey"

Dear Mr. Watson,

I writing to you in support of the Town of Yarmouth and Cape Cod Commission's collaborative application to MassHousing's Planning for Housing Production program for a proposed Regional Housing Preference Survey.

The survey proposed by the Town of Yarmouth and the CCC addresses a region-wide need to better understand housing preferences for all generations; young professionals, families, and seniors. The survey will provide supportive insight into housing preferences that are not addressed in our housing market, which is largely represented by single family homes. The Town of Yarmouth and the CCC will use the data gathered to further pursue and support policies for Yarmouth and all Cape Cod communities' as well as projects and programs to meet housing needs and preferences going forward.

The "2017 Cape Cod Regional Housing Market Analysis and 10-Year Forecast" provided population and housing forecasts which can be used to inform local and regional policy while highlighting community need for housing choice for a range of demographic and socioeconomic profiles. The information gathered about housing market preferences will further benefit the Towns; organizations working in affordable housing, real estate, and development; employers; and local and regional planners to respond to the housing market. A Housing Preference Survey is recommended as a local and regional effort to help policymakers assess what types of housing should be supported to meet current and anticipated housing needs.

I thank you for your consideration of their application and look forward to hearing your favorable review of this request.

Sincerely,

Name  
Title  
Town

## Julian Suso

---

**From:** Heather Harper <heather.harper@capecodcommission.org>  
**Sent:** Tuesday, March 20, 2018 4:52 PM  
**To:** mark.ells@town.barnstable.ma.us; tguerino@townofbourne.com; membury@brewster-ma.gov; jgoldsmith@chatham-ma.gov; jbeebe@eastham-ma.gov; jsuso@falmouthmass.us; cclark@town.harwich.ma.us; rccollins@mashpeema.gov; jkelly@town.orleans.ma.us; amy davies; gdunham@townofsandwich.net; townadm@truro-ma.gov; dan.hoort@wellfleet-ma.gov  
**Cc:** 'Karen Greene'; Bailey, Kathleen; Waygan, Mary; dknapi@yarmouth.ma.us; Dan Fortier; 'Paul Lagg'; 'brian.carlson@wellfleet-ma.gov'; 'Coreen Moore'; 'Corey Pacheco'; 'George Meservey'; Elizabeth Jenkins; 'Kathy Williams'; 'Timothy Lydon'; 'Ryan Bennett'; 'Kathleen Donovan'; 'rvitacco@townofsandwich.net'; 'planning@falmouthmass.us'; 'Charleen Greenhalgh'; David Gardner (dgardner@provincetown-ma.gov); jcopeland@townofbourne.com; Jeffrey Ribeiro; Cally Harper; Jennifer Clinton; Stephanie Houghton  
**Subject:** Request for support - Town of Yarmouth & Cape Cod Commission - Housing Preference Survey  
**Attachments:** Yarmouth and CCC Letter of Support.docx

Dear Colleagues, Town Managers and Town Planners,

I write to seek your Town's expression of support for an application to the MassHousing Planning for Housing Production program. I recognize the short turn-around and appreciate any help you can offer. A sample letter is attached for your use.

The Town of Yarmouth's Department of Community Development, Council on Aging Director and Age Friendly Community Team in collaboration with the Cape Cod Commission will seek MassHousing funding for a **Regional Housing Preference Survey**. This work is in furtherance of the Town of Yarmouth's Age Friendly Community and Housing Strategy and the Cape Cod Commission's long range planning for Housing Needs. This work will benefit all 15 Cape Cod Communities by providing valuable insight into the housing types preferred in our region, allowing us to respond to our regional market.

If your letter of support is received electronically by me [heather.harper@capecodcommission.org](mailto:heather.harper@capecodcommission.org) no later than Wednesday, March 28<sup>th</sup> it will be included in the Town of Yarmouth's application to MassHousing. Letters authorized after March 28<sup>th</sup> may be submitted directly to Gregory P. Watson, AICP, Manager of Planning and Programs, [gwatson@masshousing.com](mailto:gwatson@masshousing.com) directly with a requested copy to my attention.

Should you have any questions about this request or how this work will benefit your community please feel free to reach out.

Sincerely,

Heather B. Harper  
Community Design/Affordable Housing Specialist  
Cape Cod Commission  
[Heather.Harper@capecodcommission.org](mailto:Heather.Harper@capecodcommission.org)  
Tel. 508-744-1225



### TOWN OF FALMOUTH SPECIAL EVENT PERMIT

EVENT NAME Daffodil Days

NAME Spohr Gardens, William Kerfoot

MAILING ADDRESS 766-B Falmouth Road, Mashpee, MA 02649

EVENT DAY & DATE Saturday, April 21, 2018 and Saturday, April 28, 2018

RAIN DATE None.

EVENT LOCATION Spohr Gardens – Fells Road

EVENT TYPE Garden Exposition

SET-UP ARRIVAL TIME 8:00 a.m. EVENT HOURS 10:00 a.m. – 4:00 p.m.

NUMBER OF ATTENDEES 200 # OF VEHICLES Approx. 75

ADDITIONAL DETAILS Road closed for each Saturday. Parking supervised. One tent for visitors. Small music ensemble.

**CONDITIONS:**

1. Contact Detail Sergeant at Police Department and Department of Public Works two weeks prior to event to arrange for adequate public safety and traffic control requirements.
2. Roadway should be clearly marked at both ends for safety purposes.
3. Any barricades placed in the roadway should be portable and a person assigned to remove them to allow passage of public safety equipment.
4. Tents exceeding 400 sq. ft. require a permit and inspection by the Inspectional Services Dept. and Fire Prevention Dept.

PERMIT FEE \$100.00 FILING FEE \$10.00

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

**BOARD OF SELECTMEN:**

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### TOWN OF FALMOUTH SPECIAL EVENT PERMIT

EVENT Woods Hole May Festival

NAME Woods Hole Community Association, Laura Shulman

MAILING ADDRESS P.O. Box 327, Woods Hole, MA 02543

EVENT DAY & DATE Saturday, May 26, 2018

RAIN DATE Sunday, May 27, 2018

EVENT LOCATION Taft Playground & Ball Park, Woods Hole

EVENT TYPE Fair with games, may pole, dancing

SET-UP ARRIVAL TIME 8:00 a.m. EVENT HOURS 8 a.m. – 4 p.m.

NUMBER OF ATTENDEES 50+ # OF VEHICLES 2

ADDITIONAL DETAILS Annual Woods Hole May Festival – Community Event with May pole, craft stands, games, food, strolling fiddlers – fundraiser for non-profit Woods Hole Community Association. Parking off-site by arrangement with WHOI.

**CONDITIONS:**

1. Event organizer to provide a list of all food vendors to the Health Department and to direct all food vendors to Health Department to apply for temporary permit and arrange for inspections.
2. Contact the Police Department and the DPW for assistance, if needed.
3. Event organizers to police the field and playground following the event to ensure that no litter or debris is left behind.

PERMIT FEE waived FILING FEE: \$10.00

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

**BOARD OF SELECTMEN:**

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### TOWN OF FALMOUTH SPECIAL EVENT PERMIT

EVENT NAME Butterfly Garden Day

NAME Spohr Gardens, William Kerfoot

MAILING ADDRESS 766-B Falmouth Road, Mashpee, MA 02649

EVENT DAY & DATE Saturday, July 28, 2018

RAIN DATE Saturday, August 4, 2018

EVENT LOCATION Spohr Gardens – Fells Road

EVENT TYPE Butterfly Garden Exposition

SET-UP/BREAK DOWN 8:00 a.m./5:00 p.m. EVENT HOURS 9:00 a.m. – 4:00 p.m.

NUMBER OF ATTENDEES 200 # OF VEHICLES Approx. 50

ADDITIONAL DETAILS Road closed for Saturday. Parking supervised. One tent for visitors.

**CONDITIONS:**

1. Contact Detail Sergeant at Police Department and Department of Public Works two weeks prior to event to arrange for adequate public safety and traffic control requirements.
2. Roadway should be clearly marked at both ends for safety purposes.
3. Any barricades placed in the roadway should be portable and a person assigned to remove them to allow passage of public safety equipment.
4. Tents exceeding 400 sq. ft. require a permit and inspection by the Inspectional Services Dept. and Fire Prevention Dept.

PERMIT FEE \$100.00 FILING FEE \$10.00

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

**BOARD OF SELECTMEN:**

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### TOWN OF FALMOUTH SPECIAL EVENT PERMIT

NAME Falmouth Farmers' Market

MAILING ADDRESS P.O. Box 179, Falmouth, MA 02541

EVENT DAY & DATE Thursdays, May 24, 2018 – October 11, 2018  
+ Tuesday, November 20, 2018 (Holiday Market)

RAIN DATE None.

EVENT LOCATION Marina Park

EVENT TYPE Farmer's Market

SET-UP ARRIVAL TIME 10:00 a.m. EVENT HOURS 12:00 noon – 6:00 p.m.

NUMBER OF ATTENDEES 300-500 # OF VEHICLES \_\_\_\_\_

ADDITIONAL DETAILS Request access to public restrooms, water and electricity. 10x10 tents, folding chairs. Public restrooms not available on 11/20/18.

**CONDITIONS:**

1. *Parking Option A (attached) with rotation as recommended by the Parks Superintendent.*
2. *Parking on the lawn, during or immediately after a rain event, may be prohibited by the Parks Superintendent*
3. *The parking area is to be marked off and monitored by the Farmer's Market.*
4. *Parking placards are to be issued for either Marina Park Lawn or Gus Canty parking.*
5. *Repair and maintenance requested by the Parks Superintendent shall be undertaken immediately at the expense of the Farmer's Market.*
6. *Event organizers to police the area following event to ensure any litter or debris is cleared.*
7. *Contact Inspectional Services Department for tent permit and inspection.*
8. *Contact Fire Department if any cooking equipment is to be used on site.*

PERMIT FEE \$2,100.00 FILING FEE \$10.00

DEPOSIT \$1,000.00 *(Deposit refundable at conclusion of event provided that no litter or damage has occurred)*

**BOARD OF SELECTMEN:**

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### TOWN OF FALMOUTH SPECIAL EVENT PERMIT

EVENT Falmouth Art Market

NAME Diane Regis

MAILING ADDRESS 8 Eldred Circle, Falmouth, MA 02540

EVENT DAY & DATE Thursdays: June 7 – August 30, 2018

RAIN DATE None.

EVENT LOCATION Marina Park (Bandshell Side)

EVENT TYPE Art Market – Craft Sales

SET-UP ARRIVAL TIME 10:00 a.m. EVENT HOURS 11:00 a.m. – 5:00 p.m.

NUMBER OF ATTENDEES 20 # OF VEHICLES 20 vendors

ADDITIONAL DETAILS Music if electricity is available. Use of restrooms for vendors. Tents and chairs.

**CONDITIONS:**

1. Vendors to drop off and shuttle to/from Gus Cauty Recreation Center parking lot.
2. Four spaces available for vendor parking on grass area behind Bandshell.
3. Vendor parking plaques will be placed on vendors' vehicles.
4. Assigned location for parking vendor vehicles.
5. Contact Inspectional Services Department to check if tent permit is required.
6. All areas to be checked for cleanliness following event.

PERMIT FEE 13 days x \$100/day = \$1,300.00 FILING FEE \$10.00

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

**BOARD OF SELECTMEN:**

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**TOWN OF FALMOUTH  
SPECIAL EVENT PERMIT**

**NAME** Rev. Rebecca Mincieli, John Wesley United Methodist Church

**MAILING ADDRESS** 270 Gifford Street, Falmouth, MA 02540

**EVENT DAY & DATE** Sundays, July 1, 2018 – September 2, 2018 (except 7/15 and 8/19)

**RAIN DATE** \_\_\_\_\_

**EVENT LOCATION** Surf Drive Beach and Parking Lot

**EVENT TYPE** Sunday Worship Services

**ARRIVE/DEPART** 7:15 a.m./8:15 a.m. **EVENT HOURS** 7:30 a.m. – 8:00 a.m.

**NUMBER OF ATTENDEES** 30+ **NUMBER OF VEHICLES** 15+

**ADDITIONAL DETAILS** \_\_\_\_\_

**CONDITIONS:**

1. A Beach Department employee will open the gate to Surf Drive parking lot at 7:15 a.m. to allow parishioners into the lot to park and then will let the group out at 8:15 a.m. and lock the gate when everyone has exited the lot.

**PERMIT FEE** \$600.00 (8 days x \$75.00/day) **FILING FEE** \$10.00

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

**BOARD OF SELECTMEN:**

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# John Wesley United Methodist Church

270 Gifford Street  
FALMOUTH, MA 02540

Rev. Rebecca Mincieli  
*Minister*

Office: (508) 548-3050

Cell: (508) 776-1374

Fax: (508) 540-7273

Email: [PastorRebecca@comcast.net](mailto:PastorRebecca@comcast.net)

Website: [www.johnwesleyumc.org](http://www.johnwesleyumc.org)

RECEIVED  
FEB 27 2018

Special Events Internal Working Group/  
Falmouth Board of Selectmen  
Falmouth Town Hall  
59 Town Hall Square  
Falmouth, MA 02540

February 27, 2018

Dear Madams and Sirs:

On behalf of the John Wesley United Methodist Church, I am writing to ask your approval to use Surf Drive Beach again this summer to hold a brief non-denominational worship service on Sunday mornings. As we have done the previous three summers, we would gather every Sunday from 7:30am-8:00am. Our first service would be on July 1<sup>st</sup> and run through September 2<sup>nd</sup>, with the exception of the Falmouth Triathlon Sunday on July 15<sup>th</sup>, and the Falmouth Road Race on Sunday, August 19<sup>th</sup>. The services have been very well attended, and we continue to hear many favorable comments regarding the convenience the services provide our many visitors and locals alike, as well as gratitude that the Town of Falmouth provides this opportunity.

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

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

Very truly yours,

Rev. Rebecca Mincieli



### TOWN OF FALMOUTH SPECIAL EVENT PERMIT

EVENT Falmouth 4<sup>th</sup> of July Fireworks

NAME Falmouth Fireworks Committee, Dutch Drolette

MAILING ADDRESS P.O. Box 2193, Teaticket, MA 02536

EVENT DAY & DATE Wednesday, July 4, 2018 *Notify Town by noon if cancellation*

RAIN DATE Thursday, July 5, 2018

EVENT LOCATION Falmouth Heights Beach and Ball Field

EVENT TYPE Annual 4<sup>th</sup> of July Fireworks

SET-UP/BREAK-DOWN 9:00 am / 11:00 pm EVENT HOURS 9:00 p.m. – 10:00 p.m.

NUMBER OF ATTENDEES Approx. 50,000

ADDITIONAL DETAILS Fireworks, live entertainment on ball field.

**CONDITIONS:**

1. Coordinate this activity with the Police, Fire, DPW, Harbormaster and the U.S. Coast Guard prior to the event. Attend a pre-event meeting on the last week in June 2018.
2. Contact Inspectional Services Dept. 48 hours prior to event for tent permit and inspections.
3. Contact Fire Department to arrange for inspection of food cooking equipment, if applicable.
4. Sustain traffic plan from 2013.
5. Organizer to increase the number of porta-potties to the Falmouth Heights area.
6. Falmouth Fireworks has exclusive use of the Falmouth Heights Ballfield.

PERMIT FEE \$100.00 FILING FEE \$10.00

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

**BOARD OF SELECTMEN:**

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**TOWN OF FALMOUTH  
SPECIAL EVENT PERMIT**

**EVENT** Cape Cod Cycle Classic

**NAME** Habitat for Humanity of Cape Cod, Jessica Lachey

**MAILING ADDRESS** 411 Route 6A, Suite 6, Yarmouthport, MA 02675

**EVENT DAY & DATE** Sunday, September 23, 2018

**RAIN DATE** None.

**EVENT LOCATION** Cape Cod Canal to Bike Path to Cape Cod Canal

**EVENT TYPE** Bike Ride

**SET-UP ARRIVAL TIME** 8:00 a.m. **EVENT HOURS** 8:00 a.m. – 1:00 p.m.

**NUMBER OF ATTENDEES** 50-75 **# OF VEHICLES** 0

**ADDITIONAL DETAILS** Use of restrooms at beginning of bike path.

**CONDITIONS:**

1. *Observe Bikeways Committee bike path rules, attached.*
2. *Organizers to police area following the event for litter and cleanliness.*
3. *No markings on pavement.*
4. *Contact Falmouth Police Department Detail Sergeants two weeks prior to event to discuss public safety measures.*

**PERMIT FEE** \$25.00 **FILING FEE** \$10.00  
**DEPOSIT** \$300.00 *(Deposit refundable at conclusion of event provided that no litter or damage has occurred)*

**BOARD OF SELECTMEN:**

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### TOWN OF FALMOUTH SPECIAL EVENT PERMIT

EVENT Outdoor Beer & Oyster Festival

NAME British Beer Company, Rob Loewen, General Manager

MAILING ADDRESS 263 Grand Avenue, Falmouth, MA 02540

EVENT DAY & DATE Sunday, May 20, 2018

RAIN DATE None.

EVENT LOCATION Parking Lot behind British Beer Company and Seaside Inn Private Property

EVENT TYPE Outdoor Beer & Oyster Festival

SET-UP ARRIVAL TIME \_\_\_\_\_ EVENT HOURS 12:00 noon – 8:00 p.m.

NUMBER OF ATTENDEES 100-200 max. # OF VEHICLES \_\_\_\_\_

ADDITIONAL DETAILS One-day liquor license and entertainment license (two small bands) for outdoor area. Security personnel will be stationed at the three public entry areas to check for proper I.D. and issue wristbands. No person under 21 will be admitted to event. Servers are TIPS certified. 10x10 tents for breweries. Shucking station servers Serve Safe certified.

**CONDITIONS:**

- 1. Per Fire Department: Organizer to ensure that in the event of rain, should patrons seek shelter inside the BBC, the permitted occupancy is to be maintained to avoid overcrowding.

PERMIT FEE \$100.00 FILING FEE \$10.00  
DEPOSIT \$300.00 (Refundable at conclusion of event provided that no litter or damage has occurred)

**BOARD OF SELECTMEN:**

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

**NAME** Allison Levy

**MAILING ADDRESS** 11 Oakcliff Road, Wellesley, MA 02481

**CEREMONY DAY & DATE** Saturday, June 9, 2018

**LOCATION** Surf Drive Beach (by children's swim area)

**SET-UP ARRIVAL TIME** 3:30 pm **CEREMONY HOURS** 5:00 pm – 5:45 pm

**NUMBER OF GUESTS** 80 **NUMBER OF VEHICLES** 30

**TIME NEEDED FOR PARKING VEHICLES** 4:45 pm to 5:45 pm

**ENTERTAINMENT** Music.

**ADDITIONAL DETAILS:** Photography.

**CONDITIONS:**

1. No alcoholic beverages to be consumed on the premises.
2. Parking is on a first come first serve basis.
3. Use of group transportation or carpool recommended.

**PERMIT FEE** \$300.00 **FILING FEE** \$10.00

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

**BOARD OF SELECTMEN:**

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

**NAME** Nicole Allen & Richard Sturtevant

**MAILING ADDRESS** 49 Central Avenue, East Falmouth, MA 02536

**CEREMONY DAY & DATE** Saturday, September 29, 2018

**LOCATION** Megansett Beach

**SET-UP ARRIVAL TIME** 3:00 pm **CEREMONY HOURS** 4:00 pm – 4:30 pm

**NUMBER OF GUESTS** 70 **NUMBER OF VEHICLES** 30

**TIME NEEDED FOR PARKING VEHICLES** 3:30 pm to 4:30 pm

**ENTERTAINMENT** \_\_\_\_\_

**ADDITIONAL DETAILS:** Off-site parking has been arranged.

**CONDITIONS:**

1. No alcoholic beverages to be consumed on the premises.
2. Parking is on a first come first serve basis.
3. Use of group transportation or carpool recommended.

**PERMIT FEE** \$ 75.00 **FILING FEE** \$10.00

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

**BOARD OF SELECTMEN:**

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

**NAME** Paul Maggiore

**MAILING ADDRESS** 13 Wheeling Avenue, Woburn, MA 01801

**CEREMONY DAY & DATE** Saturday, September 15, 2018

**LOCATION** Kite Field – Falmouth Heights

**SET-UP/BREAK-DOWN:** 3:30 pm/5:30 pm **CEREMONY HOURS:** 4:15 pm – 5:00 pm

**NUMBER OF GUESTS** 200 **NUMBER OF VEHICLES** 0

**TIME NEEDED FOR PARKING VEHICLES** \_\_\_\_\_ pm to \_\_\_\_\_ pm

**ENTERTAINMENT** Non-amplified trio

**ADDITIONAL DETAILS:** Off-site parking has been arranged. All guests will park off site and be shuttled to/from Kite Field. Chairs.

**CONDITIONS:**

1. No alcoholic beverages to be consumed on the premises.
2. Use of group transportation or carpool.

**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:**

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# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## PUBLIC HEARING NOTICE

The Falmouth Board of Selectmen will hold a public hearing under Section 240-77 (Wetland Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, March 26, 2018 at 7:30 p.m. in the Selectmen's Meeting Room, Falmouth Town Hall, on the application of James and Erica Milligan for permission to construct and maintain a 5.5' x 17' pier extension, a 4'x15' tee, and install an out piling to the existing private residential pier system (License No. 14116) located at 59 Childs River Road, East Falmouth, MA. Area effected is Childs River. Interested parties may review the file on this hearing at the Selectmen's Office.

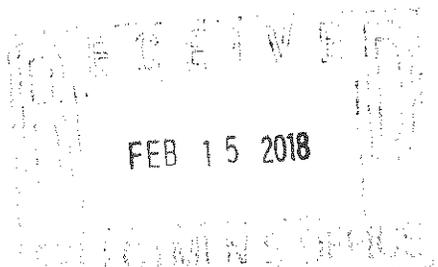
Per Order of the  
Board of Selectmen

*Publication Dates: Friday, March 16, 2018 and Friday, March 23, 2018 –  
Falmouth Enterprise*

*Copy to: Abutters*

**AMENT KLAUER LLP**

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



FEB 15 2018

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

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

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

APPROVED

*Request for reconsideration  
2/20/18*

**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 lease 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

Town Of Falmouth  
BOARD OF SELECTMEN

RECEIVED  
JAN 11 2018  
SELECTMEN'S OFFICE  
RECEIVED

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

To the Board of Selectmen  
Falmouth, Mass.

Date: December 7, 2017

FEB - 1 2018

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

FALMOUTH TOWN CLERK

**Owner:** James and Erica Milligar ., 30 Windward Lane, Hanover, MA 02339  
(Full name) (address)

**Agent:** Kevin P. Klauer, II, Ament Klauer LLP ., 39 Town Hall  
(Full name) (address) Square, Falmouth, MA

**Applicant:** SAME AS ABOVE  
(full name) (address)

1. **Location of Property:** Map 32 Section 18 Parcel 010 Lot 099

**Street Name and House Number:** 59 Childs River Road, E. Falmouth

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

3. **Description of property and project site:** The project site is located at 59 Childs River Road, East Falmouth, MA, a private residential waterfront property with frontage on Childs River, a tidal coastal embayment that flows into the waters of Vineyard Sound. The subject parcel consists of 10,817 (+/-) sq. ft. upland area and is on the eastern shore of Childs River. The property has been a lot on record since on or about April, 1926 and has been developed as a legal single family residence as of 149 per the Town Assessors records. The property includes a single family dwelling deck with stairs, brick steps and outside ac unit, rinse station and septic system. Also a detached two car garage; fence, concrete retaining walls, stone steps, stone walls, timber retaining wall and an existing stone pathway leading to the existing Pier and walkway, (License #14116) in Childs River, manicured lawn and landscaped areas.

a. **Dimensions, Acreage of total parcel:** 10,817 sq. ft.+/- Upland

b. **Length of water marsh frontage:** 66' linear +/-

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

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

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

APPLICATION FOR PERMIT TO DREDGE  
SECTION 4300, FILL OR OTHERWISE ALTER WETLANDS

f. Describe proposed riprap or bulkheading, if any: NONE

Other (docks, piers and etc.): Construct and maintain a 5.5 x 17' pier extension with a 4'x15' Tee and install an out piling, to the existing private residential pier system license (No. 14116) located at 59 Childs River Road, East Falmouth.

h. Method (equipment to be used) for proposed work: Barge and most work to be done by hand

4. Purpose of proposed work: PRIVATE PIER, RAMP AND FLOAT SYSTEM

5. Zoning which governs area: RESIDENTIAL

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

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

8. Remarks: Chapter 91 License No. 14116

9. Project Summary for legal notice:

For permission to construct and maintain a 5.5 x 17' pier extension, a 4'x15' Tee and install an out piling, to the existing private residential pier system license (No. 14116) located at 59 Childs River Road, East Falmouth.

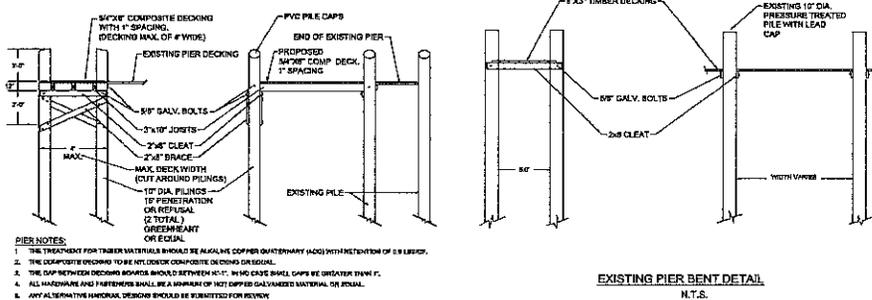
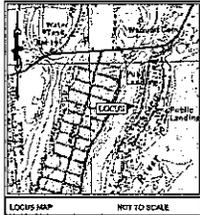
Owner: James and Erica Milligan  
30 Windward Lane  
Hanover, MA 02339

Agent: Kevin P. Klauer II,  
i Ament Klauer LLP  
39 Town Hall Square, Falmouth,  
MA 02540

Applicant: James and Erica Milligan

  
(applicant signature/date)

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

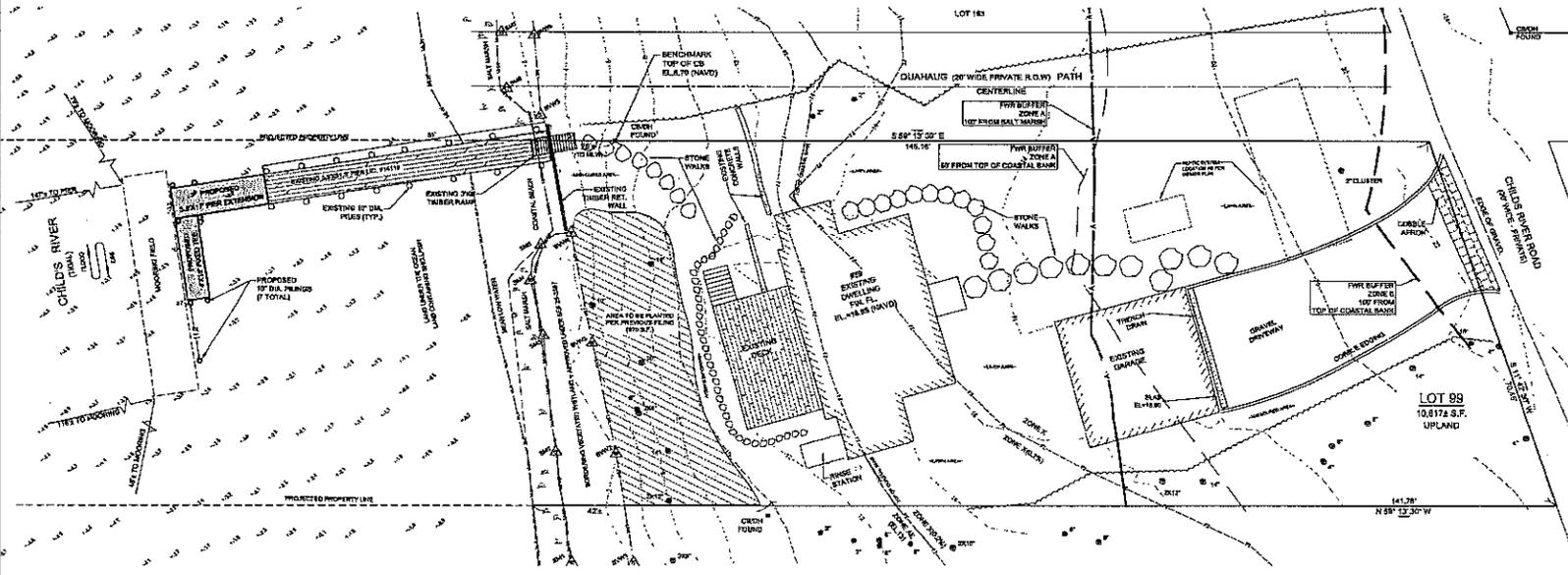


**PIER NOTES:**  
 1. THE TREATMENT FOR TIMBER MATERIALS SHOULD BE ALKALINE COPPER QUATERNARY (ACQ) WITH RETENTION OF 0.8 LB/CS.  
 2. THE COMPOSITE DECKING TO BE USED SHOULD BE ALKALINE COPPER QUATERNARY (ACQ) OR EQUIVALENT.  
 3. THE CAP BETWEEN DECKING BOARDS SHOULD BE 1/4" TO 3/8" IN THICKNESS AND SHALL HAVE A MINIMUM OF 1/4" OVERLAP.  
 4. ALL HANDRAILS AND RAILINGS SHALL BE A MINIMUM OF 1/2" OFF FROM GALVANIZED MATERIAL OR SIMILAR.  
 5. ANY ALTERNATIVE MATERIAL DESIGN SHOULD BE SUBMITTED FOR REVIEW.

**PIER NOTES**  
 ALL PILING SHALL BE INSTALLED IN SUCH A MANNER AS TO MINIMIZE TURBIDITY TO THE GREATEST EXTENT POSSIBLE. PILES SHOULD BE INSTALLED BY POUNDING TO CRUSH A HEAD AND THEN DRIVEN TO AN APPROPRIATE DEPTH.  
 NONLEAKING WOOD PRESERVATIVE MUST BE USED FOR WOOD CONSTRUCTION MATERIALS.  
 PIER MARKINGS TO INCLUDE DEP LICENSE NUMBER AND PROPERTY STREET ADDRESS, THE LETTER AND/OR NUMERALS ON ALL DOCK AND/OR FLOAT'S MUST BE A MINIMUM OF THREE INCHES IN HEIGHT, AND THE LETTERS AND NUMERALS BE OF CONTRASTING COLOR SO THAT THE SIGNS ARE EASILY SEEN FROM THE WATER. IDENTIFICATION DISPLAYS MUST BE MAINTAINED TO BE VISIBLE THROUGHOUT THE CONSTRUCTION OF THE PIER.  
 AT NO TIME SHALL FLOATS, BOATS, KAYAKS, CANOES OR ANY OTHER OBJECTS BE STORED DIRECTLY ON THE SALT MARSH, COASTAL BANK, AND BORDERING VEGETATED WETLANDS. NO FLOAT, BOAT, KAYAK OR CANOE SHALL BE DRAGGED ACROSS THE SALT MARSH OR BORDERING VEGETATED WETLAND AT ANY TIME. OFF SEASON STORAGE OF ANY PORTION OF A DOCK/FLOAT ON ANY OF THE FOREMENTIONED RESOURCE AREAS MAY RESULT IN A FINE.

**CONSERVATION NOTES**  
 PRIOR TO ANY WORK COMMENCING, THE DEP FILE NUMBER SHALL BE POSTED ON A SIGN ON THE STREET SIDE OF THE LOT AND MAINTAINED IN A VISIBLE CONDITION THROUGHOUT THE PROJECT.  
 THE LIMIT OF WORK WILL BE INSTALLED PRIOR TO ANY WORK, EXCAVATION, CONSTRUCTION OR CLEARING OF VEGETATION, IN ORDER TO PREVENT DAMAGE TO THE INTERESTS OF THE ACT AND BY-LAW. THE LIMIT OF WORK WILL CONSIST OF A ROW OF STAKED SEDIMENT BENT OR COMBPOST ROLL WITH SILTATION FENCE BACKING. THE SEDIMENT STOP ROLL WILL BE REPLACED AS NECESSARY TO BE MAINTAINED IN GOOD CONDITION THROUGHOUT THE ENTIRE CONSTRUCTION PERIOD. NO FILL WILL BE ALLOWED TO BE PLACED AGAINST THE LIMIT OF WORK AT ANY TIME. UPON COMPLETION OF ALL CONSTRUCTION AND STABILIZATION OF THE SITE, SEDIMENT STOP ROLL WILL BE REMOVED AND PROPERLY DISPOSED OF.  
 PRIOR TO ANY WORK COMMENCING, ADVANCE WRITTEN NOTIFICATION WILL BE PROVIDED TO THE FALMOUTH CONSERVATION COMMISSION.  
 NO DEBRIS, EQUIPMENT OR MATERIALS WILL BE STORED, EVEN TEMPORARILY, OUTSIDE THE DESIGNATED LIMIT OF WORK AREA.  
 THE CONSTRUCTION SITE WILL BE CLEARED DAILY TO REMOVE ANY LOOSE DEBRIS.  
 ALL DISTURBED AREA WITHIN THE LIMIT OF WORK REQUIRING RESTORATION WILL BE STABILIZED TO PREVENT EROSION. STABILIZATION WILL BE DONE IMMEDIATELY FOLLOWING COMPLETION OF INSTALLATION OF THE PIER.  
 PROPOSED ALTERATIONS TO EXISTING PIER HAVING A CHAPTER 91 LICENSE NUMBER OF 14116.  
 UPON COMPLETION OF WORK A REQUEST FOR A CERTIFICATE OF COMPLIANCE SHALL BE SUBMITTED TO THE FALMOUTH CONSERVATION COMMISSION.

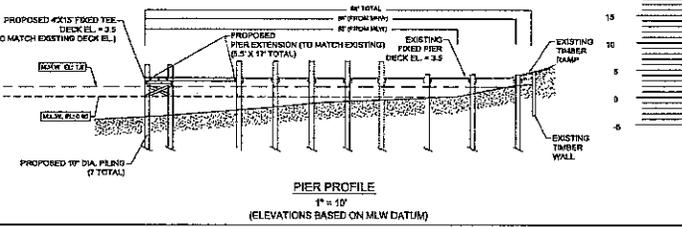
**PROPOSED PIER BENT DETAIL**  
 N.T.S.



**GENERAL NOTES**  
 LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY AND ELEVATIONS BASED ON THE NAVD 83 DATUM.  
 BOUNDARIES SHOWN (NEGATIVE DIMENSIONS) REFLECT WATER DEPTH AS MEASURED FROM MEAN LOW WATER.  
 ZONING DISTRICT: RC  
 PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF A-E(1), NON-HAZARDOUS ZONES (R-2) & X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON THE NATIONAL INSURANCE RATE MAP NO. 15001C(04) WITH A MAP EFFECTIVE DATE OF JULY 16, 2014.  
 DEED REFERENCE: L.C. DEED 200451  
 PLAN REFERENCE: L.C. PLAN 11810-0

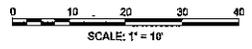
**LEGEND**

W	WETLAND PLANT
W-C	COASTAL PLANT
W-M	MARSH PLANT
W-W	WATERWAY PLANT
W-L	LOW WETLAND PLANT
W-H	HIGH WETLAND PLANT
W-V	VEGETATED WETLAND PLANT
W-N	NON-VEGETATED WETLAND PLANT
W-O	OPEN WETLAND PLANT
W-P	PERMANENT WETLAND PLANT
W-T	TRANSIENT WETLAND PLANT
W-S	SEMI-PERMANENT WETLAND PLANT
W-D	DEEP WATER PLANT
W-S	SHALLOW WATER PLANT
W-F	FRESH WATER PLANT
W-S	SALT WATER PLANT
W-C	CANAL PLANT
W-L	LIMIT OF WORK
W-R	RAVINE ROW



**VOLUNTARY MITIGATION PLANTINGS**  
 PROPOSED MITIGATION PLANTINGS TO BE 2 GALLON CONTAINERS OR LARGER, STAGGERED BY FORMATION AND PLANTED 3 FEET OR GREATER OR AS NECESSARY TO ADEQUATELY REVEGETATE AREA.  
 APPLICANT SHALL HAVE AN ON-SITE MEETING WITH CONSERVATION AGENT PRIOR TO INSTALLING PLANTS TO REVIEW LOCATION OF SPECIFIC PLANT SPECIES. ANY CHANGES IN PLANT SPECIES TO BE APPROVED BY CONSERVATION AGENT PRIOR TO INSTALLATION.  
 PLANTINGS SHALL BE MAINTAINED IN GOOD HEALTH AND SHALL BE REPLACED IN KIND AS NECESSARY TO PROPERLY ESTABLISH VEGETATION.

**PROJECT STATISTICS**  
 DISTANCE FROM END OF EXISTING STRUCTURE TO MEAN HIGH WATER (MHW) = 48 FT.  
 DISTANCE FROM END OF EXISTING STRUCTURE TO MEAN LOW WATER (MLW) = 30 FT.  
 DISTANCE FROM END OF PROPOSED STRUCTURE TO MEAN HIGH WATER (MHW) = 81 FT.  
 DISTANCE FROM END OF PROPOSED STRUCTURE TO MEAN LOW WATER (MLW) = 53 FT.  
 TOTAL AREA OF EXISTING PIER = 261 S.F.  
 TOTAL AREA OF PROPOSED PIER ADDITIONS = 151 S.F.  
 TOTAL NUMBER OF NEW PILING = 7 (2.5 S.F.)  
 AREA OF MITIGATION PLANTINGS FROM PREVIOUS PILING FOR PREVIOUS PROPERTY OWNERS JOHN & HANCOY BETZ. SEE PLAN ON RECORD AT CONSERVATION DEPARTMENT DATED MAY 24, 2011 AND STAMPED "RECEIVED MAY 28 2011".  
 PROPERTY IS NOT LOCATED WITHIN AN AREA DESIGNATED AS PRIORITY HABITAT FOR ENDANGERED SPECIES AS DETERMINED BY NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM (NHESP).  
 PROPERTY IS NOT LOCATED WITHIN AN AREA OF CRITICAL ENVIRONMENTAL CONCERN (A.C.E.C.).



NOISE: This plan is not to be used for any other purpose than that for which it was prepared without the written consent of the engineer.

REV.	DATE	DESCRIPTION	BY	APPR.
1	10/18/17	EXTENDED PIER		

OWNER OF RECORD:  
 JAMES JR. & ERICA MILLIGAN  
 30 WINDWARD LANE  
 HANOVER, MA 02339

ARCHITECT:  
 JAMES JR. & ERICA MILLIGAN  
 30 WINDWARD LANE  
 HANOVER, MA 02339

PROJECT:  
 PROPOSED PIER MODIFICATION  
 59 CHILDS RIVER ROAD  
 IN  
 FALMOUTH, MASSACHUSETTS

SHEET NO. 1 OF 1  
 DATE: JULY 24, 2017

DRAWING FILE NAME: CHILDSRIVER\_PIER\_MODIFICATION.dwg  
 DRAWN BY: JR  
 CHECKED BY: MC

DESIGNED BY: JR  
 CHECKED BY: MC

**CAPE & ISLANDS ENGINEERING**  
 CIVIL ENGINEERING - LAND SURVEYING - ENVIRONMENTAL RESTORATION  
 800 PALMOUTH ROAD, SUITE 200, FALMOUTH, MA 02541  
 508.477.1722 PHONE 508.477.1722 FAX www.CapeIslands.com

REGISTERED PROFESSIONAL ENGINEER  
 REG. NO. 10100  
 EXPIRES 12/31/2018

PIER MODIFICATION PLAN

ASSESSORS INFORMATION: 33 1810 000



## Falmouth Conservation Commission

59 TOWN HALL SQUARE, FALMOUTH, MASSACHUSETTS 02540  
(508) 496-7445 • FAX (508) 496-7449

December 4, 2017

James & Erica Milligan, Jr.  
30 Windward Lane  
Hanover, MA 02339

RE: 59 Childs River Road, East Falmouth, MA 02536  
DEP# 25-4328

Dear Mr. & Mrs. Milligan,

Enclosed please find a copy of the Order of Conditions. Please obtain the plan of reference for your approved project from your representative. This Order is valid for three years from its date of issuance. The original permit will need to be registered at the Registry of Deeds. Proof of Recording must be submitted to the Conservation Commission office.

Please read the Order of Conditions and Plan carefully and refer to them often. Your contractor must have a copy of the Order of Conditions and the Conservation Permit posted on-site throughout the duration of the project. As the property owner it is ultimately your responsibility to ensure that work be done according to all Standard and Special Conditions and according to the Plan of Reference. If you decide to sell your property, please transfer the Order and the Plan of Reference to the new owner.

When all work under the approved permit, including landscaping, has been completed on the project, the proper procedure is for you representative (the engineer) to apply to the Conservation Commission for a Certificate of Compliance. The engineer must submit a signed statement that all work has been completed according to the Plan of Reference and noting any deviation from the plan. The representative (engineer) is the point of contact with the Conservation Commission and should coordinate with you throughout the duration of the project until a Certificate of Compliance is issued. Your representative will register the Certificate of Compliance in the Registry of Deeds. Proof of Recording must be submitted to the Conservation Commission office.

Thank you for taking the time to read this letter. By complying with the Wetland Protection Act and the Falmouth Wetland Bylaw and Regulations you are helping to maintain a high quality of life for yourself and others in the Town of Falmouth.

Sincerely,

Jennifer L. McKay, Conservation Administrator  
Falmouth Conservation Commission

CC: Cape & Islands Engineering, Inc.

COPY



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:  
25-4328

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

**A. General Information**

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

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



1. From: Falmouth  
Conservation Commission

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

3. To: Applicant:

James & Erica

a. First Name

Milligan, Jr.

b. Last Name

c. Organization

30 Windward Lane

d. Mailing Address

Hanover

e. City/Town

MA

f. State

02339

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

59 Childs River Road

a. Street Address

East Falmouth

b. City/Town

32 18

c. Assessors Map/Plat Number

010 099

d. Parcel/Lot Number

Latitude and Longitude, if known:

d m s  
d. Latitude

d m s  
e. Longitude



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

Provided by MassDEP:  
25-4328  
 MassDEP File #  
 \_\_\_\_\_  
 eDEP Transaction #  
Falmouth  
 City/Town

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

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Barnstable a. County 206451 1772276-Lot 99 - LC Plan 11210C b. Certificate Number (if registered land)
- c. Book \_\_\_\_\_ d. Page \_\_\_\_\_
7. Dates: 09/26/2017 a. Date Notice of Intent Filed 10/25/2017 b. Date Public Hearing Closed 12/04/2017 c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
Proposed Pier Modification 59 Childs River Road  
 a. Plan Title  
Cape & Islands Engineering, Inc. b. Prepared By Matthew C. Costa, P.L.S., R.S. c. Signed and Stamped by  
10/18/2017 d. Final Revision Date 1" = 10' e. Scale
- f. Additional Plan or Document Title \_\_\_\_\_ g. Date \_\_\_\_\_

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a.  Public Water Supply    b.  Land Containing Shellfish    c.  Prevention of Pollution  
 d.  Private Water Supply    e.  Fisheries    f.  Protection of Wildlife Habitat  
 g.  Groundwater Supply    h.  Storm Damage Prevention    i.  Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:  
25-4328

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

**B. Findings (cont.)**

Denied because:

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

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

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



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

Provided by MassDEP:  
 25-4328  
 MassDEP File #  
 \_\_\_\_\_  
 eDEP Transaction #  
 Falmouth  
 City/Town

**B. Findings (cont.)**

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	<u>2</u> a. square feet	_____ b. square feet		
	_____ c. c/y dredged	_____ d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____ a. square feet	_____ b. square feet	<u>      </u> c. nourishment cu yd	<u>      </u> d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	_____ a. square feet	_____ b. square feet	<u>      </u> c. nourishment cu yd	<u>      </u> d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	_____ a. linear feet	_____ b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____ a. square feet	_____ b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____ a. square feet	_____ b. square feet		
	_____ c. c/y dredged	_____ d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____ a. c/y dredged	_____ b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____ a. square feet	_____ b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



Massachusetts Department of Environmental Protection  
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**B. Findings (cont.)**

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

23.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

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

The following conditions are only applicable to Approved projects.

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



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

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  
"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number 25-4328"
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

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



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

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

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

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



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

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Falmouth hereby finds (check one that applies):  
Conservation Commission

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

1. Municipal Ordinance or Bylaw

2. Citation

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

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

Falmouth Wetlands Bylaw

10.00

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

see attached

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## Falmouth Conservation Commission

59 TOWN HALL SQUARE, FALMOUTH, MASSACHUSETTS 02540  
(508) 495-7445 • FAX (508) 495-7449

Name: James & Erica Milligan  
Address: 59 Childs River Road, East Falmouth, MA 02536  
DEP #: 25-4328

### FINDINGS:

1. The applicant proposes to lengthen the existing pier by 17 feet and add a 4ft x 1.5ft fixed tee section to the end of the pier and install native mitigation plantings to comply with a previous Order of Conditions.
2. Resource areas onsite or within 100 feet to the proposed project include Land Under Ocean, Land Containing Shellfish, Coastal Bank, Land Subject to Coastal Storm Flowage (LSCSF), Salt Marsh, Bordering Vegetated Wetland, and Resource Area Buffer.

### STANDARD CONDITIONS

1. Permission is granted to James & Erica Milligan, 59 Childs River Road, East Falmouth, MA to construct and maintain a Dock & Pier according to the plan prepared by Cape & Islands Engineering, Inc. dated July 24, 2017 with a final revision date of 10/18/2017 and entitled "Proposed Pier Modification" and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes will require that the applicant first obtain all necessary permits and approvals from the Conservation Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of \$25,000.00 per day.
4. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is

intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).

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

10. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.
11. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation on ground draining into the wetlands or other Resource Areas.
12. All cuttings and debris from permitted clearing of the lot prior to construction shall be removed offsite immediately. No debris can be stored, even temporarily, in a resource area or within 100 feet of any resource area. .
13. All fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location more than 100 feet from any resource area.
14. No creosote-treated wood or CCA treated wood may be used. The use of non-toxic materials is mandatory and shall be specified by a professional engineer.
15. Equipment, vehicles or other objects are not allowed to be placed or stored on any wetland or resource area at any time.
16. Any additional work, not identified at the time this permit was granted, within the Limit of Work , in a resource area or within 100 feet of any resource area will require that the applicant first obtain all necessary permits from the Conservation Commission before proceeding with such work.
17. All work shall be done by hand or from a barge-supported crane during high tide.
18. Any barge used for this project must float at all times.
19. Piles shall be driven, not jettied.
20. All decking surfaces crossing Salt Marsh shall be constructed per design criteria per application.
21. All seasonal floats shall be stored in a predetermined upland location per application and the plan of reference.
22. All construction debris shall be removed off-site to an approved upland disposal site.
23. All disturbed areas are to be re-vegetated using either native plant species (or drought-tolerant fescues on 8-10 inches of loam). Re-vegetation is to be done immediately following completion of construction.
24. The street number and address and the DEP number of the dock approved by this Order shall be affixed to the seaward face (end) of the dock using three inch (3") digits of bright

which in the opinion the Commission have a potential of being destroyed in a storm, may be ordered removed at the owner's expense. You have a right to hearing prior to any such order being issued.

**SPECIAL CONDITIONS:**

1. The Conservation Department and the Department of Marine and Environmental Services shall be notified of the date and time of construction activities utilizing a barge.



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**E. Signatures**

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

12/04/17  
 1. Date of Issuance

Please indicate the number of members who will sign this form.  
 This Order must be signed by a majority of the Conservation Commission.

5  
 2. Number of Signers

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

Signatures:

Maurice Harlowe Hayden  
Christopher Z. Seed  
Maury Schumaker  
James L. Anderson  
Elizabeth H. Gagnier

by hand delivery on

by certified mail, return receipt requested, on

12-04-17 John Z. Duff-Still  
 Date

Date

**F. Appeals**

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

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

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



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 \_\_\_\_\_  
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 City/Town

**G. Recording Information**

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

\_\_\_\_\_  
 Conservation Commission

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

To:

\_\_\_\_\_  
 Conservation Commission

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

\_\_\_\_\_  
 Project Location

\_\_\_\_\_  
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

\_\_\_\_\_  
 County

\_\_\_\_\_  
 Book

\_\_\_\_\_  
 Page

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

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

\_\_\_\_\_  
 Book

\_\_\_\_\_  
 Page

In accordance with the Order of Conditions issued on:

\_\_\_\_\_  
 Date

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

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

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

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

Doc: 1,336,023 12-07-2017 8:12  
 BARNSTABLE LAND COURT REGISTRY

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



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

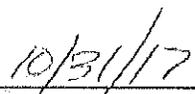
**Falmouth Wetlands – Chapter 235  
Wetlands Protection Act MGL 131:40  
Harbormaster Inspection Report**

**Applicant:** James & Erica Milligan  
**Date on Plan:** 7/24/17  
**Property:** 59 Child's River Road  
**Assessors Map:** 32 17 010 099  
**Area of Impact:** Child's River

RECEIVED  
NOV 08 2017  
BY CONSERVATION

*Date of Inspection  
and/or Review:* Plan review 10/31/17  
*Project Staking:* n/a  
*Navigational Issues:* None observed at time of inspection  
*Mooring Issues:* None observed at time of inspection.  
*Comments:* Similar to other structures in the area.  
*Recommendation:* Eliminate the tie off piling 11' South of dock "L"

  
\_\_\_\_\_  
Gregg Fraser,  
MES Director/Harbormaster

  
\_\_\_\_\_  
Date



Town of Falmouth  
Green Communities  
Presentation

March 26, 2018

COMMONWEALTH OF MASSACHUSETTS

*Charles D. Baker, Governor  
Karyn Polito, Lt. Governor  
Matthew A. Beaton, Secretary  
Judith Judson, Commissioner*

## The Green Communities Program – Partnering with Massachusetts Cities and Towns

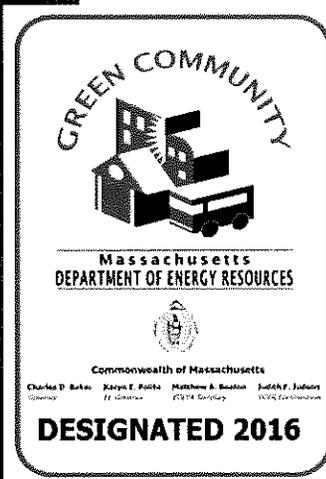
*Seth Pickering  
Southeast Regional Coordinator*

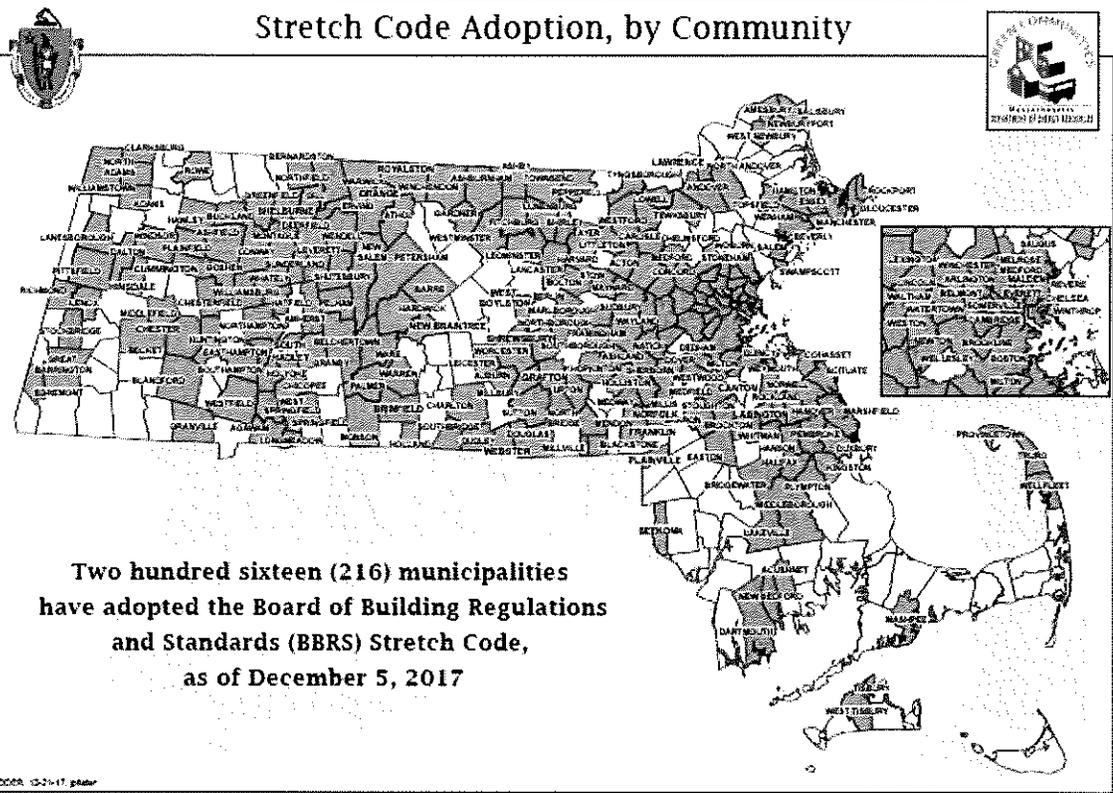
### Green Communities Designation and Grant Program

- Provides grants up to \$20 million annually to **qualifying** communities to fund energy efficiency initiatives, renewable energy, innovative projects.
- Funds allocated for Green Communities from RGGI auctions and ACP Funds.

#### Qualification Criteria - Designation

1. Adopt as-of-right siting for RE/AE generation, R&D, or manufacturing
2. Adopt expedited permitting process
3. Create an Energy Reduction Plan to reduce energy use by 20% in 5 years
4. Purchase only fuel-efficient vehicles
5. Adopt the Stretch Code – Minimize Life Cycle Costs





DER 12-05-17.pdf

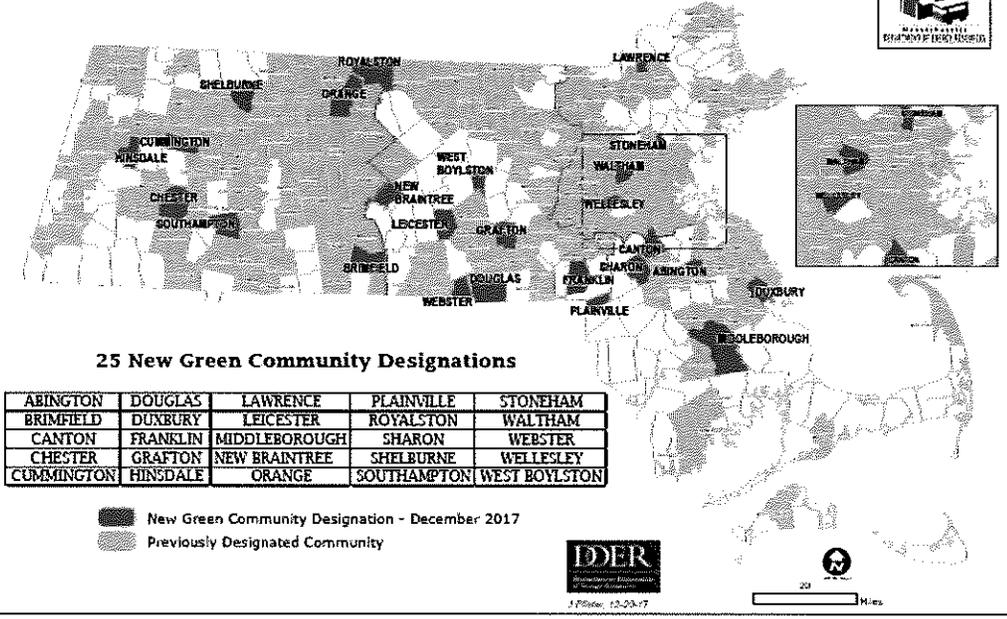


Creating a Clean, Affordable and Resilient Energy Future for the Commonwealth



# Meet the Green Communities!

GREEN COMMUNITY DESIGNATIONS REACH TWO HUNDRED TEN



Creating a Clean, Affordable and Resilient Energy Future for the Commonwealth



## Green Communities Designation and Grant Program

- Designation grant allocations based on a \$125K base plus a population/per capita income formula; maximum \$1M.
- Competitive grants available annually up to \$250,000 per applicant for Green Communities. More than \$85M awarded in total for both designation and competitive grant programs
- Projects being funded include energy conservation measures

### Falmouth's Near By Green Communities:

Community	Year	Grants
Mashpee	2010	\$ 446,093
Dartmouth	2017	\$ 223,750
Lakeville	2012	\$ 546,598
Bridgewater	2011	\$ 791,395
Middleborough	2017	\$ 197,655



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## Criteria #5 – Minimize Life Cycle Costs

Require all new residential construction and all new commercial and industrial real estate construction to minimize, to the extent feasible, the life-cycle cost of the facility by utilizing energy efficiency, water conservation and other renewable or alternative energy technologies.

The DOER recommended way for cities and towns to meet this requirement is by adopting the BBRS Stretch Code (780 CMR 115.AA) an appendix to the MA State Building Code.

In a town, the Stretch Code must be adopted as a general bylaw or article at Town Meeting.



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## Criteria #5/ Stretch Code: Require New Buildings to be More Energy Efficient

### Municipalities can meet this criteria by adopting the BBRs Stretch Energy Code

- Stretch Code is an optional appendix to the 9<sup>th</sup> Edition of the Mass Building Code 780 CMR
  - **ONLY** for New Residential and Commercial Construction
  - Repairs, Additions, Alterations follow the **existing** Base Energy Code
- Follows the Base Energy Codes performance paths (IECC 2015 and ASHRAE 90.1 2013)
- Training for Building Officials has been done
- Provides for **Performance** testing, rather than just **Prescriptive** measures.



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### Stretch Code MIS-conceptions

- ***“Stretch Code is new and experimental.”***

No; It is based on Energy Star for Home, 20+ years  
And many towns have over 7 years experience

- ***“Stretch Code requires tight unhealthy homes”***

No; Building science has evolved. The Base Code already requires stringent air sealing

- ***“We will give up our “local control” if we adopt it”***

No; There is no local control over the State wide Building Code. Your town can opt-out of the Stretch Code anytime.



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## Stretch Code MIS-Concepts

***“Town residents will be required to update their existing homes”***

No: The New Stretch Code only applies to NEW residential construction and NEW commercial construction > 100,000 sq ft

Additions, Renovations & Repairs are **EXEMPT** from the Stretch Code



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## The Stretch Code is No Longer Much of a Stretch

- January 1, 2017 – NEW Base Energy Code (IECC 2015) and an associated NEW Stretch Code which is almost NO Stretch at all. New Residential Construction requires a HERS Rating of 55.
- Basic difference in cost is for a HERS Energy Rater which is required by Stretch Code for new residential construction. Costs between \$750 and \$1250 for typical single family home. MassSave incentives and rebates can defray most or all of this cost.



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# What does Stretch Code Apply to?

It has the same applicability as the MA Base Energy Code

- Insulation
- Doors, Windows, Skylights
- Mechanical Equipment
- Lighting
- Appliances
- Building tightness
- Duct tightness

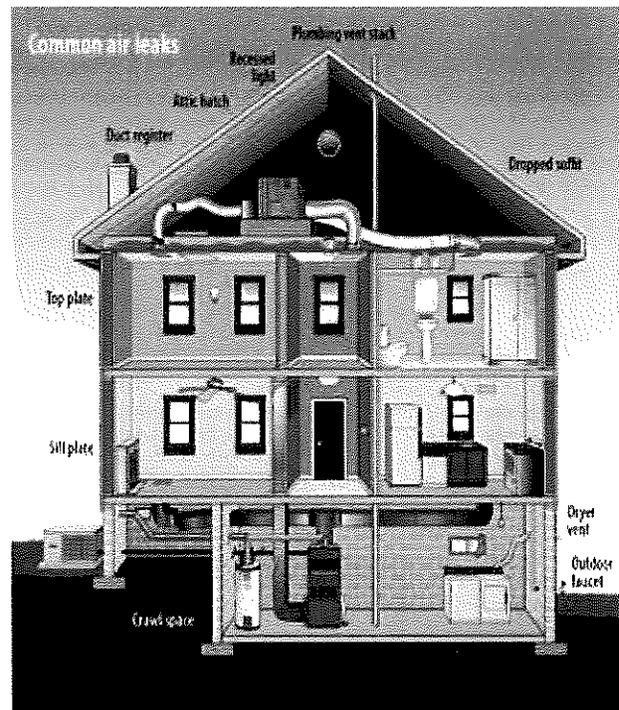


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## Why Test Performance?

- Prescriptive codes don't guarantee good installation, air and water tightness, or that thermal insulation is effective.
- Small air gaps can reduce insulation R-values by 50% or more.
- HERS Raters provide third party verification

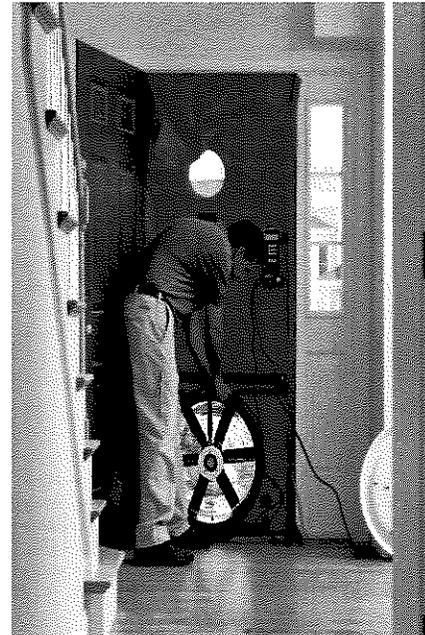


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# What is HERS Process?

1. Review Building Plans via Computer Modeling
2. In-process inspections– First inspection
  - A. Duct tightness test
  - B. Second Inspection (usually combined with 1st) • Insulation
  - C. Final Inspection • Blower door test
3. Finalize energy model based on verified performance and equipment



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MASSACHUSETTS  
DEPARTMENT OF ENERGY RESOURCES

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Massachusetts Department  
of Energy Resources

# What is a HERS Rating? (Home Energy Rating System)

## Annualized energy analysis

- Heating, Cooling, Water Heating,
- Lighting and Appliances....
- On site power generation-renewable energy

## Reference Home

- Based on IECC 2006 Code  
(International Energy Conservation Code)  
Defined as 100 Points
- 1 percent change in consumption = 1 point

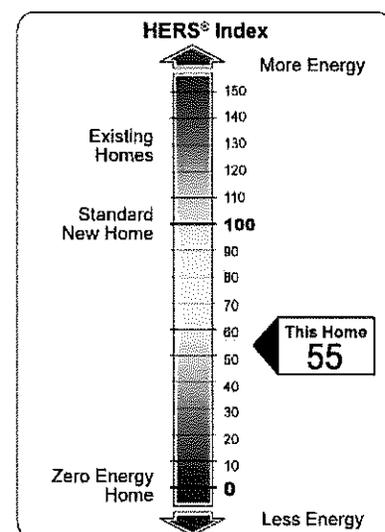
## 2018 Base Code Home

- Typically at a 62

## 2018 Stretch Code Home

HERS 55 means about

11% more efficient than Base Code home



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MASSACHUSETTS  
DEPARTMENT OF ENERGY RESOURCES

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Massachusetts Department  
of Energy Resources

# Commercial Stretch Energy Code 2016

- Large Commercial = Annual Energy use 10% below ASHRAE 90.1-2013 - Appendix G modeling
  - Appendix G also used for LEED certification
- Applies to:
  - New construction over 100,000 sq./ft.
  - Labs, Supermarkets, conditioned warehouses over 40,000 sqft



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## Stretch Code Documentation

- Residential HERS rater requirements
  - Permit – Plan Review submittal with projected HERS rating 'based on plans'
  - Certificate of Occupancy – Certified HERS index score based on final blower-door, duct testing = 55
- Large Commercial – Energy Model requirements
  - Plan review – ASHRAE 90.1 Appendix G energy model submitted with plans
  - Certificate of Occupancy – Final energy model showing as-built building meets 10% savings



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# 9<sup>th</sup> Edition Stretch Code Modeling Analysis

2550 sq.ft. 3 BR Single Family Home with Electric Heat Pump  
Worcester, MA



## HERS Index (ERI)

Target ..... 55  
Example Base ..... 66  
Example Stretch ..... 54

## Costs and Benefits to Meet Stretch Code

	COSTS	BENEFITS	NET
	Adjustments + HERS Rater Fee	Utility Rebates <sup>1</sup>	Cost Compared to Base Code
<b>BUILDER</b>	+\$ (2,360)	-\$ 1,900	\$(460)

HOMEBUYER	Change to Downpayment <sup>3</sup>	Change to Annual Mortgage Payment <sup>3</sup>	Estimated Energy Cost Savings per Year <sup>2</sup>	Year 1 Cash Flow	Year 2+ Cash Flow
	+\$ (46)	+\$ (36)	-\$ 704	\$ 621	\$ 667

1 – Incentives are determined using the Blended Savings Approach calculator. Savings compared to MA reference home.

BSA Incentive = \$0.35 \* kWh savings + \$35 \* MMBtu savings + \$3000 \* 0.xx percent savings (single family home)

2 – Energy costs are based on 19 cents/kWh, \$0.97/therm, \$2.88 gal propane, \$2.58 gal oil. Savings are compared with Base Code home

3 – 30-year mortgage assumes 10% down payment at 4% APR



# 9<sup>th</sup> Edition Stretch Code Modeling Analysis

2550 sq.ft. 3 BR Single Family Home with Electric Heat Pump  
Worcester, MA



## Breakdown of Construction Costs to Meet Stretch Code

FEATURE	Base Code	Stretch Code	Construction Cost
<b>HERS RATING</b>	66	54	\$500
<b>WINDOWS (U-VALUE/SHGC)</b>	.30/.30	.27/.30	\$500
<b>DHW</b>	0.95 EF Tank Electric	3.24 EF Heat Pump DHW	\$660
<b>HEATING</b>	10 HSPF / 19 SEER Heat Pump	12 HSPF / 19 SEER Heat Pump	\$500
<b>COOLING</b>			
<b>DUCT LEAKAGE TO OUTSIDE</b>	4 CFM25 / 100 CFA	2 CFM25 / 100 CFA	\$200
<b>FOUNDATION</b>	Unconditioned, uninsulated basement	No change required	\$0
<b>FLOOR</b>	R38 fiberglass Grade 1	No change required	\$0
<b>WALLS</b>	R21 fiberglass Grade 1	No change required	\$0
<b>HIGH EFFICACY LIGHTING</b>	100% CFL	No change required	\$0
<b>CEILING – FLAT</b>	R-50 blown in cellulose	No change required	\$0
<b>AIR INFILTRATION</b>	3.0 ACH50	No change required	\$0
<b>TOTAL</b>			\$2,360



# 9<sup>th</sup> Edition Stretch Code Modeling Analysis

2550 sq.ft. 3 BR Single Family Home with Natural Gas Heat  
Worcester, MA



HERS Index (ERI)	
Target	55
Example Base	66
Example Stretch	55

## Costs and Benefits to Meet Stretch Code

BUILDER	COSTS		BENEFITS	NET	
	Adjustments + HERS Rater Fee		Utility Rebates <sup>1</sup>	Cost Compared to Base Code	
	+\$ (2,606)		-\$1,630	\$(976)	
HOMEBUYER	Change to Downpayment <sup>3</sup>	Change to Annual Mortgage Payment <sup>3</sup>	Estimated Reduced Energy Cost per Year <sup>2</sup>	Year 1 Cash Flow	Year 2+ Cash Flow
	+\$ (97)	+\$ (77)	-\$213	\$37	\$135

1 – Incentives are determined using the Blended Savings Approach calculator. Savings compared to MA reference home.

BSA Incentive = \$0.35 \* kWh savings + \$35 \* MMBtu savings + \$3000 \* 0.xx percent savings (single family home)

2 – Energy costs are based on 19 cents/kWh, \$0.97/therm, \$2.88 gal propane, \$2.58 gal oil. Savings are compared with Base Code home

3 – 30-year mortgage assumes 10% down payment at 4% APR



# 9<sup>th</sup> Edition Stretch Code Modeling Analysis

2550 sq.ft. 3 BR Single Family Home with Natural Gas Heat  
Worcester, MA



## Breakdown of Construction Costs to Meet Stretch Code

FEATURE	Base Code	Stretch Code	Construction Cost
HERS RATING	66	55	\$500
WINDOWS (U-VALUE/SHGC)	.30/.30	.27/.30	\$500
HEATING	92% gas furnace	96% gas furnace	\$290
COOLING	13 SEER	15 SEER	\$392
DHW	0.62 EF 40 Gallon tank Gas	0.96 EF Tankless Gas	\$724
DUCT LEAKAGE TO OUTSIDE	4 CFM25 / 100 CFA	2 CFM25 / 100 CFA	\$200
HIGH EFFICACY LIGHTING	100% CFL	No change required	\$0
AIR INFILTRATION	3.0 ACH50	No change required	\$0
FOUNDATION	Unconditioned, uninsulated basement	No change required	\$0
FLOOR	R38 fiberglass Grade 1	No change required	\$0
WALLS	R21 fiberglass Grade 1	No change required	\$0
CEILING – FLAT	R-50 blown in cellulose	No change required	\$0
<b>TOTAL</b>			<b>\$2,606</b>



# 9th Edition Stretch Code Modeling Analysis

2550 sq.ft. 3 BR Single Family Home with Propane Heat  
Worcester, MA



HERS Index (ERI)	
Target	55
Example Base	66
Example Stretch	55

## Costs and Benefits to Meet Stretch Code

	COSTS	BENEFITS	NET
	Adjustments + HERS Rater Fee	Utility Rebates <sup>1</sup>	Cost Compared to Base Code
<b>BUILDER</b>	+\$ (2,606)	-\$ 1,626	\$ (980)

HOMEBUYER	Change to Downpayment <sup>3</sup>	Change to Annual Mortgage Payment <sup>3</sup>	Estimated Reduced Energy Cost per Year <sup>2</sup>	Year 1 Cash Flow	Year 2+ Cash Flow
	+\$ (98)	+\$ (77)	-\$ 475	\$ 299	\$ 397

- 1 – Incentives are determined using the Blended Savings Approach calculator. Savings compared to MA reference home.  
BSA Incentive = \$0.35 \* kWh savings + \$35 \* MMBtu savings + \$3000 \* 0.xx percent savings (single family home)
- 2 – Energy costs are based on 19 cents/kWh, \$0.97/therm, \$2.88 gal propane, \$2.58 gal oil. Savings are compared with Base Code home
- 3 – 30-year mortgage assumes 10% down payment at 4% APR



# 9th Edition Stretch Code Modeling Analysis

2550 sq.ft. 3 BR Single Family Home with Propane Heat  
Worcester, MA



## Breakdown of Construction Costs to Meet Stretch Code

FEATURE	Base Code	Stretch Code	Construction Cost
HERS RATING	66	55	\$500
WINDOWS (U-VALUE/SHGC)	.30/.30	.27/.30	\$500
HEATING	92% propane furnace	96% propane furnace	\$290
COOLING	13 SEER	15 SEER	\$392
DHW	0.62 EF 40 Gallon tank Propane	0.94 EF Tankless Propane	\$724
DUCT LEAKAGE TO OUTSIDE	4 CFM25 / 100 CFA	2 CFM25 / 100 CFA	\$200
AIR INFILTRATION	3.0 ACH50	No change required	\$0
HIGH EFFICACY LIGHTING	100% CFL	No change required	\$0
FOUNDATION	Unconditioned, uninsulated basement	No change required	\$0
FLOOR	R38 fiberglass Grade 1	No change required	\$0
WALLS	R21 fiberglass Grade 1	No change required	\$0
CEILING – FLAT	R-50 blown in cellulose	No change required	\$0
<b>TOTAL</b>			<b>\$2,606</b>



# 9th Edition Stretch Code Modeling Analysis

2550 sq.ft. 3 BR Single Family Home with Oil Heat  
Worcester, MA



HERS Index (ERI)	
Target	55
Example Base	70
Example Stretch	54

## Costs and Benefits to Meet Stretch Code

	COSTS	BENEFITS	NET
	Adjustments + HERS Rater Fee	Utility Rebates <sup>1</sup>	Cost Compared to Base Code
<b>BUILDER</b>	<b>+\$ (4,011)</b>	<b>-\$ 1,593</b>	<b>\$ (2,418)</b>

HOMEBUYER	Change to Downpayment <sup>3</sup>	Change to Annual Mortgage Payment <sup>3</sup>	Estimated Reduced Energy Cost per Year <sup>2</sup>	Year 1 Cash Flow	Year 2+ Cash Flow
	<b>+\$ (241)</b>	<b>+\$ (192)</b>	<b>-\$ 697</b>	<b>\$ 262</b>	<b>\$ 505</b>

- 1 – Incentives are determined using the Blended Savings Approach calculator. Savings compared to MA reference home.  
BSA Incentive = \$0.35 \* kWh savings + \$35 \* MMBtu savings + \$3000 \* 0.xx percent savings (single family home)
- 2 – Energy costs are based on 19 cents/kWh, \$0.97/therm, \$2.88 gal propane, \$2.58 gal oil. Savings are compared with Base Code home
- 3 – 30-year mortgage assumes 10% down payment at 4% APR



# 9th Edition Stretch Code Modeling Analysis

2550 sq.ft. 3 BR Single Family Home with Oil Heat  
Worcester, MA



## Breakdown of Construction Costs to Meet Stretch Code

FEATURE	Base Code	Stretch Code	Construction Cost
HERS RATING	70	54	\$500
WINDOWS (U-VALUE/SHGC)	.30/.30	.27/.30	\$500
HEATING	83% oil furnace	96% oil furnace	\$1,759
COOLING	13 SEER	15 SEER	\$392
DHW	0.95 EF Tank Electric	3.24 EF Heat Pump DHW	\$660
DUCT LEAKAGE TO OUTSIDE	4 CFM25 / 100 CFA	2 CFM25 / 100 CFA	\$200
FOUNDATION	Unconditioned, uninsulated basement	No change required	\$0
FLOOR	R38 fiberglass Grade 1	No change required	\$0
WALLS	R21 fiberglass Grade 1	No change required	\$0
HIGH EFFICACY LIGHTING	100% CFL	No change required	\$0
CEILING – FLAT	R-50 blown in cellulose	No change required	\$0
DUCT INSULATION	R-8	No change required	\$0
<b>TOTAL</b>			<b>\$4,011</b>



## Contact Information

Seth Pickering –Regional Coordinator

[Seth.Pickering@State.MA.US](mailto:Seth.Pickering@State.MA.US)

[www.mass.gov/energy/greencommunities](http://www.mass.gov/energy/greencommunities)

[www.mass.gov/doer](http://www.mass.gov/doer)

Email updates via listserv – Sign up by sending an email to:

[join-ene-greencommunities@listserv.state.ma.us](mailto:join-ene-greencommunities@listserv.state.ma.us)



### Town Committee Vacancies

The Falmouth Board of Selectmen has announced the following vacancies on Town committees:

Committee	Term Until
Agricultural Commission (1 position)	6/30/20
Board of Health (1 position)	6/30/20
Building Code Board of Appeals (1 position)	6/30/19
Cable Advisory Committee (1 position)	6/30/20
Charter Review Committee (7 positions)	Until completion
Coastal Pond Management Committee (1 position)	6/30/19
Council on Aging (1 position)	6/30/21
Cultural Council (3 positions)	6/30/21
Energy Committee (1 position)	6/30/19
Finance Committee (1 position)	
Golf Advisory Committee (1 position – Active Representative of Board of Selectmen)	6/30/20
Human Services Committee (1 position)	6/30/18
Retirement Board (1 position)	6/30/20
Sign Review Committee (1 full position, 2 alternate positions)	6/30/19, 6/30/20
Substance Abuse Commission (5 positions)	6/30/19, 6/30/20

Applications are available on the Town website [www.falmouthmass.us](http://www.falmouthmass.us), or in the Office of the Board of Selectmen, 59 Town Hall Square, Falmouth.

3/26/18

Board of Health

1 vacancy to fill an unexpired term until 6/30/20 (Emily Michele Olmsted resignation).

1 applicant: Benjamin Van Mooy



MAR - 7 2018

SELECTMEN'S OFFICE

TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION  
APPLICATION FORM

If you are interested in serving the Town of Falmouth in any capacity, please fill out this form and mail it to: The 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: Benjamin Van Mooy

Address: 249 Lakeview Ave. Village: Falmouth ZIP: 02540

Mailing Address: 249 Lakeview Ave. Village: Falmouth ZIP: 02540

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

How long have you been a Resident  (date: 11/04) / Taxpayer  (date: 4/05)

Amount of time you are available to give: \_\_\_\_\_

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

1. Board of Health
2. \_\_\_\_\_
3. \_\_\_\_\_

Seeking: Permanent Position Alternate Position \_\_\_\_\_

Relevant affiliation & work & personal experiences Senior Scientist, Department of Marine Chemistry and Geochemistry WHOI. Ph.D. University of Washington, 2003. BA Northwestern University 1995

Town offices held in Falmouth or elsewhere and dates of years served: Town Meeting 2010-2013

Briefly describe the particular skills you feel you will add to the committee or board: Research focus of nitrogen, phosphorus, organic matter geochemistry. Inventor of patented method for BOD. Graduate coursework in microbiology. Responded to Deepwater Horizon spill.

Three (3) References:

Name	Title	Phone
1. John Waterbury	Board <sup>of</sup> <del>the</del> Health	[REDACTED]
2. Wendi Buesseler	Oyster Pond Environ. Trust	[REDACTED]
3. Kelly Welch	School Committee	[REDACTED]

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

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

March 5, 2018  
DATE

[Signature]  
APPLICANT'S SIGNATURE

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

**BENJAMIN A. S. VAN MOOY**  
**249 Lakeview Ave., Falmouth, MA 02540**  
**bvanmooy@whoi.edu**

### **EDUCATION**

**B.A.:** June, 1995. Chemistry and Geological Sciences. Northwestern University.

**M.S.:** June, 2000. Chemical Oceanography. University of Washington.

**Ph.D.:** December, 2003. Chemical Oceanography. University of Washington.

### **PROFESSIONAL EXPERIENCE**

Senior Scientist, Woods Hole Ocean. Inst., Dept. Mar. Chem. & Geochem, 2016-present.

Associate Scientist, Woods Hole Ocean. Inst., Dept. Mar. Chem. & Geochem, 2008-2016.

Assistant Scientist, Woods Hole Ocean. Inst., Dept. Mar. Chem. & Geochem, 2004-2008.

Postdoctoral Scholar, Woods Hole Ocean. Inst., Dept. Mar. Chem. & Geochem, 2004.

Research Assistant, University of Washington, School of Oceanography, 1998 – 2003.

Research Technician, Northwestern University, Dept. of Geological Sciences, 1996-1998.

REU Scholar, Carnegie Institution of Washington, Geophysical Laboratory, 1995.

### **SCIENTIFIC INTERESTS**

Microbial phosphorus, nitrogen, and carbon cycling in the environment • Microbial biofilms and particle-associated microbial communities • Algal biofuels • Ship's hull biofouling • Microbial petroleum degradation • New technologies for measuring microbial respiration.

### **TEN SELECTED PUBLICATIONS IN REFEREED JOURNALS** (Out of >70 total;

\*Member of Van Mooy Lab Group)

52. **Van Mooy, B.A.S.**, \*Krupke, A., Dyhrman, S.T., \*Fredricks, H.F., Frischkorn, K.R., \*Ossolinski, J.E., Repeta, D.J., Rouco-Molina, M., Seewald, J.S., Sylva, S.P., 2015. Major role of planktonic phosphate reduction in the marine phosphorus redox cycle. *Science* 348, 783-785.

41. **Van Mooy B.A.S.**, \*Hmelo L.R., \*Fredricks H.F., \*Ossolinski J.E., \*Pedler B.E., Bogorff D.J., Smith P.J.S. 2014. Quantitative exploration of the contribution of settlement, growth, dispersal, and grazing to the accumulation of natural marine biofilms on antifouling and fouling-release coatings. *Biofouling*. **30**: 223-236.

38. \*Martin, P., and **Van Mooy, B.A.S.** (2013) Fluorometric quantification of polyphosphate in marine samples: dissolution protocols, matrix effects, and nucleic acid interference, *Appl Environ Microb.* **79**: 273-281.

33. \*Bellinger, B. J. and **Van Mooy, B. A. S.** (2012) Non-phosphorus lipids in periphyton reflect available nutrients in the Florida Everglades, U.S.A. *J. Phycol.* **48**: 303-311.

28. Wurch, L.L, Bertrand, E, Saito, M., **Van Mooy, B.A.S.**, Dyhrman, S.T. (2011). Proteome changes driven by phosphorus deficiency and recovery in the brown-tide forming alga *Aureococcus anophagefferens*. *PLoS One* **6**: e28949.
26. \*Edwards, B.R., Reddy, C.M., Camilli, R., Carmichael, C., \*Longnecker, K., **Van Mooy, B.A.S.** (2011) Rapid microbial respiration of *Deepwater Horizon* oil in surface waters of the Gulf of Mexico. *Environ. Res. Lett.* **6**: 035301
19. **Van Mooy, B.A.S.**, \*Fredricks, H.F., \*Pedler, B.E., Dyhrman, S.T., Karl, D.M., Koblížek, M., Lomas, M.W., Mincer, T., Moore, L.R., Moutin, T., Rappé, M.S., and Webb, E.A. (2009) Phytoplankton in the ocean substitute lipids in response to phosphorus scarcity. *Nature*. 458:69-72.
4. **Van Mooy, B.A.S.**, Keil, R.G. and Devol, A.H. (2002) Impact of suboxia on sinking particulate organic carbon: Enhanced carbon flux and preferential degradation of amino acids via denitrification. *Geochim. Cosmochim. Acta* **66**: 457-465.
3. **Van Mooy, B.A.S.** and Keil, R.G. (2002) Seasonal variation in sedimentary amino acids and the association of organic matter with mineral surfaces in a sandy eelgrass meadow. *Mar. Ecol. Prog. Ser.* **227**:275-280.
2. **Van Mooy, B.**, MacGregor, B., Hollander, D., Nealson, K., and Stahl, D. (2001) Evidence of tight coupling between bacteria and particulate organic carbon during seasonal stratification of Lake Michigan. *Limnol. Oceanogr.* **46**:1202-1208.

#### **PATENTS:**

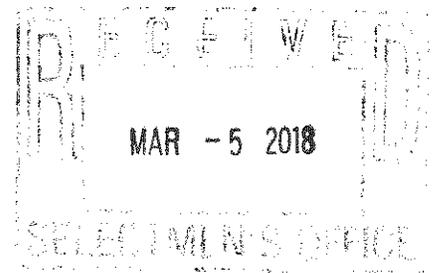
3. Bioactive compounds from phytoplankton containing glycosidic residue for apoptosis and cancer treatment. *U.S. Patent 9,212,741 Van Mooy, B.A.S.*, Fredricks H.F., Bidle, K., Vardi, A. 2010.
2. Aquatic sample analysis system: in situ photosynthesis and respiration. *U.S. Patent 9,188,512 Van Mooy, B.A.S.*, Keil, R.G. 2012
1. Methods for obtaining bioactive compounds from phytoplankton. *U.S. Patent 8,557,514 Van Mooy, B.A.S.*, Fredricks H.F., Bidle, K., Vardi, A. 2009.

#### **COMMUNITY INVOLVEMENT**

Member of Town Meeting 2010-2013 • Member of John Wesley United Methodist Church • Founder of the Lakeview Ave. walking bus for neighborhood school children • Founding Board Member of Falmouth Bike Lab • Founding Board Member of Falmouth STEM Boosters • Active Member of Falmouth Band Boosters • Worked with Town Engineers on installation of stop sign at Lakeview/Hamlin/Minot • Active Non-commercial shell fisherman

Complete professional *curriculum vitae* available at <https://www.who.edu/bvanmooy/>

February 27, 2018



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

Attn: Mr. Julian Suso, Town Manager

Re: Shellfish License

Dear Mr. Suso:

I am requesting reinstatement of my Commercial Shellfish License for the 2018 season. I was born and raised in Falmouth and have had a license since age 13 when I would fish with my grand-father and uncle.

Unfortunately, I experienced a significant medical hardship in 2009 and was not able to maintain my license. I have been under a doctor's care and since that time with prescribed medication for severe Bi-Polar Disorder.

Despite the personal and financial hardships that accompany this affliction, and with the love of family and friends, I have made great strides and my medical condition has improved significantly. I would very much love to once again return to that which is dear to me – being a native Falmouth fisherman.

I would ask that you give my request your careful consideration. I am willing to meet with you or the Board of Selectmen at your convenience. I may be reached at: [REDACTED]

Thank you,

Louis Romiza  
84 Trotting Park Road  
East Falmouth, MA 02536

Ph: [REDACTED]



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

TO: Falmouth Board of Selectman

FROM: Chuck Martinsen  
Shellfish Constable

DATE: March 19, 2018

RE: Romiza Hardship Commercial Permit Request

MAR 19 2018  
BOEWARD'S OFFICE

*Prior to the commercial shellfish permit moratorium, the Board o held a grace period to allow residents an opportunity to apply for a permits. As shellfish stocks are improving in Falmouth, there continues to be a demand for additional permits. We are nearing 50 commercial fishermen which is the established number of permits the Board determined should be issued. Many prospective applicants are eagerly awaiting to apply for a commercial slot when this number drops below 50.*

*Unfortunately, I'm unable to support this request in consideration of being fair to the other individuals who have been waiting.*

February 2, 2018

Dear Selectmen,

This year the Falmouth Cultural Council will be managing the Falmouth Art Market. In previous years, the coordinators have requested a waiver and we would like to do the same for this coming summer.

The Art Market is a non-profit group. Vending fees are passed on to the council in order to provide scholarships to artist and to support cultural events in the community.

We hope you will consider our request.

Thank you,  
Jane Parhiala,  
Falmouth Cultural Council member



LAST YEAR  
2017

### TOWN OF FALMOUTH SPECIAL EVENT PERMIT

EVENT Falmouth Art Market

NAME Diane Regis

MAILING ADDRESS 8 Eldred Circle, Falmouth, MA 02540

EVENT DAY & DATE Thursdays: July 6, 13, 20, 27; August 3, 10, 17, 24, 31, 2017

RAIN DATE None.

EVENT LOCATION Marina Park (Bandshell Side)

EVENT TYPE Art Market - Craft Sales

SET-UP ARRIVAL TIME 10:00 a.m. EVENT HOURS 11:00 p.m. - 4:30 p.m.

NUMBER OF ATTENDEES 20 # OF VEHICLES 20 vendors

ADDITIONAL DETAILS Music if electricity is available. Use of restrooms for vendors. Tents and chairs.

**CONDITIONS:**

1. Vendors to drop off and shuttle to/from Gus Canty Recreation Center parking lot.
2. Four spaces available for vendor parking on grass area behind Bandshell.
3. Vendor parking plaques will be placed on vendors' vehicles.
4. Assigned location for parking vendor vehicles.
5. Contact Inspectional Services Department to check if tent permit is required.
6. All areas to be checked for cleanliness following event.

PERMIT FEE \$300 fee approved by Board of Selectmen 4/24/17. (\$100 1st, \$100 last, \$100 reduced.)  
~~9 days x \$100/day = \$900.00~~ FILING FEE \$10.00

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

**BOARD OF SELECTMEN:**

[Signature]  
[Signature]  
Samuel Attanasio

[Signature]  
[Signature]



# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

LAST YEAR  
2017

## MEMORANDUM

**TO:** Ms. Diane Regis  
8 Eldred Circle  
Falmouth, MA 02540

**FROM:** Diane Davidson, Office Manager/Licensing 

**DATE:** May 9, 2017

**SUBJECT:** Approval of Falmouth Art Market at Marina Park

During its meeting on Monday, April 24, 2017, the Board of Selectmen voted to approve your request to hold the weekly Falmouth Art Market at Marina Park (Bandshell side) on Thursdays, from July 6 – August 31, 2017.

Also during this meeting, the Board of Selectmen discussed and voted on your request for a waiver of the \$900.00 (9 days x \$100/day) permit fee as follows: The permit fee was reduced to \$300.00 (\$100 1<sup>st</sup> day, \$100 last day, and \$100 reduced fee).

We have received your payment of the \$10.00 filing fee and the \$300.00 permit fee. The permit may be picked up in the Selectmen's Office or mailed to you upon submission of a \$300.00 refundable deposit. Please make check payable to the Town of Falmouth.

Thank you.

## Julian Suso

---

**From:** Julian Suso <jsuso@falmouthmass.us>  
**Sent:** Friday, December 1, 2017 11:50 AM  
**To:** 'Matthew Ryan'; 'selectmen@falmouthmass.us'  
**Cc:** 'Frank Duffy'; 'Peter Johnson Staub (peter.jstaub@falmouthmass.us)'  
**Subject:** RE: Request for dog hearing??

Hello Mr. Ryan,

Thank you for your email to the Board of Selectmen requesting consideration for an appeal related to a dog hearing. We will review this matter with Town Counsel Duffy and BOS Chair Su Moran and will be responding back to you.

Julian M. Suso

**From:** Matthew Ryan [mailto: [REDACTED]]  
**Sent:** Friday, December 1, 2017 11:23 AM  
**To:** selectmen@falmouthmass.us  
**Subject:** Fwd: Request for dog hearing??

----- Forwarded message -----

**From:** "Matthew Ryan" < [REDACTED] >  
**Date:** Dec 1, 2017 11:15 AM  
**Subject:** Request for dog hearing??  
**To:** <selectman@falmouthmass.us>  
**Cc:**

Hello my name is Ryan Jeglinski I am writing to you to request a dog hearing I understand that I am limited to 10 days from the date I received the letter or something to that effect, the problem being I received the packet monday nov. 20th with no instructions on how to appeal I then made a call to the Falmouth police department and spoke with Chief Reid at that point emailed me the appeal instructions which I did not receive until November 22nd via email stating the dead line date was Sunday nov. 26th, and with Thursday being a holiday it put me under the gun, and limited my time to appeal even more ... I reached out to the selectmen's office by phone on Monday November 27th in hopes to be granted an appeal but I was informed I needed to submit a handwritten letter. I would greatly appreciate the chance to appeal the conditions imposed on my dogs, thank you for taking the time to read over my appeal and i just hope you understand where Im coming from as far as deadlines and dates i truly just want the chance to have an appeal.

If you need any further information, i can be reached @ [REDACTED]  
Thank you and happy holidays

I look forward to hearing from you soon.

Sincerely,  
Ryan Jeglinski

**Diane Davidson**

---

**From:** Brian Reid <breid@falmouthpolice.us>  
**Sent:** Tuesday, November 28, 2017 4:13 PM  
**To:** 'Diane Davidson'  
**Subject:** RE: Jeglinski dog hearing  
**Attachments:** JEGLINSKI Notice.pdf

Hello Diane,

Yes, Mr. Jeglinski was provided a copy of the appellate instructions in his original notice packet which was mailed on October 10 (attached for your convenience). We did not receive a return receipt, but we know that he did receive the packet because he showed up for the original hearing date and stated that he received the notice, and was unhappy that the hearing had been rescheduled.

On November 21 he called me to inquire about the appeal process. He stated that he lost the instructions. I explained the process to him, and sent it to him in writing again at an email address that he provided. I cc'd the B.O.S. in that email, and will forward you a copy of it following this email. As you will see in that email, I was very clear to him that he needed to submit his request for an appeal "in writing" and that it must be received by November 26, 2017. I also provided him with the email address for the B.O.S. so that he could submit his written request via email, due to the holiday.

I will forward the referenced email for your records following this message.

**Captain Brian L. Reid**

Operations Division  
Falmouth Police Department  
750 Main Street  
Falmouth, MA 02540  
Office 774-255-4527 Ext. 4502  
Fax 508-457-2566  
[breid@falmouthpolice.us](mailto:breid@falmouthpolice.us)

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**From:** Diane Davidson [mailto:[ddavidson@falmouthmass.us](mailto:ddavidson@falmouthmass.us)]  
**Sent:** Tuesday, November 28, 2017 3:29 PM  
**To:** 'Brian Reid' <breid@falmouthpolice.us>  
**Subject:** RE: Jeglinski dog hearing

Capt. Reid,

I received a call today from Ryan Jeglinski. He was asking about appealing the decision from the dog hearing. He said it has been more than 10 days since the decision date, 11/16, but that he did not get instructions on how to appeal until 11/22. The instructions were in the packet of information you emailed to me on 11/16. Would you mind confirming if these were included in his packet mailed on the 16<sup>th</sup>? That way I can let him know if he still has time to appeal or not.

Please let me know if you have any questions.

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*

---

**From:** Brian Reid [<mailto:breid@falmouthpolice.us>]  
**Sent:** Thursday, November 16, 2017 3:26 PM  
**To:** Diane Davidson <[ddavidson@falmouthmass.us](mailto:ddavidson@falmouthmass.us)>  
**Cc:** [animalc@falmouthmass.us](mailto:animalc@falmouthmass.us)  
**Subject:** Jeglinski dog hearing

Hello Diane,  
Attached is the final report for the Jeglinski Dangerous Dog hearing. A copy is being sent to the owners by certified mail today.  
Thank you,

**Captain Brian L. Reid**  
Operations Division  
Falmouth Police Department  
750 Main Street  
Falmouth, MA 02540  
Office 774-255-4527 Ext. 4502  
Fax 508-457-2566  
[breid@falmouthpolice.us](mailto:breid@falmouthpolice.us)

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**Diane Davidson**

---

**From:** Brian Reid <breid@falmouthpolice.us>  
**Sent:** Tuesday, November 28, 2017 4:16 PM  
**To:** 'Diane Davidson'  
**Cc:** Dunne Edward  
**Subject:** FW: Dog Hearing appeal process  
**Attachments:** \_Selectmen appoint dog hearing Officer.pdf; \_MGL Ch140 s157.pdf

Diane,

Below is the email that I sent to Ryan Jeglinski after I spoke with him on the phone on November 21. As you can see, I provided him with another set of instructions, a simple explanation of the process, the email address for the Board, and the date he needed to submit his written request by.

Please let me know if I can be of any further assistance,

**Captain Brian L. Reid**  
Operations Division  
Falmouth Police Department  
750 Main Street  
Falmouth, MA 02540  
Office 774-255-4527 Ext. 4502  
Fax 508-457-2566  
[breid@falmouthpolice.us](mailto:breid@falmouthpolice.us)

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---

**From:** Brian Reid [mailto:breid@falmouthpolice.us]  
**Sent:** Tuesday, November 21, 2017 2:05 PM  
**To:** [REDACTED]  
**Cc:** selectmen@falmouthmass.us  
**Subject:** Dog Hearing appeal process

Hello Ryan,  
Thank you for calling today. I am attaching copies of the notices that I previously mailed you to this email. On the notice entitled "Selectmen appoint..." you will see on line 8 that you may appeal my decision to the Board of Selectmen within 10 days of the decision. The decision was issued on November 16, 2017 so you will have until November 26, 2016 to submit a written request for appeal to the Board of Selectmen. If you are unhappy with the appeal to the Board of Selectmen, you may then appeal to the Falmouth District Court within 10 days of their decision. As you can see, the document does not indicate if it is 10 business days or 10 calendar days, so I strongly recommend that you get notice in writing to them very soon of your intent to request an appeal. You may reference this email as your verification of the decision date. You may email the Board of Selectmen at: [selectmen@falmouthmass.us](mailto:selectmen@falmouthmass.us)

Thank you for trying to work proactively through these concerns, and I wish you and your family the best through the upcoming holiday season.

**Captain Brian L. Reid**

Operations Division  
Falmouth Police Department  
750 Main Street  
Falmouth, MA 02540  
Office 774-255-4527 Ext. 4502  
Fax 508-457-2566  
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## Falmouth Water Stewards

### Refill Reuse Falmouth Water Stations and Signage

#### Locations:

1. Peg Noonan Park
2. Depot Ave. along Bike Path
3. Falmouth Heights Ball Field

**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: 2/8/18  
 STREET ADDRESS FOR PROPOSED SIGN(S): 273-279 Grand Avenue Falmouth Heights  
 APPLICANT NAME: Falmouth Water Stewards, attn: Alan Robinson PHONE: 610-809-6264  
 MAILING ADDRESS: P.O. Box 156 TOWN/STATE/ZIP: Falmouth MA 02540  
 BUSINESS NAME: Falmouth Water Stewards  
 BUSINESS OWNER: N.A. A 501(c)(3) nonprofit ADDRESS/PHONE: NA  
 PROPERTY OWNER: Town of Falmouth ADDRESS/PHONE: attn: Steve Rafferty Water Supervisor 508-958-5346  
 CONTRACTOR / SIGN COMPANY: Town of Falmouth Dpt  
 ASSESSOR'S PARCEL ID: Parcelly owned 46B-090002L02 ZONING DISTRICT: P4

**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: None  
 Area of proposed standing sign is: 10.20' x 4.35' = 44.37 square feet.  
 Do the frames, borders, etc. exceed 8 square feet in area?  Y /  N  
 The proposed standing sign will be set back from Grand Avenue street line 20 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.  
 Start date: \_\_\_\_\_; End date: \_\_\_\_\_ Total number of days that the sign will be displayed: \_\_\_\_\_  
 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.

[Signature] 2/8/18 amrobinson141@gmail.com  
 Signature of Applicant Date

\_\_\_\_\_  
 Historic District Commission Date or Design Review Committee Date

With the following conditions: \_\_\_\_\_

\_\_\_\_\_  
 Building Commissioner/Inspector Date  
 With the following conditions: \_\_\_\_\_

# REfill REuse Falmouth

Falmouth Water Stewards and Sea Education Association undertook the project ReFill ReUse Falmouth to facilitate the installation of free, public space Water Stations in Falmouth.

*Each year 50 billion water bottles are sold, but only 20% of the bottles are recycled. Plastics break apart, but do not decompose. 90% of sea birds and other animals have ingested micro-particles of plastic that may kill or harm them.*

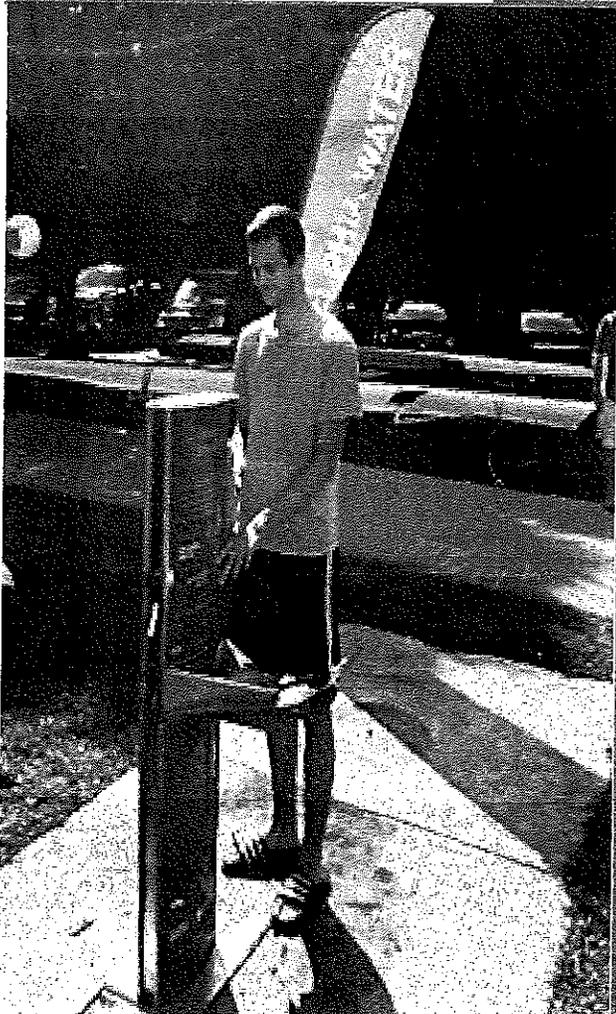
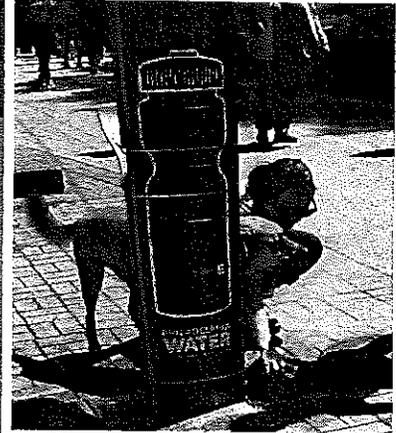


## Our Goals:

- Reduce single-use plastic
- Reduce roadside and waterway litter
- Improve coastal and marine environments
- Inspire others to REfill and REuse

## Falmouth Water Stations will:

- Have taps to refill water bottles
- Be wheelchair accessible
- Provide ground level drinking for pets
- Display information or public art



## Potential Locations of Water Stations:

(Contiguous to public water mains)

- Main Street
- Shining Sea Bikeway
- Recreation Center
- Athletic fields
- Beach parking lots
- Parks

## Costs per Station:

- Equipment – . \$3,500 to 7,000
- Installation costs . \$4,000 to 7,000  
(per installation by a contractor)
- Maintenance - routine surface & dry well cleaning
- Total project 10 Stations (\$100,000 to \$150,000)

## Funding Sources:

- Falmouth businesses
- Private citizens
- Community organizations
- Scientific organizations
- Town of Falmouth
- County, state and national sources

**Ownership of  
Water Stations:**  
Town of Falmouth



220

9714

12

226

222 163

12

7

222

226

228

230

232

6 DICL

MAIN ST

MAIN ST

MAIN ST

12 CI 1899

12 CI 1899

12 CI 1899

12

225

227

229

233

237

984

239

241

245

249

251

196

196

196

196

196

196

824

824

824

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ELMARCH WAY

6 AC 1966

261

263

267

271

273

281

283

7121

7121

7121

8952

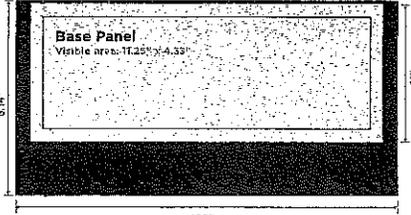
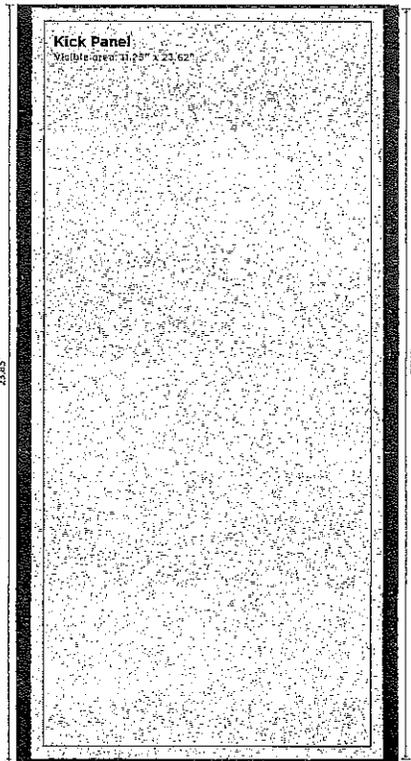
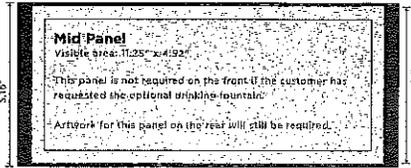
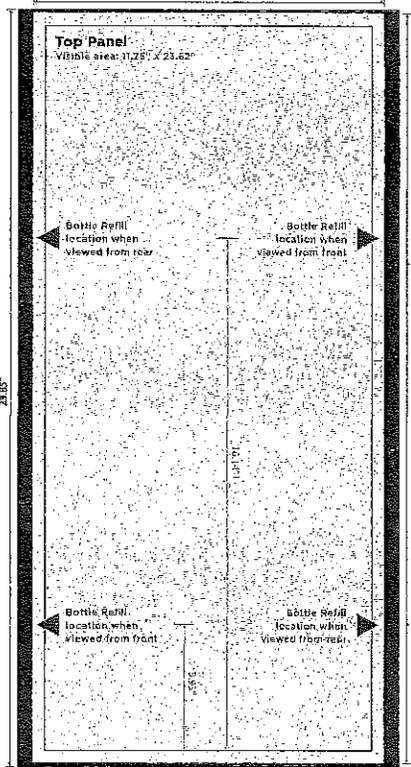
14

7106



# 59" (1500)

## Signage Graphics Template



 This is the size your final artwork should be. This includes bleed and clip. No further registration or crop marks required.

 This is the area of your artwork that will actually be visible.

 This is the safe area for clear representation of text.

### Please ensure the following when creating and supplying artwork:

- 1/ Artwork should be created and supplied in CMYK - both in .pdf and .eps format.
- 2/ Ensure that all black text and graphics are represented at 100% black only and are set to overprint underlying items.
- 3/ All fonts should be converted to outlines.
- 4/ All linked graphics must be embedded and should be at least 300dpi.

**IMPORTANT NOTE:**  
On this template you will see a 0.01" black line surrounding each panel. Please ensure that your artwork contains this 0.01" black line (one around each separate panel) to ensure that your artwork is fitted correctly. This is especially important if the background to your artwork is white.

Scale: 1:1

8-10 GIFFARD ST • SILVERWATER • NSW 2128 ▶ 48 MAGPIE ST • SINGLETON • NSW 2330  
M: +61 474 115 589 T: 1300 600 300 E: sales@arrowalpha.com.au

[www.arrowalpha.com.au](http://www.arrowalpha.com.au)

**BACK PANEL TOP**

REfill REuse Falmouth is a project of the Falmouth Water Stewards.

Falmouth Water Stewards is a non-profit organization whose mission is to protect, preserve, and restore Falmouth's bays, estuaries, ponds, and streams through education, advocacy and citizen science.



Find out more at [falmouthwaters.org](http://falmouthwaters.org)

**BACK PANEL MIDDLE**

*The information in above panel can extend down over this one or the info in bottom panel can begin in this panel*

**BACK PANEL BOTTOM**

Be a Water Steward!  
Use refillable water bottles.  
Help reduce roadside litter and plastics in the oceans.  
Thank You.  
*Image of the Earth goes on this panel*

**BACK PANEL SMALL VERY BOTTOM**

*Did we make a decision about this panel?*

Memorandum

To: Town of Falmouth Board of Selectmen

From: Design Review Committee  
Linda Clark, Chair

Subject: Falmouth Water Stewards/Department of Public Works – Water Bottle Refill Stations

Date: February 26, 2018

As part of the Design Review Committee's February 14<sup>th</sup> meeting, an informal presentation about the Water Bottle Refill Station Initiative was made by Alan Robinson of the Falmouth Water Stewards and Steve Rafferty of the Department of Public Works. The purpose of the presentation was to acquaint the Committee's members with this initiative, describe the appearance of the water stations and the messaging on the stations' panels and ascertain as to whether a Sign Permit Application permit will be required for each station. They informed us the Falmouth Stewards (a non-profit 501(c)3 organization will purchase the water stations and the Town will install and own them. Further, they informed us that three locations are under consideration for the first two water stations – Falmouth Heights Ball Field, Peg Noonan Park and the Shining Sea Bikeway near the south side of Depot Avenue. It is their hope that additional funding will be obtained to install several additional water stations.

Robinson and Rafferty provided photographs of the specific water stations model proposed, a dimensional drawing and a draft of the messaging. Following their brief presentation they responded to our questions.

Based on the information they provided to us, it is the Committee's determination that a Sign Permit Application and Permit will not be required for the water stations in areas not designated as Historic Districts. They are aware that the Peg Noonan Park location is in an Historic District. They informed us that they have submitted a Sign Permit Application to the Historic District Commission for their review.

The Design Review Committee indicated unanimous support for the refillable water bottle station initiative as a public amenity and a means to help reduce use of single-use water bottles and associated litter and impacts to the freshwater and marine environment.

Please contact Design Committee Chair Linda Clark should you have any questions regarding this memorandum.

**Diane Davidson**

---

**From:** Julian Suso <jsuso@falmouthmass.us>  
**Sent:** Friday, March 16, 2018 2:10 PM  
**To:** 'Susan Moran, Falmouth Selectman'; 'Ed Haddad'  
**Cc:** 'Corey Pacheco'; 'Doug Brown'; Diane Davidson  
**Subject:** RE: Water Stations - 3/12 BID Meeting

Happy to take a look Su. Thanks.  
Julian

---

**From:** Susan Moran, Falmouth Selectman [mailto:[smoran@falmouthmass.us](mailto:smoran@falmouthmass.us)]  
**Sent:** Friday, March 16, 2018 11:46 AM  
**To:** Ed Haddad <[ehad2@netscape.net](mailto:ehad2@netscape.net)>  
**Cc:** Corey Pacheco <[cpacheco@falmouthmass.us](mailto:cpacheco@falmouthmass.us)>; Doug Brown <[dougbrown@falmouthmass.us](mailto:dougbrown@falmouthmass.us)>; Julian Suso <[jsuso@falmouthmass.us](mailto:jsuso@falmouthmass.us)>  
**Subject:** Re: Water Stations - 3/12 BID Meeting

Thank you, Ed.

Julian, please schedule as appropriate.

Susan Moran, Chair  
Falmouth Selectman  
[smoran@falmouthmass.us](mailto:smoran@falmouthmass.us)

On Mar 16, 2018, at 11:20 AM, Ed Haddad <[ehad2@netscape.net](mailto:ehad2@netscape.net)> wrote:

Hi Su,

Last night, the Historical Commission met with Alan Robinson, Doug Brown and Steve Rafferty to review the Water Refill stations proposal. Below is a summary of the results of our discussion:

**Materials:**

Although the HC does not approve the use of plastic for signage, the Board recognizes the practicality of the material for this application and acknowledged that it was the best option to withstand the public use of the fountain.

**Size:**

The Board questioned the height of the unit and why it needed to be 5 1/2' tall. The response was it was needed to accommodate all the text that was intended to be printed on the panels. There is a shorter version available but Alan claims that the shorter version does not allow all the "telling of the conservation story", the fountains may not be successful. He stated that shorter version was not successful in another installation. The Board did not object to his position.

**Text/Verbiage:**

The Board has left the review of the text to the BOS. Although much of the text involves the “telling of the conservation story”. Each unit will call out the sponsor’s name. The BOS should evaluate whether they would want to have a Town owned fixtures to include these sponsors names. As I mentioned above, the size also is to accommodate the amount of verbiage that Alan intends to include, so there is a direct relation between the size and verbiage.

**Covers:**

Doug Brown had offered to fabricate a wooden winter cover for the fixtures but at the meeting informed the Board that upon reflection (thanks to the HC inquiry about winter covers), has decided, with the Water Dept., that a fabric cover(Sunbrella?) would be the best option. The cover, similar to what you might cover your outdoor grill with, could be installed and removed easily, stored easily, cost less, and be far less obtrusive especially if there are multiple locations throughout the town. The Board agreed.

**Locations:**

Alan is proposing three initial locations for the fixtures: Peg Noonan Park, Falmouth Heights ball park, and Depot Ave along side the Bikeway in the parking area.

The Board had no discussion on the Falmouth Heights location but did offer suggestions/changes to the other two proposed locations:

**Peg Noonan Park** - The Board requested (and Doug and Steve agreed) to move the fixture back closer to the public restroom building. This is an ideal location at the juncture of two paths connecting Main St to the parking lot and the restrooms. Steve and Doug liked the location and indicated there would be a water line available there already because of the restrooms. There was also adequate room to position it to be handicapped accessible. Also in winter, it would be “out of the way” while not in use. Alan preferred to the more forward location because he wants the visibility but he was the only one not in favor of the recommended location.

**Depot Street** - Alan indicated that he wanted to put the fixture in the commuter parking lot on the west side of the Bikeway. I mentioned that during my tenure on the Station Advisory Committee, we wanted to make the Station a natural rest stop for bikers for either restrooms or refreshments or hopping off to go into Town. To me, it made more sense to position the fixture on the east side of the Bikeway next to the Station. I think this is a more logical place both in terms of the Bikeway and its users, and the Station as a transportation way station it’s intended to be.

I hope this helps the BOS in your final approval of the refill stations. I think that approving new locations should be considered carefully whether in a Historic District or not.

Ed Haddad

On Mar 9, 2018, at 2:35 PM, Susan Moran <[smoran@falmouthmass.us](mailto:smoran@falmouthmass.us)> wrote:

Can you call me now 5085249819?

Sent from my iPhone

Begin forwarded message:

**From:** Alan Robinson <[amrobinson101@gmail.com](mailto:amrobinson101@gmail.com)>  
**Date:** March 9, 2018 at 2:28:45 PM EST  
**To:** [smoran@falmouthmass.us](mailto:smoran@falmouthmass.us)  
**Cc:** Doug Brown <[dougbrown@falmouthmass.us](mailto:dougbrown@falmouthmass.us)>, Cheri Holdren <[lepidoptera@comcast.net](mailto:lepidoptera@comcast.net)>, Brenda Olson <[brendaolson43@gmail.com](mailto:brendaolson43@gmail.com)>, Steve Rafferty <[srafferty@falmouthmass.us](mailto:srafferty@falmouthmass.us)>, [ddavidson@falmouthmass.us](mailto:ddavidson@falmouthmass.us)  
**Subject:** Fwd: Water Stations - 3/12 BID Meeting

Hello Sue

I received and read Diane's email (below). Diane and I just spoke. I understand your interest in waiting for a determination from the Historic Committee.

However, as I had communicated to Corey Pacheco earlier this week, we have a Plan B. That is to move forward with the Depot Avenue-Bileway location as the second location (Falmouth Heights Grand Ave field is first location). We will delay the proposed Peg Noonan Park location to a later date and after additional grants or other funding is obtained. Note that the Sign Review Committee has forwarded a memorandum to the Selectmen that a Sign Review Permit Application will not be required at sites not within Historic Districts.

The Selectmen's meeting is the Critical path item for this entire initiative. With their approval, we can complete the graphics package and place the order. Even a two week delay will throe the schedule off so that installation will not likely be possible until after July 4th. Not a disaster, but an opportunity lost.

I know that the agenda posting deadline is later this afternoon. Speaking for the Falmouth Water Stewards, REfill REuse Falmouth and 10s of thousands of residents and visitors who will be in Falmouth at the start of the summer season, might it be still possible to place the proposed water stations on this Monday night's agenda. This is an opportunity for Falmouth to lead the way.

Thank you.

Alan Robinson  
For the Falmouth Water Stewards and Refill Reuse Falmouth

----- Forwarded message -----

From: "Diane Davidson" <[ddavidson@falmouthmass.us](mailto:ddavidson@falmouthmass.us)>  
Date: Mar 9, 2018 1:45 PM

Subject: Water Stations

To: "Alan Robinson" <[AMRobinson101@gmail.com](mailto:AMRobinson101@gmail.com)>

Cc:

Alan,

Your request for signage for the Refill Reuse Water Stations at Falmouth Heights Ball Field and at Peg Noonan Park will not be on the Selectmen's agenda on Monday, March 12. The request will be placed on an upcoming Selectmen's meeting. Our chairman has asked that we have the Historical Commission review and recommendation of the signage and of the winter covers before it is moved forward to a Selectmen's meeting.

Thank you for your understanding.

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*

Falmouth Rotary Club Pancake Breakfast on Saturday, June 9, 2018:

Request for off-premise promotional signs:

Locations:

1. Masonic Lodge (160 Main St.)
2. TD Bank
3. 7-11 Store (Scranton Ave.)
4. Parking lot opposite Coffee Obsession

Length of time: 6 days: Monday, June 4, 2018 through Saturday, June 9, 2018

Quantity: 4

Size: 6 square feet. Size is within the 8 sq. ft. maximum size.



# Town of Falmouth

## Application for ~~Special Events~~ Signs

RECEIVED  
JAN 25 2018

### CONTACT INFORMATION

Applicant's Name: FALMOUTH ROTARY CLUB/MASONIC LODGE  
 Mailing Address: 40 WILLIAM KERFOOT, 766-B FALMOUTH RD, MASHPEE, MA 02699  
 Phone: 508 539-3002 (BUSINESS) Cell Phone: \_\_\_\_\_  
 E-Mail: wbkerfoot@kerfoottech.com Fax #: 508 539-3566

### EVENT DETAILS

Name of Event: ROTARY PANCAKE BREAKFAST  
 Type of Event: ROTARY FUNDRAISING EVENT  
 Event Day & Date: SATURDAY, JUNE 9, 2018  
 Rain Date: NONE

Event Hours: From: 8:00 AM To: 12:00 NOON  
 Set-up/Break-down Date(s): 7:30 AM/12 NOON Time(s): \_\_\_\_\_

### Location Requested:

1<sup>st</sup> Choice: MASONIC LODGE (DOWNSTAIRS) 160 MAIN STREET  
 2<sup>nd</sup> Choice: \_\_\_\_\_

Number of Attendees: 50 Number of Vehicles: 25

Parking Plan: BEHIND EASTMANS/TOWN HALL SQUARE

Will event include chairs, barriers, tents? Yes or No (INSIDE LODGE) (tent permit application)

Will event include signs? Yes or No (4 STREET SIGNS) (sign permit application)

Will event be a road race? Yes or No (a. include route map, b. see reverse side for road race rules, and sign)

Will event include use of Shining Sea Bike Path? Yes or No (see reverse side for bike path rules, and sign)

Will event include food or beverages? Yes or No (temporary food permit application)

Will event include alcoholic beverages? Yes or No (one-day liquor license application)

Will event include entertainment? Yes or No What type? \_\_\_\_\_

### ADDITIONAL INFORMATION

Provide additional detail of your event including requests for use of restroom facilities, electricity, etc.  
MAIN STREET LOCATION, RESTROOM AVAILABLE, COOKING FACILITIES AVAILABLE, WILL OBTAIN HEALTH DEPT FOOD SERVICE PERMIT.

Applicant's Signature: Wb. B. Kerfoot Date: JAN 25, 2018

- References:
1. ALAN WILSON
  2. BOB MASCALI, PRES.
  3. \_\_\_\_\_

### BOARD OF SELECTMEN

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

# PANCAKE BREAKFAST

at the

## MASONIC LODGE

160 Main Street

Saturday June 9<sup>th</sup>

9:00 - 12:00 noon

Falmouth Rotary  
Marine Masons

Falmouth Commodores Baseball Clinic Signs:

Request for off-premise promotional signs.

Locations:

1. North Falmouth Elementary School (62 Old Main Rd., North Falmouth)
2. Morse Pond (323 Jones Road, Falmouth)
3. East Falmouth School (33 Davisville Rd., East Falmouth)
4. Mullen-Hall School (130 Katharine Lee Bates Road, Falmouth)
5. Teaticket Elementary School (45 Maravista Ave. Ext., Teaticket)
6. Johnson Homes (143 Palmer Ave., Falmouth)
7. The Cape Cod Cooperative (660 North Falmouth Highway, North Falmouth)
8. The Cape Cod Cooperative (238 Worcester Court, Falmouth)
9. Rockland Trust (20 Davis Straits, Falmouth)
10. Rockland Trust (78 County Rd., North Falmouth)
11. Gus Cauty Community Center (790 Main St., Falmouth)
12. Dean's Market (580 North Falmouth #580A, North Falmouth, MA 02556)
13. Uptown Body (305 Dillingham Ave., Falmouth, MA 02540)

Length of time: Early-Mid April through Monday, July 30, 2018

Quantity: 13

Size: 3 square feet. Sign size is within the 8 sq. ft. maximum size.

**Diane Davidson**

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**From:** Linda Peters <lpeters.fc@gmail.com>  
**Sent:** Tuesday, March 06, 2018 9:00 PM  
**To:** Diane Davidson  
**Subject:** Variance for off-premise signs for Falmouth Commodores  
**Attachments:** Clinic yard sign(1).pdf

Dear Diane,

We are seeking a variance again this year for placement of off-premise signs for the purpose of advertising the Falmouth Commodores Baseball Clinics. The signs are 18" x 24" and the drawing is attached (same as last year). The proposed signs would be placed at the following locations (permission of owners has been obtained):

- Revised locations attached*
1. North Falmouth Elementary School (62 Old Main Rd., North Falmouth)
  2. Morse Pond (323 Jones Road, Falmouth)
  3. East Falmouth School (33 Davisville Rd., East Falmouth)
  4. Mullen-Hall School (130 Katharine Lee Bates Road, Falmouth)
  5. Teaticket Elementary School (45 Maravista Ave. Ext., Teaticket)
  6. Johnson Homes (143 Palmer Ave., Falmouth)
  7. The Cape Cod Cooperative (660 North Falmouth Highway, North Falmouth)
  8. The Cape Cod Cooperative (238 Worcester Court, Falmouth)
  9. Gus Cauty Community Center (790 Main St., Falmouth)
  10. Dean's Market (580 North Falmouth #580A, North Falmouth, MA 02556)
  11. Uptown Body (305 Dillingham Ave., Falmouth, MA 02540)

We would like to place the signs in early to mid-April and will remove them no later than July 30<sup>th</sup> (the first day of the final session offered for the clinic this summer).

Please let me know if you need any further information.

Best,  
Linda Peters  
Vice President & Clinic Administrator  
(413) 535-9978  
[LPeters.FC@gmail.com](mailto:LPeters.FC@gmail.com)

**Diane Davidson**

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**From:** Linda Peters <lpeters.fc@gmail.com>  
**Sent:** Thursday, March 22, 2018 8:14 PM  
**To:** Diane Davidson  
**Subject:** Re: Variance for off-premise signs for Falmouth Commodores

Hi Diane! I wanted to send you the revised list of signs (will bring copies to the Selectmen's meeting on Monday as well). The only changes are the addition of two sites for Rockland Bank.

1. North Falmouth Elementary School (62 Old Main Rd., North Falmouth)
2. Morse Pond (323 Jones Road, Falmouth)
3. East Falmouth School (33 Davisville Rd., East Falmouth)
4. Mullen-Hall School (130 Katharine Lee Bates Road, Falmouth)
5. Teaticket Elementary School (45 Maravista Ave. Ext., Teaticket)
6. Johnson Homes (143 Palmer Ave., Falmouth)
7. The Cape Cod Cooperative (660 North Falmouth Highway, North Falmouth)
8. The Cape Cod Cooperative (238 Worcester Court, Falmouth)
9. Rockland Trust (20 Davis Straits, Falmouth)
10. Rockland Trust (78 County Rd., North Falmouth)
11. Gus Canty Community Center (790 Main St., Falmouth)
12. Dean's Market (580 North Falmouth #580A, North Falmouth, MA 02556)
13. Uptown Body (305 Dillingham Ave., Falmouth, MA 02540)

Thanks!

Best,  
Linda

On Thu, Mar 8, 2018 at 1:18 PM, Diane Davidson <[ddavidson@falmouthmass.us](mailto:ddavidson@falmouthmass.us)> wrote:

Hi Linda,

I will schedule your request for off-premise signs on the Monday, March 26<sup>th</sup> Selectmen's agenda.

Diane

*Diane S. Davidson*

**Falmouth Commodores**



**BASEBALL  
CLINICS**

**Tue-Fri Mornings  
thru end of July**

**falmouthcommodores.com**



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

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**TO:** Julian Suso, Town Manager  
**FROM:** Peter Johnson-Staub, Assistant Town Manager  
**SUBJECT:** 'Live Survey' and Community Engagement  
**DATE:** March 8, 2018

This memo responds to the Board of Selectmen request for suggested next steps with respect to community engagement and specifically the 'Live Survey' forum held February 3, 2018 at the High School auditorium. This initiative grew out of the most recent Strategic Plan which contains three goals within the community engagement priority area:

- A. Improve Communications with Department Heads and other Boards and Committees;
- B. Get More and Better Feedback from the General Public and Engage New Voices in Town Affairs;
- C. Better Inform the Community of the Town's Services and Activities;

The 'Live Survey' was part of the Board's efforts to address item 'B' above. There were more than 90 community members present excluding staff and Board members including a number of individuals who had not previously been regular participants in Town affairs. Our volunteer leader Linda Pogue drafted an executive summary of the comments and responses received at the 'Live Survey'. The updated executive summary attached includes comments received in writing after the event. We have posted this executive summary and the verbatim of all comments received at the event and in writing after the event at: <http://www.falmouthmass.us/748/Strategic-Plans-Community-Engagement>. We also sent this information to the press, town meeting members, Falmouth village associations and posted it to several social media sites.

Based upon the input received in connection with the 'Live Survey', and the Board's community engagement goals, we offer the following suggestions for further review and consideration.

### **How to Encourage More Individuals to Participate?**

#### Short-Term - 2018

1. Post Selectmen meeting packets in advance of the meeting (initiated as of February 26, 2018);
2. Hold another Live Survey that is more focused on a particular topic or topics;
3. Increase use of social media to inform community of news and events;
4. Online survey to assess interests and modes of communication and participation;

#### Long-Term - 2018-2019

5. Several individuals suggested more dialog and information exchange at the precinct level. Perhaps the Precinct Captains and Town Meeting members could be asked to come up with some ideas to accomplish this. How can Selectmen and staff support such efforts?

6. Engaging students as a way to reach families was mentioned more than once. Possibilities include: distributing information through the schools to promote attendance at specific events (e.g. town meeting, live survey); and a civics curriculum or club. Can we engage School Administration or VIPS in this?
7. Consider creating a Falmouth Citizen Handbook to overview form of government and opportunities for residents and community members to participate.
8. Consider additional resources required to develop content and build a contact database for electronic communication including so-called "reverse 911" automated phone messaging and social media.

**Potential Topics for Future 'Live Survey':**

- 1) Coastal Resiliency – Assess priorities, planning and design requirements, funding options
- 2) Roadways/Bikeways/Complete Streets: This issue includes sidewalk improvements and accessibility and possibly replacement of utility poles with underground utilities. How do we prioritize this work? How will we pay for it?
- 3) Wind Turbines – What are the options for disposition of Wind 1 and Wind 2 and how will the Board of Selectmen make its decision.

I hope these suggestions are helpful. This is by no means an exhaustive list of potential next steps for community engagement.

I want to emphasize that the executive summary represents our attempt to summarize what was said by community members at the February 3<sup>rd</sup> Live Survey meeting. The executive summary is NOT a recommendation of the Town Manager or the Board of Selectmen. You and the Board members will draw on your considerable collective knowledge of the community and of the relative feasibility of various proposals to prioritize the Town's action plans.

I look forward to our discussion with the Board.

**Attachments:**

- Live Survey Executive Summary – Updated 3/9/2018
- Live Survey Verbatim – Updated 3/9/2018

CC: Board of Selectmen  
Linda Pogue

**SEASONAL LICENSE RENEWALS FOR 2018****BOARD OF SELECTMEN'S MEETING  
MARCH 26, 2018****ALL ALCOHOL RESTAURANT (\$1650)**

**Falmouth Raw Bar, 56 Scranton Avenue, Falmouth  
Falmouth Pier 37 Boathouse, 88 Scranton Avenue, Falmouth  
Landfall Restaurant, 9 Luscombe Ave., Woods Hole  
Quick's Hole Taqueria, 6 Luscombe Ave., Woods Hole  
Shuckers, 91A Water Street, Woods Hole**

**ALL ALCOHOL CLUB (\$1275)**

**Seacoast Shores Association, 7 Farview Lane, East Falmouth**

**COMMON VICTUALLER (\$60)**

**Falmouth Pier 37 Boathouse, 88 Scranton Avenue, Falmouth  
Falmouth Raw Bar, 56 Scranton Avenue, Falmouth  
Landfall Restaurant, 9 Luscombe Ave., Woods Hole  
Quick's Hole Taqueria, 6 Luscombe Ave., Woods Hole  
Seacoast Shores Association, 7 Farview Lane, East Falmouth  
Shuckers, 91A Water Street, Woods Hole**

**ENTERTAINMENT (\$100)**

**Falmouth Pier 37 Boathouse, 88 Scranton Avenue, Falmouth  
Falmouth Raw Bar, 56 Scranton Avenue, Falmouth  
Landfall Restaurant, 9 Luscombe Ave., Woods Hole  
Quick's Hole Taqueria, 6 Luscombe Ave., Woods Hole  
Seacoast Shores Association, 7 Farview Lane, East Falmouth  
Shuckers, 91A Water Street, Woods Hole**

**SUNDAY ENTERTAINMENT (\$75)**

**Falmouth Pier 37 Boathouse, 88 Scranton Avenue, Falmouth  
Falmouth Raw Bar, 56 Scranton Avenue, Falmouth  
Landfall Restaurant, 9 Luscombe Ave., Woods Hole  
Seacoast Shores Association, 7 Farview Lane, East Falmouth  
Shuckers, 91A Water Street, Woods Hole**

**Diane Davidson**

---

**From:** Brian Reid <breid@falmouthpolice.us>  
**Sent:** Thursday, March 22, 2018 10:23 AM  
**To:** 'Diane Davidson'; 'Sean Doyle'  
**Cc:** Dunne Edward  
**Subject:** RE: Seasonal Alcohol and Restaurant Licenses 2018

Diane,

I have checked the log for each of the listed establishments during the 2017 season (April 1 – November 30) as requested. There were reported incidents at the Boathouse and at the Raw Bar. The other establishments had no incidents or complaints related to their alcohol or entertainment licenses.

At the Boathouse there were: 4 Assault/Assault & Battery incidents, 3 Disturbance/Disorderly incidents, 4 Intoxicated Party Calls (Welfare Checks/Unwanted Guest/Intoxicated Persons), 1 each of Loud Music, Suspicious Person on property, and Hit & Run accident.

At the Raw Bar there were: 2 Loud Music complaints, 3 Disturbance/Disorderly Calls (1 was listed as Assist Citizen, but was discovered to be a bartender having difficulty with a patron), and 1 Intoxicated Person call. Chief Dunne has the complete log file encompassing these incidents.

Thank you,

**Captain Brian L. Reid**  
Operations Division  
Falmouth Police Department  
750 Main Street  
Falmouth, MA 02540  
Office 774-255-4527 Ext. 4502  
Fax 508-457-2566  
[breid@falmouthpolice.us](mailto:breid@falmouthpolice.us)

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**From:** Diane Davidson [mailto:[ddavidson@falmouthmass.us](mailto:ddavidson@falmouthmass.us)]  
**Sent:** Friday, March 16, 2018 3:49 PM  
**To:** Brian Reid <breid@falmouthpolice.us>; Sean Doyle <sdoyle@falmouthpolice.us>  
**Subject:** Seasonal Alcohol and Restaurant Licenses 2018

Capt. Reid,  
Lt. Doyle,

Attached please find a list of the Seasonal Alcohol and Restaurant licenses for renewal for the period of April 1, 2018 to November 30, 2018.

Please advise the Board of Selectmen by Thursday, March 22 of any complaints received against these license holders during the 2017 season, particularly as they pertain to their alcohol or entertainment licenses.

The renewal of these licenses will be discussed at the Monday, March 26, 2018 Selectmen's meeting.

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**  
**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**Open Session**  
**MONDAY, MARCH 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; Frank Duffy, Town Counsel.

1. **Chair Moran called the open session to order at 6:00 p.m. and motioned to convene the executive session under 1. M.G.L. c. 30A, s. 21(a)(3) – Vote to affirm collective bargaining agreement with Library Union. 2. M.G.L. c. 30A, s. 21(a)(3) – Discuss resolution of all turbine litigation. 3. M.G.L. c. 30A, s. 21(a)(6) – Status/update on potential purchase of Lyberty Green Project site. 4. M.G.L. c. 30A, s. 21(a)(3) – Review of Lyberty Green HAC appeal. 5. M.G.L. c. 30A, s. 21(a)(3) – Review Ballymeade Home Owners Assoc. v. Town of Falmouth 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. Patterson, aye; Chairman Moran, aye; Mr. Jones, aye.**
2. Chair Moran reconvened the Open Session at 6:50 p.m.
3. Pledge of Allegiance
4. Proclamation-none.
5. Recognition

Ms. English Braga recognized the Town DPW, Fire Department, and Police Department for their work during the last storm.

Diane Davidson and Falmouth Yacht Club, and Jessica Fox, were recognized for putting together the potluck last Friday for all Town committees and members invited to share a meal, get to know each other.

Mr. Patterson recognized Falmouth Education Foundation, which had a successful fundraising event Saturday. They have given \$800,000 to Falmouth Schools over their 12 years in existence.

6. **Announcements**  
Mr. Jones noted the emergency operations center will open tomorrow at 7 a.m. due to the forecasted weather. Phone number 508-495-2602 for any issues you may have.

Town Hall will be open until otherwise notified.

On 4/4/18 the Housing Appeals Committee will be touring the Lyberty Green site, a hearing will follow. This is open to the public, only those called as witnesses will testify.

Chair Moran offered condolences and a moment of silence was held in memory of Joanne “Fifi” Burton who recently passed away.

Mr. Brown announced the Charter Review Committee applications are due by 3/15/18 at 4:30 p.m.

Coonamessett River construction work continues on the lower river through early May. When construction is in place, it is closed to public.

7. Public Comment

Grant Walker 71 Philadelphia St., Precinct 3 Town Meeting Member recommended the BOS put all comments/suggestions/questions regarding the wind turbines on the Town website. He also suggested each selectperson do a brief presentation on Falmouth Community Television regarding their thinking about the turbines and recommendations that have come in.

8. Vote to Affirm Appointment of Superintendent of Parks/Tree Warden

Jeremiah Pearson

**Mr. Jones motion to affirm the appointment. Second Mr. Patterson. Vote: Yes-5. No-0.**

9. Vote to Affirm Appointment of Town Planner

Thomas Bott

Mr. Suso recommends and requests the BOS affirmation of appointment and requests a waiver of residency given Mr. Bott's close proximity to the Town.

**Mr. Jones motion to affirm the appointment and waive the residency requirement. Second Mr. Patterson. Vote: Yes-5. No-0.**

Mr. Bott told the BOS he welcomes the opportunity to work in Falmouth.

10. Vote to Affirm Appointment of Director of Information Technology

Gregory Banwarth

Mr. Suso recommends affirmation of this appointment and requests a waiver of the residency requirement given his close proximity to Falmouth.

**Mr. Jones motion to affirm the appointment and waive the residency requirement. Second Mr. Patterson. Vote: Yes-5. No-0.**

Mr. Banwarth told the BOS he will look at the systems and then prioritize goals.

## SUMMARY OF ACTIONS

1. Licenses

- a. Approve Applications for Special One-Day Wine and Malt Liquor License – Fresh Pond Holy Ghost Society, 408 Carriage Shop Road – Sunday, 5/20; Saturday, 6/23; Sunday, 6/24 and Saturday, 8/18/18

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**

- b. Approve Application for New Common Victualler License – Peel Holdings LLC d/b/a Peel Pizza Company, 31 Teaticket Highway, Falmouth  
Brendan Higgins was present, Brendan Higgins, lives in Duxbury, opening a scratch kitchen, make dough and sauce fresh, open concept. 22-26 seats planned. Offer delivery to Town, take out. Parking on the right of the structure, hair salon and other buildings. He expects to have about 6-10 employees.

Property has 7 unit capability, the 24 seats proposed would require 12 spaces just for patrons. The BOS discussed the traffic impact in the area.

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

- c. Vote to Accept FY18 Wellness Grant from the Cape Cod Municipal Health Group in the Amount of \$600.00 to the Personnel Department Grant Account

**Mr. Jones motion to accept the grant. Second Ms. English Braga. Vote: Yes-5. No-0.**

2. Administrative Orders

- a. Approve Proposal to License Location of Lawrence Lynch Corp. Sign at 396 Gifford Street  
Subject to Sign Review Approval

Mr. Suso explained the location, the BOS has information related to this proposal. There is a large green space, part of the original road right of way in front of their building. They needed to have

Attorney Duffy assist in drafting a license agreement with BOS approval, they could be licensed to erect a sign identifying their business at that location. Subject to sign review approval, the Sign Review Committee was not comfortable absent the BOS granting a license. Chris Lynch is present and thanked for his patience working through this process.

**Mr. Jones motion to grant the license. Second Mr. Patterson. Vote: Yes-5. No-0.**

- b. Approve Eversource Energy and Verizon New England, Inc. petition to install one new pole (#10/74.25) on Sandwich Road, north of Tamarak Road  
Mr. Jones asked Mr. Suso to request a representative from Eversource and Verizon attend BOS meeting the next time they petition for a new pole.

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**

- c. Execute Discharge of Mortgage, 60 Lucerne Avenue  
Mr. Suso made copies available to the BOS.

Attorney Duffy explained the Planning Board had a program where they loaned money for energy related improvements, this was a loan that was granted. Loan paid off in full, owner entitled to a discharge of the mortgage. It may have been signed before, but cannot be located.

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

## **BUSINESS**

- 1. Report – Waterways Committee  
Jeff Thomas, Chair, provided a PowerPoint presentation, in the packet.

Reviewed mission stmt, they have a Full committee. 2017 projects reviewed including West Falmouth Town Dock, White's Landing, Robbins Road/Head of Falmouth Inner Harbor Bulkhead, Eel Pond Bridge Dock, Pump out Boat, and Phase one construction for Caleb's/Bob's Pond Fish Run.

2018 projects include Simpsons landing bulkhead, dock replacements, new lighted pilings, marina Reservation mgt system, and new mooring management system, winter damage repair, West Falmouth dock floats, and planned dredging.

Future Consideration of Town Dock at Eel Pond, Megansett, and Green Pond. Dredging navigational points in Eel River and continual monitoring for dredging needs.

Mr. Thomas deferred comment regarding Mr. Brown's question of whether there may be a creative way to dredge Perch Pond/Great Pond to the Conservation Commission. Waterways does not know of a solution for the Perch Pond issue.

Mr. Patterson asked about the separation of the Waterways Committee and Marine Services Department, according to Mr. Thomas, Waterways Committee is monitoring and advising to the Marine Environmental Services Division.

Ms. English Braga asked to think about going forward as expanding aquaculture, how that can affect options for dredging.

Challenges reviewed, including dredging; continual need, especially south facing areas, time windows, permitting, costs, and capacities were discussed. Issues include dredging timelines and a new dredging project timeline, Reviewed the types of dredging, approaches, and inlets.

Ten year comprehensive Dredging permit reviewed, it expires in 2022, and new 10 year permit will cost \$35,000.

Mr. Thomas noted that if dredging is done in the fall, it fills in after the winter storms.

Waterways needs the beaches, because they need to take the sand somewhere, the Beach Committee is trying to renourish the beaches. Beach nourishment is important for coastal resiliency.

Ms. English Braga noted the dredge is sitting at this time, the fall is when they could do some beach nourishment, and it may be complimentary to what the Waterways Committee is doing.

2. Update - Fire Hydrant Inspections/Painting

Steve Rafferty, Water Superintendent addressed the BOS. A power point presentation was provided, it is in the packet. New water treatment plant is online, a program is being put in place between now and Memorial Day to open all hydrants in Town, modify flushing to get a big area done quicker. This will begin next week. Electronic bulletin boards will notify the public that flushing is ongoing.

Another staff was approved and could be available for painting about 10 hydrants can be painted per day, they will continue moving East/West, Mr. Rafferty reviewed the areas that would be done over the next couple of years.

Hydrants are simple devices, cast iron bodies, internal components are bronze, even though it may appear rusted, it is not on the inside.

New hydrants are breakaway hydrants, the bolts need to be exposed, they will come back on a second pass through to excavate around hydrants that need it.

3. Update on Upgrade of Selectmen's Meeting Room

Mr. Johnson Staub provided the update, the layout was reviewed. The technology elements have been planned, would have been more efficient for engineer to develop the specs for this project. Designing the audio and video was reviewed, there are many people using the room and needs to be user friendly and durable. They have specs ready to move forward on, quotes are within budget, low quote by a vendor who cannot start until 7/1/18. Total cost of all including table and new custom build podium about \$75,000. Seating will be increased a bit, different layout with aisle in back and mid aisle. Going forward with camera/audio installation being the same vendor.

Ms. English Braga encouraged planning to include a friendlier environment for those with different abilities, adaptive equipment, and needs to make it more user friendly.

Mr. Patterson asked about a radio with microphone, Mr. Johnson Staub said that wireless microphones can be added to the plan.

Mr. Brown is disappointed about the projector screen remaining where it is, the audience is blocked in seeing the presenter. Mr. Johnson Staub noted there will be a monitor built into the podium, so they can face the audience.

There will be improvement in video quality and online streaming. Audio is user driven and technology. There is no PA system in this room because it creates interference with the FCTV broadcast, it will be improved in this room.

4. Update on Town Meeting Directive Concerning Lyberty Green

Mr. Suso updated the BOS, he is working with Attorney Duffy on the process, had an appraisal conducted on the property, confirmation that the MA Inspector General noted that given the circumstances, town is bound to proceed with formal procurement in this matter and owners/ developers have both been contacted and there will be a Request for Proposals (RFP) forthcoming, it will hopefully result in favorable response from owner/developers in the Lyberty Green area so the Town can move forward with possibilities without having the eminent domain tool.

After the RFP is issued, the next step depends on responses to the RFP, hoping to have more than one response. It will be for an affordable housing site within certain parameters, but cant be limited to that site only in the RFP. Should there be a response from owners/developers liberty green, than can move forward on negotiating.

The process is moving forward by the developers appealing the decision of the Zoning Board.

5. Request for Sign Variance – Off-Premise Signs – Fresh Pond Holy Ghost Society Buffet Breakfast  
**Ms. English Braga motion approval. Second Mr. Brown. Vote: Yes-5. No-0.**
6. Request for Sign Variance for Water Station Locations – Refill Reuse Falmouth
7. Vote to Affirm Town Counsel Draft of Conditions on Falmouth Pier 37 Boathouse License  
Attorney Duffy said that after meeting two weeks ago, he put together draft decision for the BOS with the history of the hearing over the three sessions, changed notice to inform them that a change in hours of operation may be possible. On 12/4/17 the BOS made some findings that Attorney Duffy reviewed. The seasonal license renews April 1, 2018, so those conditions are appropriate responses and must be incorporated into the renewal of the license. Licensee reviewed their security plan, there were highlights of this plan including low impact LED lighting in parking lot, security cameras, dedicated spaces for taxi, uber, additional security staff assigned to parking lot, and parking lot closed when the building was at capacity. It was Attorney Duffy's intention to review the plan and incorporate the terms into the license. BOS action tonight would be based on Attorney Duffy's approval. Also condition of staff training to be provided by the ABCC, the licensee implemented no trespass notice to patrons who repeatedly act in unruly behavior on the premises. The draft was sent to the BOS.

Ms. English Braga noted this is an accurate summary of what took place and what was discussed with the licensee.

Attorney Duffy will make the final draft and circulate it to the BOS.

**Ms. English Braga motion to have Mr. Suso sign a copy when completed by Attorney Duffy. Second Mr. Patterson. Vote: Yes-5. No-0.**

8. Assignment of Town Meeting Articles  
Article 7 Mr. Brown, Mr. Suso noted that a State Representative offered to come to the next BOS meeting on 3/26/18.

Article 23 Ms. English Braga.  
Article 24 Chair Moran.  
Article 26 Mr. Jones.  
Article 27 Ms. English Braga.  
Article 37 Mr. Johnson Staub.  
Articles 38, 39 Mr. Brown.

9. Minutes of Meetings:  
Public Session

January 27, 2018  
Held.

February 26, 2018

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

Executive Session

February 26, 2018

Session 1

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

Session 2

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

10. Individual Selectmen's Reports

Mr. Patterson:

Attended the Cape Cod Selectman Counselor Meeting with representatives present and provided reports including State taking aggressive role in controlling healthcare costs, residential broadband, and drug addiction issues. Climate change issues, housing production, wastewater initiatives, rooms occupancy tax,

2.75% surtax over all of these to provide funding for wastewater treatment. Environmental bond bill focused on improving coastal resiliency, revenues are up, rainy day fund at state level depleted, bridge closures, and issues regarding the nuclear power plant.

Attended CPC annual needs assessment meetings, housing repeatedly came up. Falmouth Housing Authority has 1500 people looking for housing in Falmouth and they have no leads.

Many historic buildings are owned privately, CPC limited on how they can invest on upgrades and asset owners do the work to retain historical character.

Attended an Eagle Court of Honor.

Mr. Jones;

Heard from someone concerned about their power with Eversource who told them it was on private property and not their problem. Mr. Suso will explore if provided with an address.

11. Review of Town Manager's Report

Mr. Suso attended meeting at Joint Base Cape Cod (JBCC) to discuss the MA Army National Guard program, they will monitor this for opportunity for future collaborative programs.

Attended the Finance Committee meeting, they continue to review and deliberations. They have cancelled tomorrow nights meeting.

Recent storm event, as of 8 a.m. 3/5/15 following the northeaster, 256 customers remained without power which was down from 17,000, all but 1 restored. Final restoration work continues. Public safety response by Town departments was commended.

If anyone's power interrupted and not restored, Mr. Suso advised they call the Eversource Power Outage Line 800-592-2000. Town Manager's office may also be contacted 508-495-7230. Emergency calls to 911.

Served senior residents at the Senior Center for St. Patrick's Day Luncheon.

12. Review and/or Discuss Correspondence Received

Senator Sears has a hotel tax presentation and Chair Moran asked to have that scheduled for a future meeting.

The Live Survey is on the Town webs site, updates will be posted this week.

**Mr. Jones motion to adjourn at 9 p.m. Second Mr. Patterson. Vote: Yes-5. No-0.**

Respectfully Submitted,

Jennifer Chaves  
Recording Secretary

## REPORT

TO: Board of Selectmen

FROM: Julian M. Suso

DATE: March 23, 2018



- The Board will convene at 6:30PM in executive session on Monday for an update on wind turbines, Lyberty Green and on Fire union negotiations.
- I am pleased to request that Selectmen affirm my appointment of Mr. Scott McGann as Health Agent for the Town of Falmouth. I have asked Scott to join us on Monday evening in the event there are comments or questions.
- Under Administrative Orders, Selectmen are being asked to approve an expenditure from the Conservation Commission donation account in an amount not to exceed \$1,800 to provide for a light meal/refreshments for Saturday's day-long "MVP" resiliency session being hosted by the Coastal Resiliency Action Committee at the Seacrest Resort.
- As in the past, the Board is being asked to endorse a letter opposing the spraying of herbicides for vegetation management by Eversource.
- You are also being asked by former ATM Heather Harper to authorize a letter of support for funding being sought by the Cape Cod Commission for a Regional Housing Preference Survey.
- The EDIC has recommended that the Town transmit an application to the Commonwealth for their consideration of designating one/more census tracts within Falmouth as "Opportunity Zones." Given a very tight deadline to respond, I must do so in advance of your meeting Monday evening and request your "retroactive" authorization.
- Selectmen are asked to consider approvals for a large (and ever-growing) number of Special Events to be held in Town. As per usual, these have been reviewed internally by the appropriate staff members.
- Seth Pickering of Mass DOER will be joining us on Monday evening for a brief powerpoint presentation on the State Stretch Code and the Green Communities designation.
- Frank Duffy will make a report/presentation on the option of participating in Class Action Litigation related to Opioids. If agreeable, we will ask the Board to authorize us to return with a proposed legal agreement.

- The Recreation Committee has been asked to report to Selectmen on their thoughts primarily regarding the proposed playground relocation related to the upcoming new Senior Center construction.
- You will be considering an “appeal” from a long-time commercial shell fisherman who is asking the Board to grant him a license, as – apparently due to health reasons – he was unable to meet the past deadline to apply for such a license.
- Speaking of appeals, you have also been petitioned by a person who is unhappy with the result of a dog hearing (you assigned that responsibility to the Police Department some time ago). It appears that he technically failed to file an appeal within the required timeframe and he is asking for reconsideration by the Board.
- Peter J-S will be providing a follow-up on the Live Survey.
- I will be providing a brief update on the required site acquisition RFP process for the Lyberty Green affordable housing initiative.
- Selectmen will take up a number of Seasonal License Renewals.
- Are we still shoveling snow? Happy Spring!