

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

**Revised AGENDA**

**MONDAY, MAY 21, 2018 – 6:45 P.M.**  
**SELECTMEN'S MEETING ROOM**  
**TOWN HALL**

**6:45 p.m. OPEN SESSION**

**6:45 p.m. EXECUTIVE SESSION**

1. M.G.L. c. 30A, s. 21(a)(3) – Discuss mediation Best Revenge 5 LLC v. Town of Falmouth – damages caused by boat fire

**7:00 p.m. OPEN SESSION**

1. Call to Order
2. Pledge of Allegiance
3. Reorganization of the Board of Selectmen
4. Proclamation
5. Recognition
6. Announcements
7. Public Comment

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

1. Licenses
  - a. Application for Special One-Day Liquor Licenses – The Casual Gourmet, Inc. – Highfield Hall, 58 Highfield Drive for Events on Saturday, 6/30/18; Sunday, 7/8/18; Sunday, 8/5/18; Sunday, 8/26/18; and Saturday, 12/8/18
  - b. Application for Special One-Day Liquor License – Barnstable County Agricultural Society – County Fair – Beer Garden – Monday, July 23 – Sunday, July 29, 2018
  - c. Application for Transfer of Lodging House License – Woods Hole Passage – 186 Woods Hole Road
2. Administrative Orders
  - a. Approve Land Management Plan and Conservation Restriction for Andrews Farm Property and Andrews Pond 14 Trail Conservation Restriction
  - b. Approve Town/WQMC Partnering with Woods Hole Oceanographic Institution (WHOI) to Apply for an EPA SNEP Grant to Install a Demonstration Permeable Reactive Barrier (PRB) at 0 Shorewood Drive
  - c. Approve Eversource Energy Petition to Install one 4” conduit and Two Handholes on Walden Avenue, west of Grand Avenue
  - d. Approve Eversource Energy Petition to install one 4” conduit and one handhole #6/H68A on Sippewissett Road, opposite Upland Avenue
  - e. Approve Eversource Energy Petition to Install One 4” Conduit and One Handhole #78/H1A on Nye Road, south of Main Street
  - f. Approve Eversource Energy Petition to Install One 4” Conduit and One Handhole #280/H1A on Belvidere Road
  - g. Vote to Accept Donation from the Newcomers Club of Falmouth in the amount of \$500.00 to the Falmouth Recreation Department
  - h. Designate Members of the Charter Review Committee as Special Municipal Employees for the Purposes of the Conflict of Interest Law
  - i. Retroactive Approval of Letter of Support for Application for State Municipal Vulnerability Preparedness (MVP) Grant Program Funding
  - j. Approve Water Main Easement Lower Road, East Falmouth
3. Special Events

**New - Recommended:**

  - a. Falmouth Water Stewards' Water Bottle Refill Station Celebration – Peg Noonan Park – Saturday, 6/16/18 – 11:00 – 11:30 a.m.

- b. Wedding Ceremony – DeMatos – Falmouth Heights Beach – Sunday, 6/3/18

**PUBLIC HEARINGS**

**7:30 p.m.**

1. Application for Alteration of Premises of an All Alcoholic Package Store License – Falmouth Wine and Spirits, Inc., 322 Palmer Avenue, Falmouth

**7:40 p.m.**

2. Application for Transfer of an All Alcoholic Common Victualler License, Entertainment License and Sunday Entertainment License – Sheng Yuan, Inc. d/b/a New Peking Palace, 452 Main Street, Falmouth

**7:50 p.m.**

3. Application for Installation of Aboveground Storage Tank for #2 Diesel and Gasoline – Brewer Fiddler's Cove Marina, 42 Fiddler's Cove Road

**8:00 p.m.**

4. Flow Neutral Bylaw – Evaluation of Request for Variance – 763 Main Street and 24 Scranton Avenue  
– Preliminary Review of Flow Neutral Bylaw from Town Counsel

**8:10 p.m. BUSINESS**

1. Preliminary Discussion of Review Procedures for Waiver Requests under the Flow Neutral Bylaw
2. Joint Base Cape Cod (JBCC) Commander's Briefs to the Board of Selectmen
3. Discussion of Beach Regulations
4. Senior Center – Schematic Design Presentation and Discussion
5. Discussion of Political Sign Bylaw
6. Approve Shellfish Advisory Committee Charge of May 3, 2018
7. Annual Reappointment of Inspector of Animals
8. Discussion of Response to Building Commissioner's Directive on Wind I
9. Approve 2018 Seasonal/Annual License Renewals  
COMMON VICTUALLER LICENSE  
Smitty's Homemade Ice Cream, 326 E. Falmouth Hwy.  
LODGING HOUSE LICENSE  
Captain Tom Lawrence House Inn, 75 Locust St.  
SECOND-HAND DEALER'S LICENSE  
Cape Cod Gold & Silver Coin, 424 Main St.
10. Minutes of Meetings:  
Public Session – April 23, 2018; May 7, 2018  
Executive Session – April 23, 2018; May 7, 2018  
Vote to Release/Not to Release Minutes of Executive Sessions
11. Individual Selectmen's Reports
12. Review of Town Manager's Report
13. Review and/or Discuss Correspondence Received

Susan L. Moran, Chairman  
Board of Selectmen

Total allowed one-day liquor licenses per year: 30

The Casual Gourmet days so far this year: 5

The Barnstable County Fair days so far this year: 7

2018

# License Alcoholic Beverages

18-8-AA

Fee:

25

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

## Special License For The Sale Of All Alcoholic Beverages

License to Expose, Keep for Sale, and to Sell  
**All Kinds of Alcoholic Beverages**

To Be Drunk On the Premises

To The Casual Gourmet, Inc.

Highfield Hall  
58 Highfield Drive  
Falmouth, MA 02540

On the following described premises:

Highfield Hall, 58 Highfield Drive, Falmouth

THE ABOVE NAMED NON-PROFIT ORGANIZATION IS HEREBY GRANTED A SPECIAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES, TO BE DRUNK ON THE PREMISES UNDER CHAPTER 138, SECTION 14, OF THE LIQUOR CONTROL ACT.

This license is valid from the 30th day of June 2018 until the 30th day of June 2018, unless earlier suspended, cancelled or revoked.

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

Date: Saturday, June 30, 2018. Hours: 6:00 p.m. to 9:30 p.m. Highfield Hall Gala.

Conditions: 1. Certificate of liquor liability insurance required, 2. Servers must be TIPS certified, 3. Apply for temporary food permit with Health Department. 4. Alcohol must remain within permitted area.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 21st day of May 2018

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Licensing Board

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

2018

# License Alcoholic Beverages

18-18-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 The Casual Gourmet, Inc.

Highfield Hall  
58 Highfield Drive  
Falmouth, MA 02540

On the following described premises:

Highfield Hall, 58 Highfield Drive, Falmouth

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 8th day of July 2018 until the 8th day of July 2018,  
unless earlier suspended, cancelled or revoked.

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

Date: Sunday, July 8, 2018. Hours: 4:00 p.m. - 6:00 p.m. - Woods Hole Jazz:  
Jazz Under the Tent

Conditions: 1. Certificate of liquor liability insurance required, 2. Servers must be TIPS certified, 3. Apply for  
temporary food permit with Health Department. 4. Alcohol must remain within permitted area.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their  
official signatures this 21st day of May 2018

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Licensing Board

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

2018

# License Alcoholic Beverages

18-9-AA

Fee:

25

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

## Special License For The Sale Of All Alcoholic Beverages

License to Expose, Keep for Sale, and to Sell  
**All Kinds of Alcoholic Beverages**

To Be Drunk On the Premises

To The Casual Gourmet, Inc.

Highfield Hall  
58 Highfield Drive  
Falmouth, MA 02540

On the following described premises:

Highfield Hall, 58 Highfield Drive, Falmouth

THE ABOVE NAMED NON-PROFIT ORGANIZATION IS HEREBY GRANTED A SPECIAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES, TO BE DRUNK ON THE PREMISES UNDER CHAPTER 138, SECTION 14, OF THE LIQUOR CONTROL ACT.

This license is valid from the 5th day of August 2018 until the 5th day of August 2018, unless earlier suspended, cancelled or revoked.

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

Date: Sunday, August 5, 2018. Hours: 4:00 p.m. - 7:30 p.m. Cape Cod Healthcare Summer Social.

Conditions: 1. Certificate of liquor liability insurance required, 2. Servers must be TIPS certified, 3. Apply for temporary food permit with Health Department. 4. Alcohol must remain within permitted area.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 21st day of May 2018

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Licensing Board

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

2018

# License Alcoholic Beverages

18-19-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 The Casual Gourmet, Inc.

Highfield Hall  
58 Highfield Drive  
Falmouth, MA 02540

On the following described premises:

Highfield Hall, 58 Highfield Drive, Falmouth

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 26th day of August 2018 until the 26th day of August 2018, unless earlier suspended, cancelled or revoked.

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

Date: Sunday, August 26, 2018. Hours: 6:00 p.m. - 8:00 p.m. College Light Opera Company 50th Jubilee Gala.

Conditions: 1. Certificate of liquor liability insurance required, 2. Servers must be TIPS certified, 3. Apply for temporary food permit with Health Department. 4. Alcohol must remain within permitted area.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 21st day of May 2018

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Licensing Board

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

2018

# License Alcoholic Beverages

18-20-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 The Casual Gourmet, Inc.

Highfield Hall  
58 Highfield Drive  
Falmouth, MA 02540

On the following described premises:

Highfield Hall, 58 Highfield Drive, Falmouth

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 8th day of December 2018 until the 8th day of December 2018, unless earlier suspended, cancelled or revoked.

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

Date: Saturday, December 8, 2018. Hours: 5:00 p.m. - 7:00 p.m. Highfield Hall Holiday Reception.

Conditions: 1. Certificate of liquor liability insurance required, 2. Servers must be TIPS certified, 3. Apply for temporary food permit with Health Department. 4. Alcohol must remain within permitted area.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 21st day of May 2018

_____	_____
_____	_____
_____	Licensing Board

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

**Diane Davidson**

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**From:** Brian Reid <breid@falmouthpolice.us>  
**Sent:** Thursday, May 17, 2018 3:15 PM  
**To:** 'Diane Davidson'; 'Sean Doyle'  
**Subject:** RE: One-Day Liquor License Applications

Hi Diane,

We have no objection to the multiple ODLL Applications. Chief Dunne would like to remind the Fair to put into place all safeguards and conditions that were met in past years.

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]  
**Sent:** Saturday, May 12, 2018 1:55 PM  
**To:** Brian Reid <breid@falmouthpolice.us>; Sean Doyle <sdoyle@falmouthpolice.us>  
**Subject:** One-Day Liquor License Applications

Capt. Reid,  
Lt. Doyle,

1. Attached are five applications for one-day liquor licenses from the Casual Gourmet for events at Highfield Hall as follows:
  - a. Saturday, June 30, 2018 – 6:00 pm – 9:30 pm – Highfield Hall Gala - (all alcohol)
  - b. Sunday, July 8, 2018 – 4:00 pm – 6:00 pm – Woods Hole Jazz: Jazz Under the Tent (wine & malt)
  - c. Sunday, August 5, 2018 – 4:00 pm – 7:30 pm – Cape Cod Healthcare Summer Social (all alcohol)
  - d. Sunday, August 26, 2018 – 6:00 pm – 8:00 pm – College Light Opera Company 50<sup>th</sup> Jubilee Gala (wine & malt)
  - e. Saturday, December 8, 2018 – 5:00 pm – 7:00 pm – Highfield Hall Holiday Reception (wine & malt)
2. Attached is an application for seven, one-day wine and malt liquor licenses for a beer garden at the Barnstable County Fair from Monday, July 23 through Sunday, July 29, 2018 from noon to 10:00 p.m.

Please provide your recommendations to the Board of Selectmen by Friday, May 18, 2018.

Thank you,

2018

# License Alcoholic Beverages

18-21-WM

Fee: 175

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 Barnstable County Agricultural Society

Wendy Brown, Manager

Cape Cod Fairgrounds

1220 Nathan Ellis Highway, East Falmouth

On the following described premises:

Cape Cod Fairgrounds, 1220 Nathan Ellis Highway, East Falmouth

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 23rd day of July 2018 until the 29th day of July 2018, unless earlier suspended, cancelled or revoked.

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

Dates: Monday, July 23, 2018 through Sunday, July 29, 2018. Hours: 12:00 noon - 10:00 p.m. Barnstable County Fair.

Per Falmouth Police Department: Put into place all safeguards and conditions that were met in past years. In addition: 1. Proof of liquor liability insurance required. 2. Alcoholic beverages served on the premises must remain on the premises. 3. Rope off area where alcohol will be sold and consumed. 4. Servers must be TIPS (or equivalent) certified.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 21st day of May 2018

_____	_____
_____	_____
_____	Licensing Board

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

**Diane Davidson**

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Operations Division  
Falmouth Police Department  
750 Main Street  
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Fax 508-457-2566  
[breid@falmouthpolice.us](mailto:breid@falmouthpolice.us)

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  - c. Sunday, August 5, 2018 – 4:00 pm – 7:30 pm – Cape Cod Healthcare Summer Social (all alcohol)
  - d. Sunday, August 26, 2018 – 6:00 pm – 8:00 pm – College Light Opera Company 50<sup>th</sup> Jubilee Gala (wine & malt)
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2. Attached is an application for seven, one-day wine and malt liquor licenses for a beer garden at the Barnstable County Fair from Monday, July 23 through Sunday, July 29, 2018 from noon to 10:00 p.m.

Please provide your recommendations to the Board of Selectmen by Friday, May 18, 2018.

Thank you,

Number:  
18-11-LH

Fee  
\$35.00

The Commonwealth of Massachusetts  
Town of Falmouth

This is to certify that  
**Woods Hole Passage Bed & Breakfast Inn**  
Liza Fox, Manager  
186 Woods Hole Road  
Falmouth, MA 02540  
is hereby granted this  
**Lodging House License**

**Bed & Breakfast**

and at that place only and expires on the below specified date unless sooner suspended or revoked for violation of the laws of the Commonwealth of Massachusetts relating to the licensing of Lodging Houses. This license is issued in conformity with the authority granted to the licensing authorities under section twenty-three, of chapter one hundred and forty, of the General Laws, and is subject to the provisions of sections twenty-two to thirty-one inclusive of said chapter.

Valid from: May 21, 2018

Valid until: April 30, 2019

By order of The Falmouth Board of Selectmen

May 21, 2018

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

Following are the cover sheets for 1) Andrews Farm Conservation Restriction, 2) Andrews Pond 14 Trail Conservation Restriction, and 3) Andrews Farm Land Management Plan. The documents are lengthy and are available for review in the Town Manager's office.

GRANTOR: TOWN OF FALMOUTH CONSERVATION COMMISSION  
GRANTEE: THE 300 COMMITTEE LAND TRUST, INC.  
ADDRESS: 398 Old Meetinghouse Road, and 0 Berry Patch Lane, Falmouth MA  
GRANTOR'S TITLE: Barnstable County Deeds Book 31095, Page 237; Book 31095, Page 185; and Book 31095, Page 211  
PLAN OF RECORD: Barnstable County Deeds Plan Book 674, Page 26

### CONSERVATION RESTRICTION

**THE TOWN OF FALMOUTH**, a Massachusetts municipal corporation, with an address of 59 Town Hall Square, Falmouth MA 02540, acting by and through its **Conservation Commission**, under Section 8C of Chapter 40 of the Massachusetts General Laws, its successors and permitted assigns, ("Grantor"), acting pursuant to Sections 31-33 of Chapter 184 of the Massachusetts General Laws, for and in consideration of Four Hundred Fifty Thousand Dollars and 00/100 (\$450,000.00), receipt of which is hereby acknowledged, with QUITCLAIM COVENANTS, grants to **THE 300 COMMITTEE LAND TRUST, INC.**, a Massachusetts charitable corporation with an address of 157 Locust Street, Falmouth MA 02540, its successors and assigns holding record title in the Premises as hereinafter defined, ("Grantee"), IN PERPETUITY and exclusively for conservation, agriculture, and passive recreation purposes, the following described CONSERVATION RESTRICTION ("Conservation Restriction"), on 34.48 acres, more or less, located at 398 Old Meetinghouse Road and 0 Berry Patch Lane in the Town of Falmouth, County of Barnstable, Commonwealth of Massachusetts, said parcels being described in Exhibit A and shown on Exhibit B, both of which are attached hereto, said parcels hereinafter referred to as the "Premises." Grantor and Grantee, their successors and assigns, are bound by and subject to the terms and conditions of this Conservation Restriction. For Grantor's title, see deed and easements recorded in the Barnstable County Registry of Deeds in Book 31095, Page 237; Book 31095, Page 185; and Book 31095, Page 211.

Purpose. This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws and otherwise by law, and is subject to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts. Its purpose is to assure that the Premises will be dedicated to and maintained for conservation and agricultural purposes and retained in perpetuity in its scenic, natural and open condition; to prevent any use of the Premises that will materially impair or interfere with the conservation, agricultural and passive outdoor recreation values of the Premises; and to ensure that appropriate public access for passive recreation is permanently available. The conservation of the Premises will yield a significant public benefit because the Premises' protection will advance the following policies and objectives:

**Grantor:** THE 300 COMMITTEE LAND TRUST, INC.

**Grantee:** TOWN OF FALMOUTH CONSERVATION COMMISSION

**Property Address:** Ronnie Road, Lots 1-6, Falmouth MA

**Title:** Deed Book 31095 Page194 in Barnstable County Registry of Deeds; Lot 1  
Deed Book 31095 Page196 in Barnstable County Registry of Deeds; Lots 2-5  
Deed Book 31095 Page199 in Barnstable County Registry of Deeds; Lot 6  
Deed Book 31095 Page 201 in Barnstable County Registry of Deeds; Lots 1-6  
Deed Book 31095 Page 211 in Barnstable County Registry of Deeds; Easement  
Deed Book 31095 Page 219 in Barnstable County Registry of Deeds; Ronnie Road  
**Plan:** Plan Book 329 Page 9 (Lots 1 – 6,) in Barnstable County Registry of Deeds  
Plan Book 674 Page 26 (fee in Ronnie Road) in Barnstable County Registry of Deeds

## CONSERVATION RESTRICTION

**THE 300 COMMITTEE LAND TRUST, INC.**, a Massachusetts charitable corporation with an address of 157 Locust Street, Falmouth MA 02540, its successors and assigns holding record title in the Premises as hereinafter defined (“Grantor”), acting pursuant to Sections 31-33 of Chapter 184 of the Massachusetts General Laws, for nominal consideration, grants WITH QUITCLAIM COVENANTS to **THE TOWN OF FALMOUTH**, a Massachusetts municipal corporation, with an address of 59 Town Hall Square, Falmouth MA 02540, acting by and through its **Conservation Commission**, under Section 8C of Chapter 40 of the Massachusetts General Laws, its permitted successors and assigns holding any interest in the Premises as hereinafter defined (“Grantee”), IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following described **CONSERVATION RESTRICTION**, on six parcels of land and a private road known locally as ‘Ronnie Road’ (hereinafter the “Premises”), such Premises totaling 11 acres, more or less, located at Ronnie Road in the Town of Falmouth, County of Barnstable, Commonwealth of Massachusetts, said Premises being described in Exhibit A and shown in Exhibit B both of which are incorporated by reference and attached hereto.

### I. PURPOSES

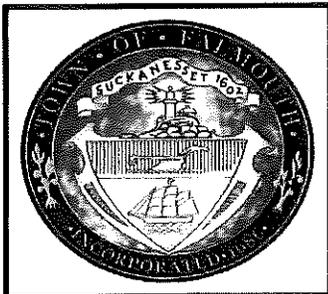
This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped condition, and to prevent any use or change that

Town copy

# Andrews Farm Management Plan and Baseline

34.48 acres

398 Old Meeting House Road &  
0 Berry Patch Lane Falmouth, MA  
**2018**



Prepared and approved in compliance with a grant to the Town of Falmouth under FY18 Land Acquisitions for Natural Diversity (LAND) grant program from the Commonwealth of Massachusetts Division of Conservation Services



## Land Owner:

Conservation Commission  
59 Town Hall Square, Falmouth MA 02540  
[www.falmouthmass.us](http://www.falmouthmass.us)

## Conservation Restriction Holder:

The 300 Committee Land Trust  
157 Locust Street, Falmouth MA 02540  
[www.300committee.org](http://www.300committee.org)

# WATER QUALITY MANAGEMENT COMMITTEE

## Town of Falmouth

MAY 8, 2018

TO: Julian Suso, and Susan Moran, Chair of Board of Selectmen  
FROM: Eric Turkington, chair, WQMC

Re: WQMC Partnership with Woods Hole Oceanographic Institution on an EPA SNEP grant application to install a Permeable Reactive Barrier at Shorewood Drive parcel.—Summary of Actions

**MOTION: To approve the town/WQMC partnering with the Woods Hole Oceanographic Institution (WHOI) in an application for an EPA SNEP grant to install a demonstration Permeable Reactive Barrier (PRB) at 0 Shorewood Drive, with the town/WQMC participation to be a contribution of in kind services only.**

Background: One of the promising alternatives to sewerage that the WQMC has been evaluating is the concept of a Permeable Reactive Barrier. The concept is to install a carbon source in the ground to intercept the nitrogen flowing from residential septic systems toward the estuaries, and chemically interact with it to create harmless nitrogen gas.

Several suitable sites in town have been identified for such an installation, including this one at the corner of Shorewood Drive and Route 28. The WQMC has long hoped to install a PRB demonstration project and has applied to fund such a project in the past.

This WHOI application has received pre-approval from SNEP. The final application is due on June 8. At its May 3 meeting the WQMC voted unanimously to support this project and to request BOS approval of the town's partnering with WHOI in applying for this grant.

The proposal does not require any financial contribution from the town but only a time commitment by WQMC members to periodically review the project.



# Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

ncroft@falmouthmass.us

Date: May 5, 2018

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

**Subject: Eversource – Petition to install 55' of 4" underground conduit and 2-handholes on Walden Avenue**

A petition was submitted by Eversource to install 55' of 4" underground conduit and 2-handholes on Walden Avenue to service #8 Walden Avenue.

The Engineering recommendation is to approve the request as submitted on Plan No. 2260573, W/O #2260573, dated March 27, 2018.

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

Thank you,

Nicholas Croft  
Engineering Technician  
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY to install two handholes and conduit to provide electric service for customer at #8 WALDEN AVENUE.

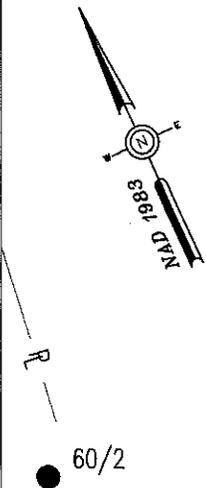
46B 09 014 003  
7 WALDEN AVENUE  
VINEYARD VIEW  
CONDO OWNERS

46B 09 000L 000  
0 CENTRAL PARK AVENUE  
FALMOUTH, TOWN OF

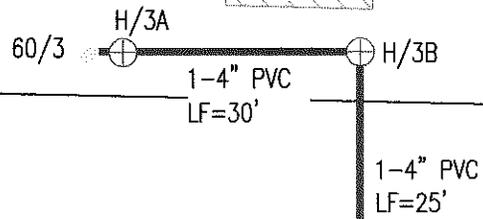
APPROX. 192'  
TO GRAND AVE

APPROX. R.O.W.

APPROX. R.O.W.



EDGE OF ROAD  
EDGE OF ROAD

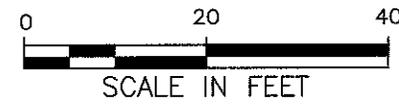


WALDEN AVE

46B 09 010 004  
12 WALDEN AVENUE  
ZAHARIADIS, ANASTASIOS V.  
ZAHARIADIS, ELISABETH

APPROX. PT.  
OF PICKUP

46B 09 011 001  
8 WALDEN AVENUE  
BENTON, JR., DAVID H.  
BENTON, LAURIE A.



LEGEND	
⊕	Proposed Handhole
⊕	Existing Handhole
—	Proposed Conduit
●	Existing Pole
⊙	Pole with Riser
⊕	Proposed Manhole

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

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**MASS. LAW**

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

Plan #	2260573	
Ward #		
Work Order #	2260573	1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Surveyed by:	N/A	Plan of WALDEN AVENUE
Research by:	PG	FALMOUTH
Plotted by:	PG	Showing PROPOSED HANDHOLES & CONDUIT LOCATION
Proposed Structures:	TL	
Approved:	A DEBENEDICTIS	Scale 1"=20' Date MARCH 27, 2018
P#		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

## PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held in the Small Conference Room, Falmouth Town Hall at 2:00 p.m. on Thursday, May 3, 2018 upon the petition of NSTAR Electric Company d/b/a Eversource Energy to install one 4" conduit and two handholes on Walden Avenue, west of Grand Avenue, Falmouth.

Per Order of the Falmouth Board of Selectmen

*Publication Date: Friday, April 20, 2018, Falmouth Enterprise*

*Copy to: Abutters*

**FORM OF ORDER FOR  
UNDERGROUND CABLE AND CONDUIT LOCATIONS**

IN BOARD OF SELECTMEN FOR THE TOWN OF Falmouth, Massachusetts:

ORDERED:

Notice having been given and a public hearing held, as provided by law, the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) be and it is hereby granted a location for and permission to install and maintain underground cables, conduits and manholes, together with such sustaining or protecting fixtures as said company may deem necessary, in, under, along and across the public way or ways hereinafter referred to, as requested in petition of said company dated the 27 day of MARCH, 2018.

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

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the plan marked Plan No. **2260573**, Dated **MARCH 27, 2018**, filed with said petition. The following are public ways or parts of ways under, along and across which the cables above referred to may be installed under this order:-

**WALDEN AVENUE, West of Grand Avenue  
WO#2260573**

**One (1) 4" Conduit  
Two (2) Handholes**

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

\_\_\_\_\_  
Clerk of Selectmen.

\_\_\_\_\_  
Massachusetts \_\_\_\_\_, 2018.

Received and entered in the records of location orders of the Town of \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Town Clerk

(over)

CA-104 EO REV 2-81

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

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

We hereby certify that on \_\_\_\_\_ 2018, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M., at \_\_\_\_\_ a public hearing was held on the petition of the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) for permission to install and maintain underground cables, conduits, manholes and fixtures and described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate, (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to install underground cables, conduits, manholes and fixtures under said order. And that thereupon said order was duly adopted.

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

Selectmen of the Town of **Falmouth**  
Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of **Falmouth**, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and recorded with the records of location orders of said Town Book, \_\_\_\_\_ Page \_\_\_\_\_.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

\_\_\_\_\_  
Town Clerk.



# Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

ncroft@falmouthmass.us

Date: May 5, 2018

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

**Subject: Eversource – Petition to install 50' of 4" underground conduit and 2-handholes on Sippewissett Road**

A petition was submitted by Eversource to install 50' of 4" underground conduit and 2-handholes on Sippewissett Road to service new home at #245 Sippewissett Road.

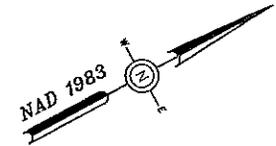
The Engineering recommendation is to approve the request as submitted on Plan No. 2253429, W/O #2253429, dated February 5, 2018.

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

Thank you,

Nicholas Croft  
Engineering Technician  
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY  
to install conduit and handhole to provide new underground  
electric service for customer at new house.



PARCEL ID 37 10 009 067  
245 SIPPEWISSETT RD  
N/F  
BLOOM TRUSTEE IVOR R  
245 SIPPEWISSETT RD NOM TR

PARCEL ID: 37 10 010 068  
239 SIPPEWISSETT RD  
N/F  
VATUK TRUSTEE SYLVIA

SIPPEWISSETT RD

EVERSOURCE  
TO INSTALL  
HANDHOLE #6/H68A

LF=50' 4" SCH.80 PVC

**LEGEND**

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

EDGE OF PAVEMENT

WOODED AREA ● 6/64

PARCEL ID:37 14 005 164  
248 SIPPEWISSETT RD  
N/F  
KUMAR AJIT  
KUMAR JOAN R

6/H68A ● 6/63

WOODED AREA

PARCEL ID: 37 12 010 168  
236 SIPPEWISSETT RD  
N/F  
WALSH TRUSTEE JAMES T  
236 SIPPERWISSETT ROAD TRUST

UPLAND AVE



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**MASS. LAW**

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

Plan #	2253429
Ward #	
Work Order #	2253429
Surveyed by:	N/A
Research by:	SC/PG
Plotted by:	BP
Proposed Structures:	LM
Approved:	A DEBENEDICTIS
P#	

**NSTAR EVERSOURCE**  
ELECTRIC  
d/b/a  
1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of SIPPEWISSETT ROAD (NEAR UPLAND AVE)	
FALMOUTH	
Showing PROPOSED CONDUIT AND HANDHOLE LOCATION	
Scale	1"=20'
Date	02/05/18
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

## PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held in the Small Conference Room, Falmouth Town Hall at 2:00 p.m. on Thursday, May 3, 2018 upon the petition of NSTAR Electric Company d/b/a Eversource Energy to install one 4" conduit and one handhole #6/H68A on Sippewissett Road, Opposite Upland Avenue, Falmouth.

Per Order of the Falmouth Board of Selectmen

*Publication Date: Friday, April 20, 2018, Falmouth Enterprise*

*Copy to: Abutters*

**FORM OF ORDER FOR  
UNDERGROUND CABLE AND CONDUIT LOCATIONS**

IN BOARD OF SELECTMEN FOR THE TOWN OF Falmouth, Massachusetts:

ORDERED:

Notice having been given and a public hearing held, as provided by law, the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) be and it is hereby granted a location for and permission to install and maintain underground cables, conduits and manholes, together with such sustaining or protecting fixtures as said company may deem necessary, in, under, along and across the public way or ways hereinafter referred to, as requested in petition of said company dated the 5 day of FEBRUARY, 2018.

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

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the plan marked Plan No. **2253429**, Dated **FEBRUARY 5, 2018**, filed with said petition. The following are public ways or parts of ways under, along and across which the cables above referred to may be installed under this order:-

**SIPPEWISSETT ROAD, opposite Upland Avenue  
WO #2253429**

**One (1) 4" Conduit  
One (1) Handhole #6/H68A**

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

\_\_\_\_\_  
Clerk of Selectmen.

\_\_\_\_\_  
Massachusetts \_\_\_\_\_, 2018.

Received and entered in the records of location orders of the Town of \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Town Clerk

(over)

CA-104 EO REV 2-81

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

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

We hereby certify that on \_\_\_\_\_ 2018, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M., at \_\_\_\_\_ a public hearing was held on the petition of the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) for permission to install and maintain underground cables, conduits, manholes and fixtures and described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate, (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to install underground cables, conduits, manholes and fixtures under said order. And that thereupon said order was duly adopted.

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

Selectmen of the Town of **Falmouth**  
Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of **Falmouth**, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and recorded with the records of location orders of said Town Book, \_\_\_\_\_ Page \_\_\_\_\_.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

\_\_\_\_\_  
Town Clerk.



# Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

ncroft@falmouthmass.us

Date: May 5, 2018

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

**Subject: Eversource – Petition to install 30' of 4" underground conduit and 2-handholes on Nye Road**

A petition was submitted by Eversource to install 30' of 4" underground conduit and 2-handholes on Nye Road to service lot #587 Main Street.

The Engineering recommendation is to approve the request as submitted on Plan No. 2253467, W/O #2253467, dated February 9, 2018.

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

Thank you,

Nicholas Croft  
Engineering Technician  
DPW Engineering Division

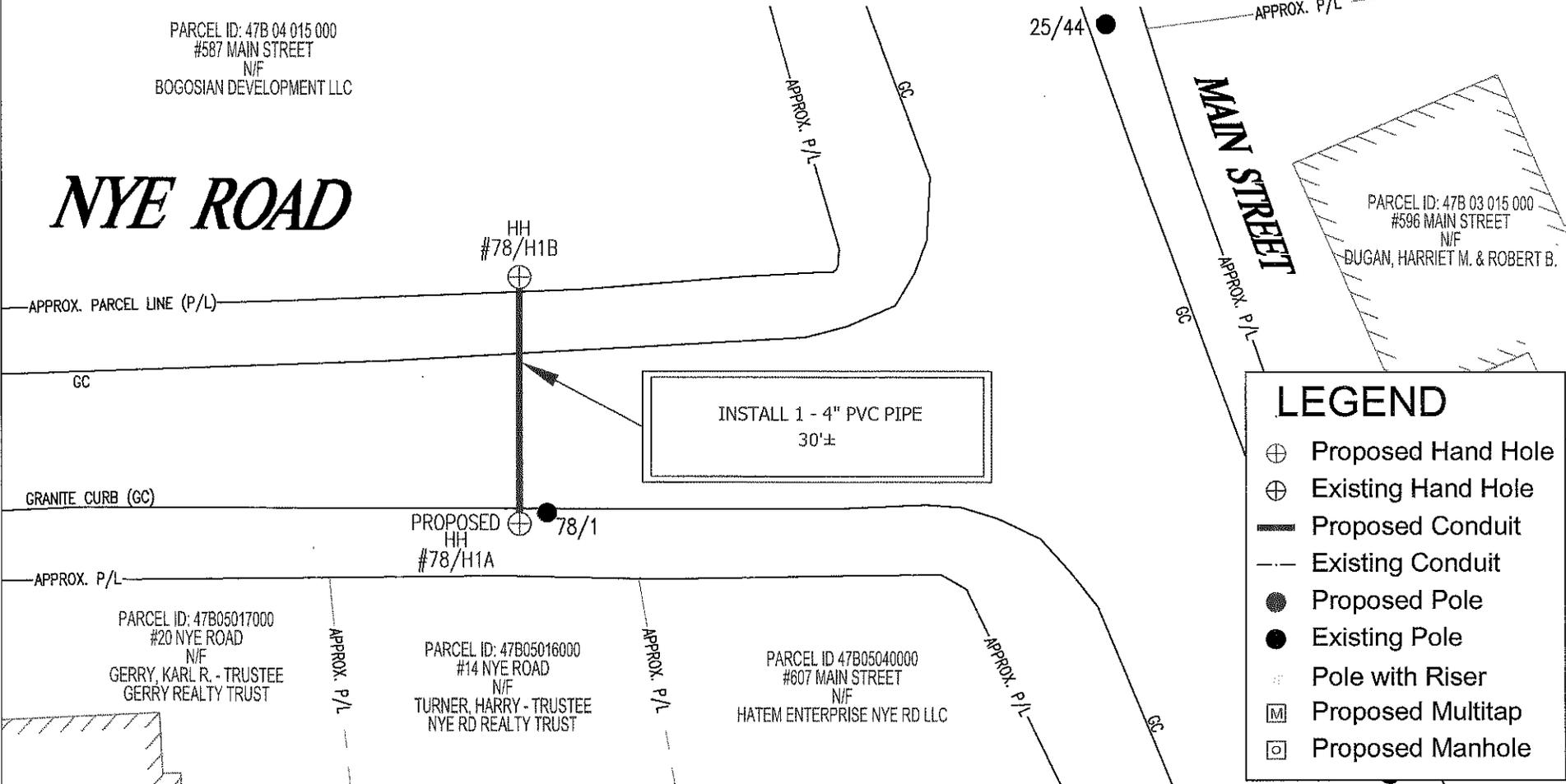


Plan to accompany petition of EVERSOURCE ENERGY.  
 To install 30'± of 1-4" conduit and Handhole #78/H1A  
 for #587 Main Street. Primary reason is to accommodate  
 three residential & three commercial tenants.

PARCEL ID: 47B 03 016 000  
 MAIN STREET  
 N/F  
 FAY, JOHN J. ETAL - TRUSTEE  
 FAYS REALTY TRUST

PARCEL ID: 47B 04 015 000  
 #587 MAIN STREET  
 N/F  
 BOGOSIAN DEVELOPMENT LLC

**NYE ROAD**



**LEGEND**

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

PARCEL ID: 47B05017000  
 #20 NYE ROAD  
 N/F  
 GERRY, KARL R. - TRUSTEE  
 GERRY REALTY TRUST

PARCEL ID: 47B05016000  
 #14 NYE ROAD  
 N/F  
 TURNER, HARRY - TRUSTEE  
 NYE RD REALTY TRUST

PARCEL ID 47B05040000  
 #607 MAIN STREET  
 N/F  
 HATEM ENTERPRISE NYE RD LLC



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**MASS. LAW**

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

Plan #	2253467
Ward #	N/A
Work Order #	2253467
Surveyed by:	N/A
Research by:	PG
Plotted by:	BP
Proposed Structures:	SC
Approved:	A DEBENEDICTIS
P#	

**NSTAR EVERSOURCE**  
 ELECTRIC  
 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of	NYE ROAD (FOR #587 MAIN STREET)	
Showing	FALMOUTH PROPOSED CONDUIT & HANDHOLE LOCATIONS	
Scale	1"=20'	Date FEBRUARY 9, 2018
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

## **PUBLIC HEARING NOTICE**

You are hereby notified that a hearing will be held in the Small Conference Room, Falmouth Town Hall at 2:00 p.m. on Thursday, May 3, 2018 upon the petition of NSTAR Electric Company d/b/a Eversource Energy to install one 4" conduit and one handhole #78/H1A on Nye Road, south of Main Street, Falmouth.

Per Order of the Falmouth Board of Selectmen

*Publication Date: Friday, April 20, 2018, Falmouth Enterprise*

*Copy to: Abutters*

**FORM OF ORDER FOR  
UNDERGROUND CABLE AND CONDUIT LOCATIONS**

IN BOARD OF SELECTMEN FOR THE TOWN OF Falmouth, Massachusetts:

ORDERED:

Notice having been given and a public hearing held, as provided by law, the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) be and it is hereby granted a location for and permission to install and maintain underground cables, conduits and manholes, together with such sustaining or protecting fixtures as said company may deem necessary, in, under, along and across the public way or ways hereinafter referred to, as requested in petition of said company dated the 9 day of FEBRUARY, 2018.

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

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the plan marked Plan No. **2253467**, Dated **FEBRUARY 9, 2018**, filed with said petition. The following are public ways or parts of ways under, along and across which the cables above referred to may be installed under this order:-

**NYE ROAD, South of Main Street  
WO# 2253467**

**One (1) 4" Conduit  
One (1) Handhole #78/H1A**

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

\_\_\_\_\_  
Clerk of Selectmen.

\_\_\_\_\_  
Massachusetts \_\_\_\_\_, 2018.

Received and entered in the records of location orders of the Town of \_\_\_\_\_

Book \_\_\_\_\_ Page \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Town Clerk

(over)

CA-104 EO REV 2-81

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

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

\_\_\_\_\_  
Town Clerk

We hereby certify that on \_\_\_\_\_ 2018, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M., at \_\_\_\_\_ a public hearing was held on the petition of the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) for permission to install and maintain underground cables, conduits, manholes and fixtures and described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate, (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to install underground cables, conduits, manholes and fixtures under said order. And that thereupon said order was duly adopted.

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

.....  
Selectmen of the Town of **Falmouth**  
Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of **Falmouth**, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and recorded with the records of location orders of said Town Book, \_\_\_\_\_ Page \_\_\_\_\_.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

\_\_\_\_\_  
Town Clerk.



# Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

ncroft@falmouthmass.us

Date: May 5, 2018

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

**Subject: Eversource – Petition to install 50' of 4" underground conduit and 2-handholes on Belvidere Road**

A petition was submitted by Eversource to install 50' of 4" underground conduit and 2-handholes on Belvidere Road to service #99 Belvidere Road.

The Engineering recommendation is to approve the request as submitted on Plan No. 2259523, W/O #2259523, dated February 12, 2018.

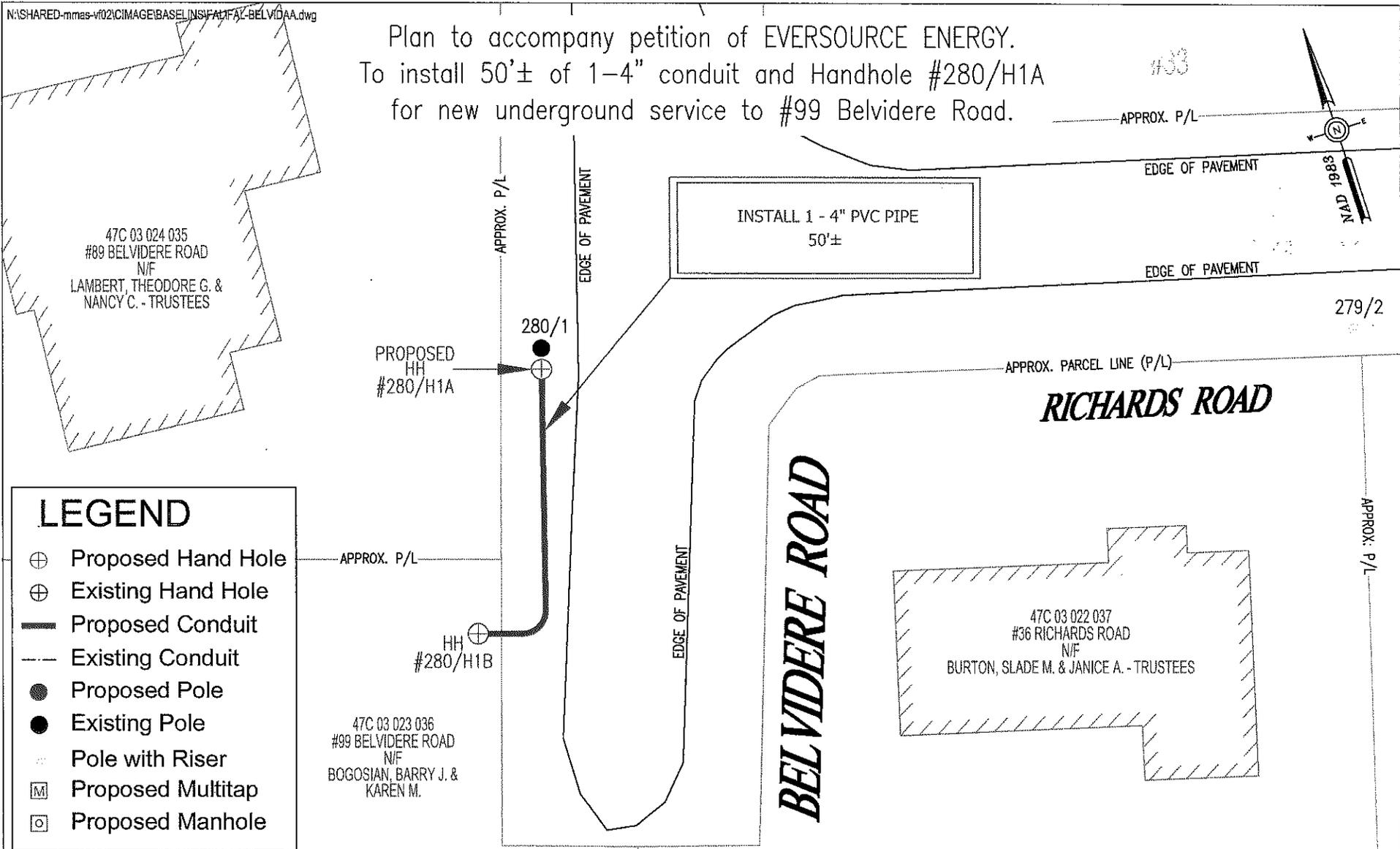
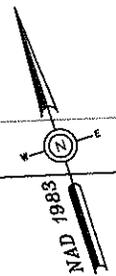
*Eversource Reminder: All Street Openings require a permit obtained from the Engineering Office.*

Thank you,

Nicholas Croft  
Engineering Technician  
DPW Engineering Division

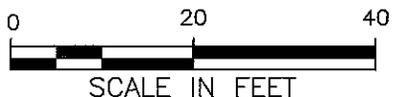
Plan to accompany petition of EVERSOURCE ENERGY.  
 To install 50'± of 1-4" conduit and Handhole #280/H1A  
 for new underground service to #99 Belvidere Road.

#33



**LEGEND**

- ⊕ Proposed Hand Hole
- ⊕ Existing Hand Hole
- Proposed Conduit
- Existing Conduit
- Proposed Pole
- Existing Pole
- ⋯ Pole with Riser
- [M] Proposed Multitap
- [□] Proposed Manhole



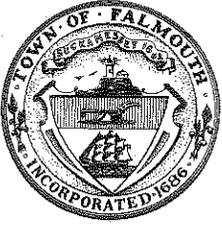
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**MASS. LAW**

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

Plan #	2259523	<b>NSTAR EVERSOURCE</b> ELLECTRIC d/b/a 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Ward #	N/A	
Work Order #	2259523	Plan of BELVIDERE ROAD
Surveyed by:	N/A	FALMOUTH
Research by:	SC	Showing PROPOSED CONDUIT AND HANDHOLE LOCATIONS
Plotted by:	GC	
Proposed Structures:	SC	
Approved:	A DEBENEDICTIS	Scale 1"=20' Date FEBRUARY 12, 2018
P#		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

## PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held in the Small Conference Room, Falmouth Town Hall at 2:00 p.m. on Thursday, May 3, 2018 upon the petition of NSTAR Electric Company d/b/a Eversource Energy to install one 4" conduit and one handhole #280/H1A on Belvidere Road, west of Richards Road, Falmouth.

Per Order of the Falmouth Board of Selectmen

*Publication Date: Friday, April 20, 2018, Falmouth Enterprise*

*Copy to: Abutters*

**FORM OF ORDER FOR  
UNDERGROUND CABLE AND CONDUIT LOCATIONS**

IN BOARD OF SELECTMEN FOR THE TOWN OF Falmouth, Massachusetts:

ORDERED:

Notice having been given and a public hearing held, as provided by law, the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) be and it is hereby granted a location for and permission to install and maintain underground cables, conduits and manholes, together with such sustaining or protecting fixtures as said company may deem necessary, in, under, along and across the public way or ways hereinafter referred to, as requested in petition of said company dated the 12 day of FEBRUARY, 2018.

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

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the plan marked Plan No. **2259523**, Dated **FEBRUARY 12, 2018**, filed with said petition. The following are public ways or parts of ways under, along and across which the cables above referred to may be installed under this order:-

**BELVIDERE ROAD, West of Richards Road  
WO# 2259523**

**One (1) 4" Conduit  
One (1) Handhole #280/H1A**

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

\_\_\_\_\_  
Clerk of Selectmen.

\_\_\_\_\_  
Massachusetts \_\_\_\_\_, 2018.

Received and entered in the records of location orders of the Town of \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Town Clerk

(over)

CA-104 EO REV 2-81

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

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

We hereby certify that on \_\_\_\_\_ 2018, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M., at \_\_\_\_\_ a public hearing was held on the petition of the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) for permission to install and maintain underground cables, conduits, manholes and fixtures and described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate, (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to install underground cables, conduits, manholes and fixtures under said order. And that thereupon said order was duly adopted.

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

Selectmen of the Town of **Falmouth**  
Massachusetts

CERTIFICATE

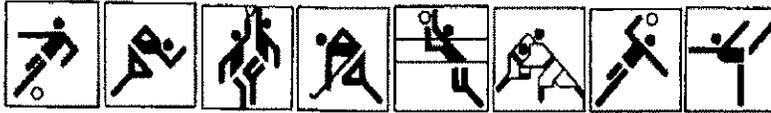
I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of **Falmouth**, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and recorded with the records of location orders of said Town Book, \_\_\_\_\_ Page \_\_\_\_\_.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

\_\_\_\_\_  
Town Clerk.

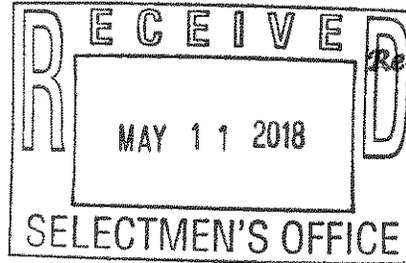
# Falmouth Recreation Department



## GUS CANTY COMMUNITY CENTER

*Joe Olenick*

*Recreation Director*



May 10, 2018

Dear Board of Selectman,

The Recreation Department was given a generous donation of \$500.00 that we would like you to review and approve. The check is from the Newcomers Group of Falmouth.

Please approve the Falmouth Recreation Department to deposit this check so we can use it for future programs for children/teens and the Falmouth Community.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joe Olenick".

Joe Olenick  
Director  
Falmouth Recreation Department

# Newcomers Club of Falmouth

PO Box 2339, Teaticket, MA 02536

[www.falmouthnewcomers.org](http://www.falmouthnewcomers.org)

[falmouthnewcomers@gmail.com](mailto:falmouthnewcomers@gmail.com)

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To Whom it May Concern,

The Newcomers Club of Falmouth Board of Directors has approved a donation of \$500 to the Gus Canty Community Center Children's Fund.

Newcomers appreciates that our members are able to conduct some of their many activities throughout the year at the Gus Canty Community Center.

Please accept this donation to help support the Children's Programs at Gus Canty.

Warm regards,

A handwritten signature in cursive script that reads "Doris Lachapelle". The ink is dark and the handwriting is fluid and legible.

Doris Lachapelle

President of Newcomers Club of Falmouth



# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

May 17, 2018

To Whom It May Concern,

Subject: Falmouth Municipal Vulnerability Preparedness (MVP) Grant Program  
Request – Round FY18 MVP Action Grant

At their recent business meeting on Monday, May 7, the Falmouth Board of Selectmen voted to authorize and support an application from the Town for a State Municipal Vulnerability Preparedness (MVP) Grant. This grant application includes a designated local funding match in the amount of \$80,000 for a total grant request of \$240,000. In addition, we have just been advised that the USGS would be willing to provide a \$20,000 in-kind donation to this initiative. This letter is transmitted in furtherance of documenting the Board's strong support for this grant application.

Thank you for the consideration of this State grant request.

Sincerely,

Julian M. Suso

Falmouth Town Manager

Cc Board of Selectmen

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

---

**TO:** JULIAN SUSO, TOWN MANAGER  
**FROM:** FRANK K. DUFFY, TOWN COUNSEL  
**SUBJECT:** ACCEPTANCE OF EASEMENT – KERRIGAN  
**DATE:** 5/17/2018  
**CC:**



---

I enclose herewith an Acceptance of Easement for the Board of Selectmen to sign at their next meeting.

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

**ACCEPTANCE OF EASEMENT**

Ryan J. Kerrigan

To

Town of Falmouth

We, the undersigned Board of Selectmen of the Town of Falmouth hereby accept this easement by vote of the Board this \_\_\_\_\_ day of \_\_\_\_\_, 2018 as authorized by c. 65, s. 3 of the Code of Falmouth.

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

**EASEMENT**

I, **RYAN J. KERRIGAN**, having a mailing address of PO BOX 796,  
East Falmouth, MA 02536

**FOR NOMINAL MONETARY CONSIDERATION**

**GRANT TO THE TOWN OF FALMOUTH, A Municipal Corporation within the County of Barnstable, Commonwealth of Massachusetts, with an address of 59 Town Hall Square, Falmouth, MA 02540, its successors and assigns**

**WITH QUITCLAIM COVENANTS**

the perpetual right, privilege and easement over a certain private way in the Town of Falmouth, Barnstable County, MA, known as Lower Road, to enter upon and locate, relocate, construct, reconstruct, lay, relay, repair, replace, maintain, operate, remove and inspect water mains and appurtenances thereto, in, through, under, across, and over the private way known as Lower Road, which abuts our land shown as **Lot 4** on a plan entitled "Modification to Definitive Plan 'Highlander Knolls' in Falmouth, MA prepared for 115 Country Road Realty Trust" which plan is recorded with Barnstable County Registry of Deeds **in Plan Book 659 Page 10**, formerly being LOTS 1 and 2 as shown on plan entitled: "Definitive Plan of Land 'Highlander Knolls' Falmouth, MA. Owner/Applicant: Donald Schuette, Arrow Engineering Inc. 60 East Falmouth Highway, East Falmouth, MA. Scale: 1"=40' Date: Aug.15,1986," which plan is recorded with Barnstable County Registry of Deeds in Plan Book 426 Page 5.

Specifically excluding herefrom Parcel B as shown on said plan, which was previously deeded to the Town of Falmouth in Book 7109 Page 29 at the Barnstable Registry of Deeds.

**IT IS HEREBY AGREED THAT LEGAL TITLE OF SAID WATER MAINS, AND THEIR APPURTENANCES, SHALL REMAIN THE PROPERTY OF THE TOWN OF FALMOUTH.**

This easement is granted by authority of G. L. C. 187, section 5.

FOR TITLE: See deed to the Grantor by deed dated September 14, 2017 and recorded with Barnstable County Registry of Deeds in Book 30832 Page 295. Also see Confirmatory Deed dated December 9, 2017 and recorded in **Book 30988 Page 97** to which deeds reference is made for title

**PROPERTY ADDRESS: 7 Lower Road, East Falmouth, MA 02536**

Executed as a sealed instrument under the pains and penalties of perjury this 7<sup>th</sup> day of ~~MARCH~~ MARCH 2018 .

*Ryan J. Kerrigan*  
\_\_\_\_\_  
RYAN J. KERRIGAN

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

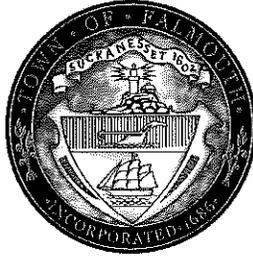
MARCH 7, 2018

On the date first above written, before me, the undersigned notary public, personally appeared **Ryan J. Kerrigan, as aforesaid**, personally known or identified to me to be the person who executed the foregoing document and further acknowledged he executed the foregoing as his free act and deed, and who swore or affirmed to me the statements contained therein are truthful and accurate to the best of his knowledge and belief.



*[Handwritten signature]*

\_\_\_\_\_  
Notary Public:  
My Commission Expires: 11/23/18



**TOWN OF FALMOUTH  
SPECIAL EVENT PERMIT**

**EVENT** Falmouth Water Stewards' Water Bottle Refill Station Celebration

**NAME** Alan Robinson, Falmouth Water Stewards

**MAILING ADDRESS** 53 Two Ponds Rd., Falmouth, MA 02540

**EVENT DAY & DATE** Saturday, June 16, 2018

**RAIN DATE** Saturday, June 23, 2018

**EVENT LOCATION** Peg Noonan Park

**EVENT TYPE** Celebration of Falmouth's First Two Water Bottle Refill Stations

**SETUP/BREAKDOWN** 10:30 a.m. / 12:00 p.m. **EVENT HOURS** 11:00 a.m. – 11:30 a.m.

**NUMBER OF ATTENDEES** 25

**ADDITIONAL DETAILS** Participants will include Town staff and committee members.

**CONDITIONS:**

1. Location must be policed for cleanliness.

**PERMIT FEE** - **FILING FEE** -

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

**BOARD OF SELECTMEN:**

_____	_____
_____	_____
_____	_____

## Diane Davidson

---

**From:** Brian Reid <breid@falmouthpolice.us>  
**Sent:** Thursday, May 17, 2018 3:11 PM  
**To:** 'Diane Davidson'  
**Cc:** Sean Doyle  
**Subject:** RE: Special Events Applications

Hi Diane,  
We have no objection to these special event applications.

**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]  
**Sent:** Saturday, May 12, 2018 2:08 PM  
**To:** Boyd Demello <bdemello@falmouthfire.us>; Brian Reid <breid@falmouthpolice.us>; Bruce Mogardo <bruce.mogardo@Falmouthmass.us>; Gregg Fraser <gregg.fraser@falmouthmass.us>; James F. Grady Jr. <jgrady@falmouthmass.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>; Joe Olenick <jolenick@falmouthmass.us>; Julian M. Suso <jsuso@falmouthmass.us>; Mallory Langler <mallory.langler@falmouthmass.us>; Mel Trott <mtrott@falmouthfire.us>; Mike Souza <msouza@falmouthmass.us>; Olive Fitzpatrick <ofitzpatrick@falmouthmass.us>; Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Peter McConarty <pmcconarty@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthmass.us>; Sean Doyle <sdoyle@falmouthpolice.us>; Tim Smith <tsmith@falmouthfire.us>  
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Special Events Working Group,

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2. Beach Wedding Ceremony – Sasha DeMatos – Falmouth Heights Beach – Sunday, June 3, 2018 – 4:30 p.m. – 5:30 p.m.

**Diane Davidson**

---

**From:** Tim Smith <tsmith@falmouthfire.us>  
**Sent:** Monday, May 14, 2018 3:20 PM  
**To:** 'Diane Davidson'; 'Boyd Demello'; 'Brian Reid'; 'Bruce Mogardo'; 'Gregg Fraser'; 'James F. Grady Jr.'; 'Jeremiah Pearson'; 'Joe Olenick'; 'Julian M. Suso'; 'Mallory Langler'; 'Mel Trott'; 'Mike Souza'; 'Olive Fitzpatrick'; 'Peter Johnson-Staub'; 'Peter McConarty'; 'Rod Palmer'; 'Scott McGann'; 'Sean Doyle'  
**Subject:** RE: Special Events Applications

Diane,  
Both applications were reviewed by the FD and no issues or concerns noted with these requests.

Have a great week.

Dep. Smith

---

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2. Beach Wedding Ceremony – Sasha DeMatos – Falmouth Heights Beach – Sunday, June 3, 2018 – 4:30 p.m. – 5:30 p.m.

Please provide your recommendations to the Board of Selectmen by Friday, May 18, 2018. (These applications are on the Monday, May 21 Agenda.)

Thank you,

Diane

*Diane S. Davidson*  
*Office Manager/Licensing*

**Diane Davidson**

---

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**Subject:** RE: Special Events Applications

Diane, Rec Dept is OK with these. We do not have anything scheduled on the Heights field June 3. Thanks Joe

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Thank you,

Diane

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



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

**NAME** Sasha Nicole DeMatos

**MAILING ADDRESS** P.O. Box 34, East Falmouth, MA 02536

**CEREMONY DAY & DATE** Sunday, June 3, 2018

**LOCATION** Falmouth Heights Beach

**SET-UP ARRIVAL TIME** 4:15 pm **CEREMONY HOURS** 4:30 pm – 5:30 pm

**NUMBER OF GUESTS** 0 **NUMBER OF VEHICLES** 3

**TIME NEEDED FOR PARKING VEHICLES** 4:15 pm to 6:30 pm

**ENTERTAINMENT** Soft music, two-person band.

**ADDITIONAL DETAILS:** Photographer and videographer

**CONDITIONS:**

1. No alcoholic beverages to be consumed on the premises.
2. Parking is on a first come first serve basis.

**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:**

_____	_____
_____	_____
_____	_____

## Diane Davidson

---

**From:** Bruce Mogardo <bruce.mogardo@falmouthmass.us>  
**Sent:** Tuesday, May 15, 2018 9:16 AM  
**To:** 'Tim Smith'; 'Diane Davidson'; 'Boyd Demello'; 'Brian Reid'; 'Gregg Fraser'; 'James F. Grady Jr.'; 'Jeremiah Pearson'; 'Joe Olenick'; 'Julian M. Suso'; 'Mallory Langler'; 'Mel Trott'; 'Mike Souza'; 'Olive Fitzpatrick'; 'Peter Johnson-Staub'; 'Peter McConarty'; 'Rod Palmer'; 'Scott McGann'; 'Sean Doyle'  
**Subject:** RE: Special Events Applications

I have reviewed the DeMatos wedding to be taking place on the Height's Beach. I do not have any concerns and will recommend approval.

Bruce Mogardo

**From:** Tim Smith [mailto:tsmith@falmouthfire.us]  
**Sent:** Monday, May 14, 2018 3:20 PM  
**To:** 'Diane Davidson' <ddavidson@falmouthmass.us>; 'Boyd Demello' <bdemello@falmouthfire.us>; 'Brian Reid' <breid@falmouthpolice.us>; 'Bruce Mogardo' <bruce.mogardo@Falmouthmass.us>; 'Gregg Fraser' <gregg.fraser@falmouthmass.us>; 'James F. Grady Jr.' <jgrady@falmouthmass.us>; 'Jeremiah Pearson' <jeremiah.pearson@falmouthmass.us>; 'Joe Olenick' <jolenick@falmouthmass.us>; 'Julian M. Suso' <jsuso@falmouthmass.us>; 'Mallory Langler' <mallory.langler@falmouthmass.us>; 'Mel Trott' <mtrott@falmouthfire.us>; 'Mike Souza' <msouza@falmouthmass.us>; 'Olive Fitzpatrick' <ofitzpatrick@falmouthmass.us>; 'Peter Johnson-Staub' <peter.jstaub@falmouthmass.us>; 'Peter McConarty' <pmcconarty@falmouthmass.us>; 'Rod Palmer' <rod.palmer@falmouthmass.us>; 'Scott McGann' <scott.mcgann@falmouthmass.us>; 'Sean Doyle' <sdoyle@falmouthpolice.us>  
**Subject:** RE: Special Events Applications

Diane,  
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Have a great week.

Dep. Smith

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Thank you,

Diane

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

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### 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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**Subject:** Special Events Applications

Special Events Working Group,

We have received two applications for special events as follows:

1. The Falmouth Water Stewards' Water Bottle Refill Station Celebration – Peg Noonan Park – Saturday, June 16, 2018 (rain date Saturday, June 23, 2018) – 11:00 – 11:30 (setup/break down 10:30 – 12:00). Note: The Arts Alive festival is occurring this weekend, but the organizers of Arts Alive have been informed of this celebration and have agreed not to use Peg Noonan Park on Saturday morning, June 16, 2018.
2. Beach Wedding Ceremony – Sasha DeMatos – Falmouth Heights Beach – Sunday, June 3, 2018 – 4:30 p.m. – 5:30 p.m.

Please provide your recommendations to the Board of Selectmen by Friday, May 18, 2018. (These applications are on the Monday, May 21 Agenda.)

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*

**Diane Davidson**

---

**From:** Tim Smith <tsmith@falmouthfire.us>  
**Sent:** Monday, May 14, 2018 3:20 PM  
**To:** 'Diane Davidson'; 'Boyd Demello'; 'Brian Reid'; 'Bruce Mogardo'; 'Gregg Fraser'; 'James F. Grady Jr.'; 'Jeremiah Pearson'; 'Joe Olenick'; 'Julian M. Suso'; 'Mallory Langler'; 'Mel Trott'; 'Mike Souza'; 'Olive Fitzpatrick'; 'Peter Johnson-Staub'; 'Peter McConarty'; 'Rod Palmer'; 'Scott McGann'; 'Sean Doyle'  
**Subject:** RE: Special Events Applications

Diane,  
Both applications were reviewed by the FD and no issues or concerns noted with these requests.

Have a great week.

Dep. Smith

---

**From:** Diane Davidson <ddavidson@falmouthmass.us>  
**Sent:** Saturday, May 12, 2018 2:08 PM  
**To:** Boyd Demello <bdemello@falmouthfire.us>; Brian Reid <braid@falmouthpolice.us>; Bruce Mogardo <bruce.mogardo@Falmouthmass.us>; Gregg Fraser <gregg.fraser@falmouthmass.us>; James F. Grady Jr. <jgrady@falmouthmass.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>; Joe Olenick <jolenick@falmouthmass.us>; Julian M. Suso <jsuso@falmouthmass.us>; Mallory Langler <mallory.langler@falmouthmass.us>; Mel Trott <mtrott@falmouthfire.us>; Mike Souza <msouza@falmouthmass.us>; Olive Fitzpatrick <ofitzpatrick@falmouthmass.us>; Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Peter McConarty <pmcconarty@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthmass.us>; Sean Doyle <sdoyle@falmouthpolice.us>; Tim Smith <tsmith@falmouthfire.us>  
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Diane

*Diane S. Davidson*  
*Office Manager/Licensing*

**Diane Davidson**

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**From:** Scott McGann <scott.mcgann@falmouthmass.us>  
**Sent:** Monday, May 14, 2018 8:15 AM  
**To:** 'Diane Davidson'  
**Subject:** RE: Special Events Applications

No issues with Health  
Scott

Scott McGann, R.S.  
Health Agent/ Director  
Falmouth Health Department  
59 Town Hall Square  
Falmouth, MA 02540  
508-495-7485  
<http://www.falmouthmass.us/273/Health-Department>

**From:** Diane Davidson <ddavidson@falmouthmass.us>  
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Please provide your recommendations to the Board of Selectmen by Friday, May 18, 2018. (These applications are on the Monday, May 21 Agenda.)

Thank you,

Diane



# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Falmouth Wine and Spirits, Inc. has applied for an Alteration of Licensed Premises of its All Alcoholic Package Store License located at 322 Palmer Avenue, Falmouth, MA.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, May 21, 2018 at 7:30 p.m. on the above application.

### FALMOUTH BOARD OF SELECTMEN LICENSING BOARD

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

*Publication Date: Friday, May 4, 2018, Falmouth Enterprise*

*Copy to: Abutters*



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

00092-PK-0390
ABCC License Number

Falmouth
City/Town

04/02/2018
Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):
New License, Change Corporate Name, Pledge of Collateral, Change Corporate Structure, Transfer of License, Change of DBA, Change of Class, Change of Hours, Change of Manager, Alteration of Licensed Premises, Change of License Type, Issuance/Transfer of Stock/New Stockholder, Change of Beneficial Interest, Change of Location, Change of Category, Management/Operating Agreement

APPLICANT INFORMATION
Name of Licensee: Falmouth Wine & Spirits, Inc.
ADDRESS: 322 Palmer Avenue
CITY/TOWN: Falmouth
STATE: MA
ZIP CODE: 02540
Manager: Jaycine C. Hedlund
Type: \$15 Package Store
Class: Annual
Category: All Alcoholic Beverages
Granted under Special Legislation? Yes No

LOCAL LICENSING AUTHORITY DECISION
Please indicate the decision of the Local Licensing Authority: Approves this Application
Please indicate what days and hours the licensee will sell alcohol: Mon-Sat: 8:00AM - 11:00PM, Sun: 10:00AM - 11:00PM

If Approving With Modifications, please indicate below what changes the LLA is making:
Please indicate if the LLA is downgrading the License Category...
Changes to the Premises Description: Indoor Area, Patio/Deck/Outdoor Area, Seating Capacity, Number of Entrances, Number of Exits

Abutters Notified: Yes No
Date of Abutter Notification: 5/7/18
Date of Advertisement: 5/4/18

Please add any additional remarks or conditions here:

Check here if you are attaching additional documentation

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

The Local Licensing Authorities By:

Signature lines for Local Licensing Authorities

05/21/2018
Date APPROVED by LLA

Signature lines for Commission



# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Sheng Yuan, Inc. d/b/a New Peking Palace has applied for a Transfer of Ownership of an All Alcoholic Common Victualler License located at 452 Main Street, Falmouth, MA. Application has also been made for an Entertainment License and a Sunday Entertainment License.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, May 21, 2018 at 7:40 p.m. on the above application.

### LICENSING BOARD

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

*Publication Date: Friday, May 4, 2018, Falmouth Enterprise*



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission

For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

02716-RS-0390

Falmouth

04/23/2018

ABCC License Number

City/Town

Date Filed with LLA

**TRANSACTION TYPE (Please check all relevant transactions):**

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

**APPLICANT INFORMATION**

Name of Licensee: Sheng Yuan, Inc.    D/B/A: New Peking Palace

ADDRESS: 452 Main Street    CITY/TOWN: Falmouth    STATE: MA    ZIP CODE: 02540

Manager: Ying Zhang

\$12 Restaurant   
  Annual   
  All Alcoholic Beverages  
(i.e. restaurant, package store)    (Annual or Seasonal)    (i.e. Wines and Malts / All Alcohol)

Granted under Special Legislation? Yes  No   
 If Yes, Chapter \_\_\_\_\_  
 of the Acts of (year) \_\_\_\_\_

**LOCAL LICENSING AUTHORITY DECISION**

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

Please indicate what days and hours the licensee will sell alcohol: 8 AM - 1 AM Weekdays, 12 NOON - 1 AM Sundays

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

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

Changes to the Premises Description	Indoor Area	Floor Number	Square Footage	Number of Rooms
Patio/Deck/Outdoor Area Total Square Footage: <input type="checkbox"/>	Total Square Footage: <input type="checkbox"/>			
Seating Capacity: <input type="checkbox"/>	Number of Entrances: <input type="checkbox"/>			
	Number of Exits: <input type="checkbox"/>			

Abutters Notified: Yes  No     Date of Abutter Notification: N/A    Date of Advertisement: 5/4/18

Please add any additional remarks or conditions here:

Check here if you are attaching additional documentation

Alcoholic Beverages Control Commission  
Ralph Sacramone  
Executive Director

The Local Licensing Authorities By:

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

\_\_\_\_\_

Date APPROVED by LLA

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

**Diane Davidson**

---

**From:** Brian Reid <breid@falmouthpolice.us>  
**Sent:** Thursday, May 17, 2018 3:10 PM  
**To:** 'Diane Davidson'; 'Sean Doyle'; 'Timothy Smith'; 'Scott McGann'; 'Rod Palmer'  
**Subject:** RE: Application for Transfer of Ownership - New Peking Palace

Hi Diane,  
We have no objection to the application.

**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)

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

**From:** Diane Davidson [mailto:[ddavidson@falmouthmass.us](mailto:ddavidson@falmouthmass.us)]  
**Sent:** Saturday, May 12, 2018 2:19 PM  
**To:** Brian Reid <breid@falmouthpolice.us>; Sean Doyle <sdoyle@falmouthpolice.us>; Timothy Smith <tsmith@falmouthfire.us>; Scott McGann <scott.mcgann@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>  
**Subject:** Application for Transfer of Ownership - New Peking Palace

To all,

For your information, the Board of Selectmen has received an application for transfer of ownership of an all alcoholic common victualler license from Gourmet Garden of Falmouth, Inc. d/b/a Gourmet Garden to Sheng Yuan, Inc. d/b/a New Peking Palace located at 452 Main Street. There is no change in the manager.

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*

**Diane Davidson**

---

**From:** Scott McGann <scott.mcgann@falmouthmass.us>  
**Sent:** Monday, May 14, 2018 8:15 AM  
**To:** 'Diane Davidson'  
**Subject:** RE: Application for Transfer of Ownership - New Peking Palace

Fine with Health – application made.

Scott McGann, R.S.  
Health Agent/ Director  
Falmouth Health Department  
59 Town Hall Square  
Falmouth, MA 02540  
508-495-7485  
<http://www.falmouthmass.us/273/Health-Department>

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*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

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## PUBLIC HEARING NOTICE

Notice is hereby given that a public hearing will be held on Monday, May 21, 2018 at 7:50 p.m. in the Selectmen's Meeting Room, Town Hall, Falmouth, MA on the application of THO of Massachusetts, Inc. d/b/a Brewer Fiddler's Cove Marina for permission to remove two (2) 6,000 gallon underground storage tanks (UST) and install one (1) 12,000 gallon two-compartment aboveground storage tank (AST), 6,000 gallon marine diesel fuel and 6,000 gallon marine gasoline, to be located at 42 Fiddler's Cove Road, North Falmouth, MA 02556.

Per Order of the Board of Selectmen

*Publication date: Friday, May 4, 2018, Falmouth Enterprise*  
*Copy to: Abutters*



The Commonwealth of Massachusetts  
 Department of Fire Services  
 Office of the State Fire Marshal



FP-101  
 Revenue Code: 617  
 (Rev. 1.1.2015)

Post Office Box 1025, Stow, Massachusetts 01775  
 (978) 567-3300 Fax: (978) 567-3199

## Application for Construction and Installation

of a tank in excess of 10,000 gallon gross capacity, for aboveground storage of fluids other than water.

One tank per application, unless the additional tank(s) are identical, contain the identical fluid and are in a close proximity as the one listed on the application. When approved, this application becomes the permit to construct or install the tank. When the tank has been built, tested and approved, a permit for its use will be issued. See page 2 of 2 of this application for the submittal requirements. For tank maintenance, as defined in 502 CMR 5.00, use the Application for Maintenance.

Business name: Brewer Fiddler's Cove Marina

Street address: 42 Fiddler's Cove Road, North Falmouth, MA 02556

Business (mailing) address: 42 Fiddler's Cove Road, North Falmouth, MA 02556

Address (or location) of tank: 42 Fiddler's Cove Road, North Falmouth, MA 02556

Business contact name: Fred Sorrento Telephone number: (508) 564-6327

Description of tank: 12,000-gal two-compartment tank, 6,000-gal marine diesel fuel, 6,000-gal marine gasoline

Manufacturer of the tank: Highland Tank & Manufacturing Co, Inc.

Manufacturer address: One Highland Road, Stoystown, PA 15563

New tank  Used tank (additional information will be required)

Tank constructed/manufactured according to:  A.P.I.  A.S.M.E.  U.L.  Other: \_\_\_\_\_

Tank construction standard: UL 2085 Tank gross capacity: 12,000-gal Tank nominal capacity: 12,000-gal

Material specification for roof: (heads) 5/16", mild carbon steel Shell: 1/4" mild carbon steel Bottom: NA

Types of joints: Lap weld

Welding rod number: Fabco73 3/32 fluxcore&Hobart, Fabco triple 7.045 Has welding procedure been submitted:  Yes  No

Thickness of shell rings and number of rings: 1/4", 5.5 shells Tensile strength: \_\_\_\_\_

Thickness: Roof: (heads) 5/16" mild carbon steel Bottom: NA Tensile strength: \_\_\_\_\_

Horizontal tank Diameter (feet): 8-ft ID Length (feet): 32'-5" inside

Vertical tank Diameter (feet): \_\_\_\_\_ Height (feet): \_\_\_\_\_

Fluid to be stored in tank: # 2 Diesel and gasoline Flash point (°F): Gasoline -45 deg F Diesel 126 deg F

Compartmented tank?  Yes, number of compartments and capacities: One for 6,000-gal diesel, one for 6,000-gal gasoline  No

Is this tank located in a vault?  Yes  No  Secondary containment tank (doublewall tank)?  Yes  No

Retaining basin (dike) provided?  Yes, net capacity of dike: \_\_\_\_\_  No

<b>Office use only</b>			
Fee Paid: _____	Date received: _____	Date entered: _____	Entered by: _____

Description of retaining basin (dike):  Metal  Clay  Reinforced concrete  Other  
If "Other" describe the retaining basin (dike) on a separate page.

Name of applicant or applicant's agent: Mark G. Smith, PE

Check one:  Owner  Owner's rep.  Operator  Installer  Engineer  Other:

Business name: CMG Environmental, Inc

Address: 67 Hall Road, Sturbridge, MA 01566

Telephone number: (860) 222-4208 Fax Number: (774) 241-0906

By signing below, I certify that to the best of my knowledge, the tank, its installation and ancillary equipment were designed to meet all the provisions of 527 CMR 1.00, 502 CMR 5.00, any other applicable standard and in accordance with good engineering practices.

Signature: *Mark G. Smith* Date: 3/30/18

Has a license been issued by the local authority (M.G.L. c. 148 §13), if applicable?  Yes  No  Not required

Licensing authority: Board of Selectmen Local authority signature: \_\_\_\_\_

Has the local fire department been consulted about a flammable/combustible liquids permit (M.G.L. c. 148 § 10A & 23)?

Yes  No  Not required - Local Fire Chief (or designee) signature: *He M. [Signature]*

Any Fire Chief comments?  No  Yes, please put comments on a separate page. Number of separate pages: \_\_\_\_\_

Permit to construct or install contingent on the attached notes: Issue date: \_\_\_\_\_



APPROVED: \_\_\_\_\_  
State Fire Marshal or designee

Tank #: \_\_\_\_\_

The subject tank work shall commence within six months from the date the permit was issued and must be completed within one year of commencement. If the work has not started or completed during the stated time period the permit shall be deemed expired and a new permit shall be required unless a written extension is granted by the Marshal.

**Submission Requirements** - Please remember to include all of the following and mail to Office of the State Fire Marshal, Technical Services, P.O. Box 1025, Stow, MA 01775, Attention: AST Program.

FEE - \$100.00 per tank up to 100,000 gallon capacity. An additional fee of one dollar per 1,000 gallons shall be paid for tanks greater than 100,000 gallons capacity.

The following must be submitted in triplicate (an original and two copies are acceptable):

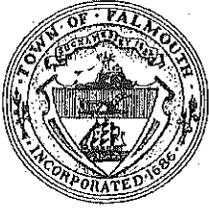
Application for Construction and Installation. One tank per application, unless the additional tank(s) are identical, contain the identical fluid and are in a close proximity as the one listed on the application.

Plans. See 502 CMR 5.04 (2)(a) through (f). 502 CMR can be obtained from the State House Bookstore, Room 116, State House, Boston, MA 02133, (617) 727-2834. All plans must be stamped and signed by a professional engineer duly registered in the Commonwealth.

If the tank is pre-assembled, the manufacturers drawings and literature. All drawings must be stamped and signed by a professional engineer duly registered in the Commonwealth.

Material safety data sheet (MSDS) for the product being stored in the tank.

Note: Plans submitted without the proper information and returned or otherwise disapproved, will require a reapplication fee.



## Falmouth Conservation Commission

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

May 2, 2018

T.H.O. of Massachusetts, Inc.  
42 Fiddler's Cove Road  
North Falmouth, MA 02556

RE: 42 Fiddler's Cove Road, North Falmouth, MA 02556  
DEP# 25-4360

Dear T.H.O. of Massachusetts, Inc.,

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.

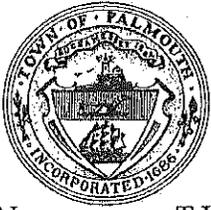
When all work under the approved permit, including landscaping, has been completed on the project, the proper procedure is for you representative (the engineer) to apply to the Conservation Commission for a Certificate of Compliance. The engineer must submit a signed statement that all work has been 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: CMG Environmental, Inc.



## Falmouth Conservation Commission

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

Name: T.H.O. of Massachusetts, Inc.  
Address: 42 Fiddler's Cove Road, North Falmouth, MA 02556  
DEP #: 25-4360

### FINDINGS:

1. The applicant proposes to remove two 6,000 gallon underground marine fuel tanks and replace with a single 12,000 gallon capacity aboveground marine fuel storage tank on a ~15 ft. x 39 ft. concrete pad, the new storage tank will be connect to the existing piping under the docks by a 60 ft. long underground double walled piping. The existing single wall overwater piping will be replaced; existing fuel dispensers and sumps mounted on fuel dock will remain.
2. Resource areas onsite or within 100 feet of the proposed project include Land Under Ocean, Coastal Bank, Land Containing Shellfish, Land Subject to Coastal Storm Flowage (LSCSF), and Resource Area Buffer.

### INTERESTS

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

### STANDARD CONDITIONS

1. Permission is granted to T.H.O. of Massachusetts, Inc., 42 Fiddler's Cove Road, North Falmouth, MA, to remove two 6,000 gallon marine fuel underground storage tanks replace with one 12,000 gallon storage tank connecting to existing piping under dock to fuel pump according to the plan prepared by CMG Environmental, Inc. dated March 6, 2018 and entitled "AST Installation – Layout Plan (AST-1.0)" and the plan prepared by CMG Environmental, Inc. dated March 6, 2018 and entitled "AST Installation – AST Details (AST-2.0)" and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.

3. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).
4. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error, all work will have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.
5. Issuance of the Order of Conditions does not relieve the permittee from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.
6. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner. The Conservation Commission as well as its staff and agents have the authority to issue an Enforcement Order if work does not comply with the terms or intent of the conditions contained herein or the plans herein referenced.
7. The Order of Conditions expires three (3) years from the original date of issuance. Any Amendments to the Order of Conditions **do not** extend the Original Order. You may request an Extension to the original Order of Conditions, in writing, at least 30 days prior to the expiration. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.
8. Prior to any work commencing:
  - a. Proof of recording of this Order of Conditions at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
  - b. At least 10 days advance **written** notification shall be provided to the Conservation Commission.
  - c. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
  - d. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.
  - e. The Limit of Work must be installed prior to any work, excavation, construction or clearing of vegetation, in order to prevent damage to the Interests of the Act and Bylaw. The Limit of Work shall consist of a single row of staked strawbale/silt fencing.
    - i. **Please be advised that the use of a straw/mulch waddle/sock is not allowed unless approved in writing by the Conservation Administrator. The Conservation**

**Administrator reserves the right to revoke any approval if this method is determined to be ineffective or is not maintained.**

9. The Limit of Work strawbales/silt fencing shall be replaced as necessary and should to be maintained in good condition throughout the entire construction period. Upon completion of all construction and stabilization of the site, strawbales/silt fencing is to be removed and properly disposed of. No fill is allowed to be placed against or outside the Limit of Work at any time. There shall be no work or storage of materials outside the Limit of Work.
10. The construction site is to be cleaned daily to remove any loose debris and permitted cuttings offsite. Any fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location noted on the plans.
11. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation.
12. Any other proposed activities (alteration, fill, excavation or removal of vegetation) within any Resource Area or within 100 feet of any Resource Area will require that the applicant obtain all necessary permits from the Conservation Commission.
13. Applicant is put on notice of the requirement to adhere to the performance standards set forth in the Town's Nitrogen Control Bylaw (Chapter 237 of the Code of Falmouth; full text available at <https://ecode360.com/27443489>), which applies to all areas throughout the Town of Falmouth. These performance standards stipulate that: (1) the application of nitrogen is prohibited between October 16 and April 14; (2) residents/property owners may not allow nitrogen to be applied to any impervious surface on their property, including parking lot, driveway, roadway, sidewalk, or ice; and must immediately and completely remove and contain any nitrogen that may be applied, spilled, or deposited, whether intentionally or accidentally, on any impervious surface; (3) residents/property owners may not apply nitrogen directly to any surface before or during a heavy rain event; and (4) the application of nitrogen is at all times prohibited within 100 feet of Resource Areas as defined in Falmouth's Wetlands Regulations FWR 10.02(1)(a) through (d) (<https://ecode360.com/12120136>), namely: any bank, freshwater wetland, coastal wetland, beach, dune, flat, marsh, swamp, wet meadow, bog, or vernal pool; any creek, estuary, stream, pond, or lake; the ocean; and land under water bodies.
14. The application of nitrogen is at all times prohibited within 100 feet of the following additional areas under Conservation Commission jurisdiction: land subject to tidal action; land subject to flooding or inundation by groundwater or surface water; land subject to coastal storm flowage; land subject to flooding; lands and waters within the Black Beach Great Sippewissett Marsh District of Critical Planning Concern; and lands and waters within the Waquoit Bay Area of Critical Environmental Concern.
15. ~~Drywells and roof gutters shall be installed to contain all roof runoff. Proof of drywell installation shall be submitted with the request for a Certificate of Compliance. Dated photographs of the installed drywells with correct DEP # displayed and a signed letter by the contractor are to be submitted as proof of installation. Failure to comply with this condition, in its entirety, will result in the excavation of the drywell to prove compliance.~~

16. Before work can begin (i.e. clearing or construction) the Town of Falmouth Conservation Commission Form(s) 1 and 2 are to be submitted to the Conservation Department, identifying the General Contractor (GC) and other responsible parties and signed by the GC and all other responsible parties confirming that the signatories thereto have read and understand the Order of Conditions and that they jointly and severally take responsibility for compliance with the OOC on site during the life of the project. These documents shall be submitted with the ten (10) day start work notification required by Standard Condition #8(b).
17. Any changes to the plan of record noted in Standard Condition 1 above, no matter how minor in scope, including, but not restricted to, changes in the building footprint and appendages such as decks, addition and/or modification of accessory structures, changes in landscape features such as patios, retaining walls, plantings, removal of vegetation, the modification of finished grades, etc. require that the applicant obtain the permission of the Conservation Commission *before* undertaking the modified work. Depending on the scope of the change, said permission may be obtained by filing for an Administrative Approval, an amended Order of Conditions, or entirely new Notice of Intent. Failure to comply with this condition may subject the applicant to an enforcement order and/or fines.
18. If the applicant seeks an Occupancy permit from the Building Department prior to the issuance of a Certificate of Compliance the applicant shall post a performance bond; the bond shall cover the cost of all outstanding work, including landscaping plus 25% of the total. The bond will be released once all outstanding work has been completed and the applicant applies for and receives a Certificate of Compliance.
19. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. If this Order is based on a professionally rendered drawing then a letter must be submitted from an engineer or architect certifying full compliance and any deviation from the approved plans, as well as, an "Existing Conditions" plan. This plan shall include ALL structure and landscape features including patios, retaining walls, ornamental plantings, native plantings, AC units, steps, outdoor showers, walkways, etc. Any mitigation trees for the project shall be located and identified to species. Any mitigation shrubs for the project shall be delineated on the plan, labeled as "native buffer shrubs" and the final square footage noted. A request for a Certificate of Compliance shall be made in writing immediately following completion of all work including permanently stabilizing the site with vegetation.

**SPECIAL CONDITIONS:**

1. Prior to conducting any work on the property, pre-construction photos shall be taken and submitted to the Conservation department for review. Photos shall be submitted with the 10 day start work notification required by Standard Condition #8(b).
2. The 2 trees (12" double trunk and 10") located near the southern portion of the new grading shall be protected.
3. All cuttings/debris, etc. are to be kept out of the Resource Areas.
4. The construction site is to be cleaned daily to remove any loose debris.

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



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:  
 25-4360  
 MassDEP File #

eDEP Transaction #  
 Falmouth  
 City/Town

**E. Signatures**

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

05/02/18  
 1. Date of Issuance

Please indicate the number of members who will sign this form.

5  
 2. Number of Signers

This Order must be signed by a majority of the Conservation Commission.

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

Signatures:

*Maureen Herbert Shultz*  
*Mary E. Hummer*  
*[Signature]*

*[Signature]*  
*James L. Melton*

by hand delivery on

by certified mail, return receipt requested, on

Date

05/02/18  
 Date 7009 2250 0004 3140 9882

**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.



# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Selectmen of the Town of Falmouth will hold a public hearing on Monday, May 21, 2018 at 8:00 PM in the Selectmen's Meeting Room, Town Hall, Falmouth, MA on the application of LaFrance Hospitality Corp. for a wastewater flow variance under Chapter 180, Section 56 of the Code of Falmouth, the so-called Flow Neutral By-law, for a proposed hotel development at the intersection of Main St. and Scranton Ave. in said Falmouth (parcels 47B 09 013 022 and 47B 09 010 002).

Per Order of Board of Selectmen

*Publication date: Friday, May 4, 2018, Falmouth Enterprise*

**AMENT KLAUER LLP**

Attorneys at Law  
39 Town Hall Square  
Falmouth, MA 02540

MAR - 9 2018

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

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

March 9, 2018

Julian M. Suso, Town Manager  
***Town of Falmouth***  
59 Town Hall Square  
Falmouth, MA 02540

Re: Request for Variance under the Flow Neutral Bylaw  
Proposed hotel on Main Street at Scranton Avenue  
Assessors Parcels 47B 09 013 022 (763 Main Street) and  
47B 09 010 002 (24 Scranton Avenue)

Dear Julian:

Lafrance Hospitality Corp. of Westford, MA, a well-respected developer, owner and operator of hotels and restaurants in New England and Florida, has an agreement to purchase the referenced properties from Cape Cod Five Cents Savings Bank. Lafrance hopes to put a well-designed hotel there. The location is ideal, and the hotel will be consistent with the purposes of, and a great enhancement to, the Business Redevelopment District along East Main Street. The development will probably include a restaurant or other mixed use. Approvals will be required from the Cape Cod Commission and the Falmouth Zoning Board of Appeals. Planning Board Site Plan Review will be required.

The warrant for April's Town Meeting includes two Zoning Bylaw amendment articles that need to be adopted for the hotel project to succeed. Presently the Zoning Bylaw does not have a formula for determining the allowed density of commercial accommodations units in the Business Redevelopment District. This omission would be corrected by specifying that the calculation shall be the same as for Business 2 (note: the subject parcels are split by BR and B2 zoning lines). The second amendment would allow the Board of Appeals to allow cooking and housekeeping facilities in hotels and motels subject to conditions and limitations that maintain the nature of the use as commercial accommodations. Modern hotels typically include in each room, and hotel franchisers require, a small refrigerator and at least a coffee maker and microwave, which is what LaFrance would include in the hotel rooms. The Planning Board voted to recommend passage of both of these articles. Copies of the articles and explanations are enclosed.

The property is on the municipal sewer, and therefore the project is subject to the "Flow Neutral Bylaw," Code of Falmouth Section 180. Under this Bylaw, which concerns the allocation of available sewer capacity, the Selectmen must approve any increase in flow exceeding ten percent above the flow permitted as of January 1, 2014, for changes to existing non-residential development, and, for new nonresidential development, any flow exceeding 100 gallons per day (GPD) per 10,000 square feet of lot area. The existing building at 763 Main

Julian Suso, Town Manager  
March 9, 2018  
Page 2

Street, most recently a bank with a drive-thru window, has floor area of 6,611 square feet and under Title 5, 310 CMR 15.203 would have design flow of about 500 GPD. The lot at 24 Scranton Avenue is presently vacant but until 2013 was the site of the 29-room Motel 7 Seas. Title 5 design flow for a 29-room motel would be 3,190 GPD.

Although specific development plans are still in preparation, there might be up to 78 hotel rooms, for which the design flow would be 8,588 GPD. A separate restaurant with as many as 96 seats would have design flow of 3,360 GPD. The hotel and restaurant together would have design flow of 11,940 GPD. Therefore, pursuant to Code of Falmouth Section 185-56.A., Lafrance respectfully requests that the Board of Selectmen grant a variance to allocate to the redevelopment of the subject properties, for a hotel with up to 78 rooms, a restaurant and/or other commercial use, 11,940 GPD (inclusive of and not in addition to credits for existing or prior flow from the subject properties). The Bylaw requires that the Selectmen be satisfied that sufficient sewer capacity exists in the municipal treatment facility, as determined by the Wastewater Superintendent. We have spoken to Amy Lowell and we believe that upon your inquiry she will advise that there is sufficient capacity. The Selectmen should also refer this request to the Board of Health for its determination that the requested waste volume, if the property were not in the sewer district, could be served by an on-site septic system without significant variances from Title 5. Lafrance's engineer, Matt Costa of Cape & Islands Engineering, has met with David Carignan to review a plan showing a sufficient on-site treatment facility for 12,000 GPD. Mr. Costa is also preparing plans showing that on each of the two existing parcels there could be a separate Title 5 system with the total design flows exceeding the requested allocation.

Please send the necessary referrals to Amy Lowell and David Carignan, and please schedule this variance request for hearing by the Selectmen as soon as convenient. The Flow Neutral By-law requires hearing notification by publication and posting with the Town Clerk and on the Town website. Let us know what costs should be paid by Lafrance.

I enclose a copy of a letter from Jonathan Idman, Chief Regulatory Officer of the Cape Cod Commission advising that the Selectmen can act on this request without making a referral to the Cape Cod Commission. If the zoning amendments are voted by Town Meeting and the necessary allocation of sewer capacity is granted, then designs and studies will be readied for permitting. We will then return to the Board of Selectmen to obtain a municipal endorsement to comply with Economic Development requirements of the Cape Cod Commission.

Please contact me if there are questions. Thank you for your consideration.

Very truly yours,



Robert H. Ament

RHA/gmb

Enclosure

bcc: Richard LaFrance  
Sean LaFrance

**AMENT KLAUER LLP**

Attorneys at Law  
39 Town Hall Square  
Falmouth, MA 02540

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

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APR 23 2018  
SELECTMEN'S OFFICE  
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Website: [www.amentklauer.com](http://www.amentklauer.com)

April 23, 2018

Julian M. Suso, Town Manager  
**Town of Falmouth**  
59 Town Hall Square  
Falmouth, MA 02540

Re: Request filed March 9, 2018, for a Variance under the Flow Neutral Bylaw  
Lafrance Hospitality - Proposed hotel on Main Street at Scranton Avenue

Dear Julian:

Thank you for your note on April 13 about not being quite ready to schedule the Selectmen's review of the request of Lafrance Hospitality for a variance under the Flow Neutral Bylaw. We understand that the allocation of sewage treatment capacity is an important issue. Code Section 180-54 provides that "The Selectmen in consultation with the Planning Board may set priorities for the available capacity."

Hopefully, the priorities established by the Selectmen will allow for a hotel as proposed by Lafrance Hospitality. The votes at Town Meeting on Articles 34 and 36, and the discussion about the Business Redevelopment District, indicate the rationale and support for enabling development of a hotel such as Lafrance Hospitality proposes.

There will be substantial financial benefits to the Town from having a new hotel. Annual real estate taxes may be around \$100,000. The Town's portion of occupancy taxes may be over \$100,000. There would be meals taxes from any on-site restaurant. Even without counting the economic benefits of construction and new jobs, and the multiplier effect of accommodating visitors who will spend money in Falmouth, the direct municipal tax revenue should be a very significant consideration.

The Agreement made between Lafrance Hospitality and Cape Cod Five Cents Savings Bank was based on a time frame thought to be sufficient for the extensive permitting required. The time required to go to Town Meeting to update the Zoning Bylaw, and any delay in addressing the Flow Neutral Bylaw, before we can even begin permitting with the Cape Cod Commission and locally, may extend the permitting period well beyond what was expected. The project may become infeasible, or Lafrance could turn its focus to other projects. For now, the project is on hold until the Selectmen approve the sewer connection.

Julian Suso, Town Manager  
April 23, 2018  
Page 2

Hopefully, the Town can complete its study process soon and you can schedule the variance hearing.

Very truly yours,



Robert H. Ament

RHA/gmb

cc: Richard Lafrance  
Sean Lafrance  
Matt Costa, Cape & Islands Engineering  
Kevin P. Klauer II, Esq.



# TOWN of FALMOUTH

DEPARTMENT OF PUBLIC WORKS, WASTEWATER DIVISION

416 GIFFORD STREET, FALMOUTH, MASSACHUSETTS 02540

TELEPHONE (508) 457-2543

AMY LOWELL  
WASTEWATER SUPERINTENDENT

Date: May 18, 2018

To: Board of Selectmen

Re: Request for Variance Under the Flow Neutral Bylaw  
Proposed Hotel and Restaurant on parcels at 763 Main St and 24 Scranton Ave  
Sewer Capacity Determination

---

I received a copy of a letter dated March 9, 2018 from Robert H. Ament requesting a variance under the Town's Flow Neutral Bylaw for a proposed development on the above-listed properties, as well as a Conceptual Layout Plan for the proposed development by Cape and Islands Engineering dated March 15, 2018.

According to the Conceptual Layout Plan, the proposed development is a hotel with up to 91 rooms and a separate restaurant with up to 101 seats, and the total projected design wastewater flow for this development is 13,545 gallons per day.

The proposed development is within an existing sewer service area and the parcels abut an existing gravity sewer main on Scranton Avenue.

One of the two preconditions for the Board of Selectmen to grant a variance to the flow constraints of the Flow Neutral Bylaw is that "Sufficient capacity exists...as determined by the Wastewater Superintendent."

The Town's wastewater system capacity is limited by the Department of Environmental Protection's (DEP's) Groundwater Discharge Permit for the Town's Main Wastewater Treatment Facility (WWTF). The current permit limits discharge to an average annual discharge of 710,000 gallons per day.

The total existing and proposed wastewater flow to the Town's WWTF, (including the flow from the above-proposed project and from the other currently proposed projects in sewer service areas) is approximately 585,000 gallons per day (average annual flow).

There is currently sufficient capacity to allow the proposed connection.

Projected wastewater flow is now >80% of the permitted discharge flow. When actual average annual wastewater flow exceeds 80% of the permitted flow, the WWTF discharge permit requires that the Town submit a report to the DEP planning for future flows. The Town will be submitting an update to its Comprehensive Wastewater Management Plan to the DEP in December of 2019.

## Julian Suso

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**From:** Scott McGann <scott.mcgann@falmouthmass.us>  
**Sent:** Wednesday, May 9, 2018 12:41 PM  
**To:** Julian Suso; Peter Johnson Staub; Ray Jack; Amy Lowell; Thomas Bott; Frank Duffy  
**Subject:** Proposed hotel Scranton Ave/ Main St and the Board of Health

Per the Flow Neutral Bylaw,

On May 7, 2018 the Board of Health determined that the plan submitted to them by Cape and Islands Engineering, dated 3/15/2018, for the proposed hotel at the corner of Scranton Ave/ Main St. did show that a compliant Title 5 system could be sited on the property with a total capacity of 13,598 gallons per day.

Is there anything else you need on this please let me know.

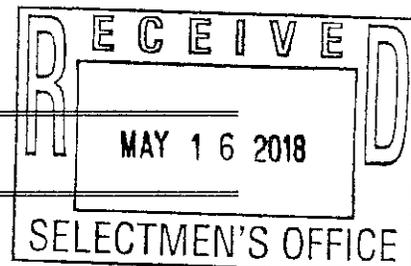
Regards, Scott

Scott McGann, R.S.  
Health Agent/ Director  
Falmouth Health Department  
59 Town Hall Square  
Falmouth, MA 02540  
508-495-7485  
<http://www.falmouthmass.us/273/Health-Department>

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MEMORANDUM

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DATE: MAY 16, 2018  
TO: JULIAN SUSO, TOWN MANAGER  
FROM: THOMAS BOTT, TOWN PLANNER   
RE: DRAFT SEWER CONNECTION PRIORITIES FROM LOCAL COMPREHENSIVE PLAN

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Please use the link for the Local Comprehensive Plan (LCP)  
<http://www.falmouthmass.us/DocumentCenter/View/4441/LCP-doc-all-elements> to read each of these statements below in context. The following represents an initial review of how the LCP can be used to develop priorities for connection to the limited gallons of waste water treatment afforded by Falmouth's considerable investment and continuing operating cost of the treatment plant.

Excerpts from LCP

Focusing on sustaining economic vitality, especially emphasizing the infrastructure necessary to attract and support the business sector. P.1

Falmouth needs to expand the potential, especially for clean industry, through zoning initiatives and seeking out those industries to encourage economic growth. P.3

we must shift haphazard growth and guide development to strengthen village cores and allow increased residential density in certain locations. P.3

Land Use

Policy #5: Falmouth shall encourage increased density, primarily through redevelopment, in some areas, and discouraging further development in others. (Voted at November 2014 Town Meeting) p.5

Water and Wastewater

Expanding the limited municipal sewer is a hugely expensive proposal, and should first be planned for the higher density areas of town where the costs can be shared by the greatest numbers of users possible, primarily those areas south and west of Route 28. P.18.

Policy #4: Falmouth shall endeavor to manage its entire wastewater infrastructure to the greatest extent possible. P.18 (Voted at April 2013 Town Meeting)

Policy #6: Falmouth shall equitably and fairly distribute the cost of building and operating the wastewater treatment infrastructure. (Voted at April 2013 Town Meeting)

## Housing

Falmouth can improve on its housing affordability by addressing land use regulations and density, construction methods and materials, and the permitting process. Mixed use development and adaptive reuse should be encouraged to promote smaller, more versatile units. p.23

Private public partnerships should be encouraged to meet the Town's needs, particularly for the young and elderly. p.23

In order to solve the housing problem in Falmouth, we need to change zoning to allow greater density in existing neighborhoods wherever appropriate, while respecting a balance of housing and open space. Locations for future housing options should be determined by available infrastructure, walkability, schools, and services. p.23

Adequate and diverse housing is inextricably bound to the economic health and diversity of the community. Without housing for all, the viability of the town will be challenged. P.23

Policy #1: Falmouth will allow for greater infill residential density where appropriate. p.24

Policy #2: Falmouth will allow and encourage the market to create multiple housing opportunities that allow for more choices. . p.24

### Housing, Action Items for Implementation

Create a strategy based on redevelopment and adaptive reuse of existing structures leading to new, innovative housing types p.25

## Economic Sustainability

Falmouth shall enhance well established sectors of the local and regional economy and encourage emerging sectors in order to increase the economic opportunities available to residents. Growth shall be responsibly managed to ensure that the local economy is sustainable, resilient, adaptable and innovative to maximize the quality of life, remaining a viable community for all demographic groups. P.27

## Beach Committee

### Beach Regulations for the Town of Falmouth Final Draft

Town officials, lifeguards and beach parking attendant's directives must be followed for the benefit and safety of all

Beach hours are defined as 9:00 am to 5:00 pm when beaches are supervised

Lifeguards are on duty from 9:00 AM until 5:00 PM beginning in late June until Labor Day at most beaches

Bathhouses are open from 9:00 AM until 4:45 PM daily beginning from late June until Labor Day

Parking lot gates open at 9:00 AM and are locked at 10:00 PM during the summer season

Animals and pets on the beach, beach parking lots or parked vehicles is "not permitted" from May 1 to October 1, certified service dogs are permitted

Alcoholic beverages, fires and grills are "not permitted" in the beach parking lots or on the beaches

Smoking and vaping of anything on any public beach "is not permitted"

Umbrellas and tents, not greater than 10ft x 10ft in size, must be firmly secured and must not obstruct the lifeguards view or path to the water

Littering "is not permitted" on the public beaches or in beach parking lots

Water craft, fishing and scuba diving are "not permitted" in the swim area during beach hours, (the definition of water craft is found in Ch. 231 of the Town Code)

Swim area is defined as the beach frontage and surrounding waters monitored by lifeguards

Ball playing, kite flying, and beach games are permitted with the lifeguard's discretion and when space allows. Beach staff may terminate these same activities when it is deemed unsafe to the public

No household trash or garbage shall be discarded at any beach or beach parking lots

To promote clean healthy beaches, please do not feed the wildlife

## Beach Rules Public Email Summary

Process: The Beach Committee was asked to create a list of suggested beach rules and regulations to recommend to the BOS in November of 2017. Samples of beach rules and regulations were collected from all towns on Cape Cod. A list of the most common rules was presented to the Beach Committee at the March 23, 2018 meeting. This list was discussed among the Beach Committee members and the seven members of the public in attendance. The preliminary list was then sent to all Town Meeting Members for comment. Additionally, the general public was invited to comment through an article in the Falmouth Enterprise. A total of 42 responses were received and summarized into two categories, suggestions and comments. All emails received on or before April 16, 2018 were represented in the summary. Going forward, these suggestions, along with the previously reviewed rules and regulations were discussed at the public meeting of the Beach Committee held on April 18, 2018. The new draft list was then offered to Frank Duffy for further review and comment. His suggestions were also incorporated into the list. A final draft of the recommended beach rules and regulations was presented at the Beach Committee meeting held on May 16, 2018. Jason and Bruce will make a presentation to the BOS at a later date.

### Suggestions:

Support the list, do not allow people to reserve beach space with empty chairs

Support the concept but must train lifeguards

Rules are balanced and fair, add no glass containers, no one in the dunes,

Stop all beach games and ball playing, no tents advocate umbrellas and sun screen

Support the list with emphasis on no feeding birds during the summer

Rules must be enforced by more than LG,

Change dog rule to permit dogs on beaches from 8-10 PM on Tuesdays, Wednesdays, and Thursdays

Fully agree with the proposed rules listed-they are fair and equal

I endorse your effort and list, stop people from feeding birds at the beach

Beach rules and regulations are comprehensive and offer safety and fun at the beach

Beach rules sent to me are a good compromise of what I heard at Town Meeting

Delete use of tents, use hats-sun screen or have separate section for canopy type tents

I believe these rules hit the sweet spot-while providing expectations-flexibility-discretion and enforcement

Congratulations on an excellent draft of beach rules, I would add view or path to umbrellas and tents and review dates of coverage

Draft regulations sent to TM members is comprehensive without being too restrictive

List of rules seems reasonable-suggest soft floatation devices be allowed but not tubes-surfboards-paddle boards or any sharp pointed floatation devices

Reference Town Code Ch 231 for defining water craft

Proposed rules and regulations look very reasonable and fair

Make rules on water craft-fishing-scuba diving in effect even after beach hours

Define terms more, ex., water craft, beach hours, beach season,

These rules should be in effect 24/7, no drones, dogs, glass, ball playing at any time, bigger signs at the entrances-wants beaches to be safe and beautiful for all beach goers

Add parking lots to littering and solicitations, define summer season, add directives both verbal and posted

Keep alcohol and footballs off the beach for two months, LG do a great job but shouldn't have to enforce laws, get state police if local police won't do it-give the beaches to the state

List is not in a proper format, please state purpose-definitions-responsibilities, too general-be specific

Smoking of marijuana should not be allowed at the beach, frisbees should be allowed

Add limit music volume to levels that respect others' beach experience

Post beach rules at the entrances to beaches, beach rules must be in effect even when LGs leave

Do not allow ball playing, all rules should be in effect 24/7, enforce no dog rule 24/7 especially

Add, beach goers must use appropriate marked receptacles for trash including recyclables, leaving any trash outside of the bins is prohibited-take it home if container is full

#### Comments:

Surf Dr. in too small for ball playing, people drink alcohol in red cups all day, LG do nothing, remove seaweed, no supervision of staff

No smoking rule not enforced, use bigger signs for rules, do something about the condition of Wood Neck

Recruit volunteers to enforce rules so LG only need to watch the water, remove trash and cleans toilets more frequently

Better beach preservation through nourishment at all beaches, better, more consistent LG training, add bigger signage

Only one guard to a chair-waste of money

Can't use Surf Dr. too much bird poop

Nice list, useless unless enforced

Disgust of failure to enforce dog and leash laws at Chapoquoit

As a former parent of a LG-I never wanted my child to enforce any rules on drinking and smoking

Suggested rules are typical-but LG should be watching the water and should not be distracted enforcing sand rules

I am **thrilled** at the bird feeding ban, make tents use the back of the beach only

Beaches are too crowded, too loud, too much activity-do what's best for everyone

LG should never have to enforce any rules except water safety rules, eyes on the water

**Diane Davidson**

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**From:** Bruce Mogardo <bruce.mogardo@falmouthmass.us>  
**Sent:** Friday, May 18, 2018 9:58 AM  
**To:** Julian Suso; Peter Johnson Staub  
**Cc:** Diane Davidson; Jason Chorches  
**Subject:** FW: Agendas and Minutes pertaining Rulkes and Reg Meetings  
**Attachments:** Beach Committee Agenda November 15, 2017.doc; Beach Committee Agenda March 21, 2018.doc; Beach Committee Agenda April 18,, 2018.doc; Falmouth Beach Committee Minutes 11.15.17.doc; Falmouth Beach Committee Minutes 3.28.2018.doc; Falmouth Beach Committee Minutes 4.18.2018.doc; Beach Com Agenda 5.16.18.doc

I added one more agenda not sent in the previous email. The agendas are for the November, March, April and May meetings. The minutes are for the November, March and April meetings. May meeting minutes have not been approved.

Bruce

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**From:** Bruce Mogardo [mailto:bruce.mogardo@falmouthmass.us]  
**Sent:** Friday, May 18, 2018 9:24 AM  
**To:** Julian Suso (jsuso@falmouthmass.us) <jsuso@falmouthmass.us>; Peter Johnson Staub (peter.jstaub@falmouthmass.us) <peter.jstaub@falmouthmass.us>  
**Cc:** Diane Davidson (ddavidson@falmouthmass.us) <ddavidson@falmouthmass.us>; Jason Chorches (jbchorches@gmail.com) <jbchorches@gmail.com>  
**Subject:** Agendas and Minutes pertaining Rulkes and Reg Meetings

Enclosed are the agendas and minutes for the meetings when beach rules and beach regulations were discussed.

Bruce

## **BEACH COMMITTEE MEETING AGENDA 11/15/17**

1. Approve minutes of 10/18/17 B.C. meeting.
2. Correspondence
3. Public Comment.
4. Discussion on Article 12
5. Goals for summer of 2018
6. Superintendent's Report
7. Committee Reports

## **BEACH COMMITTEE MEETING AGENDA 3/21/18**

1. Approve minutes of 11/15/17 B.C. meeting
2. Correspondence:
3. Public Comment:
4. Review suggested Beach Policies including the summary of Public Suggestions:
5. Superintendent's Report:
6. Committee Reports:

.Falmouth Beach Committee Minutes  
Meeting of March 23, 2018

Present

Jason Chorches

Charlie Logiudice

Margie Mitchell

Absent

Dan Shearer

Others Present

Bruce Mogardo

Paul Miskovsky

Lorraine Luchner

Meeting called to order at 7:00 PM by Jason.

Motion by Charlie, second by Paul to accept the meeting minutes of October 28, 2017. So voted unanimous.

**Correspondence:** Email from Doug Brown regarding needing to miss the meeting.

**Public Comment:** None

**Discussion on Article 12:** Jason asked what was expected from the Beach Committee now that Article 12 has passed. Susan spoke of the importance of the Beach Committee and the significance of their years of experience, their dedication and the vast responsibility of overseeing the beaches. She added that the beaches produce much needed revenue for the Town and that the Beach Committee are the “Boots on the Ground” for the Board of Selectmen. A discussion developed regarding beach policies. Susan suggested that the town’s membership be asked to submit suggestions for beach policy, reviewed and discussed by the FBC and then presented to the Board.

**Goals for the 2018 Summer:** Margie suggested making a wish list of beach improvements. She also suggested making a video for FCTV on “Day in the Life of a Lifeguard”. Charlie voiced his concern that public safety must continue be our highest goal. He also would like to see a discussion on the use of a transportation shuttle for the beaches. Jason emphasized that staff comprehension and discretion must be enhanced and featured in staff development. Paul would like to see a more direct relationship with the BOS. Susan mentioned educating people about beach etiquette and to promote an understanding of the role of beach staff.

Jason thanked Susan for attending the meeting and he also thanked the membership for listening and for asking their questions.

Next meeting will be February 28 or March 21, 2018 at 7:00 pm at the Harbormaster’s Office.

Motion to adjourn by Margie, second by Charlie. So voted, unanimous. @ 8:05 pm

Falmouth Beach Committee Minutes  
Meeting of March 23, 2018

**Present**  
Jason Chorches  
Charlie Logiudice  
Margie Mitchell

**Absent**  
Dan Shearer  
Paul Miskovsky

**Others Present**  
Bruce Mogardo  
Lorraine Luchner  
Eddie Senechal  
Beth Hauston  
Shirley Sear  
Dave Bugaroski  
Rena Chappell  
Jim Marnell

Meeting called to order at 7:00 PM by Jason.

Motion by Charlie, second by Margie to accept the meeting minutes of November 15, 2017. So voted unanimous.

**Correspondence:** None

**Public Comment:** Eddie Senechal would like to see public access to the water at all beaches for paddleboards and kayaks. Ms. Hauston, Ms. Sear and Ms. Chappell would like to see a rule preventing the feeding of water fowl especially at Surf Drive. Mr. Bugaroski would like to see a balance of rules for the pleasure of all at the beach.

**Discussion of Suggested Beach Rules and Regulations:** Jason explained the need for the tents as a form of cancer prevention. Charlie suggested reducing the size of allowed tents to 8 ft. by 8 ft. Bruce explained that tents come in all sizes but canopies generally are only 10 ft by 10 ft. Margie would some form of education of the beach public. She also suggested inserting more positive phrasing near the top of the list. Further, she would like to add flotation devices to the line of ball playing.

**Superintendent's Report;** Bruce talked about the dredge project for Menauhant East, the up coming parking attendant interviews on April 21, 2018 and the lifeguard tryout on May 19, 2018. Bruce also thanked Don Hoffer for his assistance in securing the pool and setting up the parking attendant interviews.

**Committee Reports:** Charlie offered no comment; Margie suggested some type of Beach etiquette, Jason asked about the status of the Menauhant Beach parking lots.

Next meeting will be April 18 at 7:00 pm at the Harbormaster's Office.

Motion to adjourn by Charlie, second by Margie. So voted, unanimous. @ 8:18 pm

**BEACH COMMITTEE MEETING AGENDA 4/18/18**  
**Falmouth Harbor Masters Office at 7:00 PM**

1. Approve minutes of 3/28/87 B.C. meeting.
2. Correspondence
3. Public Comment.
4. Review suggested Beach Policies
5. Presentation by Ed Senechal
6. Superintendent's Report
7. Committee Reports

Falmouth Beach Committee Minutes  
Meeting of April 18, 2018

Present

Jason Chorches  
Dan Shearer  
Margie Mitchell  
Paul Miskovsky

Absent

Charlie Logiudice

Others Present

Bruce Mogardo  
Lorraine Luchner  
Eddie Senechal  
Chris Smallis  
Chris Lagere  
Doug Brown  
Brittany Feldott  
Mary & Joe Macaуда  
Sue & Tom Keleher  
Rena Chappell  
Mary Barry  
Marc Craig  
Paul Dreyer  
Paula Lichter  
Linda Davis  
Greg Contos  
Rick Kelly  
Mary & Harry Mack  
Kurt Mueller

Meeting called to order at 7:00 PM by Jason.

Motion by Margie, second by Paul to accept the meeting minutes of March 28, 2018. So voted unanimous.

**Correspondence:** Bruce Mogardo received forty-nine emails for the Beach Committee's consideration. They contained suggestions for the development of the new beach rules and regulations list to be presented to the Board of selectmen.

**Public Comment:** Lorraine read a prepared statement suggesting that the lifeguards would have too much discretion. Mary and Joe had no comment. Tom and Sue want to see people having fun at the beach and would like to see the lifeguards interact more with people as they did in years past. Rena had no comment. Marc Craig stated that if lifeguards are enforcing all of these rules, then are not watching the water. Mary Barry had no comment. Paul Dreyer had no comment. Paula suggested using beach monitors or extra lifeguards to respond to non-water issues. Linda suggested a Cape wide concept of listing expected beach etiquette and appropriate beach behaviors. She also would like to see people be encouraged to take their own trash back with them and eliminate the use of trash containers at the beaches. Greg would like to see the beaches treated like a business with investments to make beaches more attractive. He added that the beaches should be raked and cleaned more often.

**Discussion of Suggested Beach Rules and Regulations:** Jason gave an overview of the history of why the Beach Committee is suggesting this particular set of rules and regulations. He also emphasized beach safety both in the water and on land. Paul suggested tents not be bigger than 10 ft. x 10 ft. Paul also liked the idea of not feeding birds. Bruce said that that would be a suggested policy not a rule. The membership approved the suggested tent size. Doug said the public is responsible for the tent. Dan was concerned that

people not bring patio umbrellas because they are big and bulky and could cause a safety problem in high winds. He added that beach umbrellas would be acceptable if anchored correctly. Dan also mentioned he wanted more signage to keep people out of the dunes. He also liked the no glass container rule and no drones at the beach. Jason stated that the beach staff could terminate any unsafe activity at the beach. Margie asked for people to take their trash home when the trash bins are full. She also emphasized a balance of beach safety and beach fun. Jason would like to see vaping added to the no smoking policy. He also suggested that more clarity statements were needed early in the list such as designated area, beach hours and beach season. Bruce will finalize the proposed list for the Committee's approval at the next meeting.

**Ed Senechal Presentation Paddle Board Access to the water:** Ed spoke of the need to have more access to the water during beach hours for paddle boarders and kayakers. He spoke of the 80 people who signed a petition requesting more access. Ed added that parts of many beaches are under used and that having lifeguards present offered more safety for water sport users. Paul was concerned about safety. Dan said most beaches don't have room for watercraft. Jason said that he would like some feedback from staff guards before deciding this issue. Motion by Margie, second by Paul to table the request. So voted, unanimous.

**Committee Reports:** Paul would like to see the beaches offer fun and fairness for everyone. He added that he would like to keep the discretion part in all rules. Dan said he was amazed how good Chapoquoit looked. Margie thanked Jason and Bruce for their work on the draft rules and regulation for the beaches. Doug had no comment. Jason thanked everyone who attended the meeting. He also thanked Bruce for his efforts to collate the suggestions found in the emails.

Next meeting will be May 16, at 7:00 pm at the Harbormaster's Office.

Motion to adjourn by Paul, second by Margie. So voted, unanimous. @ 8:37 pm

**BEACH COMMITTEE MEETING AGENDA 5/17/17**  
**Harbormaster's Office**  
**7:00 PM**

1. Approve minutes of 4/18/18 Beach Committee Meeting.
2. Correspondence:
3. Public Comment:
4. Discuss and vote recommendations on Beach Rules for BOS
5. Update on the Assistant Beach Supt. Position.
6. Update on Parking Attendant Interviews.
7. Sticker Sales at Marks Building.
8. Life Guard Tryouts. LG tryouts will be held on May 19<sup>th</sup>, at the Hyannis Y, 20 people are expected to try out for 11 positions
9. Beach Committee members' discussion.

## **Shellfish Advisory Committee Charge**

**May 3, 2018**

The Shellfish Advisory Committee shall be appointed by the Board of Selectmen in accordance with relevant provisions of the Falmouth Home Rule Charter and Town bylaws. The Committee shall consist of no less than five (5) members and no more than nine (9) members. The Board shall seek to maintain membership that balances four stakeholder groups and includes one or more individuals with a scientific background in shellfish biology or marine ecology:

- Commercial Shellfish License Holders;
- Recreational Shellfish License Holders;
- Aquaculture Grant Holders;
- Water Quality Management Committee Designee;

The above representation is intended as a guideline and the Board of Selectmen may exercise its discretion in its individual appointment decisions. Members shall be appointed for staggered three-year terms.

The Falmouth Shellfish Constable shall serve as the ex officio staff representative to the Committee.

The mission of the Committee is to advise the Board of Selectmen with regard to management of the Town's shellfish resources including regulations, propagation, and aquaculture planning. The Committee will be informed of Town of Falmouth shellfish activities by the Shellfish Constable and will serve as a resource to the Shellfish Constable in developing plans related to Shellfish activities. The Committee will disseminate information to stakeholders and the public and solicit public input on shellfish policy matters.

The Committee may advise the Board of Selectmen on aquaculture license applications where feasible and consistent with compliance with the Conflict of Interest Law.

The Committee shall support the mission of the Marine and Environmental Services Department to preserve, protect and enhance shellfish populations to sustain recreational and commercial shell fishing in a manner that is consistent with promoting the overall health of marine ecosystems. The Committee will also seek to support the mission of the Water Quality Management Committee to improve water quality in Town estuaries in a cost effective manner by increasing nitrogen uptake by shellfish.

**Town of Falmouth  
Town Committee Vacancies  
Shellfish Advisory Committee**

The Falmouth Board of Selectmen is accepting applications for the Shellfish Advisory Committee.

The Shellfish Advisory Committee shall consist of no less than five (5) members and no more than nine (9) members. The Board shall seek to maintain membership that balances four stakeholder groups and includes one or more individuals with a scientific background in shellfish biology or marine ecology: Commercial Shellfish License Holders; Recreational Shellfish License Holders; Aquaculture Grant Holders; Water Quality Management Committee Designee. Members shall be appointed to staggered three-year terms.

The full committee charge and the application are available on the Town web site [www.falmouthmass.us](http://www.falmouthmass.us) or in the Office of the Board of Selectmen, 59 Town Hall Square, Falmouth. The deadline for applications is Friday, May 25, 2018 at 4:30 p.m.

*Publication Date: Friday, May 11, 2018 and Friday, May 18, 2018, Falmouth Enterprise  
Account #: 2056*



# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

COMMONWEALTH OF MASSACHUSETTS

The Town of Falmouth

Scott McGann  
59 Town Hall Square  
Falmouth, MA 02540

We, the Selectmen of the Town of Falmouth by virtue of the authority in us vested by the laws of the Commonwealth, do hereby appoint you

**INSPECTOR OF ANIMALS**

**UNTIL APRIL 30, 2019**

Given at FALMOUTH this 21<sup>st</sup> day of MAY, 2018

Please present this appointment to the Town Clerk to be sworn into the office of which you have been appointed in order to validate the appointment.

\_\_\_\_\_  
Susan L. Moran

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

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

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

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

RECORDED \_\_\_\_\_ 2018

ATTEST \_\_\_\_\_ TOWN CLERK

**SEASONAL LICENSE RENEWALS FOR 2018**

**BOARD OF SELECTMEN'S MEETING  
May 21, 2018**

**COMMON VICTUALLER (\$60)**

**Smitty's Homemade Ice Cream, 326 East Falmouth Highway, East Falmouth**

**LODGING HOUSE (\$35)The Captain's Manor Inn, 27 Main Street, Falmouth  
Captain Tom Lawrence House Inn, 75 Locust Street, Falmouth**

**SECOND HAND DEALERS (\$25)**

**Cape Cod Gold & Silver Coin, 424 Main Street, Falmouth**

**TOWN OF FALMOUTH**  
**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**Open Session**  
**MONDAY, MAY 7, 2018**  
**SELECTMEN'S MEETING ROOM**  
**TOWN HALL**

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

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 6:30 p.m. and motioned to convene the executive session under 1. M.G.L. c. 30A, s. 21(a)(3) – Discuss Resolution of all turbine litigation. M.G.L. c.30A s.21(a)(3) – Discussion and vote on settlement of employment related claim because to not go into executive session could prejudice ongoing negotiations. Mr. Jones seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll call vote: Mr. Brown, aye; Mr. Patterson, aye; Chairman Moran, aye; Mr. Jones, aye. Absent: Ms. English Braga.**
2. Chair Moran reconvened the open session at 6:57 p.m.
3. Pledge of Allegiance
4. Proclamation – Eagle Scout – Anthony Fusaro

**Mr. Patterson read the proclamation in the packet as a motion. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1.**

Mr. Fusaro explained his project to the Board of Selectmen, creating a trail off the lower parking lot of St. Anthony's Church; created a trail and made it safe for use.

5. Recognition
6. Announcements

Police Week May 13-19, 2018

Mothers Day and tribute to all mothers who work hard and dedicate themselves to their children.

Mr. Patterson announced receive notice from the Parent Professional Advocacy League that this is Children's Mental Health Week.

7. Public Comment  
Charlie McCaffrey announced that tomorrow evening at Falmouth Public Library Hermann Room is listening session under state's municipal vulnerability program at 6 p.m.

Allen Robinson, Solid Waste Advisory Committee, told the Board of Selectmen they created the Litter Subcommittee meeting twice monthly, first meeting 5/22 at 7:30 p.m. in Town Hall, open to the public. Looking to take action to reduce litter.

Mr. Brown suggested the Board of Selectmen put a letter to Randy Hunt's bill regarding nips.

**SUMMARY OF ACTIONS**

1. Licenses

a. Application for Change of Corporate Name and d/b/a of an All Alcoholic Common Victualler License – East End Tap Incorporated d/b/a East End Tap – 734 Teaticket Highway, E. Falmouth  
**Mr. Patterson motion approval. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.**

b. Application for Innholder License – Fontelux Hospitality Systems LLC – Palmer House Inn, 81 Palmer Avenue, Falmouth  
The applicants are purchasing the Palmer House and are looking to move to Falmouth.

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

c. Application for Second-Hand Dealer’s License – Cape Kids’ Treasures – Falmouth Plaza, Davis Straits – Consignment Sale Event twice/year  
The applicant is planning a semi annual consignment event. They will notify the Town Manager of the dates and hours of the event.

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

d. Application for Annual Sunday Entertainment License – Rose M Corp. d/b/a Soprano’s – Casino by the Sea, 286 Grand Avenue, Falmouth

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

e. Application for Common Victualler License – The Buffalo Jump LLC, 277 Hatchville Road, East Falmouth  
The applicants are opening a restaurant at Coonamessett Farm, quick casual breakfast and lunch 7 days/week and formal dinners 2 nights a week.

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

f. Application for Change of Sunday Hours – Windward Merchants LLC d/b/a Wild Harbor General Store, 200 Old Main Road, North Falmouth

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

g. Application for Special One-Day Wine and Malt Liquor Licenses – Historic Highfield, Inc., 56 Highfield Drive, Falmouth – Saturday, 5/19/18; Thursday, 6/21/18; Monday, 7/23/18; Sunday, 8/12/18; Saturday, 10/13/18; Tuesday, 11/20/18  
Mr. Jones recused himself.

**Mr. Patterson motion approval. Second Mr. Brown. Vote: Yes-3. No-0. Absent-1. Recused-1.**

h. Application for Special One-Day Wine and Malt Liquor License – VIPS – Feasts of Falmouth and Beyond – Mahoney’s Garden Center, 958 E. Falmouth Hwy. – Friday 6/8/18  
Tracey Crago, Falmouth VIPS, described the event. Everyone is tips certified and roped area with wristband access only.

**Mr. Patterson motion approval. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1.**

i. Application for Special One-Day Wine and Malt Liquor License – Falmouth Art Center – Summer Gala Fundraiser – Friday, 6/22/18

**Mr. Patterson motion approval. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1.**

## 2. Administrative Orders

a. Approve Warrant for Annual Town Election on May 15, 2018

**Mr. Patterson motion approval. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1.**

b. Vote to accept donation of three, 37” LG flat screen T.V.’s with a total value of \$900 from the Sea Crest Resort to the Falmouth Recreation Department

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

- c. Authorize expenditure of up to \$30,000 from Article 17 (April 2011 Town Meeting) to fund a contract with the Woods Hole Research Center to monitor nitrogen removal in the lower Coonamessett River for up to three years

**Mr. Jones motion to authorize. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

- d. Accept easement for water services – Cedar St. – Maravista  
Mr. Suso noted this came from Attorney Duffy who recommended consideration for approval.

**Mr. Jones motion to authorize. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

- e. Petition to General Court for Special Legislation – Extending Chief Edward Dunne’s retirement date

**Mr. Jones motion to sign the petition. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

- f. Authorize application for State Municipal Vulnerability Preparedness (MVP) Grant Program Funding  
Charlie McCaffrey told the Board of Selectmen that this program provides assistance and grants to towns to be better prepared to address climate change. We are eligible to apply for action grants under this program, it requires 25% match from municipality and reviewed eligible activities that include development of a vulnerability assessment. Town meeting voted \$80,000 for this assessment since we had not received state money. It is possible now to apply for state money for that and other purposes using the \$80,000 as a match and ask for additional \$240,000, one major priority is development of sediment managing plan. We want to look at what is the sediment system that feeds our beaches, other forms of beach nourishment, and what can be done to maintain shoreline characterized as beaches. He would like to identify where breaches could occur, where we could get sand, and apply for and get permits so the breach can be addressed.

Mr. Patterson commented that the committee has moved to construct the policy now.

The closing date for the grant is soon, the decision is expected to be made within 10 days.

**Mr. Jones motion to authorize. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.**

- g. Approval of letter of support for Marine Biological Laboratory pursuit of State funding for repair/replacement of Waterfront Park

Sebastian Lay, MBL, described the repair. Over past couple decades, the MBL has done spot repairs on the seawall, increasing storm frequency, degradation in the resilience of the wall, it will need to be replaced or access shut off to that area. There are a couple of state funding mechanisms they can pursue, so they can explore those options. If it could not be available for public use, they would come back to Board of Selectmen. Mr. Jones said that the plan is to retain public use.

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

- h. Approve purchase from Library Donation Account in the amount of \$902.09 for bookcases at the North Falmouth Library

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

### 3. Special Events

**Recurring - Recommended:**

- a. Arts Alive – Falmouth Village Association – Shore Street Extension & Library Lawn – Friday, 6/15/18 – Sunday, 6/17/18

**Mr. Brown motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

**New - Recommended:**

- a. Wedding Ceremony – Deane – Megansett Beach – Saturday, 8/11/18

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

- b. Kevin Looney Fundraiser Bike Ride – Lisa Looney – Shining Sea Bikeway – Saturday, 7/28/18  
The Board of Selectmen expressed concern about the use of the bike path in the middle of the summer and what this will do for general use at that time. 50 attendees, 50 vehicles would use the Depot Avenue parking lot that day. A police detail was suggested. The event is over at 11 a.m. Mr. Suso will address this and possibly consult with the Bikeways Committee.

The Board of Selectmen sent this back to the Events Committee for review.

Defer and continue to future date, the Board of Selectmen requested someone here who recommended.

- c. Yoga Class – Sandra Waite – Marina Park (bandshell side) – Saturday, 7/14/18 and Saturday, 8/4/18

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

## **BUSINESS**

1. Board of Selectmen acting as Trustees of Falmouth Affordable Housing Fund:

- a. Falmouth Housing Corp. presentation – application for \$750,000 for 10-unit rental housing at 587 Gifford Street

Linda Clark, President and Director of the Falmouth Housing Corporation presented this project to develop 20 one bedroom units on a property they own and already have 36 units.

Reviewed overhead presentation, the Falmouth Service Center agreed better use for that land is for housing. They will provide letter of support, gardeners will have the entire season and move forward to another site. The proposed site plan was reviewed. Septic system is for the entire project and needs to go in during phase 1.

Development Team was reviewed, including Falmouth Housing Corporation, Affirmative investments, Inc., Davis Square Architects, The Valle Group, Homes and McGrath, Laura Moynihan, Esq., and Cape Cod Five cents Savings Bank.

Project budget reviewed, estimated cost \$2,530,000. The first ten units would be built by May/June 2019.

Falmouth Housing Corporation will be the managers and will choose a monitoring agent, possibly Falmouth Housing Authority.

50% and 80% affordable units, no market units. Rent will be between \$808-1150 depending on income levels and include utilities.

The building style will be similar to the existing buildings in the area.

**Mr. Brown motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

**Mr. Patterson motion approval of \$650,000 from the Falmouth Affordable Housing Fund contingent on Community Preservation Committee approval. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.**

Carla Feroni, Housing Coordinator noted that the Falmouth Housing Fund Working Group unanimously recommends this project.

Mr. Johnson Staub noted a letter of agreement will be prepared for the Board of Selectmen to sign.

- b. Board to discuss and consider approval

**Mr. Brown motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

**Mr. Patterson motion approval of \$650,000 from the Falmouth Affordable Housing Fund contingent on Community Preservation Committee approval. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.**

Carla Feroni, Housing Coordinator noted that the Falmouth Housing Fund Working Group unanimously recommends this project.

Mr. Johnson Staub noted a letter of agreement will be prepared for the Board of Selectmen to sign.

2. Annual appointment of Inspectors of Animals  
Mr. Suso noted looking for reappointment and recommends the appointments.  
Philip Lang  
Daniel Donahue  
Jessica Gow  
Jenna Correa

**Mr. Jones motion to appoint to a term ending 6/30/19. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

3. Appoint member to Board of Registrars  
**Mr. Jones motion to appoint Kathleen Mortensen to a term ending 4/1/20. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**
4. Request for sign variance – off-premise promotional signs – Falmouth Commodores Baseball “Game Today”

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

5. Approve 2018 seasonal/annual license renewals  
LODGING HOUSE  
The Captain’s Manor Inn, 27 Main St.

SECOND-HAND DEALERS  
Harmony Hut, 105 Spring Bars Rd.  
Uncle Bill’s Country Store, 412 N. Falmouth Hwy.

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

6. Minutes of meetings:  
Public session  
March 26, 2018  
**Mr. Patterson motion approval with edits. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1.**  
  
April 23, 2018-none.

Executive session  
March 26, 2018  
Executive Session 1  
**Mr. Jones motion approval and not release. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**  
Executive Session 2  
**Mr. Jones motion approval and not release. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**  
Executive Session 3  
**Mr. Jones motion approval and release. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**  
Executive Session 4  
**Mr. Jones motion approval and not release. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

April 23, 2018-none.

7. Individual Selectmen's reports

Chair Moran:

Coonamessett River opening with Mr. Patterson and Mr. Suso.

Mr. Patterson:

Government representatives were at the Coonamessett River opening, nice to see team effort, lots of sweat equity and grant money has gone into this. Betsy Gladfelter has been so important in the Coonamesstt restoration.

Mr. Brown:

Attended No Place for Hate meeting at the library. Interesting ideas.

Attended MA Development Representatives meeting about the state Pier re: freight shipping, consultants' report only a few million, could be done in a few months. It is a much bigger project.

Attended SSA Port Council Meeting, asked them to consider the Northport terminal.

Mr. Jones:

Noted state legislatures in Town at the library.

8. Review of Town Manager's report

Mr. Suso to meet with representatives of the MBL and WHOI to discuss facility issues including deteriorating sea wall at Water Front Park.

Police memorial ceremony Tuesday 3/15/18 at 10 a.m.

Work on the police department access parking will be done and enhance safety and all aspects of police functions, completion is expected later this summer.

Archive initiative Mr. Suso is working with Michael Palmer on is going well. This will free up Town Hall space identified for expanded and centralized permitting functions.

Personnel director and Mr. Suso are working Falmouth Commodores in setting up a Falmouth employee evening at a Commodore game, games begin on 6/13/18.

Town Hall HVAC upgrades scheduled to begin 5/21/18.

The Skate Park project is going out to bid again this week, the design has been scaled back and can add back if bids come in better.

Senior Center design will be presented to the Board of Selectmen on 5/21/18, input at public hearings was positive.

9. Review and/or discuss correspondence received

**Mr. Jones motion to adjourn at 8:17 p.m. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

**Respectfully submitted,**

**Jennifer Chaves  
Recording Secretary**

## REPORT

TO: Board of Selectmen

FROM: Julian M. Suso

DATE: May 18, 2018



- The Board will convene at 6:45PM in executive session to hear a report from Frank Duffy on a marine-related matter.
- Under Summary of Actions, the Board is being asked to retroactively approve a letter of support which I transmitted this week related to the Town's MVP application, authorized by you at your last regular meeting.
- Selectmen will convene four separate Public Hearings on Monday evening, two related to all-alcoholic licenses, one related to a fuel storage tank, and the fourth is our first such hearing under the Town's Flow Neutral Bylaw.
- Regarding the Flow Neutral Bylaw, Frank Duffy will be providing some important background and contextual information on the Board's specific role as per this Bylaw. I am not proposing or anticipating that Selectmen take *any action* Monday evening on the requested wastewater waiver process for the proposed hotel development on Scranton Avenue. Such action can be considered in an upcoming meeting next month.
- Immediately following the Public Hearing will be a preliminary discussion on potential review procedures for such waiver requests under the same Flow Neutral Bylaw. In your Board packet, you have three documents related to this discussion. The first is a memorandum from Town Planner Tom Bott regarding "draft sewer connection priorities from the local comprehensive plan." The second is a memorandum from wastewater superintendent Amy Lowell confirming the availability of existing wastewater capacity (as required under the Bylaw). The third is an email confirmation from health agent Scott McGann (also as required under the Bylaw) confirming that a Title 5 septic system could indeed be sited on the existing property of the proposed hotel. We have been meeting with legal counsel and development staff in exploring the most appropriate process for the Board to consider evaluating and acting upon such waiver requests as they are received.
- Military officials from Joint Base Cape Cod will be presenting their annual briefing to Selectmen on JBCC activities.

- Selectmen will be discussing proposed Beach Regulations as received from the Beach Committee. No action is expected to be taken on Monday evening. As per the applicable bylaw, a Hearing will be scheduled in June for official public comment, following which Selectmen will consider taking final action on new Beach Regulations. Joining us on Monday will be Beach Committee Chair Jason Chorchos and Acting Beach Superintendent Bruce Mogardo.
- Architect Joel Bargmann and Owner's Project Manager Dan Pallotta will be in attendance and presenting the Schematic Design of the proposed new Senior Center. Also joining us will be Council on Aging Chair and Building Committee Chair Jim Vieira and one/more other members of the Senior Center Building Committee. The Building Committee is ultimately seeking the voted concurrence of the Board to proceed; I have suggested to the Committee that Selectmen will likely want to give the public and themselves at least two weeks to fully absorb and vet this schematic design prior to considering any final action next month. Be assured that the schedule *does allow* for this important review time.
- With the assistance of Frank Duffy, we will convene a brief discussion of the Town Sign Bylaw, as it relates to political signs.
- We will also discuss my draft response to the Building Commissioner on the disposition of wind 1.
- I attended the initial Charter Review Committee meeting, convened by Town Counsel Frank Duffy. We are pleased to have this important Committee begin its work.
- On Tuesday evening, I attended the latest meeting of the Senior Center Building Committee. Good progress continues to be made. A schematic design presentation from the Architect and Owner's Project Manager is scheduled for Monday evening.
- I was pleased to attend the Beach Committee meeting this past Wednesday to review the recent initiative to provide expanded year-round administrative support for the Beach Department function.
- We look forward to the Town's Annual Memorial Day Ceremony. It is scheduled to begin at 10AM on Monday, May 28 in front of the Main Library. At 9:45AM, there will be a "procession" stepping off at the Town Green to proceed to the Ceremony.

## Town Committee Vacancies

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

Committee	Term Until
Affordable Housing Committee (3 positions)	6/30/21
Agricultural Commission (2 positions)	6/30/20
Beach Committee (1 position)	6/30/21
Bikeways Committee (1 position)	6/30/21
Board of Survey (2 positions)	6/30/21
Building Code Board of Appeals (1 position)	6/30/19
Cable Advisory Committee (1 position)	6/30/20
Coastal Pond Management Committee (1 position)	6/30/19
Constable (1 position)	6/30/21
Council on Aging (1 position)	6/30/21
EDJC (1 position)	6/30/21
Energy Committee (1 position)	6/30/19
Finance Committee (2 positions)	Until Nov. Town Meeting
Golf Advisory Committee (1 position)	6/30/20
Historical Commission (2 positions)	6/30/21
Human Services Committee (2 positions)	6/30/19, 6/30/21
Sign Review Committee (1 full position, 2 alternate positions)	6/30/19, 6/30/20

The following positions have incumbents; however, applications are welcome:

### Regulatory Boards:

Committee	Incumbent for Reappointment	Term
Board of Assessors (2 positions)	Timothy Skelly	6/30/21
	Michael Sullivan	6/30/21
Board of Health (1 position)	Diana Molloy	6/30/21
Conservation Commission (2 positions)	Elizabeth Gladfelter	6/30/21
	Maureen Harlow-Hawkes	
Historical Commission (1 position)	Christopher Warner	6/30/21
Zoning Board of Appeals (1 position)	Terrence Hurrie	6/30/23

### Non-Regulatory Boards:

Committee	Incumbent for Reappointment	Term
Affirmative Action Committee (2 positions)	Scoba Rhodes	6/30/21
	Pamela Harting-Barrat	6/30/21
Affordable Housing Committee (1 position)	Holly Wilson	6/30/21
Agricultural Commission (2 positions)	Kathleen Jespersen	6/30/21
	Matt Churchill	6/30/21
Bikeways Committee (1 position)	JoAnn Fishbein	6/30/21
Cable Advisory Committee (1 position)	Ernest Hyde	6/30/18
Cape Light Compact JPE	Ronald Zweig	6/30/21
Community Preservation Committee (1 position)	Eileen Miskell	6/30/21
Constable (2 positions)	Kevin Casey	6/30/21
	William Dalton	6/30/21
Council on Aging (5 positions)	Brenda Swain	6/30/21
	Cynthia Barkley	6/30/21
	Joseph M. Clancy	6/30/21
	Susan Gallagher	6/30/21
	Susan Ripley	6/30/21
Cultural Council (6 positions)	Bobbi Bailin	6/30/21
	Jane Parhiala	6/30/21
	Lee-Gray Boze	6/30/21

## Town Committee Vacancies

	Lisa Jo Rudy	6/30/21
	Michael Heylin	6/30/21
	Sam Houghton	6/30/21
Disabilities, Commission on (3 positions)	Edward Sullivan	6/30/21
	Kim Douglas	6/30/21
	Rhona Carlton-Foss	6/30/21
EDIC (1 position)	Christopher Langlais	6/30/21
Energy Committee (2 positions)	Megan Amsler	6/30/21
	Meghan O'Reilly	6/30/21
Human Services Committee (3 positions)	Tanya White	6/30/21
	Jessica Lambert	6/30/21
	Kerin Delaney	6/30/21
Recreation Committee (2 positions)	Richard Boles	6/30/21
	Thomas Zine	6/30/21
Sign Review Committee (2 positions)	Linda Clark	6/30/21
	Meredith Hunnibell	6/30/21
Solid Waste Advisory Committee (1 position)	William Peck	6/30/21
Steamship Authority Port Council (1 position)	Robert Munler	6/30/20
Substance Abuse Commission (1 position)	Michael Colgan	6/30/21
Upper Cape Reg. Trans. Station Board (1 position)	Ray Jack	6/30/19
Upper Cape Reg. Water Supply Coop. (1 position)	Carey Murphy	6/30/21
Veterans Council Committee (3 positions)	Kevin Casey	6/30/21
	Robert Foss	6/30/21
	Randy Collette	6/30/21
Water Quality Management Committee (3 positions)	Ronald Zweig	6/30/21
	Stephen Leighton	6/30/21
Waterways Committee (1 position)	J. Michael Kinney	6/30/21

**Application deadline for these vacancies is Wednesday, May 30, 2018.** Interviews will begin at the Board of Selectmen's meeting on Monday, June 4, 2018. 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.