

**TOWN OF FALMOUTH**  
**BOARD OF SELECTMEN**  
**REVISED AGENDA**  
**MONDAY, JULY 9, 2018 – 7:00 P.M.**  
**SELECTMEN'S MEETING ROOM**  
**TOWN HALL**

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

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

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

1. Licenses
  - a. Application for Entertainment License – Cape Cod Winery, 4 Oxbow Road, East Falmouth
2. Administrative Orders
  - a. Approve Preservation Restriction Agreement between Town of Falmouth and WGBH Educational Foundation, 3 Water Street
  - b. Affirm Letter of Support for Town of Bourne EPA Application – Retroactively
  - c. Approve Temporary Easement for Access to the Town Bulkhead at Simpson's Landing, Falmouth Inner Harbor, for Bulkhead Repairs
  - d. Approve Expenditure from Veterans Services Donation Account in the Amount of \$2,300 to Help Pay for a Handicap Accessible Shower for a Disabled Veteran
  - e. Approve Letter of Support for Farley Bog/Upper Childs River Restoration Project
  - f. Approve Annual Transfer of Funds Request for Snow and Ice
  - g. Vote Recommendations on Applications for Abatement of Sewer Betterments
  - h. Approve 40b Project Letter of Eligibility for Falmouth Housing Corp Proposal at 587 Gifford Street
3. Special Events
  - Recurring - Recommended:**
    - a. Autumn Escape Bike Trek – Surf Drive Beach – Bike Ride through Town – Friday, 9/28/18
    - b. Falmouth in the Fall Road Race – Woods Hole to Falmouth Heights – Sunday, 11/4/18
    - c. Bastille Day – Crepe Cod – 649 Main Street – Saturday, 7/14/18
    - d. Bayside Beach Annual Neighborhood Cookout – Bayside Drive – Saturday, 7/21/18
  - New - Recommended:**
    - a. Kevin Looney Fundraiser Bike Ride – Shining Sea Bikeway – Saturday, 9/28/18
    - b. Beach Wedding Ceremony – Old Silver Beach – Curran – Saturday, 8/11/18
    - c. Beach Wedding Ceremony – Old Silver Beach – Lemons/Koss – Friday, 9/14/19
    - d. Beach Wedding Ceremony – Falmouth Heights Beach – Dionne – Wednesday, 9/19/18

**PUBLIC HEARINGS**

**7:30 p.m.**

1. Application for New Farmer-Brewery Pouring License and Common Victualler License – Bad Martha Farmer's Brewery, LLC – 876 East Falmouth Highway, East Falmouth

**7:40 p.m.**

2. Shade Tree Hearing - Two (2) Black Locust Trees - Corner of Thomas B. Landers Road and Sandwich Road

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

1. Interview, Vote and Appoint Committee Members
  - a. Constable
  - b. Solid Waste Advisory Committee
  - c. EDIC-Treasurer

2. Interview Applicant for Charter Review Committee
3. Presentation – Upper Cape Cod Regional Technical School – Robert Dutch, Michael Degan
4. Presentation – Seaport Economic Council Grant Update – Rob Munier, Woods Hole Oceanographic Institution (WHOI)
5. Report – Cable Advisory Committee
6. Discussion with Eversource Representative, Robert Smith
7. Recreation Fields Status Update – Department of Public Works
8. Board Acting as Trustees of Falmouth Affordable Housing Fund; Potential Action to Preserve Deed Restricted Units Subject to Resale: 38 Jeffrey Lane; 110 Dillingham Ave. Unit #110; 49 Altons Lane; 2 Esker Place
9. Sign Variance – Off-Premise Educational Signs Regarding Recycling and Litter – Solid Waste Advisory Committee and Department of Public Works
10. Sign Variance – Off-Premise Signs – Bayside Drive Beach Annual Neighborhood Cookout
11. Sign Variance – Off-Premise Signs – East Falmouth Village Association Annual Meeting
12. Discuss/Consider Non-Binding Resolution on Medical Aid in Dying (Roger Kligler, MD)
13. Discussion of Next Community Outreach
14. Announce Board of Selectmen Fourth Quarter 2018 Meeting Schedule
15. Minutes of Meetings:  
Public Session – April 23, 2018; May 21, 2018  
Executive Session – April 23, 2018; May 21, 2018  
Vote to Release/Not to Release Minutes of Executive Sessions
16. Individual Selectmen’s Reports
17. Review of Town Manager’s Report
18. Review and/or Discuss Correspondence Received

Susan L. Moran, Chairman  
Board of Selectmen

Number:  
18-1-FW-ENT

Fee  
\$100.00

The Commonwealth of Massachusetts  
Town of Falmouth

This is to certify that  
Cape Cod Winery, Inc. d/b/a Cape Cod Winery  
Erika S. Orlandella, Manager

4 Oxbow Road  
East Falmouth, MA 02536

is hereby granted this  
Entertainment License

Outdoors next to tasting tent overlooking grapevines. Live acoustic music, 1-2 musicians, guitar, amplification for only a few events.

This license is granted in accordance with the provisions of Chapter 140 of the General Laws as amended by Chapter 299 of the Acts of 1926, and amendments thereto, to conduct the amusements as herein described in connection with his regular business of innholder, common victualler, or owner, manager or controller of a café, restaurant or other eating or drinking establishment.

This license is granted as subject to the provisions of the General Laws, chapter one hundred and forty, sections twenty-two to thirty-two inclusive, and amendments thereto and shall not be valid for a location other than as herein described.

Days and Hours of Entertainment: Monday, Wednesday, Thursday,  
Friday: 12:00 pm - 8:00 pm. (Wednesday & Friday Live Music).  
Saturday: 11:00 am - 7:00 pm. (Wedding event on 7/27/18:  
music to end by 10:00 p.m.)

Valid from: July 9, 2018

Valid until: December 31, 2018

By order of The Falmouth Board of Selectmen

July 9, 2018

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

**Diane Davidson**

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**From:** Brian Reid <breid@falmouthpolice.us>  
**Sent:** Thursday, July 05, 2018 3:00 PM  
**To:** 'Diane Davidson'; 'Sean Doyle'  
**Subject:** RE: Application for Entertainment License - Cape Cod Winery

Hello Diane,  
We have no objection to this applications.  
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:** Wednesday, June 27, 2018 5:56 PM  
**To:** Brian Reid <breid@falmouthpolice.us>; Sean Doyle <sdoyle@falmouthpolice.us>  
**Subject:** Application for Entertainment License - Cape Cod Winery

Capt. Reid,  
Lt. Doyle,

Attached please find an application for an entertainment license at the Cape Cod Winery for your review and recommendation.

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*



Community Preservation Committee 59 Town Hall Square, Falmouth, MA 02540

## MEMORANDUM

To: Board of Selectmen and Diane Davidson  
From: Carole Sutherland, Community Preservation Coordinator  
Re: Preservation Restriction for 3 Water St., Woods Hole (Davis House)  
Date: May 23, 2018

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Dear Selectmen,

The Community Preservation Committee has taken the responsibility for initiating the drafting and execution of a preservation restriction (PR) on 3 Water St. in Woods Hole, also known as Davis House, or the WCAI Building. The PR protects the town's interest in the structure following WGBH's 2010 historic restoration project. The project was allocated \$267,600 of Community Preservation Fund historic preservation funding.

The Falmouth Historical Commission (FHC) has agreed to hold this PR on behalf of the Town of Falmouth. The document has been approved by Frank Duffy as to form.

**We ask that you sign and have notarized the 2 originals of the PR that are included here.** Following your execution of the PR, it proceeds to the Massachusetts Historical Commission for final sign-off. Frank Duffy's office will file it when ready with the Barnstable County Registry of Deeds.

Thank you,

Carole Sutherland  
Community Preservation Coordinator  
59 Town Hall Square  
Falmouth, MA 02540  
508.495.7436

**PRESERVATION RESTRICTION AGREEMENT**  
between the  
**TOWN OF FALMOUTH, MASSACHUSETTS**  
and the  
**WGBH EDUCATIONAL FOUNDATION**

**THIS PRESERVATION RESTRICTION** (this "Restriction"), is made this 15<sup>th</sup> day of February, 2018, between the WGBH Educational Foundation ("Grantor"), a nonprofit Massachusetts corporation, c/o One Guest Street, Brighton, MA 02135, and the Town of Falmouth acting by and through its Falmouth Historical Commission ("Grantee"), a governmental body in the Commonwealth of Massachusetts.

WITNESSETH:

WHEREAS, Grantor is owner in fee simple of certain real property located at 3 Water Street, Woods Hole, in the Town of Falmouth, Barnstable County, Massachusetts, being more particularly described in Exhibit A attached hereto and incorporated herein by this reference, and in Grantor's certain deed, recorded with the Barnstable County Registry of Deeds, in Book 24254, Page 305, together with all improvements thereon (the "Property"). The Property is depicted as Parcel Number 5105032000 on a Town of Falmouth Assessor's Map, a copy of which is attached hereto and incorporated herein by this reference as Exhibit B, said Property including the following building;

a one-and-one-half story, wood frame, Greek Revival-style, gable-front house set on a raised, granite-block basement, with south-facing gable end oriented to the street, dating from ca, 1840, known as the Thomas G. Davis House, 3 Water Street, Woods Hole, MA 02543, currently housing the offices of WCAI (hereinafter "the Building");

WHEREAS, the Building and Property are historically significant for their architecture and historical associations; more particularly, the Building stands as a significant example of Greek Revival architecture in the Town of Falmouth, Massachusetts, retaining integrity of craftsmanship, setting, materials and design, is significant for its architecture and historical associations in Woods Hole, and the Property is included in the Woods Hole Historic District established by the Town of Falmouth on September 11, 1985 and is, therefore, also included in the State Register of Historic Places (the "Preservation Values");

WHEREAS, Grantor and Grantee both recognize the Preservation Values and significance of the Building and Property, and have the common purpose of preserving the Building and Property as provided herein;

WHEREAS, the Building's and Property's Preservation Values are documented with the following;

Massachusetts Historical Commission Inventory Building Form prepared in April, 2014 by Eric Dray (Exhibit C), attached hereto and incorporated herein by this reference,

Six (6) photographs taken by Eric Dray in March, 2014 (Exhibit D), attached hereto and incorporated herein by this reference. Archival prints of these photographs will be stored by the Grantee at Falmouth Town Hall, Historical Commission files,

Exhibits A, B, C, and D are hereinafter referred to as the "Baseline Documentation", which Baseline Documentation the parties agree provides an accurate representation of the Building as of the effective date of this grant;

WHEREAS, the grant of a preservation restriction by Grantor to Grantee on the Property will assist in preserving and maintaining the Building and its architectural, historic, and cultural features for the benefit of the people of the Town of Falmouth, Barnstable County, the Commonwealth of Massachusetts, and the United States of America;

WHEREAS, the Town of Falmouth appropriated Community Preservation Act funds through Article 37 of the Town Meeting convened on November 15, 2010 in the amount of \$267,600 to rehabilitate the exterior of the Building, including replacement of the asphalt roof with red cedar shingles, replacement of existing siding with wooden clapboards, restoration of original windows, replacement of non-original windows with Marvin thermal wood windows, reconstruction of wood front door and replacement of side and rear elevation doors with clad doors, and repair or replacement-in-kind of wood gutters, all work having been completed in 2012;

WHEREAS, to that end, Grantor desires to grant to Grantee, and Grantee desires to accept a preservation restriction (the "Restriction") in gross in perpetuity over the Property and the exterior of the Building pursuant to the Act.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, Grantor does hereby irrevocably grant and convey unto the Grantee this Restriction in gross in perpetuity over the Property.

1. Purpose. It is the purpose of this Restriction to assure that the architectural, historic, and cultural features of the exterior of the Building, as described and documented in the Baseline Documentation, and Exhibit E (Restriction Guidelines) attached hereto and incorporated herein by this reference, will be retained and maintained forever substantially in their historically-appropriate condition for preservation purposes and to prevent any use or change to the exterior of the Building or the Property that will significantly impair or interfere with the Building's Preservation Values (the "Purpose of this Restriction"). Characteristics that contribute to the architectural and historical integrity of the Property including include, but are not limited to, the setting and location of the Building; and exterior architectural features, materials, appearance, and workmanship of the Building. All Exhibits are attached to and recorded with this Restriction.

2.1 Grantor's Covenants: Covenant to Maintain. Grantor agrees at all times and to the best of its ability to maintain the exterior of the Building in sound structural condition and good state of repair in accordance with the terms of this paragraph (allowing for historically-accurate restoration that may be made from time to time). It is the Grantor's intent that the exterior of the Building be maintained in a physical appearance and composition that is as close to its current appearance and composition, as is reasonably possible. Grantor's obligation to maintain shall require replacement, repair, and reconstruction by Grantor whenever necessary to preserve the exterior of the Building in sound structural condition and a good state of repair. Subject to the casualty provisions of Paragraphs 7 and 8, this obligation to maintain shall require repair, restoration, replacement, rebuilding, and reconstruction of the Building whenever necessary in accordance with The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (36 C.F.R. 67 and 68), as these may be amended from time to time (the "Secretary's Standards").

2.2 Grantor's Covenants: Prohibited Activities. The following acts or uses are expressly forbidden on, over, or under the Property, except as otherwise conditioned in this paragraph:

- (a) the Building (or any portion thereof) shall not be demolished, removed, moved or razed except as provided in Paragraphs 7 and 8;
- (b) the dumping of ashes, trash, or rubbish is prohibited on the Property; and
- (c) no above-ground utility transmission lines, except those reasonably necessary for the existing Building, may be created on the Property, subject to any utility easements already recorded;

3.1 Conditional Rights Requiring Approval by Grantee. Without the prior express written approval of the Grantee, which approval may not be unreasonably withheld but which may be subject to such reasonable conditions as Grantee in its discretion may determine, Grantor shall not make any changes to the exterior (including windows and roof) of the Building, including the alteration, partial removal, construction, remodeling, or other physical or structural change, including signs or advertisements (excepting a plaque giving notice of the historic significance of the Property in accordance with Paragraph 6 and signage presently located on the Property), any change in material or color or any change to the footprint, size, mass, ridgeline, and rooflines of the Building, and removal, replacement or alteration of Key Features as such term is defined in the Restriction Guidelines which are attached hereto as Exhibit E and are incorporated herein. Activities by Grantor to maintain the exterior of the Building which are intended to be performed in accordance with the provisions of Paragraph 2.1, and which are of a minor nature, shall not require the prior approval of the Grantee. For the purposes of this section, interpretation of what constitutes ordinary maintenance of a minor nature is governed by the Restriction Guidelines.

3.2 Review of Grantor's Requests for Approval. Where Grantee's permission is required under Paragraph 3.1, Grantor shall submit to the Grantee two copies of information (including plans, specifications, and designs where appropriate) identifying the proposed activity with reasonable specificity. In connection therewith, Grantor shall also submit to the Grantee a timetable for the proposed activity sufficient to permit the Grantee to monitor such activity. Within forty-five (45) days of the Grantee's receipt of any plan or written request for approval hereunder, the Grantee shall certify in writing that (a) it approves the plan or request, or (b) it disapproves the plan or request as submitted, in which case the Grantee shall provide Grantor with written suggestions for modification or a written explanation for the Grantee's disapproval. Any failure by the Grantee to act within forty-five (45) days of receipt of Grantor's submission or resubmission of plans or requests shall be deemed to constitute approval by the Grantee of the plan or request as submitted and to permit Grantor to undertake the proposed activity in accordance with the plan or request submitted so long as the request sets forth the provision of this section relating to deemed approval following the passage of time, provided that nothing herein shall be construed to permit Grantor to undertake any of the activities prohibited hereunder.

3.3 Archaeological Activities. The conduct of archaeological activities, including without limitation survey, excavation, and artifact retrieval, may occur only following the submission of an archaeological field investigation plan prepared by Grantor and approved in writing by the Grantee and the State Archaeologist of the Massachusetts Historical Commission pursuant to M.G.L. c. 9, § 27C and 950 C.M.R. 70.00.

4. Standards for Review. In exercising any authority created by the Restriction to inspect the Building; to review any construction, repair, restoration, alteration, reconstruction or construction; or to review casualty damage or to reconstruct or approve reconstruction of the Building following casualty damage, the Grantee shall apply the Secretary's Standards.

5. Public Access. This Restriction does not require public access.

6. Grantor's Reserved Rights Not Requiring Further Approval by the Grantee. Subject to the provisions of Paragraphs 2.1, 2.2, and 3.1, the following rights, uses, and activities of or by Grantor on, over, or under the Property are permitted by this Restriction and by the Grantee without further approval by the Grantee:

- (a) the right to engage in all those acts and uses that: (i) are permitted by governmental statute or regulation; (ii) do not substantially impair the Preservation Values of the Building and Property; and (iii) are not inconsistent with the Purpose of this Restriction, including, for clarity, the right to make changes to the interior of the Building provided such work does not compromise the structural integrity of the Building;
- (b) pursuant to the provisions of Paragraph 2.1, the right to maintain and repair the exterior of the Building and Property strictly according to the Secretary's Standards. As used in this subparagraph, the right to maintain and repair shall mean the use by Grantor of in-kind materials and colors, applied with workmanship comparable to that which was used in the construction or application of those materials being repaired or maintained, for the purpose of retaining in good condition the appearance and construction of the exterior of the Building. The right to maintain and repair as used in this subparagraph shall not include the right to make changes in appearance, materials, colors, and workmanship from that existing prior to the maintenance and repair without the prior approval of the Grantee in accordance with the provisions of Paragraphs 3.1 and 3.2;
- (c) subject to prior review and approval by Grantor, under the terms and conditions of paragraphs 3.1 and 3.2 herein, which approval shall not be unreasonably withheld, the right to new construction on the Property not attached to the Building, and not blocking the view of the Building from public ways, subject to all applicable licenses, permits, and approvals, provided in addition that any new construction shall meet the Secretary's Standards;
- (d) the right to provide and maintain a plaque on the Property giving notice of the historical significance of the Building, subject to Grantee's reasonable approval; and
- (e) the right to maintain, repair and replace the antenna presently attached to the Building, provided that any replacement antenna shall be of comparable or less visibility than the existing antenna.

7. Casualty Damage or Destruction. In the event that the Building shall be materially damaged or destroyed by fire, flood, windstorm, hurricane, earth movement, or other casualty, Grantor shall notify the Grantee in writing within fourteen (14) days of the damage or destruction, such notification including what, if any, emergency work has already been completed. No repairs to or reconstruction of the exterior of any type, other than emergency work to prevent further damage to the structural integrity of the Building or the exterior of the Building, shall be undertaken by Grantor without the Grantee's prior written approval of the work. Within seventy-five (75) days of the date of damage or destruction, if required by the Grantee, Grantor at its expense shall submit to the Grantee a written report prepared by a qualified restoration architect and an engineer who are acceptable to the Grantor and the Grantee, which report shall include the following:

- (a) an assessment of the nature and extent of the damage;
- (b) a determination of the feasibility of the restoration of the Building and/or reconstruction of damaged or destroyed portions of the Building; and
- (c) a report of such restoration/reconstruction work necessary to return the Building to the condition existing at the date hereof.

8. Review After Casualty Damage or Destruction. If, after reviewing the report provided in Paragraph 7 and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9, Grantor and the Grantee agree that the Purpose of the Restriction will be served by such restoration/reconstruction, Grantor and the Grantee shall establish a schedule under which Grantor shall complete the restoration/reconstruction of the Building in accordance with plans and specifications consented to by the parties up to at least the total of the casualty insurance proceeds available to Grantor.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9, Grantor and the Grantee agree that restoration/reconstruction of the Building is impractical or impossible, or agree that the Purpose of the Restriction would not be served by such restoration/reconstruction, Grantor may, with the prior written consent of the Grantee, alter, demolish, remove or raze the Building, and/or construct new improvements on the Property. In the event that the Building is razed or removed with the approval of the Grantee, Grantor and Grantee may seek to extinguish this Restriction in accordance with the laws of the Commonwealth of Massachusetts and Paragraph 21 hereof.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9, Grantor and the Grantee are unable to agree that the Purpose of the Restriction will or will not be served by such restoration/reconstruction, the matter may be referred by either party to binding arbitration and settled in accordance with the Commonwealth of Massachusetts arbitration statute then in effect, and all other applicable laws, rules, regulations, and ordinances.

9. Insurance. Grantor shall keep the Building insured by an insurance company rated "A-" or better by Best's, or is current-day equivalent, as the case may be, for the full replacement value against loss from the perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death, and property damage. Property damage insurance shall include ordinance or law coverage on a replacement cost basis for the damaged and undamaged portions of the building. Grantor shall deliver annually and within ten (10) business days of any additional written request by the Grantee, certificates of such insurance coverage. Upon presentation of evidence by the Grantee that the insured value is less than the actual replacement value, then the Grantor shall purchase additional insurance sufficient to cover the actual replacement value. In the event that such a presentation has been made that the insurance is insufficient the Grantor shall pay for the Grantee's cost in procuring such evidence. Provided, however, that whenever the Property is encumbered with a mortgage or deed of trust nothing contained in this paragraph shall jeopardize the prior claim, if any, of the mortgagee/lender to the insurance proceeds.

10. Hold Harmless. Grantor hereby agrees to protect, hold harmless, and defend Grantee, its boards, commissions, appointees, agents, directors, employees, or independent contractors from and against any and all claims, liabilities, expenses, costs, damages, losses, and expenditures (including reasonable attorneys' fees and disbursements hereafter incurred) arising out of or in connection with injury to or death of any person as a result of the existence of this Restriction; physical damage to the Building and the Property; the presence or release in, on, or about the Building and the Property, at any time, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any law, ordinance, or regulation as a hazardous, toxic, polluting or contaminating substance; or other injury or other damage occurring on or about the Building and the Property; unless such injury, death, or damage, or presence or release of such substances, is caused by Grantee or its boards, commissions, appointees, agents, directors, employees, or independent contractors.

11. Written Notice. Any notice which either Grantor or Grantee may desire or be required to give to the other party shall be in writing and shall be mailed postage prepaid by overnight courier, facsimile transmission, registered or certified mail with return receipt requested, or hand delivered as follows:

To Grantor: WGBH Educational Foundation  
One Guest Street  
Brighton, MA 02135  
Attention: Benjamin Godley, Executive Vice President and Chief  
Operating Officer

To Grantee: Falmouth Historical Commission  
59 Town Hall Square  
Falmouth MA 02540

or to such address as any of the above parties shall designate from time to time by written notice to the other. In the event no current address is known or can be reasonably obtained for the party to which notice is intended to be given, then the party giving notice shall publish such notice in a newspaper of general circulation covering on at least a weekly basis the Town of Falmouth, or its modern-day functional equivalent.

12. Evidence of Compliance. Upon request by Grantor, Grantee shall promptly furnish Grantor with certification that, to the best of Grantee's knowledge, Grantor is in compliance with the obligations of Grantor contained herein, or that otherwise evidences the status of this Restriction to the extent of Grantee's knowledge thereof.

13. Inspection. Upon reasonable prior notice to Grantor and without interference with Grantor's use of the Property, there is hereby granted to Grantee and its representatives the right to enter the Property at reasonable times and in a reasonable manner for the purpose of inspecting the same to determine compliance with this Preservation Restriction Agreement. Grantee shall inspect the property a minimum of one time per year.

14. Grantee's Remedies The rights hereby granted shall include the right to enforce this Agreement by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Property to its condition prior to the time of the injury complained of (it being agreed that Grantee shall have no remedy at law), and shall be in addition to and not in limitation of any other rights and remedies available to Grantee; provided, however, prior to commencement of any legal proceedings the Grantee shall first send a written notice of its intention to pursue legal action with a statement of the factual and legal basis of such claim and within thirty (30) days of receipt of such notice by the Grantor both parties shall enter in good faith into mediation with a mutually agreeable neutral third-party trained in resolving disputes. The expense of mediation shall be split evenly between the parties.

Provided that a violation of this Agreement is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred, Grantor covenants and agrees to reimburse Grantee all reasonable costs and expenses (including without limitation reasonable counsel fees) incurred in enforcing this Agreement or in taking reasonable measure to remedy, abate any violation thereof. By its acceptance of this Restriction, Grantee does not undertake any liability or obligation relating to the condition of the Property, including with respect to compliance with hazardous materials or other environmental laws and regulations. This Agreement shall be enforced by

Grantee in its sole discretion. Nothing herein shall impose upon the Grantee any affirmative obligation or liability relating to the condition of the Property. Failure by the Grantee to enforce any provision or condition set forth herein, or to exercise any rights hereby conveyed, shall not constitute a release or waiver of any such right or condition.

15. Notice from Government Authorities. Grantor shall deliver to Grantee copies of any notice of any material legal violation or any lien relating to the Building and the Property received by Grantor from any government authority within five (5) days of receipt by Grantor. Upon request by Grantee, Grantor shall promptly furnish Grantee with evidence of Grantor's compliance with such notice or lien where compliance is required by law.

16. Notice of Proposed Sale. Grantor shall promptly notify Grantee in writing of any proposed sale of the Property and provide the opportunity for Grantee to explain the terms of the Restriction to potential new owners prior to sale closing.

17. Runs with the Land. Except as provided in Paragraphs 8 and 21, the obligations imposed by this Restriction shall be effective in perpetuity and shall be deemed to run as a binding servitude with the Property. This Restriction shall extend to and be binding upon Grantor and Grantee, their respective successors in interest and all persons hereafter claiming under or through Grantor and Grantee, and the words "Grantor" and "Grantee" when used herein shall include all such persons. Any right, title, or interest herein granted to Grantee also shall be deemed granted to each successor and assign of Grantee and each such following successor and assign thereof, and the word "Grantee" shall include all such successors and assigns.

Anything contained herein to the contrary notwithstanding, an owner of the Property shall have no obligation pursuant to this instrument where such owner shall cease to have any ownership interest in the Property by reason of a *bona fide* transfer. The restrictions, stipulations and covenants contained in this Restriction shall be inserted by Grantor, verbatim or by express reference, in any subsequent deed or other legal instrument by which Grantor divests itself of either the fee simple title to or any lesser estate in the Property or any part thereof, including by way of example and not limitation, a lease of all or a portion of the Property.

18. Assignment. In the event that Grantee shall cease to function in its present capacity, Grantee may convey, assign, or transfer this Restriction to a unit of federal, state, or local government or to a similar local, state, or national organization that is a charitable corporation or trust qualified under the Act to hold a preservation restriction, provided that any such conveyance, assignment or transfer requires that the Purpose for which the Restriction was granted will continue to be carried out. Grantor shall give prior written approval of such conveyance, assignment, or transfer by Grantee, such approval not to be unreasonably withheld.

19. Alternate Designee. Grantee may, at its discretion, remove and replace its designee to administer, manage, and enforce this Restriction, provided that any new designee is qualified as such under the Act and other applicable law.

20. Recording and Effective Date. Grantor shall do and perform at its own cost all acts necessary to the prompt recording of this instrument in the Barnstable County Registry of Deeds. Grantor and Grantee intend that the restrictions arising under this Restriction take effect on the day and year this instrument is recorded in the Barnstable County Registry of Deeds.

21. Extinguishment. Grantor and Grantee hereby recognize that an unexpected change in the conditions surrounding the Property may make impossible the continued ownership or use of the Property for the Purpose of this Restriction and necessitate extinguishment of the Restriction.

Such a change in conditions may include, but is not limited to, partial or total destruction of the Building resulting from casualty. Such an extinguishment must meet all the requirements of the Act and the Laws of the Commonwealth for extinguishment, including approvals by the Town of Falmouth and the Massachusetts Historical Commission following public hearings to determine that such extinguishment is in the public interest.

In the event of a sale of the Property, any proceeds of sale shall be paid to Grantor.

22. Condemnation. If all or any part of the Property is taken under the power of eminent domain by public, corporate, or other authority, or otherwise acquired by such authority through a purchase in lieu of a taking, Grantor and Grantee shall join in appropriate proceedings at the time of such taking to recover the full value of those interests in the Property that are subject to the taking and all incidental and direct damages resulting from the taking. All expenses reasonably incurred by Grantor and Grantee in connection with such taking shall be paid out of the recovered proceeds. Such recovered proceeds shall be paid to Grantor in the manner as set forth in Paragraph 21.

23. Insertion in Subsequent Instruments

Grantor shall insert a reference to this Agreement, such reference to include Registry book and page number of this Agreement, into any subsequent deed or other legal instrument by which Grantor divests itself of either the fee simple title or any lesser estate in the Property. Concurrently, with its entering into any such deed or other legal instrument, Grantor shall give written notice to Grantee of same. Failure by Grantor to comply with the requirements of this paragraph 23 shall not affect the validity, enforceability or priority of this Agreement or any lien arising hereunder.

24. Interpretation. The following provisions shall govern the effectiveness, interpretation, and duration of the Restriction:

- (a) Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of the Property shall not apply in the construction or interpretation of this Restriction and this instrument shall be interpreted broadly to affect its Purpose and the transfer of rights and the restrictions on use herein contained.
- (b) This instrument may be executed in two counterparts, one of which is to be retained by Grantor and the other, after recording, to be retained by Grantee. In the event of any disparity between the counterparts produced, the recorded counterpart shall in all cases govern. Except as provided in the preceding sentence, each counterpart shall constitute the entire agreement of the parties.
- (c) This instrument is made pursuant to the Act, but the invalidity of such Act or any part thereof shall not affect the validity and enforceability of this Restriction according to its terms, it being the intent of the parties to agree and to bind themselves, their successors and their assigns in perpetuity to each term of this instrument whether this instrument be enforceable by reason of any statute, common law or private agreement either in existence now or at any time subsequent hereto.
- (d) Nothing contained herein shall be interpreted to authorize or permit Grantor to violate any ordinance or regulation relating to building materials, construction methods, or use. In the event of any conflict between any such ordinance or regulation and the terms hereof Grantor promptly shall notify Grantee of such conflict and shall cooperate with Grantee and the applicable governmental entity to accommodate the purposes of both this Restriction and such ordinance or regulation.
- (e) The invalidity or unenforceability of any provision of this Restriction shall not affect the validity or enforceability of any other provision of this Restriction.

25. Amendment. If circumstances arise under which an amendment to or modification of this Restriction would be appropriate, Grantor and Grantee may by mutual written agreement jointly amend this Restriction, provided that no amendment shall be made that will adversely affect the qualification of this Restriction or the status of Grantee under any applicable law. Any such amendment shall be consistent with the protection of the Preservation Values of the Property and the Purpose of this Restriction; shall not affect its perpetual duration; shall not permit any private inurement to any person or entity; and shall not adversely impact the overall architectural and historic values protected by this Restriction. Any such amendment shall be effective when the requirements of the Act with respect to amendments have been met and the amendment is recorded in the Barnstable County Registry of Deeds. Nothing in this paragraph shall require Grantor or Grantee to agree to any amendment or to consult or negotiate regarding any amendment.

TO HAVE AND TO HOLD, the said Preservation Restriction, unto the said Grantee and its successors and permitted assigns forever.

IN WITNESS WHEREOF, Grantor and Grantee have set their hands under seal on the days and year set forth below.

GRANTOR: WGBH Educational Foundation

By: [Signature]  
Name: Benjamin Godley  
Chief Operating Officer and Executive Vice President

and

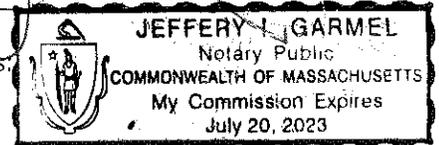
By: [Signature]  
Name: Irvin A. Alexander III  
Treasurer

**COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_, ss.

On this 15 day of February 2018, before me, the undersigned notary public, personally appeared Benjamin Godley, provided to me through satisfactory evidence of identification, which was personal knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Chief Operating Officer and Executive Vice President of WGBH Educational Foundation.

[Signature]  
Notary Public  
My commission expires:

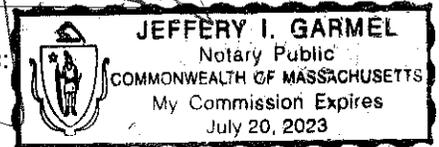


**COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_, ss.

On this 15 day of February 2018, before me, the undersigned notary public, personally appeared Irvin A. Alexander III, provided to me through satisfactory evidence of identification, which was document to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Treasurer of WGBH Educational Foundation.

[Signature]  
Notary Public  
My commission expires:



(seal)

APPROVAL AND ACCEPTANCE BY TOWN OF FALMOUTH

On \_\_\_\_\_, 2018, the Falmouth Board of Selectmen, by majority vote, voted to Approve and Accept this Agreement.

GRANTEE: **TOWN OF FALMOUTH, MASSACHUSETTS**  
Board of Selectmen:

\_\_\_\_\_  
Susan L. Moran, Chairman

\_\_\_\_\_  
Megan English Braga, Vice-Chairman

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

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

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

*approved as to form:  
Frank K. Duffly T.C.  
6.12.18*

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss.

On this \_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned notary public, personally appeared Susan L. Moran, provided to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Doug Jones signed it voluntarily for its stated purpose, as Chairman, Town of Falmouth Board of Selectmen.

\_\_\_\_\_  
Notary Public  
My commission expires:

(seal)

Barnstable, ss.

On this \_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned notary public, personally appeared Megan English Braga, provided to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Susan Moran signed it voluntarily for its stated purpose, as Vice-Chairman, Town of Falmouth Board of Selectmen.

\_\_\_\_\_  
Notary Public  
My commission expires:

(seal)

Barnstable, ss.

On this \_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned notary public, personally appeared Doug Jones, provided to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Samuel H. Patterson signed it voluntarily for its stated purpose, as Member, Town of Falmouth Board of Selectmen.

\_\_\_\_\_  
Notary Public  
My commission expires:

(seal)

Barnstable, ss.

On this \_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned notary public, personally appeared Samuel H. Patterson, provided to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Megan English Braga signed it voluntarily for its stated purpose, as Member, Town of Falmouth Board of Selectmen.

\_\_\_\_\_  
Notary Public  
My commission expires:

(seal)

Barnstable, ss.

On this \_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned notary public, personally appeared Douglas C. Brown, provided to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Douglas C. Brown signed it voluntarily for its stated purpose, as Member, Town of Falmouth Board of Selectmen.

\_\_\_\_\_  
Notary Public  
My commission expires:

(seal)

ACCEPTANCE BY FALMOUTH HISTORICAL COMMISSION

On March 15, 2018, the Falmouth Historical Commission, by majority vote, voted to Approve and Accept this Agreement.

Historical Commission:

Tamsen E George  
Tamsen George, Secretary

Nicole Goldman  
Nicole Goldman, Vice Chairman

Ed Haddad  
Ed Haddad, Chairman

Christian Valle  
Christian Valle, member

Christopher Warner  
Christopher Warner, member

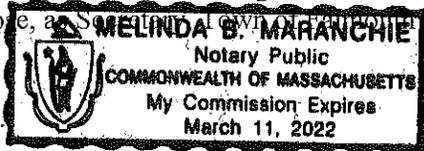
\_\_\_\_\_  
Mason Wilcox, alternate

\_\_\_\_\_  
Lee Drescher, alternate

COMMONWEALTH OF MASSACHUSETTS

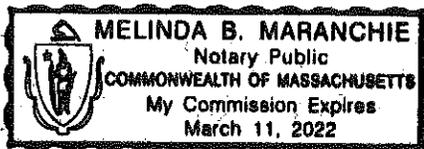
Barnstable, ss.

On this 15 day of March, 2018, before me, the undersigned notary public, personally appeared Tamsen George, provided to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Tamsen George signed it voluntarily for its stated purpose, as Secretary of the Historical Commission.



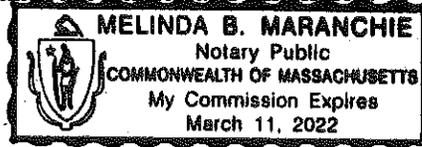
Melinda B. Maranchie  
Notary Public  
My commission expires: 3/11/2022

On this 22 day of May, 2018, before me, the undersigned notary public, personally appeared Nicole Goldman, provided to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Nicole Goldman signed it voluntarily for its stated purpose, as Vice-Chair, Town of Falmouth Historical Commission.



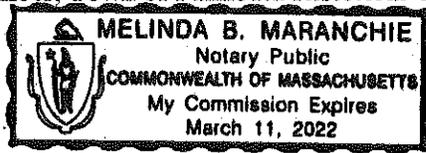
Melinda B. Maranchie  
Notary Public  
My commission expires: 3/11/2022

On this 15 day of March, 2018, before me, the undersigned notary public, personally appeared Ed Haddad, provided to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Ed Haddad signed it voluntarily for its stated purpose, as Chair, Town of Falmouth Historical Commission.



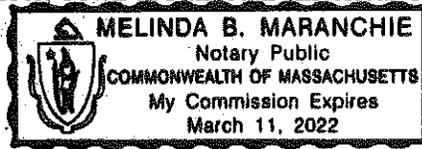
Melinda B. Maranchie  
Notary Public  
My commission expires: 3/11/2022

On this 3 day of April, 2018, before me, the undersigned notary public, personally appeared Christian Valle, provided to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Christian Valle signed it voluntarily for its stated purpose, as Member, Town of Falmouth Historical Commission.



Melinda B. Maranchie  
Notary Public  
My commission expires: 3/11/2022

On this 15 day of March, 2018, before me, the undersigned notary public, personally appeared Christopher Warner, provided to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Christopher Warner signed it voluntarily for its stated purpose, as Member, Town of Falmouth Historical Commission.



Melinda B. Maranchie  
Notary Public  
My commission expires: 3/11/2022

On this \_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned notary public, personally appeared Mason Wilcox, provided to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Mason Wilcox signed it voluntarily for its stated purpose, an Alternate, Town of Falmouth Historical Commission.

\_\_\_\_\_  
Notary Public  
My commission expires:

On this \_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned notary public, personally appeared Lee Drescher, provided to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Lee Drescher signed it voluntarily for its stated purpose, an Alternate, Town of Falmouth Historical Commission.

\_\_\_\_\_  
Notary Public  
My commission expires:

(seal)

**APPROVAL BY THE MASSACHUSETTS HISTORICAL COMMISSION**

**COMMONWEALTH OF MASSACHUSETTS**

The undersigned Executive Director and Clerk of the Massachusetts Historical Commission, hereby certifies that the foregoing Preservation Restriction to the Town of Falmouth, acting by and through its Falmouth Historical Commission (Grantee), has been approved by the Massachusetts Historical Commission in the public interest pursuant to MGL, Chapter 184, Section 32.

By: \_\_\_\_\_  
Brona Simon, Executive Director and Clerk

**COMMONWEALTH OF MASSACHUSETTS**

Suffolk, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned notary public, personally appeared Brona Simon proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Brona Simon signed it voluntarily for its stated purpose, as Executive Director and Clerk of the Massachusetts Historical Commission.

\_\_\_\_\_  
Notary Public  
My commission expires:

(seal)

## EXHIBIT A

### LEGAL DESCRIPTION

The land with improvements thereon in Falmouth, Massachusetts, including the building, and being and intending to be the same land more particularly described in a Deed to Grantor dated December 16, 2009, recorded at Barnstable County Registry of Deeds in Book 24254, Page 305, and described as follows:

On the SOUTH by Main Street, one hundred forty-five and no/100 (145.00) feet, more or less;

On the WEST by land formerly of Azariah F. Crowell and later Mercy F. Crowell;

On the NORTH by land formerly of Azariah F. Crowell, fifty-three and 50/100 (53.50) feet, more or less; and

On the EAST by land formerly of Henry T. Davis, now of the Town of Falmouth, being the Woods Hole Library lot.

There is excepted from the foregoing all road takings of the Town of Falmouth and County of Barnstable.



**EXHIBIT C**  
**MHC INVENTORY FORM B, prepared by Eric Dray, April, 2014**

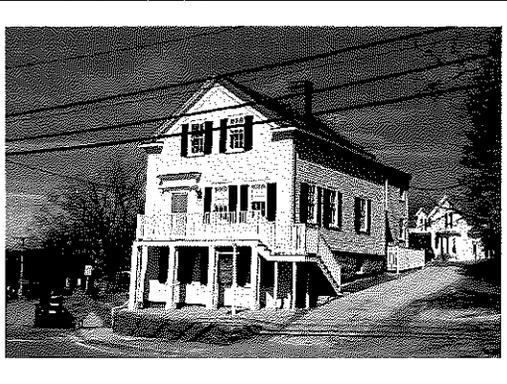
**FORM B – BUILDING**

MASSACHUSETTS HISTORICAL COMMISSION  
 MASSACHUSETTS ARCHIVES BUILDING  
 220 MORRISSEY BOULEVARD  
 BOSTON, MASSACHUSETTS 02125

Assessor's Number USGS Quad Area(s) Form Number  
 51 05 032 000 Falmouth AL FAL412

Town: FALMOUTH  
 Place: Woods Hole

**Photograph**



Address: 3 Water Street  
 Historic Name: Davis, Thomas G. House  
 Uses Present: Office  
 Original: Residential/Commercial

Date of Construction: ca. 1840  
 Source: 1845 Gifford Map, style  
 Style/Form: Greek Revival  
 Architect/Builder: Unknown

Exterior Material  
 Foundation: Granite, concrete  
 Wall/Trim: Wood clapboard  
 Roof: Wood shingle

Outbuildings/Secondary Structures: None

Major Alterations:  
 Rear ell - date unknown  
 Windows, siding, roof material replaced, reconstruction of front porch - 2012

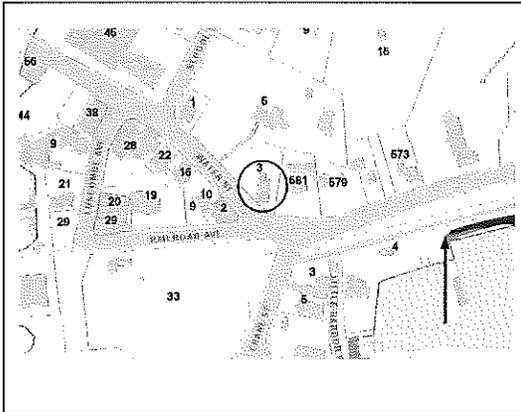
Condition: Good

Moved  no  yes Date n/a

Acres: 0.24 acres

Setting: The building is set close to the street in a mixed-use section of Woods Hole. The parcel slopes down to the street and is partially retained with a short granite wall along the sidewalk. A stair rises along the west side of the building and an asphalt driveway leads along the east side of the building to a parking area in the rear. Landscaping consists of lawn and minimal plantings to the west of the building.

**Topographic or Assessor's Map**



Recorded by: Eric Dray  
 Organization: Falmouth Community Preservation Committee  
 Date: April, 2014

*Follow Massachusetts Historical Commission Survey Manual instructions for completing this form.*

**INVENTORY FORM CONTINUATION SHEET**

FALMOUTH

3 Water Street

MASSACHUSETTS HISTORICAL COMMISSION  
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

AL FAL.412

Recommended for listing in the National Register of Historic Places.

*If checked, you must attach a completed National Register Criteria Statement form.*

*Use as much space as necessary to complete the following entries, allowing text to flow onto additional continuation sheets.*

**ARCHITECTURAL DESCRIPTION:** *Describe architectural features. Evaluate the characteristics of this building in terms of other buildings within the community.*

3 Water Street is a Greek Revival-style former house/shop set into a sloping site with the lower level fully exposed on the front (south) elevation and partially exposed along the side elevations. The house form consists of a one and one-half-story, three-bay by four-bay, gable-front main block, followed by a one and one-half-story rear ell which continues the facade plane and roof slope on the west elevation and is set back with a shallower roof pitch on the east elevation, followed by a one-story rear ell. The house rests on a granite block foundation except for the one-story rear ell which has a concrete foundation. The walls are sheathed in wood clapboard and have corner pilasters with recessed panels. Until the restoration of this siding in 2012, the building had been sheathed in asbestos siding for much of the 20<sup>th</sup> century. The roof is clad in wood shingles and has a molded box cornice with partial returns across the gable ends and wood gutters with galvanized metal downspouts. Corbelled brick chimneys rise from the east and west roof slopes of the main block. Four small skylights have been installed on the east roof slope and two on the west roof slope. Pursuant to the 2012 comprehensive building restoration, the wood clapboard is new, some of the trim was replaced-in-kind, gutters were replaced-in-kind, some of the wood windows were restored, and others were replaced-in-kind.

The front (south) elevation is fully sheathed in wood clapboard, including the exposed lower level. Wood stairs rise from the right (east) side elevation to a narrow deck which spans the first story of the front elevation and is supported by square posts with detailing similar to the corner pilasters. A side hall entrance on the first story accessed from the deck has a heavy entablature, pilasters with recessed panels and a wood four-panel door. The deck and entrance were reconstructed in 2012 according to historic photos. Windows on this elevation consist of replacement wood true-divided 6/6 double-hung sash (note: all windows are single-glazed). The window surrounds consist of casings with recessed panels which overlap at the corners and a simple sill. Wood shutters with historically-appropriate shutter hardware were also installed in 2012.

The right (east) side elevation has a partially-exposed granite block foundation. A single, wood double-hung 6/6 true-divided sash and a single 6-light fixed sash are set into the exposed granite foundation of the lower level. The first story of the main block of this elevation has three irregularly-spaced windows matching those on the front elevation, including shutters. There are three smaller 6/6 true-divided double-hung sash without shutters on the one and one-half-story ell; one on the first story and two on the second story. A second entrance is also located in this ell with a four-panel door which has a simple surround. To the right of the door is HVAC equipment screened by a small wood fence. The east side elevation of the one-story rear ell has no openings.

The left (west) side elevation has a larger expanse of the granite foundation exposed and has two wood double-hung 6/6 sash and a four-panel door set within it. The first story has the same window configuration as the east elevation. A small shed-roofed wall dormer with a single 2/2 wood double-hung sash is located on the left side of the main block. The one and one-half-story ell has a single wood double-hung 6/6 sash on the first story with shutters and a wood 3/3 double-hung sash with shutters on the second story. The west elevation of the rear ell has a single 6-light fixed sash with shutters.

The exposed rear (north) elevation of the one and one-half-story ell has an entrance accessed by a concrete handicap ramp with a clad modern door with two panels and 9 lights. The second story of this elevation has a single 6/6 double-hung sash and a 6-light fixed sash. The rear elevation of the one-story ell has no openings.

**HISTORICAL NARRATIVE** *Discuss the history of the building. Explain its associations with local (or state) history.*

*Include uses of the building, and the role(s) the owners/occupants played within the community.*

Thomas G. Davis (1808-1877) was a master mariner and merchant. Thomas Davis built the house at 3 Water Street in ca. 1840, likely on land he bought or was given from his father, Jabez Davis Sr., who lived in a neighboring house to the east

*Continuation Sheet 1*

**INVENTORY FORM CONTINUATION SHEET**

LINCOLN

207 Sandy Pond Road

MASSACHUSETTS HISTORICAL COMMISSION

220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

LIN.336

on the site of the present Woods Hole Library. The house at 3 Water Street, like many houses built at that time, included a shop, likely on the exposed lower level. The burgeoning whaling industry had greatly increased maritime activity in Woods Hole in the early-19th century. By the 1840s, many houses included stores to take advantage of the bustling local economy. Thomas Davis' store provided provisions for the maritime industry. In addition, together with his brother Jabez Davis Jr. (1812-1889) and a neighbor, Owen Eldridge, he owned a grocery store in a different location in Woods Hole. Davis was also a master mariner and served as captain on coastal trading boats. Thomas was married to Mahala (Eldredge) Davis (ca. 1810-1890) of Woods Hole and they had three children who survived to adulthood: Henry T. (b. 1838-1902), Lydia (b. 1842), and Rebecca E. (b. 1850).

The house passed to his son, Henry T. Davis, likely either upon the death of his father in 1877 or the death of his mother in 1890. Like his father, Henry Davis was a master mariner. During the Civil War, he had a rating as a master's mate and was an officer on the *Pembina* which was part of the West Coast Squadron. In December 1864, Davis was given command of a captured vessel taken by the *Pembina* which he sailed to New Orleans. Davis continued with the navy following the conclusion of the Civil War, serving as an officer on the vessels *Chocura* and *Tahoma* until he was discharged in 1867. Henry continued to work at sea, serving on whaling ships until 1874. He married Mary Clapp, of Portland, Maine, in 1875 and then returned to Woods Hole where he joined the family grocery business. In May 1902, his oldest son, also Henry T. Davis, discovered his father in "the old barn" dead. He had hanged himself, possibly due to stresses regarding the high price of meat and his business prospects. The house and barn (no longer extant) were sold at auction in 1902 to Sarah Bryant Fay for \$1,600 (Book 260/Page 172). Sarah Fay had large landholdings in Woods Hole. She conveyed the property to Henry T. Davis's niece, Bessie Crowell Davis Howes, for the same price in 1903 (Book 260/Page 256). The house remained in the family until 1946. From the 1960s-90s, the house contained a printing shop known locally as The Job Shop.

**BIBLIOGRAPHY and/or REFERENCES**

Barnstable County Atlases, 1858, 1880, 1908.

Barnstable County Registry of Deeds, Book 260/Page 172, Book 644/Page 367

Bird's Eye View of Woods Hole, 1887

Falmouth Vital records.

Gifford, F. L., Map of Woods Hole, 1845.

Witzell, Susan F., "Henry T. Davis: United States Navy," unpublished manuscript, Woods Hole Historical Museum.

[www.ancestry.com](http://www.ancestry.com)

Photo 1. West elevation.

Continuation Sheet 2

**EXHIBIT D**  
**Six (6) Photographs, taken by Eric Dray, March, 2014**



Photo 1. 3 Water Street, front (south) and left (west) elevations, looking northeast (March, 2014).



Photo 2. 3 Water Street, front (south) and right (east) elevations, looking northwest (March, 2014).

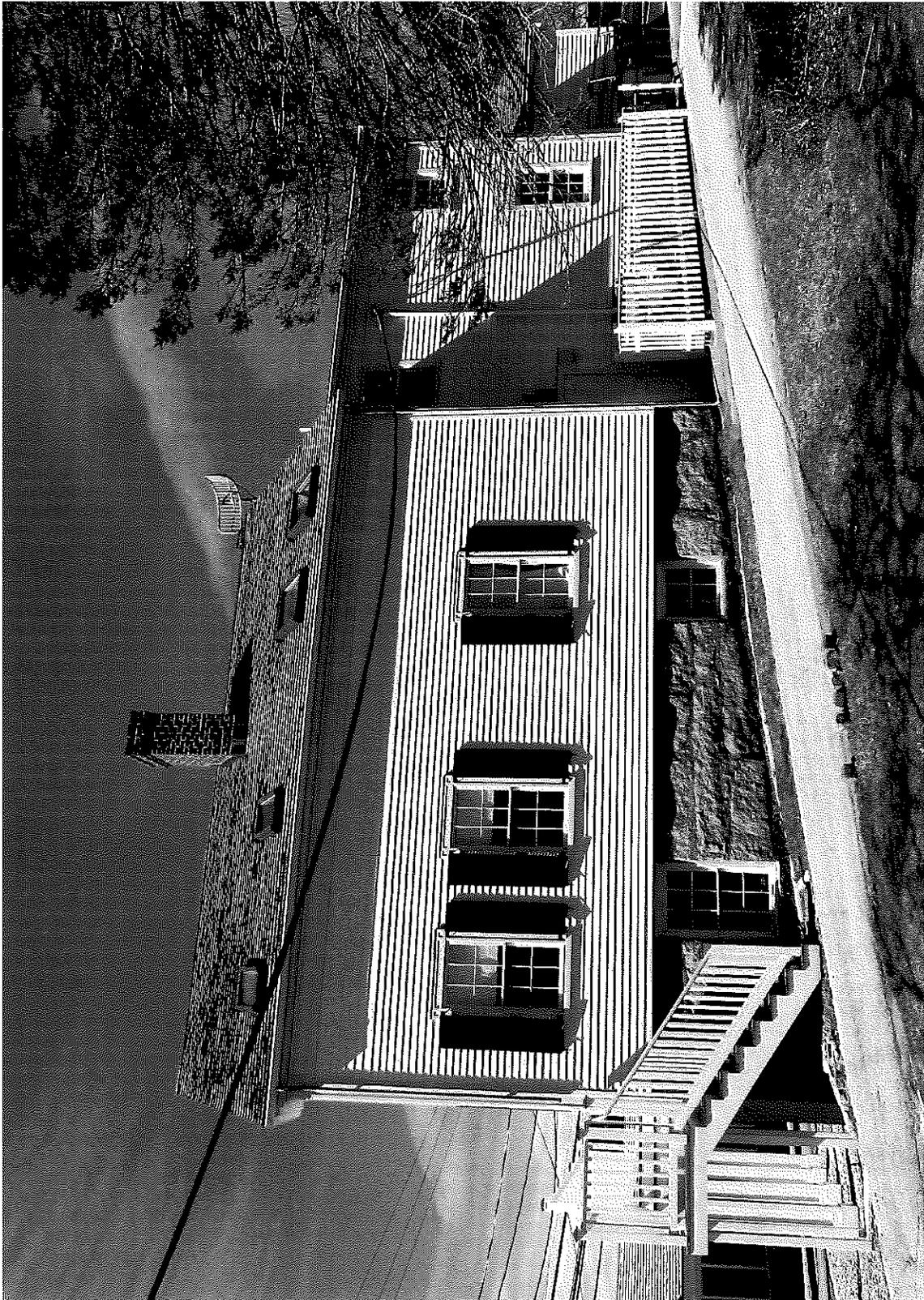


Photo 3. 3 Water Street, east elevation (March, 2014).



Photo 4. 3 Water Street, west elevation (March, 2014).

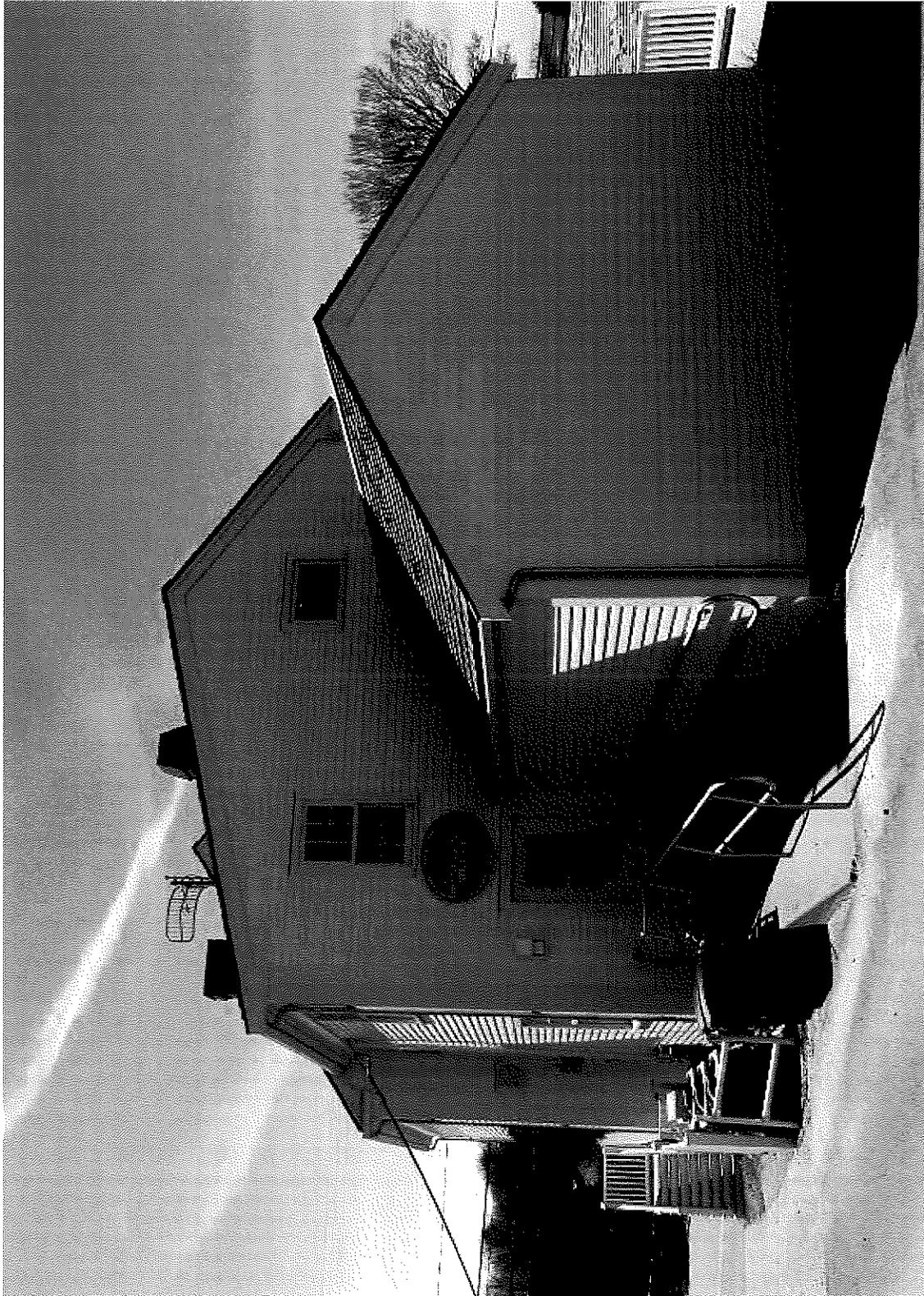


Photo 5. 3 Water Street, rear elevation, looking southwest.



Photo 6. 3 Water Street, rear elevation, looking southeast.

## EXHIBIT E

### RESTRICTION GUIDELINES

#### A. MAJOR VS. MINOR

The purpose of the Restriction Guidelines is to clarify Paragraph 3.1 of the terms of the preservation restriction, which deals with the maintenance of and alterations to the Property. Under this section permission from the Town of Falmouth acting by and through the Falmouth Historical Commission (Grantee) is required for any major maintenance or alteration. Activities of a minor nature, which are part of ordinary maintenance and repair, do not require Grantee's review.

In an effort to explain what constitutes a minor alteration and what constitutes a major change, which must be reviewed by the Grantee, the following list has been developed. By no means is this list comprehensive; it is only a sampling of some of the more common alterations, which may be contemplated by building owners. In all cases, reference should also be made to the Secretary of Interior Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (36 C.F.R. 67 and 68).

#### EXTERIOR PAINT

Minor - Exterior hand scraping and repainting of non-decorative and non-significant surfaces as part of periodic maintenance and not resulting in color change.

Major - Painting or fully stripping decorative surfaces or distinctive stylistic features including ornamental woodwork and stone. Repainting should match the current paint scheme or be based upon paint colors appropriate for the style and period of the building.

#### WINDOWS AND EXTERIOR DOORS

Minor - Regular maintenance including caulking, painting (same color), and necessary reglazing. Repair or in-kind replacement of existing individual decayed window parts.

Major - Replacement of entire sash, window system or door, alteration of profile or setback of windows or doors, and addition of storm windows. The existing windows are original or replacement single-glazed, true-divided 6/6, 2/2, 3/3 and 3-lite sash, most of which were installed in 2012. If the existing windows require replacement, they must be replaced-in-kind. The original front door has been reconstructed. If this door requires replacement, it must be replaced-in-kind, including material and pattern. The east side, west side and rear doors are replacement doors and should be replaced-in-kind.

#### ROOFING AND EXTERIOR WALLS

Minor - Spot repair of existing cladding including in-kind replacement of roofing shingles and wall siding.

Major - Large-scale repair or replacement of cladding or roofing. Change involving removal or addition of materials or building elements (i.e. removal of chimneys or cornice detailing; installation of architectural detail which does not have an historical basis); altering or demolishing building additions; spot repointing of masonry. Creating new openings in walls or sealing off existing openings. Structural stabilization of the property is also considered a major alteration. Existing wood clapboard siding and wood roof shingles, installed in 2012, should be retained and repaired. If replacement is

necessary, the replacement wood clapboard and roof shingles must match the existing in size and profile.

## LANDSCAPE

Minor - Routine maintenance landscape including pruning and repair.

Major - Altering, removing or adding significant landscape features that would compromise public views of the Building or introduce new structures onto the site, including stairs, walks, trees, outbuildings, mechanical equipment, and ground disturbance affecting archaeological resources.

## HEATING/AIR CONDITIONING/ELECTRICAL/PLUMBING SYSTEMS

Minor - Repair of existing systems.

Major - Installing or upgrading systems which will result in major alterations or additions to the Building or Property that are clearly visible to the public and may compromise public views of the Building.

Changes classified as major alterations are not necessarily unacceptable. Under the preservation restriction such changes must be reviewed by the Grantee and their impact on the historic integrity of the Property assessed. It is the responsibility of the property owner to notify the Grantee in writing when any major alterations are contemplated. Major alterations may necessitate review of plans and specifications. The intent of the Restriction is to enable the Grantee to review proposed alterations and assess their impact on the historical integrity of the structure, not to preclude any future change.

## B. KEY FEATURES

Any changes which would impact the exterior envelope of the Building must be reviewed and approved by the Grantee prior to receiving a building permit. Changes shall include both repair and replacement of existing key features and historically-accurate restoration where possible of missing or replaced key features. Grantor will give special consideration to changes which will impact the key architectural features (Key Features) of the Building including the following:

### Exterior

1. *Form*: Form, and massing of building, which consists of a one and one-half-story, three-bay by four-bay gable-front main block, followed by a one and one-half-story rear ell which continues the facade plane and roof slope on the west elevation and is set back with a shallower roof pitch on the east elevation, followed by a one-story rear ell.
2. *Foundation*: Granite block, except rear one-story ell which has a concrete foundation.
3. *Facade*: Wood clapboard with corner pilasters with recessed panels.
4. *Roof*: Wood roof shingles, corbelled brick chimneys.
5. *Front Entrance and Porch*: Narrow deck which spans the first story of the front elevation, supported by square posts with detailing similar to the corner pilasters, and a side hall entrance accessed from the deck with a heavy entablature, pilasters with recessed panels and a wood four-panel door (reconstructed 2012).
6. *Windows*: Wood true-divided windows, including historically accurate 6/6, 2/2, 3/3, and 6-lite fixed sash.
7. *Cornice*: Molded box cornice with partial returns across the gable ends and wood gutters.

### Site

*Public views*: View of building from Water Street.

### C. SPECIFIC STANDARDS

The following standards are included to establish a general level of quality for all work, and are considered essential to achieve the Town's primary objective for the Property.

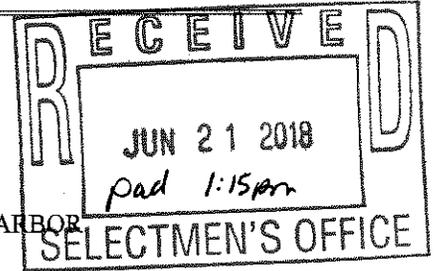
1. *Paint*: Changes in exterior paint colors are allowed. Colors must be historically appropriate and must be approved by the Commission.
2. *Siding*: Maintain all original or historically significant siding on Building, as determined by the Commission. Replacement siding, if needed, must be wood and match the existing clapboard in width and profile.
3. *Roof material*: New roofing must utilize red cedar shingles similar in size to existing.
4. *Chimneys*: Maintain all chimneys. If repointing is needed, the mortar must match the joint profile and color of existing mortar, and be of a composition that is similar or compatible to the existing mortar. If replacement bricks is required, it must match the existing in color and size.
5. *Foundation*: Maintain brick foundation. If repointing is needed, the mortar must match the joint profile and color of existing mortar, and be of a composition that is similar or compatible to the existing mortar. It is encouraged, but not required, that those portions of the foundation that are parged be restored to the original exposed brick and the parging removed. If replacement brick is required, it must match the existing in color and size.
6. *Dormers and Skylights*: New dormers and skylights are not permitted.
7. *Trim and Decoration*: Maintain original trim as possible, replace-in-kind if necessary.
8. *Windows*: Existing windows must be repaired if possible. If replacement is necessary, they must match the existing in material, design and configuration. Location of new windows must conform to the overall pattern of window spacing on the Building.
9. *Storm windows*: Storm windows are allowed with review by Commission. Storm windows must match the color of the underlying window surround and the meeting rails must align with the meeting rails of the window sash.
10. *Shutters*: Existing wood louvered shutters may be reinstalled or replaced-in-kind, including use of appropriate hardware (including shutter dogs and pintles). Design and color of the shutters must be reviewed and approved by the Commission.
11. *Doors and storm doors*: Original doors must be restored if possible and if not, must be replaced-in-kind; design to be approved by the Commission. Replacement of non-original doors must be wood, and be compatible in design, color, and finish of existing historic doors, as approved by the Commission. Storm doors are allowed provided they are as visually minimal as possible, including use of full-light panels to maximize visibility of the underlying doors, as approved by the Commission.
12. *Building-Attached Lighting Fixtures*: Light fixtures may be used but must be minimal in appearance, appropriate to the Building.
13. *Equipment*: Window mounted HVAC or other ventilation equipment are not permitted. Openings made for HVAC or other equipment on the exterior of the Building must be located in a manner that does not detract from the Building.
14. *Exterior landscape features*: Exterior landscape features, including plantings, trees, walkways and fences must be compatible with the Building and not obscure the view of the Building from the street.

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

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**TO:** JULIAN SUSO, TOWN MANAGER  
**FROM:** FRANK K. DUFFY, TOWN COUNSEL  
**SUBJECT:** TEMPORARY EASEMENT  
SIMPSON'S LANDING BULKHEAD, FALMOUTH INNER HARBOR  
**DATE:** 6/21/2018  
**CC:** GREGG FRASER, MES DIRECTOR



---

I enclose herewith a Temporary Easement for access to the town bulkhead at Simpson's Landing in Falmouth Inner Harbor. This is necessary to access the bulkhead for repairs.

Please present this Temporary Easement to the Board of Selectmen to vote approval and sign.

The completed document should be returned to this office.

RECEIVED

JUN 19 2018

Falmouth Harbormaster

TEMPORARY EASEMENT

By this TEMPORARY EASEMENT, Woods Hole Boat Sales, Inc., Falmouth, MA ("Grantor") grants for nominal, non-monetary consideration to the Town of Falmouth, a municipality in Barnstable County, MA, 59 Town Hall Square, Falmouth, MA 02540 ("Grantee") without Covenants, the temporary right and easement to enter upon and use for the following purposes a portion of the Grantor's land on Clinton Avenue, in Falmouth, Barnstable County, MA. and being parcel "A" on plan entitled "Plan of Land in Falmouth Belonging to Fishermen's Market, Inc." dated October 25, 1952, by Charles A. White, Surveyor, recorded with the Barnstable County Registry of Deeds, in Plan Book 107, Page 131, a copy of which is attached hereto as Exhibit A. The easement area of this Temporary Easement is the timber wharf shown on said plan. The purpose of the Temporary Easement is to permit the Town of Falmouth, or its contractors, to enter upon the easement area, remove some of the timber decking for access to the bulkhead on the south end of the Town's abutting property to make necessary and approved repairs. All disturbed or removed timber decking will be replaced upon completion of the work. A sketch plan of the easement area showing the area of work is attached hereto as Exhibit B. This Temporary Easement shall begin on October 9, 2018 and shall terminate February 15, 2019. The Grantee's use of this easement shall not unreasonably interfere with the Grantor's use of its property for its usual and customary purposes. The Grantee shall promptly repair and restore all disturbances to the easement area caused by its acts using this easement and shall be responsible for the negligent acts of its agents, servants and employees upon the easement area.

For title see Book 1147, Page 494. Property address: 227 Clinton Avenue, Falmouth, MA 02540.

In WITNESS whereof the Grantor has signed and sealed this instrument as of this 19 day of June, 2018

Woods Hole Boat Sales, Inc.

By Emil D. Tietze, 6/18/18  
EMIL DTIETZE, President

By James H. Tuttle 6/19/18  
, Treasurer

Accompanying Documents:

- 1) Plan

**TEMPORARY EASEMENT**

Woods Hole Boat Sales, Inc.

To

Town of Falmouth

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

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

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

Town of Falmouth  
By its Board of Selectmen

\_\_\_\_\_  
Susan L. Moran, Chairman

\_\_\_\_\_  
Megan English Braga, Vice Chairman

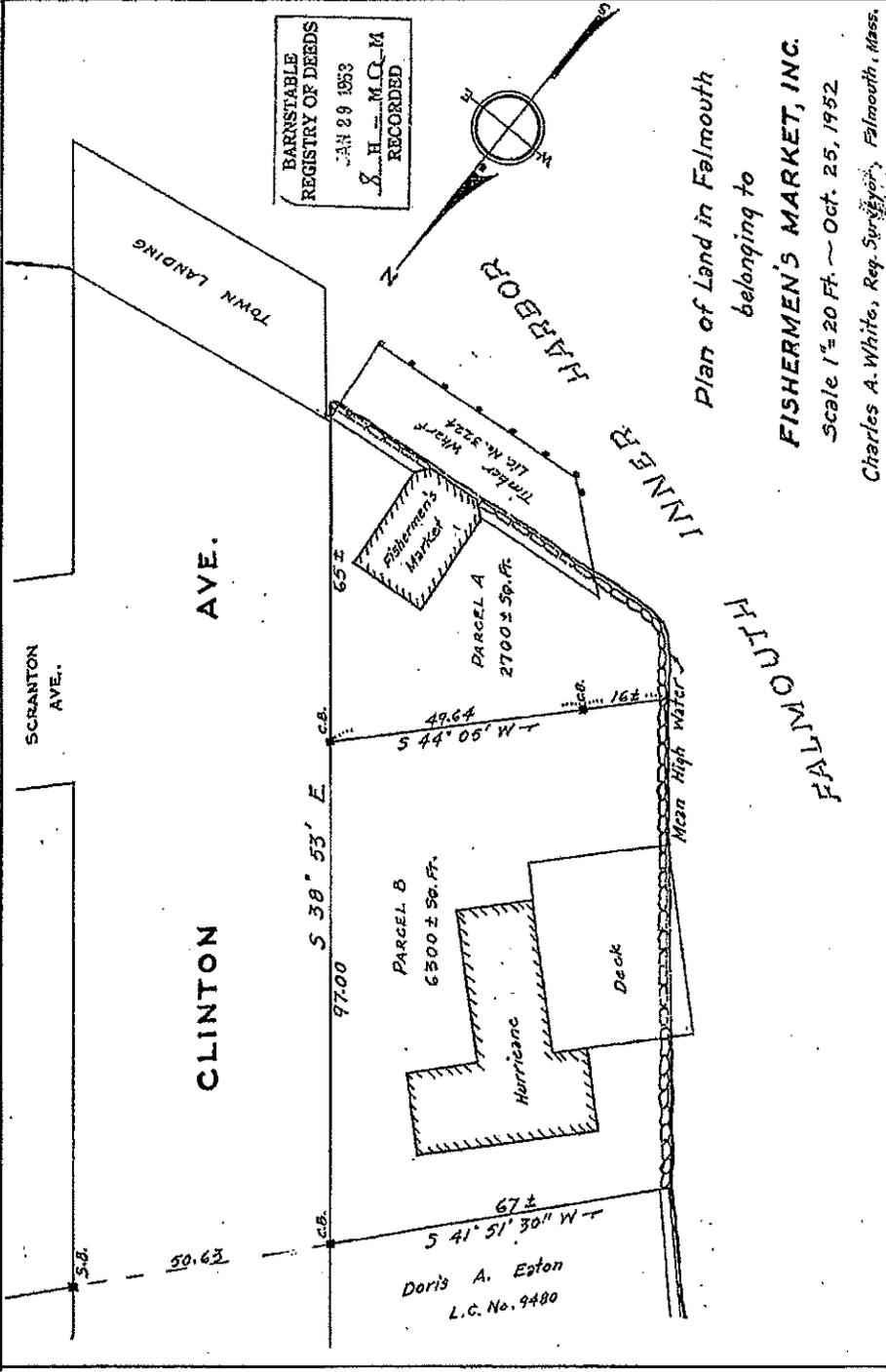
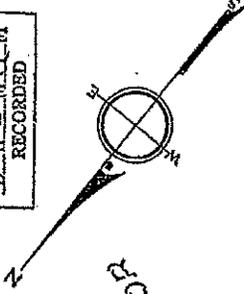
\_\_\_\_\_  
Doug Jones

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

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

107-131 107-131 FI

BARNSTABLE  
REGISTRY OF DEEDS  
JAN 29 1953  
S H M Q M  
RECORDED



Plan of Land in Falmouth  
belonging to  
**FISHERMEN'S MARKET, INC.**  
Scale 1" = 20 Ft. ~ Oct. 25, 1952

Charles A. White, Reg. Surveyor, Falmouth, Mass.

Plan Book 107 Page 131

SCRANTON  
AVE.

CLINTON  
AVE.

TOWN LANDING

INNER  
HARBOR

FALMOUTH

PARCEL B  
6500 ± SQ. FT.

HARRISONS

Deck

PARCEL A  
2700 ± SQ. FT.

Fishermen's  
Market

Timber  
Wharf  
Lic. No. 3224

Mean High Water

97.00 S 38° 55' E

49.64 S 44° 05' W

16 ±

67 ± S 41° 51' 30" W

Doris A. Eston  
L.C. No. 9480

50.63

S.B.

C.B.

65 ±

**REVISION**

CONTRACTOR SHALL CUT EXISTING DECKING ALONG EDGE OF 4"x10" STRINGER, REPLACE IN KIND ONCE BULKHEAD WORK IS COMPLETED

ALL CUT DECKING EXISTING STRINGER

CONTRACTOR SHALL REPLACE IN KIND ONCE WORK IS COMPLETED

1/4"

1/4" BOLT, WASHER AND NUT, STAGGER SPACE BOLTS CONTINUOUSLY ALONG LENGTH

1" STRINGER

PROPOSED CUT LINE (ALONG EDGE OF 4"x8" STRINGER)

EXISTING 6"x10" STRINGER (TYPICAL OF 2)

EDGE OF CONCRETE

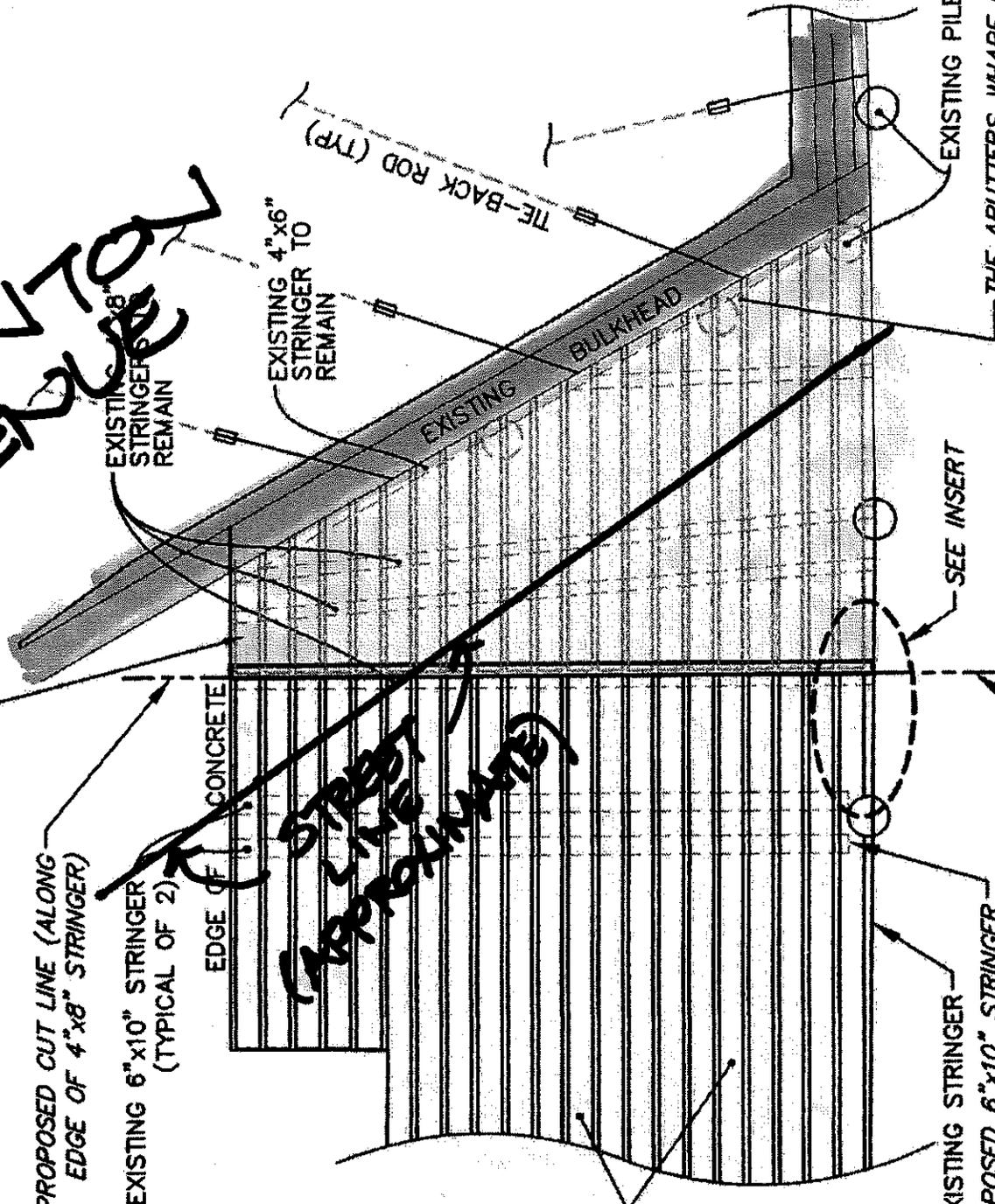
**STRENGTH APPROXIMATE**

EXISTING 3"x8" WHARF DECKING TO REMAIN (TYPICAL)

EXISTING STRINGER PROPOSED 6"x10" STRINGER

PROPOSED CUT LINE (TYPICAL)

SEE INSERT



EXISTING 4"x8" STRINGERS TO REMAIN

EXISTING 4"x6" STRINGER TO REMAIN

EXISTING BULKHEAD

EXISTING PILE TO REMAIN  
THE ABUTTERS WHARF DECKING TO BE REMOVED AS NECESSARY AND THE BULKHEAD SYSTEM (REMOVE ANCHORS, TIE ROD ASSEMBLY, ANCHORS) CONTRACTOR SHALL RESTORE TO ORIGINAL CONDITION PROVIDE NEW MATERIAL AS NECESSARY

**WHARF DECKING REMOVAL DETAIL**

SCALE: 1/4" = 1'

AN

THE NATIONAL

BOOK 283, PAGE 3

**Diane Davidson**

---

**From:** Julie Cramer <Jcramer@falmouthmass.us>  
**Sent:** Tuesday, June 26, 2018 12:08 PM  
**To:** 'Diane Davidson'  
**Subject:** Donation Account

The Department of Veterans' Services along with the Falmouth Veterans' Council requests to spend \$2,300 from the donation account to help pay for a handicap accessible shower for a disabled veteran.

Thank you.



FALMOUTH VETERANS' COUNCIL  
TOWN OF FALMOUTH

59 TOWN HALL SQUARE, FALMOUTH, MA. 02540  
(508) 495-7450 FAX (508) 495-7451

RECEIVED

JUN 14, 2018 PM 2:08

TOWN CLERK

June 13, 2018

Subject: Veterans' Council Meeting

Time: 4:00 p.m. - Place: Civil Defense Room, Falmouth Town Hall  
Basement

Attendance: Chairman Ahmed Mustafa, Member Kevin Casey, Member Randy Collette, Member Rob Foos, Member Carole Kenney, Member Joe Quintiliani, Member Jim Sawyer, Member Ed Van Keuren, Director Don Lincoln, Julie Cramer

Absent: Member Bob Teixeira

Meeting was called to order by Chairman Mustafa at 4:02 p.m. & Pledge of Allegiance was recited.

1. **Old Business:** Chairman Mustafa commented that he thinks Julie and Don should look at the library property a day in advance of the Memorial and Veterans' Day ceremonies to be sure everything is all set. Julie will get an extra American flag to keep at the office just in case there's an issue with the one at the library. It was missing the morning of the Memorial Day ceremony.

Director Lincoln gave an update regarding the 2 veterans that are in need of assistance and are being helped, in part, by Heidrea for Heroes. Director Lincoln spoke with Amy Belmore from Heidrea. She told him that for the veteran in need of an updated handicap accessible bathroom, they got a number of estimates and have decided to go with a local contractor with the lowest bid of \$5,300.00. Heidrea can donate \$3,000 toward it and asked if we could come up with the remaining \$2,300. The Council discussed the matter. Chairman Mustafa made a motion to expend \$2,300 from the Donation Account for the updated bathroom, once we have

the appropriate paperwork from Heidrea for Heroes and the expenditure is approved at a Selectmen's meeting. Member Quintiliani seconded. All in favor, none opposed. Motion carried (8-0). Director Lincoln then explained that Heidrea for Heroes is helping the veteran in need of a newer motor for his truck.

Director Lincoln explained to the Council that he was looking into the possibility of Falmouth giving free beach passes to year-round Falmouth resident veterans. Mashpee now has such a program in place. He spoke with Ms. O'Connell, Falmouth Town Collector, who suggested he first speak with members of the Beach Committee. Director Lincoln will speak with the Beach Committee and the Town Administration to see what their thoughts are and update the Council at their September meeting.

2. New Business: The Council discussed the need for a speaker for Veterans' Day. Member Foos will contact some people in the Coast Guard and Member Collette will speak with Don Arthur. The matter will be tabled for discussion at the September Veterans' Council meeting.
3. Open Remarks: Chairman Mustafa asked Julie to remind Al Beal to distribute the criteria for the Veterans' Day essay contest.

Member Collette is checking into the Veterans' Court program to see how it works and will update the Council at their September meeting.

Member Collette will get together with Director Lincoln in regard to an on-going issue with a veteran who continues to have problems with the construction of his home. Member Collette is looking into filing a complaint with the VA who backed the home loan for the veteran. They will update the Council at the September meeting.

Member Quintiliani informed the Council that the new VA Healthcare booklets are available. He spoke with the Brockton VA reproduction department and made arrangements for them to provide us with both the VA Healthcare booklets and the State Veterans' Law and Benefits booklets when needed. He gave Director Lincoln the contact information for the person who runs that department.

**Member Quintiliani also informed the Council about the VA medical i.d. bracelets/necklaces now available to veterans in the VA Healthcare System. There is a form to be filled out by a VA primary care doctor and then submitted to the prosthetics department who will order the medical i.d.'s.**

**Member Quintiliani asked Chairman Mustafa to order 4 gross of the small American flags to be distributed at the Veterans' and Memorial Day ceremonies.**

**Member Kenney informed the Council that the Wounded Warrior Soldier Ride was very successful. There was a good turnout and everyone was very friendly. Member Van Keuren noted that the food provided to the riders by the Falmouth Elks was just the right amount with almost nothing left over.**

**Member Casey informed the Council of the passing of Jim King who was a volunteer at the Retiree's office on JBCC.**

**Member Quintiliani made a motion to adjourn the meeting, Member Foos seconded. All in favor, none opposed. Motion carried (8-0).**

**Meeting adjourned at 4:45 p.m.**

A handwritten signature in black ink that reads "Ahmed Mustafa" followed by a stylized circular flourish.

**AHMED MUSTAFA, CHAIRMAN  
Falmouth Veterans' Council**



# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

July 9, 2018

Division of Ecological Restoration  
Attn: Megan Sampson, Program Coordinator  
251 Causeway Street, Suite 400  
Boston, MA 02114  
[Megan.Sampson@state.ma.us](mailto:Megan.Sampson@state.ma.us)

Dear Ms. Sampson:

The Town of Falmouth holds title to a 12.5-acre parcel of land in East Falmouth known as the Farley Bog. The Falmouth Rod & Gun Club (the "Club") has proposed to the Town of Falmouth to acquire the parcel to undertake a large conservation project to rehabilitate the upper Childs River. The goals of this project are to create a coldwater fishery to foster the return of native trout to the river, and to restore the abandoned Farley cranberry bog to wetland habitat. The Falmouth Conservation Commission (FCC), the Falmouth Board of Selectmen (FBOS), and the Falmouth Town Meeting have all unanimously endorsed this ambitious conservation project.

At the April 4, 2017 Special Spring Town Meeting, Town Meeting members voted unanimously to approve Article 3 which would allow the transfer of the Farley Bog parcel to the Club subject to the following conditions:

1. The FBOS hold a hearing pursuant to the Town Code, Chapter 207 (completed with no objections),
2. approval by the MA General Court of transfer of the property which is subject to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts. (State Representative David Vieira has reported that the MA House approved the transfer by the required two thirds vote and sent the bill on to the MA Senate. State Senator Vinny DeMacedo is sponsoring that bill and as of June 15<sup>th</sup>, it was in the 3<sup>rd</sup> Reading Committee), and
3. compliance with any other legal requirement.

To fulfill the Town Meeting vote, the Town and the Club have signed a Purchase & Sale agreement which is pending completion of the above conditions. Article 3 of that Special Town Meeting also required that the transfer of the Article 97 land be assured by a Conservation Restriction (CR) held and enforced by the FCC. This has been drafted by the Club's attorney and is being submitted to the MA Executive Office of Energy and Environmental Affairs for review and approval. The full FCC, the FBOS and the membership of the Club must subsequently approve the CR which will be recorded with the deed at the Barnstable County Registrar of Deeds after closing on the parcel.

The Club has made a significant financial commitment to the project and has engaged Inter-Fluve, the same design and engineering firm employed on the Town's own restoration project on the Coonamessett River. The Club has applied for and received several significant grants for this project,

and it has solicited and gained the support and participation of several Federal, state and local government entities. The Town of Falmouth is committed to pursue this project's stated goals and actions, and it is confident of its completion and success. We support the Club's application for "Priority Project Status" with the MA Division of Ecological Restoration.

Sincerely,

---

Susan L. Moran, Chairman

---

Samuel H. Patterson

---

Megan English Braga

---

Douglas C. Brown

---

Doug Jones

Falmouth Board of Selectmen



# *Town of Falmouth*

**JENNIFER PETIT**

**DIRECTOR OF FINANCE**

59 Town Hall Square, Falmouth, Massachusetts 02540  
(508) 495-7364 Fax (508) 457-2511

TO: Board of Selectmen and Finance Committee

FROM: Jennifer Petit, Finance Director 

DATE: June 29, 2018

RE: Transfer of Funds

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According to Mass. General Law Chapter 44 section 33B Towns may transfer funds between accounts at the end of a fiscal year with a vote of the Board of Selectmen and Finance Committee.

I respectfully request the amount of \$156,500 to be transferred from Snow and Ice Salaries (acct# 01-423-5120) to Snow and Ice Expenses (acct# 1-423-5542).

I will be in attendance at the meeting should you have questions.

Thank you.

Cc: Julian M. Suso, Town Manager



## TOWN OF FALMOUTH ASSESSING DEPARTMENT

59 Town Hall Square, Falmouth MA 02540  
Telephone: 508-495-7377  
Fax: 508-495-7384

July 8, 2018

Attached please find an abatement application that the Board of Assessors are recommending be abated with the following conditions;

Parcels abated from a betterment assessment due to a determination of "unbuildable" that become buildable at a future time shall have an Entry Fee imposed equal to the original betterment of \$13,054.02.

The parcels is unbuildable at this time due to wetland issues and road frontage.

Thank you for your attention on this matter.

Trisha Favulli  
Director of Assessing

Enc.  
File  
39 13 000 288  
28 Short St



## TOWN OF FALMOUTH ASSESSING DEPARTMENT

59 Town Hall Square, Falmouth MA 02540  
Telephone: 508-495-7377  
Fax: 508-495-7384

July 8, 2018

Attached please find an abatement application that the Board of Assessors are recommending not be abated.

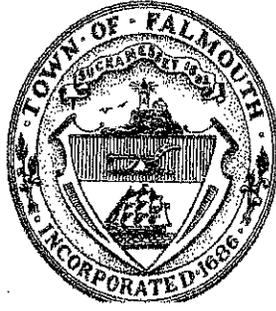
197 Grand Ave has been assessed as a Bed and Breakfast since 1993. The owners notified the Assessors in November of 2017 that they would no longer be operating a Bed and Breakfast at 197 Grand Ave. This was two years after the lien was recorded on July 29, 2015, at the Barnstable County Registry of Deeds. Falmouth property owners had been notified that they would be charged according to the property use as a single family, multi family, or business prior to the lien being placed on the property.

The property is now being assessed as a single family home, there is no regulation available to prevent the property from being converted back to commercial use in the future.

Thank you for your attention on this matter.

Trisha Favulli  
Director of Assessing

Enc.  
File  
46B27 013 093  
197 Grand Ave



## TOWN OF FALMOUTH ASSESSING DEPARTMENT

59 Town Hall Square, Falmouth MA 02540  
Telephone: 508-495-7377  
Fax: 508-495-7384

July 8, 2018

Attached please find an abatement application that the Board of Assessors are recommending not be abated.

The properties current use is a single family home. The property has been charge an abatement for a single family home. There is no support for an abatement.

Thank you for your attention on this matter.

Trisha Favulli  
Director of Assessing

Enc.  
File  
39A35 000 242  
41 Swallow St

**DRAFT ONLY**

July 10, 2018

Ms. Katherine Lacy, Senior Project Manager  
Massachusetts Housing Partnership  
160 Federal Street  
Boston, MA 02110

Re: Chapter 40B Project Eligibility Letter  
Gifford Workforce Housing, Falmouth

Dear Ms. Lacy:

The Town of Falmouth is pleased to offer comments as well as a letter of support for the 587 Gifford Street Workforce Housing request for a Project Eligibility Letter. The phased twenty affordable units, four of which will serve households at the 50% area median income level, are much needed and very welcome in the Community. The Town of Falmouth through its Board of Selectmen, Community Preservation Committee and the Falmouth Affordable Housing Fund have voted their support and \$650,000 in funding to that end.

Falmouth Town Departments after reviewing the plans at both the June 20 Development Team meeting and the June 22, 2018 site visit offer the following comments.

- The Falmouth Fire Rescue Department has no concerns at this time.
- The Falmouth Engineering Department has noted that the sight distance on Gifford Street could be improved by cutting back some of the vegetation along the roadway. Actual sight lines have not been provided in the preliminary plans submitted.
- The Falmouth Heath Agent notes that a pressurized distribution system would be required under Title V but no alternative technology such as a denitrifying system is required at this site based on the size of the proposed development.
- The Falmouth Housing Coordinator notes that local needs assessments have identified housing for disabled persons as a particular area of need and encourages Falmouth Housing Corp to keep this population in mind when designing and marketing these units.
- The Falmouth Town Planner opined that while there are no plans for an inter-parcel connection with the Falmouth Service Center to the west, an access easement from the end of the parking lot and driveway might benefit future access especially for emergency vehicle. The existing utility and access easements in front of existing building #2 shown on the Proposed Site Plan dated June 8, 2018 might be expanded for additional vehicle access.

The Town understands that the development would be subject to an Affordable Housing Restriction in effect for a minimum of 30 years. Due to the continuing concerns of many Massachusetts towns about expiring restrictions on affordable housing Falmouth would like to see the affordability requirements extend well beyond the initial period and into perpetuity as the law may allow.



**TOWN OF FALMOUTH  
SPECIAL EVENT PERMIT**

**NAME** Paul Curley, Route Manager

**MAILING ADDRESS** American Lung Association of the Northeast  
260 West Exchange St., Suite 102B, Providence, RI 02903

**EVENT DAY & DATE** Friday, September 28, 2018

**RAIN DATE** None.

**EVENT LOCATION** Bike Path, pass through town, rest stop at Surf Drive Beach

**EVENT TYPE** 34<sup>th</sup> Annual Autumn Escape Bike Trek

**SET-UP ARRIVAL TIME** 8:00 a.m. **EVENT HOURS** 10:00 a.m. – 2:00 p.m.

**NUMBER OF ATTENDEES** 300 **# OF VEHICLES** 4

**ADDITIONAL DETAILS** Use of Surf Drive Beach bathhouse.

**CONDITIONS:**

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

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

**BOARD OF SELECTMEN:**

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

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

## Requirements for prospective users of the Shining Sea Bikeway

Organizations or individuals seeking to use the Shining Sea Bikeway for Special Events are required to affirm that they will abide by the rules for users of the Bikeway.

The Shining Sea Bikeway is a shared use path that serves transportation and recreational needs on a continuing basis and must not be impeded or blocked.

### PROSPECTIVE USERS MUST AGREE TO

1. Stay to the right and pass on the left, giving an audible signal when passing
2. Allow breaks for passing traffic to merge into the event traffic: do not bunch up
3. Within 12 hours of the event, clear the path of any debris and directional markers
4. Confirm that helmets are in use, as required by law, for all bicyclists under 17 years of age
5. Provide marshals to direct participant traffic at road crossings so that traffic on the road and on the bikeway is not endangered or inconvenienced by the event
6. Obtain clearance from the Falmouth Police, if indicated, to hold the event
7. Notify all participants of their obligations under the above rules

### ADDITIONAL REGULATIONS: TOWN OF FALMOUTH

- Dogs must be leashed and controlled at all times
- Pet waste must be cleaned AND removed from the path
- Groups must not span more than half (one 5-foot lane) of the path
- Move right when signaled to allow others to pass within the lane
- When stopping, move off the path surface

### SAFETY AND CONSIDERATION

- The Shining Sea Bikeway is a **Shared Use Path** and all have equal rights to use it. Respect the rights of others.

Please sign and date to indicate acceptance of these requirements.

By 

Organization American Lung Assn.

Date ~~XXXXXX~~ 5/4/2018



**TOWN OF FALMOUTH  
SPECIAL EVENT PERMIT**

**EVENT NAME** 39<sup>th</sup> Annual Falmouth in the Fall Road Race

**NAME** Don Facey, Race Director

**MAILING ADDRESS** 393 Jones Road, Falmouth, MA 02540

**EVENT DAY & DATE** Sunday, November 4, 2018

**RAIN DATE** None.

**EVENT LOCATION** Woods Hole to Falmouth Heights

**SET-UP ARRIVAL TIME** 10:00 a.m. **EVENT HOURS** 1:00 p.m. – 3:00 p.m.

**NUMBER OF ATTENDEES** 500 **# OF VEHICLES** 1

**ADDITIONAL DETAILS** One 10'x10' tent on Falmouth Heights ball field. D.J. at Falmouth Heights ball field. Race will provide 4 portable toilets at Woods Hole and 3 at Falmouth Heights. Parking at Falmouth Heights Beach parking lot and Bristol Beach parking lot.

**CONDITIONS:**

1. Contact the Police detail sergeant one month before the event to arrange for adequate public safety requirements.
2. Contact Fire Rescue Department EMS officer for EMS or fire detail coordination.
3. No bathroom facilities or water will be available at Ellen Mitchell Bathhouse, as the water has been turned off.
4. Event organizers to police race route and locations to clean up any litter or debris following the race.
5. Tent in excess of 400 sq. ft. require a permit from the Building Department.
6. If food other than water to be offered, contact the Health Department for a temporary food permit.
7. No parking on Worcester Court Greenway.

**PERMIT FEE** \$450.00 **FILING FEE** \$10.00  
**DEPOSIT** \$300.00 (Deposit refundable at conclusion of event provided that no litter or damage has occurred)

**BOARD OF SELECTMEN:**

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

\_\_\_\_\_  
\_\_\_\_\_  
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**TOWN OF FALMOUTH  
SPECIAL EVENT PERMIT**

**EVENT** Bastille Day

**NAME** Crepe Cod, Jaafar Chbarbi, Manager/Owner

**MAILING ADDRESS** 649 Main Street, Falmouth, MA 02540

**EVENT DAY & DATE** Saturday, July 14, 2018

**RAIN DATE** None.

**EVENT LOCATION** Inside restaurant and tent outside restaurant

**EVENT TYPE** Bastille Day

**SET-UP ARRIVAL TIME** \_\_\_\_\_ **EVENT HOURS** 9:00 a.m. – 7:00 p.m.

**NUMBER OF ATTENDEES** Varies **# OF VEHICLES** \_\_\_\_\_

**ADDITIONAL DETAILS** One-day entertainment license for D.J. inside restaurant. Tent (200 sq. ft.) outdoors for dining (no alcohol outdoors). One sign (less than 8 sq. ft.).

**CONDITIONS:**

**PERMIT FEE** \$25.00 **FILING FEE** \$10.00

**DEPOSIT** N/A (Refundable at conclusion of event provided that no litter or damage has occurred)

**BOARD OF SELECTMEN:**

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

Number:  
18-2-ENT

Fee  
\$25.00

The Commonwealth of Massachusetts  
Town of Falmouth

This is to certify that  
Crepe Cod LLC  
d/b/a Crepe Cod  
Manager: Jaafar Chbarbi  
649 Main Street  
Falmouth, MA 02540  
is hereby granted this

Entertainment License

Date: Saturday, July 14, 2018. Hours: 9:00 a.m. to 7:00  
p.m. D.J. inside restaurant. Bastille Day.

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

Valid from: July 14, 2017

Valid until: July 14, 2017

By order of The Falmouth Board of Selectmen

July 9, 2018

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

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



**TOWN OF FALMOUTH  
SPECIAL EVENT PERMIT**

**NAME** Neighborhood Beach Cookout

**CONTACT** Ed Moritz

**MAILING ADDRESS** 23 Atwater Drive, East Falmouth

**EVENT DAY & DATE** Saturday, July 21, 2018

**RAIN DATE** Saturday, August 4, 2018

**EVENT LOCATION** Bayside Drive pavement between boulders

**EVENT TYPE** Annual neighborhood cookout

**SET-UP/BREAK-DOWN TIME** 9:00am/3:00pm **EVENT HOURS** 10:00 a.m. – 2:00 p.m.

**NUMBER OF ATTENDEES** 60± **# OF VEHICLES** 0 (dropoff/pick up)

**ADDITIONAL DETAILS** Two 10x10 canopies, 3 grills, 3 tables, grills will NOT be under canopies. Hot dogs, hamburgers, soft drinks, ice cream.

**CONDITIONS:**

1. No alcohol allowed on the public way.
2. Notify all adjacent neighbors in advance of the event.
3. Remove all rubbish. Recommend the use of private trash receptacles and private removal.
4. Do not block public access to the beach.

**PERMIT FEE** \$25.00 **FILING FEE** \$10.00

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

**BOARD OF SELECTMEN:**

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

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



**TOWN OF FALMOUTH  
SPECIAL EVENT PERMIT**

**EVENT** Kevin Looney Fundraiser Bike Ride

**NAME** Lisa Looney

**MAILING ADDRESS** 18 Pondview Drive, East Falmouth, MA 02536

**EVENT DAY & DATE** Saturday, September 8, 2018

**RAIN DATE** None.

**EVENT LOCATION** Bike Path – Depot Ave. to Trunk River to Depot Ave.

**EVENT TYPE** Bike Ride to benefit Kevin Looney Recovery Fund

**SET-UP ARRIVAL TIME** 8:30 am – 12:30 pm **EVENT HOURS** 9:00 am – 11:00 am

**NUMBER OF ATTENDEES** 50 **# OF VEHICLES** 50

**ADDITIONAL DETAILS** 5K bike ride. Event organizer will assign volunteers to assist bikers at roadway crossings along bike path route.

**CONDITIONS:**

1. Please observe Shining Sea Bike Path rules, attached.
2. Organizers to assign volunteers to assist bikers at roadway crossings along bike bath route.
3. Organizers to police the bike route to ensure that no litter or debris is left behind.

**PERMIT FEE** \$25.00 **FILING FEE** \$10.00

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

**BOARD OF SELECTMEN:**

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

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



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

**NAME** Emmaline Curran

**MAILING ADDRESS** 108 Glen Road, Highland Lakes, NJ 07422

**CEREMONY DAY & DATE** Saturday, August 18, 2018

**LOCATION** Old Silver Beach

**SET-UP ARRIVAL TIME** 4:15 p.m. **CEREMONY HOURS** 4:15 p.m. – 6:15 p.m.

**NUMBER OF GUESTS** 20 **NUMBER OF VEHICLES** 5

**TIME NEEDED FOR PARKING VEHICLES** 4:15 p.m. – 6:15 p.m.

**ENTERTAINMENT** None.

**CONDITIONS:**

1. Consumption of alcoholic beverages prohibited on Town beaches and parking areas.
2. Public parking is on a first come first serve basis.

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

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

**BOARD OF SELECTMEN:**

\_\_\_\_\_  
\_\_\_\_\_  
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**TOWN OF FALMOUTH  
WEDDING CEREMONY AND PARKING PERMIT**

**NAME** Aubree Lemons and Nicholas Koss

**MAILING ADDRESS** 26 Country Side Road, Bellingham, MA 02019

**CEREMONY DAY & DATE** Friday, September 14, 2019

**LOCATION** Old Silver Beach

**SET-UP ARRIVAL TIME** 3:00 p.m. **CEREMONY HOURS** 5:00 p.m. – 5:30 p.m.

**NUMBER OF GUESTS** 125 **NUMBER OF VEHICLES** 70\*

**TIME NEEDED FOR PARKING VEHICLES** 4:30 p.m. – 6:00 p.m.

**ENTERTAINMENT** Pre-recorded music. Photography.

**CONDITIONS:**

1. Consumption of alcoholic beverages prohibited on Town beaches and parking areas.
2. Public parking is on a first come first serve basis.
3. \*Must use group transportation or carpooling. Contact Seacrest and other private businesses to arrange for overflow parking.

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

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

**BOARD OF SELECTMEN:**

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



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

**NAME** Gisele M. Dionne

**MAILING ADDRESS** 153 Jericho Path #8, Falmouth, MA 02540

**CEREMONY DAY & DATE** Wednesday, September 19, 2018

**LOCATION** Falmouth Heights Beach

**SET-UP ARRIVAL TIME** \_\_\_\_\_ **CEREMONY HOURS** 6:30 p.m. – 7:00 p.m.

**NUMBER OF GUESTS** 4 - 6 **NUMBER OF VEHICLES** 0

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

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

**CONDITIONS:**

1. Consumption of alcoholic beverages prohibited on Town beaches and parking areas.
2. Public parking is on a first come first serve basis.
3. Must use group transportation or carpooling.

**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:**

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

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

LIQUOR LICENSE HEARING  
CORRECTED NOTICE

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Bad Martha's Farmer's Brewery LLC has applied for a NEW Farmer-Brewer Pouring License to be exercised at <sup>876</sup>867 East Falmouth Highway, East Falmouth, MA. An application has also been made for a Common Victualler License. A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, July 9, 2018 at 7:30 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, June 29, 2018; Falmouth Enterprise  
Copy to Abutters*



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission

For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

ABCC License Number

Falmouth  
City/Town

06/13/2018  
Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

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

APPLICANT INFORMATION

Name of Licensee: Bad Martha's Farmer's Brewery LLC D/B/A: \_\_\_\_\_

ADDRESS: 876 East Falmouth Highway CITY/TOWN: East Falmouth STATE: MA ZIP CODE: 02536

Manager: Jacobi Milo Reid

Granted under Special Legislation? Yes  No

If Yes, Chapter \_\_\_\_\_ of the Acts of (year) \_\_\_\_\_

\$19 Farmer Series Pouring Permit    Annual    Malt

Type (i.e. restaurant, package store)    Class (Annual or Seasonal)    Category (i.e. Wines and Malts / All Alcohol)

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: Monday - Sunday: 11:00 AM - 12:00 AM

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

Please indicate if the LLA is downgrading the License Category (approving only Wines and Malts if applicant applied for All Alcohol): No

Changes to the Premises Description	Indoor Area	Floor Number	Square Footage	Number of Rooms
Patio/Deck/Outdoor Area Total Square Footage: _____	Total Square Footage: _____			
Seating Capacity: _____	Number of Entrances: _____			
	Number of Exits: _____			

Abutters Notified: Yes  No  Date of Abutter Notification: 6/25/18 Date of Advertisement: 6/29/18

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:

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

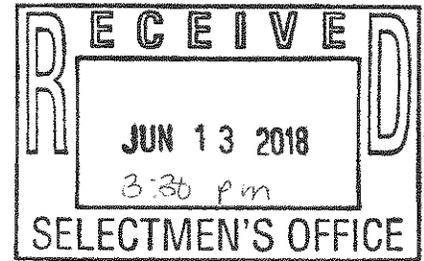
07/09/2018

Date APPROVED by LLA

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

**AMENT KLAUER LLP**

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



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

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

June 13, 2018

VIA HAND DELIVERY

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

Re: Application for Liquor License  
Proposed Licensee: Bad Martha Farmer's Brewery LLC  
Location: 876 East Falmouth Highway, East Falmouth, MA

Dear Ms. Moran:

Please accept this letter as a request for the issuance of a liquor license by Bad Martha Farmer's Brewery LLC for a portion of the premises known as 876 East Falmouth Highway, East Falmouth, MA. The applicant is a brewer seeking permission for the on-premises sale of their beer. They are leasing a portion of the building located at 876 East Falmouth Highway. Submitted herewith are the following documents:

- Checklist for Application For a Retail Alcoholic Beverages License
- Money Transmittal Form with proof of payment;
- Check for \$85.00 made payable to the Town of Falmouth representing:
  - \$50.00 for the Town's Liquor License application fee;
  - \$25.00 for the Town's Advertising fee; and
  - \$10.00 for the Town's Common Victualler application fee; and
- Petition for Alcoholic Beverages License with all appropriate attachments, including:
  - Beneficial Interest Form – Jonathan D. Blum;
  - Beneficial Interest Form – Peter V. Rosbeck, II;
  - CORI Authorization Form – Jonathan D. Blum;
  - CORI Authorization Form – Peter V. Rosbeck, II;
  - CORI Authorization Form – Jacobi Reid;
  - Proof of Citizenship for Jacobi Reid;
  - Vote of the LLC;
  - Business Structure Documents filed with the Secretary of State's Office;
  - Proof of UBS Line of Credit;
  - Floor Plan;

Susan L. Moran, Chair  
Board of Selectmen  
June 13, 2018  
Page 2

- Lease
- Copy of State-issued Farmer's Brewer license;
- Application for Common Victualler License.

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

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

Very truly yours,



Kevin P. Klauer II, Esq.

KPK/  
Enclosure

cc: Bad Martha Farmer's Brewery LLC

**ADDITIONAL SPACE**

The following space is for any additional information you wish to supply or to clarify an answer you supplied in the application.

If referencing the application, please be sure to include the number of the question to which you are referring.

Please note that of the 94 seats set forth in Section 6 approximately 30 of those seats will be seasonal, outdoor seating. The year-round indoor seating will be limited to 64.

**BAD MARTHA FARMER'S BREWERY, LLC**

**CERTIFICATE OF VOTE**

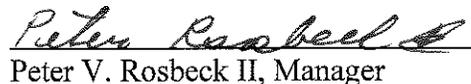
At a meeting of the officers of Bad Martha Farmer's Brewery, LLC, a Massachusetts Limited Liability Company organized under the Commonwealth of Massachusetts (the "LLC"), held a meeting at 4:00 p.m. on June 11, 2018 in Edgartown, Massachusetts, all managers and members being present and voting, upon motion duly made and seconded it was unanimously **VOTED:**

1. That the LLC take such action as is necessary to complete an Application for Pouring Permit Alcoholic Beverage License with the Commonwealth of Massachusetts and the Town of Falmouth.
2. To appoint Jacobi Reid as the Manager of Record for the aforementioned liquor license application.
3. That to effect such purposes, the Managers of the LLC be and are hereby authorized and directed to execute on behalf of the LLC and acknowledge on behalf of the LLC and deliver to the necessary offices, in such form as they shall deem proper, the execution thereof to be sufficient evidence of approval as form, an Application for Pouring Permit Alcoholic Beverage License and do any and all such further acts, as he may in his discretion deem necessary to complete such application.

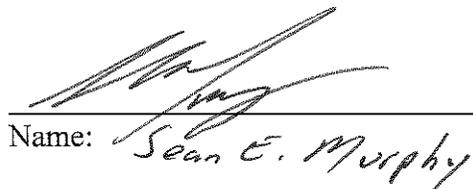
We further certify that we are the Managers of the LLC and that the foregoing vote is in full force and effect.

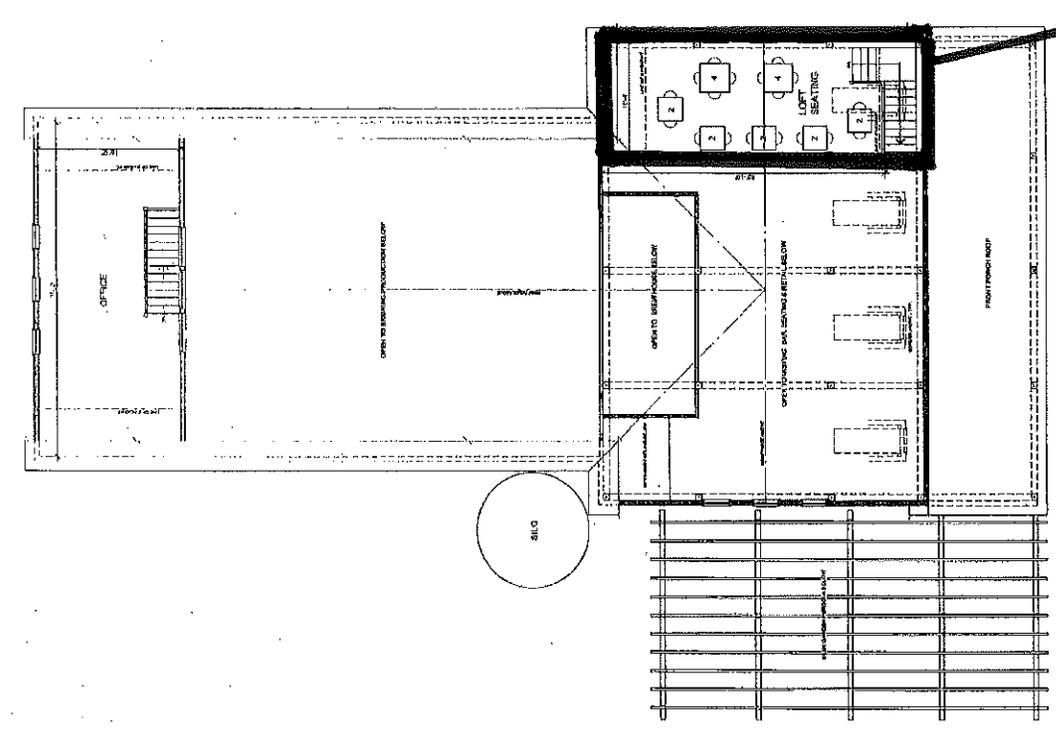
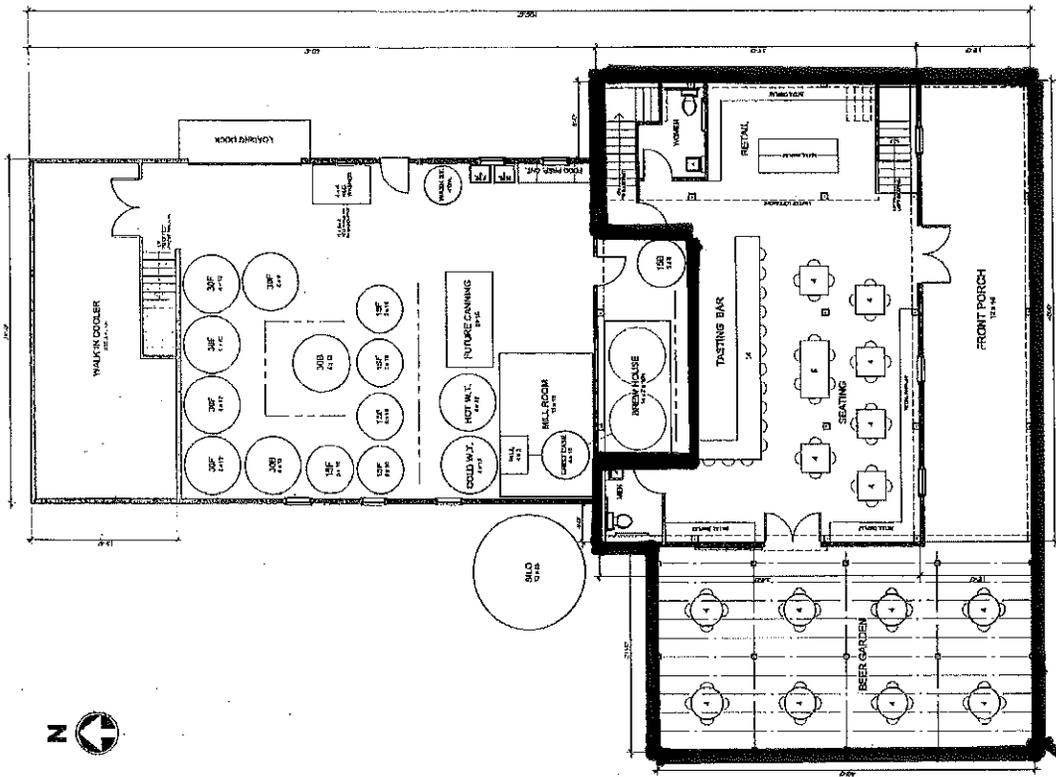
Attest:

  
Jonathan D. Blum, Manager

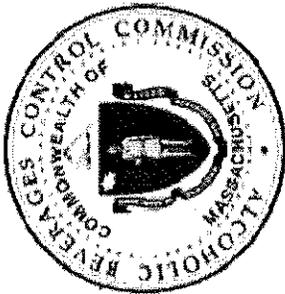
  
Peter V. Rosbeck II, Manager

Witness:

  
Name: Sean E. Murphy



*Pairing  
 Premises*



Commonwealth of Massachusetts  
Office of the State Treasurer  
Alcoholic Beverages Control Commission

**FARMER-BREWERY LICENSE**

M.G.L. c. 138, § 19C

This Farmer-Brewery License authorizes the following licensee to manufacture and brew, keep and expose for sale and to sell in kegs, casks, barrels, bottles or other containers malt containing not more than twelve percent alcohol by weight:

**Bad Martha Farmer's Brewery, LLC**

876 East Falmouth Highway  
East Falmouth, MA 02536

Approved by the Alcoholic Beverages Control Commission on 04/24/2018

*Jean M. Lorzio*

Jean Lorzio, Chairman

*Elizabeth A. Lashway*

Elizabeth Lashway, Commissioner

*Kathleen McNally*

Kathleen McNally, Commissioner

License Number: **FB-LIC-000223**

Record Number: **2018-000011-FB-APP**

Capacity: **More Than 5K but Less Than 20K Barrels**

**THIS LICENSE WILL EXPIRE DECEMBER 31, 2018 UNLESS REVOKED OR CANCELLED DURING THIS PERIOD**

THIS LICENSE MUST BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS PLACE WHERE IT CAN BE EASILY READ



*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**APPLICATION FOR A RETAIL ALCOHOLIC BEVERAGES LICENSE**

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

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

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

\* Excludes Officers and Directors of Non-Profit Clubs

**Phyllis Downey**

*Police*

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**From:** Brian Reid <breid@falmouthpolice.us>  
**Sent:** Thursday, July 05, 2018 3:16 PM  
**To:** 'Phyllis Downey'; 'Sean Doyle'  
**Cc:** Diane Davidson  
**Subject:** RE: Application for Malt license - Bad Martha's Farmer's Brewery

Hello Phyllis,

I have reviewed the attached application and conducted the requested CORI checks. This department has no objection to this application.

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)

**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:** Phyllis Downey [mailto:[phyllis.downey@falmouthmass.us](mailto:phyllis.downey@falmouthmass.us)]  
**Sent:** Thursday, June 14, 2018 3:57 PM  
**To:** Sean Doyle <[sdoyle@falmouthpolice.us](mailto:sdoyle@falmouthpolice.us)>; Brian Reid <[breid@falmouthpolice.us](mailto:breid@falmouthpolice.us)>  
**Subject:** Application for Malt license - Bad Martha's Farmer's Brewery

To All,

Attached please find an application for a malt license as follows:

1. Malt Common Victualler license: Bad Martha's Farmer's Brewery, located at 867 East Falmouth Highway, East Falmouth.

May I request your recommendations by Thursday, July 5, 2018, as well as a CORI check on the manager?

Thank you,

Phyllis

**Phyllis Downey**

Administrative Assistant  
Office of the Town Manager & Selectmen  
508-495-7320

**Phyllis Downey**

*Five*

---

**From:** Mel Trott <mtrott@falmouthfire.us>  
**Sent:** Monday, June 18, 2018 2:15 PM  
**To:** phyllis.downey@falmouthmass.us  
**Cc:** Timothy Smith; Boyd Demello  
**Subject:** Application for Malt License - Bad Martha's Farmer's Brewery

Hi Phyllis,

The Falmouth Fire Rescue Department is not opposed to the issuance of Malt Common Victualler license for Bad Martha's Farmer's Brewery, located at 867 East Falmouth Highway, East Falmouth.

Thanks,

Mel

*Lt. Mel Trott*

Fire Prevention Officer  
Falmouth Fire Rescue Department  
Phone: 508-495-2533  
Fax: 508-495-2540  
E-mail: mtrott@falmouthfire.us

**TOWN OF FALMOUTH  
PUBLIC HEARING NOTICE  
SHADE TREE REMOVAL**

Notice is hereby given of a Public Hearing to be held by the Falmouth Board of Selectmen in the Selectmen's Meeting Room, Town Hall on Monday, July 9, 2018 at 7:40 p.m. on the application of the Deputy Director of Department of Public Works for the removal of two (2) Black Locust Trees at the Corner of Thomas B. Landers Road and Sandwich Road.

Removal is necessary because of roadway safety and sight distance issues.

Falmouth Board of Selectmen

*Publication Date: June 29, 2018; Falmouth Enterprise  
Account #: 2056*

Submit in Duplicate

Town of Falmouth

Application for Hearing & Removal of Town Shade Tree

To: Falmouth Board of Selectmen

(To be filled out by applicant)

Name of Applicant (Owner): Town of Falmouth Public Works Department

Street Address: Corner of Thomas B. Landers Road and Sandwich Road

Section of Town: East Falmouth

Telephone Number: 508-457-2543

Reason for Tree Removal Request: Roadway safety and sight distance issues.

Legal Advertising Fee to be paid by applicant: \$25.00

Signature of Applicant: [Handwritten Signature]

(To be filled out by DPW Tree Warden)

Variety of Tree: 2 - Black Locust Trees Condition of Tree: Fair / Some Vehicle Damage

Approximate Height: 60'-70' Diameter of Tree: 16"-18"

Can Tree be Removed: [ ] Estimated Cost/Moving: [ ]

Estimated Cost/Removing: Removal by Public Works

Recommendation of DPW Tree Warden: See attached letter

Action Taken by Board of Selectmen: [ ]

[ ]

[ ]

[ ]

[ ]

[ ]

Board of Selectmen

Date of Posting of Tree: [ ]

Date of Legal Advertising in Newspaper: [ ]

Date of Removal of Tree: [ ]



# *Town of Falmouth*

## *Department of Public Works*

Parks & Forestry Division

416 Gifford Street  
Falmouth, MA 02350

Telephone: (508) 457-2543  
Fax: (508) 548-1537

Jeremiah Pearson  
Parks Superintendent

### **PARKS DEPARTMENT OPINION FOR REMOVAL OF TWO BLACK LOCUST TREES LOCATED AT 762 SANDWICH ROAD**

On June 19<sup>th</sup> I met with Peter McConarty at #762 Sandwich Road to assess two black locust trees that pose significant safety issues in regards to site line issues and road impediment at the intersection of Thomas B Landers and Sandwich Road.

Black Locust #1 is an 18" diameter tree that impedes large vehicles from safely turning onto Thomas B Landers from Sandwich Road without going into oncoming lane. This tree has many mechanical injuries from trucks repeatedly clipping the sides of it while turning right onto Thomas B Landers from Sandwich Road. And is in poor health.

Black Locust #2 is a 16" diameter tree that causes an obstruction of site for oncoming traffic while exiting onto sandwich road. It is in fair health.

Black Locust is a highly invasive species of tree that poses no aesthetic or historical significance to the area. This intersection is highly dangerous, due to frequent school buses and large commercial vehicles exiting and entering.

It is the Parks Departments recommendation that both trees are removed and not replanted. Due to the reasons listed above.

Respectfully,

Jeremiah Pearson  
NE-6401A

**JULY 9, 2018  
BOARD OF SELECTMEN**

The following incumbents have expressed interest in being reappointed to the following committees:

**Non-Regulatory Boards:**

Committee	Incumbent for Reappointment	Term	
Constable	<input checked="" type="checkbox"/> Kevin Casey	6/30/21	Appointed 6/18/18
	<input checked="" type="checkbox"/> William Dalton	6/30/21	Appointed 6/18/18
	<input checked="" type="checkbox"/> Jim Crossen	6/30/21	Appointed 6/18/18

And, the following have submitted applications for positions above:

**Non-Regulatory Boards:**

Committee	New Applicant	Term	
Constable	<input checked="" type="checkbox"/> David Braga	6/30/21	Appointed 6/18/18
	<input checked="" type="checkbox"/> Harry Martin Jr.	6/30/21	Appointed 6/18/18
	Harold March	6/30/21	Interview on 7/9/18

- Attached is a copy of the Constable Appointment Policy
- During its meeting of 7/12/10, the Board of Selectmen voted to establish that the Town will have five (5) constables (attached is a copy of the minutes)
- As of the 6/18/18 Selectmen's meeting, there are seven (7) constables appointed
  - James Crossen – 6/30/21
  - Kevin Casey – 6/30/21
  - Ronald Braga – 6/30/19
  - Thomas Zine – 6/30/20
  - William Dalton – 6/30/21
  - David Braga – 6/30/21
  - Harry Martin – 6/30/21
- One final applicant, Harold March, is to be interviewed tonight.

YES

**To The Applicant. READ THIS INTRODUCTION CAREFULLY BEFORE ANSWERING ANY QUESTIONS.**

Questions with an asterisk (\*) immediately to the left of the questions are optional. Although the information is useful in our examination of applicants, your decision not to answer any or all of the asterisk questions will not be held against you.

**I. PERSONAL HISTORY**

a. Name: Harold L March  
(First) (Middle) (Last)

Address: 10 Semrade Rd \*\*  
(Number & Street)

Canton MA 02021  
(City/Town) (State)/(Country) (Zip)

b. Date of Birth 1-1-45 Social Security No.: \_\_\_\_\_

c. Other names used: Give any other names by which you have been legally known (if any):

Name: \_\_\_\_\_ Date(s) when used: \_\_\_\_\_

Why used: \_\_\_\_\_

Name: \_\_\_\_\_ Date(s) when used: \_\_\_\_\_

Why used: \_\_\_\_\_

d. How long have you lived at this address? 24 years

Phone: \_\_\_\_\_  
(Home) (Business)

\*\* 5 Summer/winter  
Marvin Circle Falmouth, MA 02540  
508-457-7807 10 yrs -



**Falmouth Police Department**  
**Chief Edward A. Dunne**

May 18, 2018

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

RE: Character Check

Dear Board of Selectmen:

I have reviewed the application submitted by Mr. Harold March concerning his interest in becoming a constable in Falmouth. The police department has no reason to believe Mr. March should not be appointed constable.

If you have any questions, please feel free to contact me at 774-255-4529 ext. 4500.

Thank you.

Sincerely,

Edward A. Dunne  
Chief of Police

cc: Julian Suso, Town Manager

Board of Selectmen  
Constable Appointment Policy

Adopted June 28, 2010  
Revised November 20, 2017

Section 3C-6A(5) of the Falmouth Home Rule Charter and G.L. c.41, s. 91A authorize the Board of Selectmen to appoint constables in the Town of Falmouth. This policy, adopted by the Board of Selectmen on June 28, 2010 shall apply to all appointments to the office of constable within the town hereafter.

1. The Board of Selectmen shall from time to time determine the number of constables necessary for public convenience and necessity and may appoint qualified applicants to the office of constable as vacancies occur.
2. Vacancies shall be announced and publicized in accordance with the procedure of section C7-1A of the Falmouth Home Rule Charter which applies to vacancies on multi-member appointed bodies insofar as it may be applied to attract a diverse and qualified applicant pool.
3. Any person seeking appointment as a constable shall file a written application approved by the Director of Personnel. The application shall contain a) a statement of reasons for desiring such appointment; b) such information as the board may from time to time require relative to the applicant's fitness for office; c) authorization to search and review the applicant's criminal offender record information (CORI); and d) a statement as to the moral character of the applicant signed by five reputable citizens, one of whom shall be an attorney at law.
4. The board shall cause to be investigated the reputation and character of every applicant and the applicant's fitness for office. The chief of police shall upon request of the board render all possible assistance in making such investigation. The board shall not appoint any person to the office of constable who shall not be qualified to receive a firearms license under G.L. c. 140, s. 131, but such a license shall not be a requirement to hold the office of constable.
5. The board shall make a finding that the applicant is a person of good repute and character and qualified to hold the office of constable.
6. Persons appointed to the office of constable shall serve for a term of three years and may be appointed to such additional three-year terms as the board determines subject to a subsequent determination by the board that the person remains a person of good repute and character and remains qualified to hold the office of constable. All constables shall be a resident of Falmouth at the time of original appointment and at all subsequent reappointments. The board may remove a constable from office for just cause, for malfeasance or misfeasance in office or for neglect of duty.
7. A constable shall serve all warrants and process directed to them by the board for notifying town meeting and by the board or any other town official or board for other purposes. A constable may serve any other civil warrants and process and criminal process as authorized by the Massachusetts General Laws.

8. A constable shall not serve any civil process until the constable has given a bond to the town clerk as required by G.L. c. 41, s. 92. A constable shall comply with the civil process fee reporting requirements of G.L. c. 41, s. 95A and S. 95B. Failure to comply with the statutes may be grounds for removal from office.
9. A constable shall not wear any uniform to give the appearance of a police officer. A badge or other form of identification shall clearly state CONSTABLE and shall not give the appearance of membership in a police department.
10. Constables appointed by the board are not employees of the Town of Falmouth, but are considered special municipal employees for purposes of G.L. C. 268A, s. 1 et seq., the Conflict of Interest Law.
11. The Board of Selectmen reserves the right and authority to appoint municipal employees as Constables for specific purposes and to determine the terms, conditions and limits of their appointments.

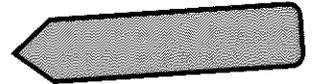
## Board of Selectmen Agenda for: 07-12-2010

### BOARD OF SELECTMEN

MONDAY, JULY 12, 2010 - 6:00 P.M.

### SELECTMEN'S MEETING ROOM

1. 6:00 P.M. EXECUTIVE SESSION - DISCUSSION OF CHARACTER AND REPUTATION OF INDIVIDUALS
2. 6:50 P.M. SIGN TREASURER'S NOTES
3. 7:00 P.M. BOARD OF HEALTH INQUIRY UPDATE
4. 7:05 P.M. ANNOUNCEMENTS
5. 7:10 P.M. MINUTES OF MEETING - JUNE 21 & JUNE 24 & JUNE 28
6. 7:15 P.M. ENERGY STAR AWARDS PRESENTATION
7. 7:20 P.M. CONTINUED DOG HEARING - STEPHEN & SHERYL PERRA
8. 7:30 P.M. DISCUSSION OF DOG REGULATIONS
9. 7:35 P.M. VOTE TO LAYOUT SEATUCKET ROAD
10. 7:45 P.M. CASH POINT - CONTINUED SIGN HEARING
11. 7:50 P.M. DISCUSS BALLYMEADE WATER PRESSURE
12. 8:50 P.M. VOTE TO ESTABLISH NUMBER OF CONSTABLES AND INTERVIEW AND APPOINT CONSTABLES
13. 9:20 P.M. SUMMARY OF ACTIONS:
  1. Approve Parson Lane as One-Way - Church Bazaar - 7/16 & 7/17, 2010
  2. Falmouth In The Fall Road Race - 11/1/10 - Falmouth Heights
  3. Marine Corps League Det. #125 - Voluntary Toll Booth for Charity Drive - Main Street (in front of Post office) 9/4/10 (raindate: 9/5/10)
  4. Clarification of Vote - Falmouth Taxi Additional Permits
  5. Approve Harbor Master Donation Account-Green Pond Dredging Bill
  6. Petition for Reconsideration - Comcast
  7. Grant of License - North Falmouth Village Association
  8. Grant of License - Woods Hole Community Association
  9. Approve Year End Transfers
14. 9:25 P.M. DISCUSSION OF FUTURE AGENDAS - JULY 19
15. 9:30 P.M. INDIVIDUAL SELECTMEN'S REPORTS AND REVIEW OF TOWN MANAGER'S REPORT



BRENT PUTNAM, CHAIRMAN  
BOARD OF SELECTMEN

"ALL TIMES, EXCEPT THOSE FOR HEARINGS, ARE APPROXIMATE"

their water pressure. Mr. Baxter is requesting a vote from the Board that requires restoration of water pressure to Ballymeade in the most cost-effective way. An unbiased professional should be hired to find a solution.

Raymond Jack, DPW Director, said there has been a misinterpretation of the Feasibility Study. The Pump Station has nothing to do with the tank. Patrick O'Neill, from Haley and Ward, explained the Feasibility Study; it determines the Town's water storage needs. The system was designed for that entire area to meet the needs of the higher elevations. The Booster Station was designed for a different elevation. A different elevation means different pressure.

Falmouth Selectmen's Meeting 7/12/10

Page 2

There was a discussion of what is acceptable PSI. Some residents only have 35 to 45 PSI; others have 70 to 80. The control valve, as it pertains to fire safety, was discussed as well as back-up systems. The Back-up system is properly designed and provides constant service to the area. Approximately 22 homes need domestic service pressure; they may need to install individual booster pumps.

Mr. Heath disagrees with Mr. O'Neill's explanation of how elevation affects water pressure. Michael Lopes, a Ballymeade resident, was asked by Mr. Heath to get his pressure reading; he took a picture of it and this was shown to the Board. The reading was 20 PSI. Mr. Heath said system work is the issue. Ballymeade should never have been connected to the tower, he said, as everything was working fine until then. Hiring an independent engineer to work with someone from Ballymeade and the Board and who was willing to go to the DEP to find a solution would be appropriate at this time. Mr. Heath asked the Board to vote this.

Brent Putnam said the important term is money and was glad the residents want the quickest and least expensive solution. There needs to be a determination of the extent of the problem. Melissa Freitag thinks a pump is a practical solution. Regarding Mr. Chapman's letter, David Braga asked where the money was going to come from to credit residents. Mr. Jack said that \$35,000 allocated by Town Meeting would be used for Ballymeade parcels; CLSB would cover undeveloped parcels. The \$2,500 noted in Mr. Chapman's letter is a stipend for the 22 homes below 40 PSI and is paid as a lump sum. The balance would come as an assessment on the water bill over a 20-year period.

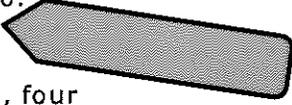
Per the DEP, 20 PSI at street level is adequate. In discussing a neighborhood solution, going house-to-house to get information was suggested. Until the Board has more information, it's premature to do so. Mr. Heath said the Board has this information already. Chairman Putnam noted that the Board has Mr. Heath's spread sheet and one the Town put together. Putting together a subcommittee consisting of Town staff and Ballymeade residents was mentioned. Chairman Putnam will contact everyone tomorrow and will report back to the Board next week. The Board has a timeline and an update and will proceed from there.

Vote to Establish Number of Constables and Interview and Appoint Constables

Speaking on the number of constables needed, Brent Putnam believes there is a need for more than what the Town presently has. David Braga spoke briefly on the concern raised by his comments on the necessity of constables being bonded. Melissa Freitag thinks the Town's services are being handled adequately by the three present constables. Melissa Freitag moved to establish that the Town needs three constables. Mary Pat Flynn seconded.

Speaking during public comment, Rebecca Putnam thinks the Town should have as many

constables as they can. John Costa asked, "Why not one more?" Paul Murphy and Richard Dunne also suggested more. Selectman Freitag noted that the Town only needs constables for three services which include observing Town Meeting and to serve warrants. David Cusolito, former Police Chief in Falmouth, was concerned about using constables for eviction purposes. It sends a bad message. The Sheriff's Department can be used for such purposes. Ahmed Mustafa stressed that a person must be qualified to be constable. Vote: 2-Yes, 3-No. Melissa Freitag and Mary Pat Flynn voted, "Yes". Motion doesn't pass. Brent Putnam moved to establish that the Town needs five constables. Ahmed Mustafa seconded. 3-Yes, 2-No. Melissa Freitag and Mary Pat Flynn voted, "No".



George Morse was interviewed for constable. He provided references from 23 citizens, four lawyers and his Pastor. He presented to the Board a statement from the Commonwealth of Mass. CHSB which shows no criminal court appearances, therefore, no criminal record. Selectman Freitag spoke of Captain Dunne's report passed on by Chief Riello which doesn't recommend Mr. Morse for this position. Mr. Cusolito asked for the document on ethics regarding Selectman Braga. Selectman Freitag asked Selectman Braga to recuse himself. Chairman Putnam stopped further discussion on recusement. Chairman Putnam asked Mr. Morse

Falmouth Selectmen's Meeting 7/12/10

Page 3

to explain an incident on 10/31/08 which caused Captain Dunne to dismiss him as eligible.

No incident

report was filed by the Falmouth Police Department on this incident. Mr. Cusolito asked, "Shouldn't

Captain Dunne be here?" Selectman Freitag noted that, as a municipal employee, she can't speak against

her employer. Chairman Putnam said that the Ethics Commission found no problem. Ahmed Mustafa moved to appoint George Morse as constable. Ahmed Mustafa withdrew his motion.

Ahmed Mustafa moved the following question: Does George Morse have the character and reputation to serve as a constable? David Braga seconded. 3-Yes, 1-No, 1-Abstention.

Melissa Freitag voted "No" and Mary Pat Flynn abstained. Ahmed Mustafa moved to appoint George Morse as constable. David Braga seconded. 3-Yes, 2-No. Melissa Freitag and Mary Pat Flynn voted "No".

#### Summary of Actions

1. Approve Parson Lane as One-Way - Church Bazaar - 7/16 & 7/17, 2010
2. Falmouth In The Fall Road Race - 11/1/10 - Falmouth Heights
3. Clarification of Vote - Falmouth Taxi Additional Permits
4. Approve Harbor Master Donation Account - Green Pond Dredging Bill
5. Petition for Reconsideration - Comcast
6. Grant of License - North Falmouth Village Association
7. Grant of License - Woods Hole Community Association
8. Approve Year End Transfers

Mary Pat Flynn moved to approve the requests. Melissa Freitag seconded. 5-Yes, 0-No

#### Summary of Actions Held

1. Marine Corps League Det. #125 - Voluntary Toll Booth for Charity

Mary Pat Flynn has an issue with the location of the event. There is no control. She suggests moving to the Jones Road portion of the Stop and Shop lights as there is a natural slow down of traffic. Melissa Freitag agreed. Move the location and/or date. For the record, Brent Putnam noted that Captain Dunne from the Falmouth Police Department has no problem with the request. The Falmouth Chamber of Commerce recommends approval where there is better traffic flow and a date when there is less traffic. Melissa Freitag suggested asking them to

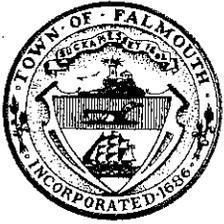
**JULY 9, 2018  
BOARD OF SELECTMEN**

**The following incumbent is up for reappointment to the following committee:**

Solid Waste Advisory Committee	William Peck	6/30/21	Interview on 7/9/18
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**And, the following has submitted an application for position above:**

Solid Waste Advisory Committee	Ruth Brazier	6/30/21	Interviewed on 6/18/18
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# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

**THE COMMONWEALTH OF MASSACHUSETTS**

**The Town of Falmouth**

May 4, 2018

William Peck  
42 Green Acres Road  
East Falmouth, MA 02536

Solid Waste Advisory Committee

The Board of Selectmen has decided on this format for inquiring about the status of Committee and Board members wishing to be considered for reappointment. Our records indicate that your term is about to expire. Under the terms of the Falmouth Charter an incumbent will continue to serve until reappointment or a successor is appointed.

Please indicate if you are interested in being considered for reappointment by completing the form, below, and return this letter to the office of the Board of Selectmen, 59 Town Hall Square, Falmouth, MA 02540 or email this letter to [ddavidson@falmouthmass.us](mailto:ddavidson@falmouthmass.us) no later than **Tuesday, May 22, 2018.**

Thank you for your cooperation and interest in serving the Town. If you have any questions please call this office at (508) 495-7320.

Sincerely,

Julian M. Suso  
Town Manager

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I am interested in reappointment to the Board/Commission.

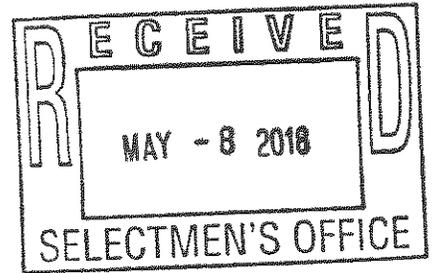
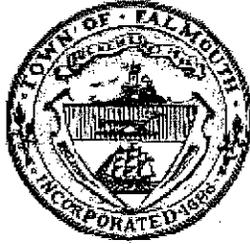
Please check one:

YES

NO

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

TELEPHONE #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION APPLICATION FORM

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

Name: Ruth Brazier

Address: 67 Benjamin Nye's Lane Village: N. Falmouth ZIP: 02556

Mailing Address: " Village: " ZIP: "

Telephone: [Redacted] Email: [Redacted]

How long have you been a Resident [checked] (date: 1978) / Taxpayer [checked] (date: 1978)

Amount of time you are available to give:

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

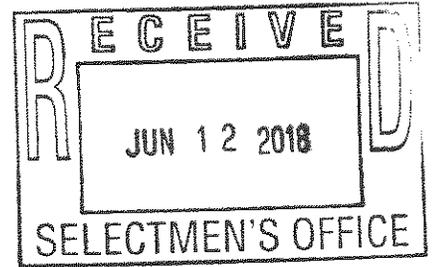
- 1. Solid Waste Advisory Committee
2.
3.

Seeking: Permanent Position [checked] Alternate Position

Relevant affiliation & work & personal experiences
reporter, Boston Globe
Teaching Fellow Harvard University

Town offices held in Falmouth or elsewhere and dates of years served:
Town Meeting Member 1987-present
Solid Waste Advisory Committee 1989-2017 (with 1 year gaps)
served as chairman and vice chairman

Briefly describe the particular skills you feel you will add to the committee or board:
Writing reports, writing 'Talking Trash' articles for Falmouth Enterprise, compiling figures on recycling + trash tonnages + costs, training a corps of well informed volunteers for pick of the litter, SWAV shop



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION  
APPLICATION FORM

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Name: Paul E. Burke

Address: 34 Emmons Rd Village: Falmouth ZIP: 02540

Mailing Address: \_\_\_\_\_ Village: \_\_\_\_\_ ZIP: \_\_\_\_\_

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 5/17 (date: \_\_\_\_\_) / Taxpayer 5/17 (date: \_\_\_\_\_)

Amount of time you are available to give: 4-8 hours month

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

1. EDIC
2. \_\_\_\_\_
3. \_\_\_\_\_

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

Relevant affiliation & work & personal experiences \_\_\_\_\_

B.A. Economics / UMass Amherst, Financial Consulting, Business Consulting (American Express 20 yrs), TD Ameritrade 4 yrs, CC5-1yr

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

None

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

Financial Skills, People Mgt, Volunteer experience, Presentation skills,

**JULY 9, 2018**  
**BOARD OF SELECTMEN**

Charter Review Committee:

One vacancy due to the resignation of Pamela Harting-Barrat.

We have four applications on file and deadline for new applications is Friday, July 13, 2018.

Interviews are planned for Monday, July 23, 2018; however, the applicant tonight, Charles Rader, will not be available for an interview on the 23<sup>rd</sup>.

### Falmouth Charter Review Committee

The Falmouth Board of Selectmen is seeking a candidate for the 2018 Charter Review Committee. The Committee is charged with the responsibility of examining the various provisions of the Falmouth Home Rule Charter, adopted by the Town in 1990 and revised in 1997, 2004 and 2011. The purpose of this work is to identify areas which could result in a more effective and responsive document as the framework for local town government.

Any applicants will have familiarized themselves with the Charter and will be prepared to discuss it at their interview. Applications already received have been kept on file and will be considered along with new applications. Deadline for applications has been extended. Applications must be received by 4:30 p.m. on Friday, July 13, 2018, in the Office of the Board of Selectmen. Interviews with the Board of Selectmen are scheduled for Monday, July 23, 2018.

Applications are available in the Office of the Board of Selectmen, 59 Town Hall Square and on the Board of Selectmen's page on the Town website at [www.falmouthmass.us](http://www.falmouthmass.us).

On Request of Chairman  
Susan L. Moran

*Publication Date: Friday, July 6, 2018; Falmouth Enterprise  
Account #: 2056*



RECEIVED  
FEB 16 2018  
SELECTMEN'S OFFICE

**TOWN OF FALMOUTH**  
**CHARTER REVIEW COMMITTEE**  
**APPLICATION FORM**

If you are interested in serving the Town of Falmouth Charter Review Committee, please fill out this form and sent it to: The Board of Selectmen, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540. Information received will be available to all Town Boards and Officials, although the filling out of this form does not assure appointment. This form and a listing of all boards and committees can be found on the Falmouth website: [www.falmouthmass.us](http://www.falmouthmass.us).

Name: Charles M. Rader

Address: 44 Elvira Avenue Village: \_\_\_\_\_ ZIP: 02540

Mailing Address: 44 Elvira Avenue Village: \_\_\_\_\_ ZIP: 02540

Telephone: ██████████ Email: ██████████

How long have you been a Resident  (date: 2014 ) / Taxpayer  (date: 2014)

Amount of time you are available to give: unlimited

Please attach a resume with this application.

Have you served on a previous Charter Review Committee? yes, in Town of Chatham, and for Middlesex County

Why are you interested in serving on the Charter Review Committee? I have a good sense of how local and regional governments should be organized to be both effective and responsive. I have served on other charter committees in a leadership role. I have a special interest in budget approval process.

Relevant affiliation and work and personal experiences: I served on Charter Review Committees for Town of Chatham 2007-09 and for Middlesex County (elected) 1986-88

Town offices held in Falmouth or elsewhere and dates of years served: Chatham, Energy Committee, 2009-2015\*;  
Water & Sewer Advisory Committee, 2007-2011; Chatham Charter Review Committee, 2007-2009

\*Note: I continued to serve on Chatham's Energy Committee, after moving to Falmouth, Oct. 2014 but while I still owned my Chatham house.

Briefly describe the particular skills you feel you will add to the committee: I have the relevant  
experience of serving on other charter committees. As an engineer (still working part time), I can often  
anticipate problems inherent in a new procedure. I learn quickly. I can write accurate  
minutes that provide a useful legislative history. I have no agenda.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Florence Seldin</u>	<u>Former Chatham Selectman</u>	<u>508 945-4464</u>
2.	<u>Mary Sholkovitz</u>	<u>neighbor, music teacher</u>	<u>508 560-3665</u>
3.	<u>William G. Litchfield</u>	<u>Chatham Town Moderator</u>	<u>508945-3334</u>

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

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

2/20/2018  
DATE

  
APPLICANT'S SIGNATURE

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

Charles M. Rader  
24 Champlain Road  
Chatham, MA 02633

## Professional Experience

- 1961-'71 Staff member, M.I.T. Lincoln Laboratory  
Wood Street  
Lexington, MA 02173-0073
- 1971-'82 Assistant Group Leader — Spacecraft Processors Group
- 1982-2005 Senior Staff Member
- 2005- Part time

## Professional Accomplishments

### 1961-'64 Research on speech bandwidth compression:

- pioneering efforts in use of digital computers in speech research
- measurement of speech parameters in real time
- real-time control of vocoder equipment by computer
- development of a method of pitch detection
- originated application of Walsh functions to data compression
- wrote a compiler to aid in simulating waveform processing systems
- originated digital methods of conferencing vocoded speech

### 1963- Major contributions to the field of digital signal processing:

- developed and refined design techniques for recursive digital filters
- originated methods of analyzing the effects of finite word-length in digital filter implementations
- developed improvements in fast Fourier transform
- developed theory relating the many FFT algorithms then in use, permitting orderly comparison of the performance of the various algorithms
- showed that discrete Fourier transforms could be computed as convolutions, thereby removing the major limitations of the fast Fourier transform
- invented methods of computing random numbers with uniform and Gaussian distributions
- designed and built a computer with architecture biased to favor digital signal processing
- showed how exact discrete convolution could be computed using analogies to the FFT in certain finite rings and fields
- designed and built the first digital frequency synthesizer
- proposed computing convolutions by multidimensional techniques
- derived methods by which undersampled periodic waveforms are recovered from samples in spite of unknown period

- demonstrated method by which charge-coupled devices can compute Fourier transforms without multiplying circuitry
- improved methods of computing autocorrelation functions
- invented methods to implement stable recursive filters with arbitrary pole locations

**1970-'71 Application of optical techniques to educational technology and communication:**

- developed means for recording digital information as diffraction patterns in bleached photographic film, therefore achieving high information density which could be recovered with low tolerance equipment
- devised algorithms and designed circuitry for controller of a satellite optical communications crosslink (between two satellites)

**1971-'82 Management of spacecraft technology group, building two large satellites, LES-8 and LES-9, launched in March 1976; planning future satellites:**

- primary responsibility for telemetry and command systems, both on earth and aboard satellites
- special responsibility for reliability of digital logic designs and for all electronic components on the satellites (which are still operating flawlessly)
- developed method for detecting non-hermeticity of electronic components after assembly into multilayer printed-circuit boards, using Krypton-85 radioactive emissions
- developed temperature monitoring system for satellites
- introduction of CORDIC technique to communications signal processing
- development of algorithms for pseudorandom channel assignment
- design of ultra-low-power Viterbi decoder circuitry
- application of surface acoustic wave devices to communications
- anti-jam communications studies for satellite down-link

**1982-2004 Investigation of airborne and space-based radar systems:**

- developed a single-chip circuit for simultaneous demodulation and digitization of in-phase and quadrature components of RF waveform
- developed voltage-domain method of solving least-squares problems
- defined and applied hyperbolic Householder transformations
- application of number-theoretic transforms to adaptive antenna nulling
- developed a wafer-scale integrated circuit for adaptive nulling calculations, capable of 64 channel adaptation.
- improved parallel algorithms for computing singular value decomposition
- Devised FFT architecture for restructureable computers
- Improvements to Winograd's Fourier Transform Algorithm
- Developed new adaptive detection and discrimination algorithms

**2004 - Investigation of quantum computing methods**

## Professional Services and Honors:

- Institute of Electrical and Electronic Engineers:
  - IEEE Fellow
  - ASSP 1985 Society Award, 1986 Technical Achievement Award
  - First IEEE Jack S. Kilby Award – 1997
  - President of Signal Processing Society 1981-82
  - Chairman or Secretary of Boston ASSP Chapter (various years)
  - Organizing Committee of 1968, '70, '72, '74, '76 Arden House Workshops
  - Program Chairman of 1986 Boston Section ASSP Miniconference
  - General Chairman of 1988 Boston Section ASSP Miniconference
- Reviewer of over 350 professional papers, 35 grant proposals, 5 Phd theses, 8 books
- Member of National Academy of Engineering Committee on Ballistic Acoustics (studied evidence related to assassination of President Kennedy).
- Member of Advisory Board, Communications Research Division, Institute of Defense Analyses

## Education:

1960 B.E.E. from Polytechnic Institute of Brooklyn – Summa cum laude

1961 M.E.E. from Polytechnic Institute of Brooklyn

## Books

1. *Digital Processing of Signals*<sup>1</sup>, McGraw Hill, 1969 (with B. Gold)
2. *Digital Signal Processing*, IEEE Press, 1973 (collection of papers, co-edited with L. Rabiner)
3. *Number Theory in Digital Signal Processing*<sup>2</sup>, Prentice-Hall, 1979 (with J. McClellan)
4. *Advanced Digital Signal Processing*, Macmillan, 1992 (with Proakis, Ling and Nikias)
5. *Algorithms for Statistical Signal Processing*, Macmillan, 2002 (with Proakis, Ling and Proudler)
6. *Graph Algorithms in the Language of Linear Algebra* (with Jeremy Kepner and John Gilbert), SIAM, 2011

---

<sup>1</sup>This book has been translated into Russian, Chinese and Japanese.

<sup>2</sup>This book has been translated into Russian.

**Diane Davidson**

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**From:** Ernie Hyde <erniehyde@comcast.net>  
**Sent:** Friday, June 22, 2018 9:29 AM  
**To:** 'Diane Davidson'  
**Cc:** All Members  
**Subject:** Selectmen Meeting July 9th

Diane,

The Cable Advisory Committee would like to keep the July 9th date on the calendar. Be advised that the new chair of the Committee is Donna Buckley and the new recording secretary is Michael Finegold. Please had these changes made to the town web page for the Committee. ✓

Regards,

Ernie Hyde

January 24, 2018

Board of Selectmen  
59 Town Hall Square  
Falmouth, MA 02540

Subject: Mill Road Easement In-kind Consideration

Dear Honorable Members of the Board of Selectmen:

On October 7, 2013, the Town executed a permanent easement ("Easement") granting Comcast and Nstar a non-exclusive right to install, maintain, etc. power and communications equipment. See Attached Grant of Easement and supporting documents. The consideration for the Easement is defined in an unrecorded document in Items 1 through 4. (Attached)

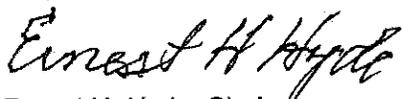
The subject of this letter is Item #2. It permits the Town to choose to have Comcast wire either or both of the Library and Town Hall with fiber optic cabling for video transmission. A letter dated March 5, 2014 from Mary O'Keefe reiterates the terms of Item #2 of the unrecorded document. Falmouth did not request payment in-kind of \$12,500 by December 31, 2014, instead, requested both sites be wired by Comcast.

The Library has been so wired and accepted by the Town. The Town Hall has not been wired with fiber. In a meeting in November 2017 with Michael Galla, Sr. Manager Government & Regulatory Affairs for Comcast, the Cable Advisory Committee raised the issue of completing the wiring of Town Hall. Mr. Galla asked for two weeks to respond. The attached emails show that the response was two months later and, as you will see, Comcast now is attempting to connect "value to Falmouth for wiring" to expenditures they claim they made to wire the Library and expenditures on the Fire Station. The Committee believes this is an inappropriate interpretation of Item #2, not to mention, we have never seen any evidence from Comcast of their expenditures for wiring the Library.

If the Town acquiesces to the position of Comcast, it is likely that the Town Hall will not be wired with fiber until sometime after 2021. The Committee believes Comcast's interpretation of the wording in Item #2 is erroneous. We based this position on the likelihood that Comcast originally set the value of \$12,500 for wiring both sites. Falmouth was given the choice to have both sites wired, have one site wired and receive the unused portion of the \$12,500 in cash or have neither site wired and receive the full \$12,500 in cash. Falmouth chose to have both sites wired.

The Committee strongly advises this Honorable Board to refer this issue to Town Counsel for resolution favorable to Falmouth.

Very truly yours,



Ernest H. Hyde, Chairman,  
Falmouth Cable Advisory Committee

**FALMOUTH**



RECORDING INFORMATION AREA

**GRANT OF EASEMENT**

**The TOWN OF FALMOUTH**, a Massachusetts municipal corporation, acting by and through its Board of Selectmen, having a principal place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts 02540 (hereinafter called the "Grantor"), for good and valuable consideration as agreed upon by the parties (and memorialized in an attachment to unrecorded counterparts of this Grant of Easement in the possession of Grantor and Grantee), the sufficiency of which is hereby acknowledged, grants to **NSTAR ELECTRIC COMPANY**, a Massachusetts corporation and electric company, having its principal place of business at One NSTAR Way, Westwood, Massachusetts 02090, and **COMCAST OF CONNECTICUT/GEORGIA/ MASSACHUSETTS/NEW HAMPSHIRE/NEW YORK/NORTH CAROLINA/ VIRGINIA/VERMONT, LLC**, a Delaware limited liability company, with offices at 330 Billerica Road, Chelmsford, Massachusetts 01824 (hereinafter collectively called the "Grantees"), their successors and assigns, with quitclaim covenants, the following:

(A) Perpetual, non-exclusive, commercial easements in gross (1) to erect, install, construct, reconstruct, add to, replace, repair, maintain, use, operate, inspect and patrol one or more underground lines for the transmission of high and low voltage electric current, including ground wires and lines for communication, signal and control purposes, and underground lines or cable for the delivery or transmission of broadband services or other like communications, cable television services or other similar facilities, including, without limitation, underground cables, amplifiers and other electronic equipment, over, across, upon and under the strips of land hereinafter described (the "Permanent Easement Area"), being the portions of the Property (as hereinafter defined) depicted on the sketch plan entitled "Surf Drive at Mill Road Easement Sketch Plan", prepared by Power Engineers, LLC, dated January 2013, consisting of one sheet, a copy of which is attached hereto as Exhibit A (collectively, the "Permanent Easement Sketch Plan"); which lines or cable may consist of (a) conduits, pipes or ducts and manholes, with wires, cable and ground wires installed within the same, or of wires, cables and ground wires buried in the ground, or of combinations of all or any of the same, together with (b) all necessary foundations, supporting structures, hardware, fittings, markers, concrete pads, equipment and appurtenances and (c) such culverts and ways of access as may be reasonably necessary for the convenient construction, operation,

maintenance, inspection and patrolling of said lines or cable (collectively, the "Facilities"); (2) to construct the Facilities, or any of them, at any time hereafter and at the same or different times and to renew, add to, replace, remove and otherwise change the Facilities and each and every part thereof and the location thereof within the Permanent Easement Area; (3) to clear and keep clear by physical or other means the Permanent Easement Area or any part thereof of trees, underbrush, buildings or other structures; and (4) to enter upon and to pass along said Permanent Easement Area and across adjoining lands of the Grantor at any time, on foot and by vehicle, for all of the above purposes, utilizing for such purposes any service roads or parking areas on such adjoining land of the Grantor from time to time, to the greatest extent possible, and to grade the Permanent Easement Area, as reasonably required (collectively, the "Permanent Easement").

(B) Temporary, exclusive, commercial easements in gross to permit the Grantees and the Grantees' employees, agents, and contractors to enter upon the Temporary Easement Area (as defined below) with men, machinery, vehicles, equipment, and materials, and to undertake all activities over, across, upon and under the Temporary Easement Area as required in connection with the initial erection, installation, and construction of the Facilities within the Permanent Easement Area, and to have access and egress through those other portions of the Grantor's property as are reasonably necessary for the Grantees to have access to and egress from the Temporary Easement Area for the aforementioned purposes (collectively, the "Temporary Easement"). The "Temporary Easement Area" is the portion of the Property depicted as "Temporary Work Area" on the sketch plan entitled "Surf Drive at Mill Road License Sketch Plan", prepared by Power Engineers, LLC, dated January 2013, consisting of one sheet, a copy of which is attached hereto as Exhibit B (the "Temporary Easement Sketch Plan"). The Temporary Easement shall expire on May 15, 2014.

Said Permanent Easement Area and Temporary Easement Area are portions of the land owned by the Grantor pursuant to an Order of Taking dated March 23, 1950 filed with the Barnstable County Registry District of the Land Court as Document No. 26490 and noted on Certificate of Title No. 10820 (the "Property").

All Facilities shall be installed approximately in the locations shown on the Permanent Easement Sketch Plan. To the extent possible, all installations made by the Grantees shall be entirely below the surface of the ground or shall be level with the surface as the same shall be improved from time to time by the Grantor for the Grantor's use for access ways, walkways, parking areas, landscaped areas and the like.

By the acceptance of delivery and recording of this Grant of Easement, the Grantees agree to indemnify, and to protect and hold the Grantor harmless, from and against all liabilities, losses, claims, demands, costs, expense and judgments of any nature arising, or alleged to arise, including but not limited to reasonable attorneys fees, from or in connection with the following (except to the extent, if any, arising from the gross negligence or willful misconduct of the Grantor): (a) any injury to or the death of any person or loss or damage to property on or about the Permanent Easement Area, the Temporary Easement Area, or any adjoining property arising from or connected with the Grantees' use of the Permanent Easement Area or the Temporary Easement Area pursuant to the terms of this Grant of

Easement, or (b) performance of any labor or services or the furnishing of any materials or property in respect of the Permanent Easement Area or the Temporary Easement Area or any part thereof by or at the request of the Grantees. The Grantees will resist and defend any action, suit, or proceeding brought against the Grantor by reason of any such occurrence by counsel designated by the Grantees and reasonably approved by the Grantor.

The Grantor, for the Grantor and the Grantor's successors in title to the Property, covenants and agrees with the Grantees, their successors and assigns, that neither the Grantor nor any of said successors in title will (i) use or alter the Permanent Easement Area or, during the term of the Temporary Easement, the Temporary Easement Area, or change the present grade or ground level of the surface thereof by excavation, filling or otherwise in any manner that may endanger or interfere with the operation or maintenance of the Facilities or disturb any of the Facilities; or (ii) do any other act which may be inconsistent with or unreasonably interfere with the rights and easements herein granted.

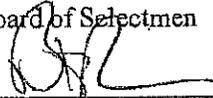
It is understood and agreed that the Facilities, whether or not attached to the realty, shall remain the property of the Grantees and that the Grantees shall pay all taxes assessed thereon. It is further understood and agreed that the Grantees shall each be liable for their own actions and activities taken in exercise of the easement rights granted herein, and the Grantees shall not be jointly and severally liable with respect to the individual actions and activities taken by one of the Grantees acting alone.

The Permanent Easement shall terminate if, following the installation of the Facilities, the Grantees or their successors or assigns shall permanently remove or abandon all of the Facilities within the Permanent Easement Area. The Facilities within the Permanent Easement Area shall be deemed abandoned in the event that none of the Facilities are used for a period of twenty-four (24) consecutive months.

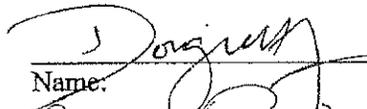
**[SIGNATURES BEGIN ON NEXT PAGE.]**

IN WITNESS WHEREOF, the Town of Falmouth has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by the Board of Selectmen, its acting body, hereby duly authorized this 7 day of October, 2013.

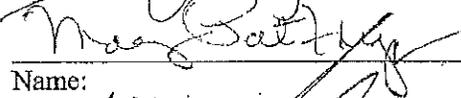
Town of Falmouth  
Board of Selectmen



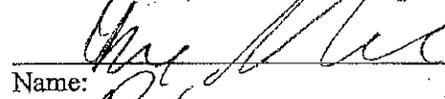
Name:



Name:



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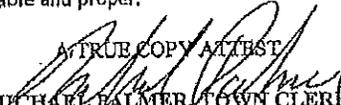


FOR AUTHORITY, SEE ARTICLE 20  
APPROVED BY VOTE OF THE APRIL 2013  
TOWN OF FALMOUTH SPECIAL TOWN  
MEETING ON APRIL 9, 2013, A COPY OF  
WHICH ARTICLE IS ATTACHED HERETO  
AS EXHIBIT C.

ARTICLE 20  
AND THE VOTE THEREON AT  
THE SPECIAL TOWN MEETING  
CONVENED IN FALMOUTH, MASSACHUSETTS  
APRIL 9, 2013

ARTICLE 20: To see if the Town will vote to authorize the Board of Selectmen to grant an easement on, under, through and across the Mill Road parking lot, a portion of Surf Drive and a portion of Surf Drive beach for the installation and maintenance of a combined power and broadband communication cable to Martha's Vineyard, upon such terms and conditions as the Board of Selectmen deems reasonable and proper, or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a counted vote of 151 in favor and 66 opposed, a quorum being present on Tuesday, April 9 2013 the Town voted to authorize the Board of Selectmen to grant an easement on, under, through and across the Mill Road parking lot, a portion of Surf Drive and a portion of Surf Drive beach for the installation and maintenance of a combined power and broadband communication cable to Martha's Vineyard, upon such terms and conditions as the Board of Selectmen deems reasonable and proper.

A TRUE COPY ATTEST  
  
MICHAEL PALMER, TOWN CLERK  
FALMOUTH, MASSACHUSETTS

**TOWN OF FALMOUTH**

**In conjunction with**

**Easement for Public Utilities**

**NW Corner of Mill Road and Surf Drive – Falmouth Assessors Map #47 02 017  
002A and the South side of Surf Drive near Mill Rd. – Falmouth Assessors Map #47  
07 000F 001B**

**Item #1: Design, Permit, and install fiber optic system for Integrated Traffic Signalization originating from DPW Office on Gifford Street and available at no cost to the Town to the following intersections:**

- Gifford & Jones Intersection
- Gifford & Brick Kiln Intersection
- Brick Kiln & Sandwich Rd Intersection
- Sandwich Rd & Route 151 Intersection
- Jones Road and Route 28 intersection, across from Worcester Court
- Jones Road and Route 28 intersection, across from Ter Heun Drive
- Davisville Road and Route 28 intersection, across from Old Meeting House Road
- Maravista Ave and Route 28 intersection

Value to Falmouth: \$43,460, to be completed within calendar 2014.

**Item #2: Wiring and Fiber in-Kind and Information Technology, Telecommunication, and Cable Broadcast Improvements**

Value to Falmouth for wiring: \$12,500. If the Town chooses not to connect to one or both proposed sites (Falmouth Public Library (300 Main Street) and Falmouth Town Hall (59 Town Hall Square)), the Town shall request in writing by December 31, 2014 payment of the in kind value not expended by Comcast and such in kind value will be paid to the Town in cash within 60 days of said notice.

Payment to Falmouth for Information Technology, Telecommunication and Cable Broadcast improvements: \$42,040. Payable on the date of execution of the Easement.

**Item #3: Design, Permit and Reconstruct ~1,000 Ft of Surf Drive West of Mill Rd Intersection to Re-Channel Surface Water on the Road from Heavy Rains including a full width overlay of trenching from the intersection of Mill Road to the first manhole east of Mill Road. Design for drainage and reconstruction subject to review and approval by the Town Engineer.**

Value to Falmouth: \$160,000+ to be completed no later than May 14, 2014.

**Item #4: Exchange Decorative Street Light Fixtures Only for 40 Street Lights on Main Street and in Town Hall Square with Light Emitting Diode (LED) Luminaires to be approved by the Town Engineer.**

Value to Falmouth: \$42,000, to be completed within calendar year 2014.

**TOTAL: \$300,000+**







Comcast Cable Communications, Inc.  
10 Old Townhouse Road East  
South Yarmouth, MA 02664  
508-760-3400 x33007 (phone)  
508-760-1125 (fax)  
Mary\_OKeefe@cable.comcast.com  
www.comcast.com

March 5, 2014

*Via Electronic Mail*

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

***Re: Mill Road Easement - Item #2: Wiring and Fiber in-Kind and Information Technology, Telecommunication, and Cable Broadcast Improvements***

Dear Mr. Suso:

Yesterday, March 4, 2014, Al Rugman from Comcast presented you with a check in the amount of Forty Two Thousand Forty Dollars (\$42,040) Information Technology, Telecommunication and Cable Broadcast improvements in accordance with the Mill Road Easement agreement between the Town of Falmouth, Comcast and NSTAR.

Comcast will fulfill its obligation to wire/connect to one or both proposed sites (Falmouth Public Library (300 Main Street) and Falmouth Town Hall (59 Town Hall Square), upon the request of the Town. If the Town chooses not to wire either or both locations, the Town shall request in writing by December 31, 2014, payment of the in-kind value (Twelve Thousand Five Hundred Dollars (\$12,500)) not expended by Comcast and such in kind value will be paid to the Town in cash within 60 days of said notice.

Please contact me if you have any questions or if I can be of further assistance.

Respectfully,

Mary O'Keefe  
Sr. Manager Government & Regulatory Affairs

cc: Heather Harper, Assistant Town Manager, Town of Falmouth  
Jerome McDermott, NSTAR  
Mike Ahearn, Comcast  
Al Rugman, Comcast

**Subject:** RE: Falmouth Cable Advisory Committee Response Status - THIRD REQUEST  
**From:** "Galla, Michael" <Michael\_Galla@comcast.com>  
**Date:** 1/18/2018 4:24 PM  
**To:** "erniehyde@comcast.net" <erniehyde@comcast.net>  
**CC:** "Buckley, Gerry" <Gerry\_Buckley@comcast.com>

Ernie,

The total in-kind value obligation required for Comcast was \$12,500. Mary O'Keefe details in her March 5, 2014 letter that it is either one or both sites within the agreed upon in-kind value of \$12,500. Please be advised that to connect the Library, Comcast spent well over \$12,500 and has fulfilled its obligation.

Michael Galla  
Sr. Manager Government & Regulatory Affairs  
Comcast Cable Communications Inc.  
Phone: (508) 732-1536  
Cell: (339) 832-7395



*INTERNET ESSENTIALS from Comcast*

*A program designed to expand broadband adoption among low-income American households receiving HUD housing assistance or with at least one child eligible to receive free or reduced price school lunches. Once in the program, participants receive fast, affordable Internet service for \$9.95/mo + tax, the option to purchase a computer for just \$150, WiFi router and access to free digital literacy training. To learn more or to apply, please call 1-855-8-INTERNET (1-855-846-8376) or visit [InternetEssentials.com](http://InternetEssentials.com). To become a partner, please visit [InternetEssentials.com/partner](http://InternetEssentials.com/partner).*

**From:** Ernie Hyde [mailto:erniehyde@comcast.net]  
**Sent:** Wednesday, January 17, 2018 1:28 PM  
**To:** Galla, Michael <Michael\_Galla@cable.comcast.com>  
**Cc:** Buckley, Gerry <Gerry\_Buckley@cable.comcast.com>; All Members <fcacgroup@yahoogroups.com>  
**Subject:** Re: Falmouth Cable Advisory Committee Response Status - THIRD REQUEST

Michael,

I believe that you are confusing the franchise agreement with the unrecorded agreement attached to the Mill Road Easement. I have attached the easement and associated documents for your review. Please read all the way to the bottom of the documents to find Comcast's obligation for wiring the Town Hall.

Regards,

Ernie Hyde

On 1/17/2018 12:10 PM, Galla, Michael wrote:

Good Afternoon Ernie,

I have looked into the information about the sites. When we did the work at the Fire Station and Library, we far exceeded the costs that were associated with the agreement. We believe that we have satisfied our requirements. When the renewal process begins, we can certainly discuss the Town Hall.

Mike

Michael Galla  
Sr. Manager Government & Regulatory Affairs  
Comcast Cable Communications Inc.  
Phone: (508) 732-1536  
Cell: (339) 832-7395



*INTERNET ESSENTIALS from Comcast*

*A program designed to expand broadband adoption among low-income American households receiving HUD housing assistance or with at least one child eligible to receive free or reduced price school lunches. Once in the program, participants receive fast, affordable internet service for \$9.95/mo + tax, the option to purchase a computer for just \$150, WiFi router and access to free digital literacy training. To learn more or to apply, please call 1-855-8-INTERNET (1-855-846-8376) or visit [InternetEssentials.com](http://InternetEssentials.com). To become a partner, please visit [InternetEssentials.com/partner](http://InternetEssentials.com/partner).*

**From:** Ernie Hyde [<mailto:erniehyde@comcast.net>]  
**Sent:** Tuesday, January 16, 2018 12:03 PM  
**To:** Galla, Michael <[Michael\\_Galla@cable.comcast.com](mailto:Michael_Galla@cable.comcast.com)>  
**Cc:** Buckley, Gerry <[Gerry\\_Buckley@cable.comcast.com](mailto:Gerry_Buckley@cable.comcast.com)>  
**Subject:** Falmouth Cable Advisory Committee Response Status - THIRD REQUEST

Michael,

The Committee meets on Monday the 22nd to discuss your responses to the requests we made during our November 20th meeting. I hope we have a response before that meeting.

Regards,

Ernie Hyde, Chairman  
Falmouth Cable Advisory Committee

----- Forwarded Message -----

**Subject:** Falmouth Cable Advisory Committee Response Status

**Date:** Thu, 7 Dec 2017 11:55:37 -0500  
**From:** Ernie Hyde <erniehyde@comcast.net>  
**Reply-To:** erniehyde@comcast.net  
**To:** Galla, Michael <Michael\_Galla@comcast.com>  
**CC:** All Members <fcacgroup@yahogroups.com>, Donna Buckley  
<ddbuckleyq@gmail.com>

Michael,

If you recall at our meeting on November 20th, Committee members requested that you respond to outstanding issues and complaints from subscribers in Falmouth. The outstanding issue was the completion of the installation of fiber into the Town Hall which was part of the Mill Road Easement deal. Outstanding issues from subscribers included several issues given to you by me from people who had legitimate complaints with Comcast.

You asked for a couple of weeks to respond to these issues and complaints which the Committee agreed was fair given the Thanksgiving Holiday. It has now been nearly 3 weeks and we have have not received any response. Please respond before December 14th, in order for our members to review your responses before our next Committee meeting.

Regards,

Ernie Hyde



Town of Falmouth  
Cable Advisory Committee  
59 Town Hall Square  
Falmouth, MA 02540

VIA EMAIL AND MAIL

[Michael\\_galla@cable.comcast.com](mailto:Michael_galla@cable.comcast.com)

May 15, 2018

Michael Galla  
Sr. Manager Government & Regulatory Affairs  
Comcast Cable Communications, Inc.  
330 Billerica Road  
Chelmsford, MA 01824

RE: Town of Falmouth, MA  
Cable Television Renewal License

Dear Mr. Galla:

This letter is being sent in connection with the Cable Television Renewal License between Comcast and the Town of Falmouth dated October 31, 2011 seeking the following information:

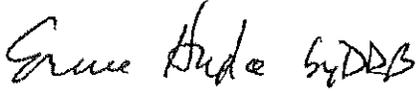
Pursuant to Article 4, Section 4.16, the Cable Advisory Committee is requesting that Comcast explain any service outages in the Town from January 1, 2018 through March 31, 2018. Specifically, the Committee is requesting the following information be included in the explanation:

- The number of service interruptions lasting twenty-four (24) consecutive hours or more;
- The length of each service interruption which lasted twenty-four (24) consecutive hours or more;
- The dates of said interruptions; and
- The number of subscribers, both residential and commercial, who experienced an interruption on each occasion of twenty-four (24) consecutive hours or more.

Pursuant to Article 8, Section 8.4, please indicate whether any subscribers were granted a pro rata credit or rebate for a service interruption of twenty-four (24) consecutive hours or more from January 1, 2018 through March 31, 2018, and if so, please identify the subscribers granted said credit or rebate, the date said credit or rebate was applied, and the amount, in dollars, granted to each of these subscribers. Also, please indicate whether any subscriber requested a pro rata credit or rebate and was denied.

Your prompt attention to this matter is greatly appreciated. A response is requested on or before May 30, 2018.

Very truly yours,

A handwritten signature in black ink that reads "Ernie Hyde by DDB". The signature is written in a cursive, somewhat stylized font.

Ernie Hyde, Chairman  
Falmouth Cable Advisory Committee

Cc: Town of Falmouth Board of Selectmen

Comcast Cable Communications, Inc.  
Vice President, Government Affairs  
676 Island Pond Road  
Manchester, NH 03109

Comcast Cable Communications, Inc.  
Attn: Government Affairs  
One Comcast Center  
Philadelphia, PA 19103

**Diane Davidson**

---

**From:** Smith, Robert J <robert.smith@eversource.com>  
**Sent:** Friday, July 06, 2018 8:42 AM  
**To:** Diane Davidson  
**Subject:** Monday July 9th Meeting

Hi Diane, I will be attending the meeting Monday night along with Michael McGuire and Greg Carlstrom of our Operations Team. If possible, please let me know the time of the meeting and approximately when we will be scheduled on the agenda. Thanks, Bob Smith , Community Relations ( 617) 312-0010

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# Proposal for Double Pole Removal

Prepared By  
Gregory Carlstrom  
Of  
Yarmouth M&C



# Double Pole Sets

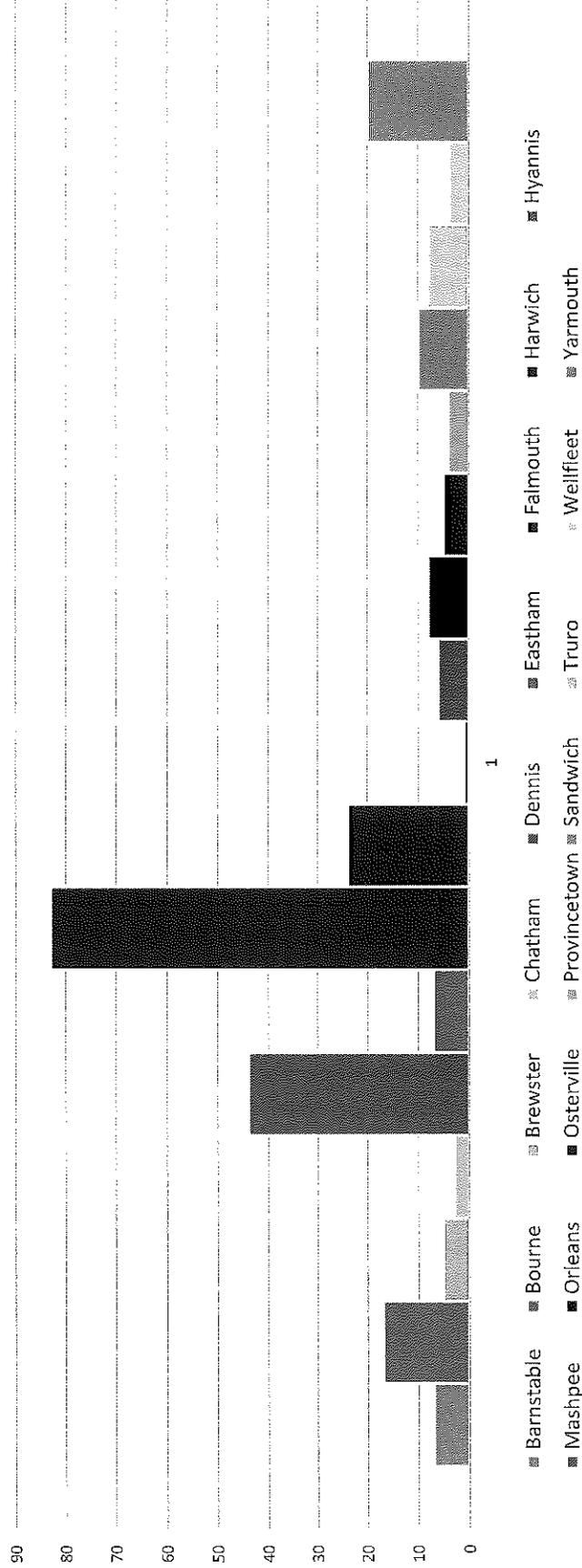


- Problem Statement:
  - Eversource Energy is currently experiencing a backlog on the removal of double utility poles in Cape Cod that were set during the aftermath of the March 2018 winter storms as well as town legacy poles.
  
- Background:
  - The major municipalities of Cape Cod have expressed a myriad of concerns regarding the existence and current state of double pole sets within their geographic areas.
  - Some examples of problems created by the existence of double pole sets are:
    - Increased impact to the Capital Plan for Yarmouth M&C.
    - Decreased line of sight for motor vehicle operators proceeding outward from their property.
    - Double occupancy of one pole unit plots of land leased to Eversource by the towns themselves.
    - Unlikely examples of the bi-products created by the March 2018 Nor'easter.

# Quick Glance



Double Poles by Town



# Proposed Plan



- Objective:

- To remove double pole sets within Yarmouth M&C's area of operation in order to demonstrate a affirmative gesture of acknowledgement toward the concerns of the major Cape Cod Municipalities.

- Course Of Action:

- Yarmouth M&C will execute a plan of action to remove double pole sets via a creative and efficient approach of leveraging training department assets available in conjunction with the primary depth of utility crews in house.

- Provided Benefits:

- Yarmouth M&C will be able to balance planned work along with capital improvements to its infrastructure while providing future OH Linemen with practical training scenarios for professional development.
- Additionally, this will demonstrate an example of proactivity towards our customers' hometown concerns within EMA South and in this case: Cape Cod, MA.



# Project Stakeholders

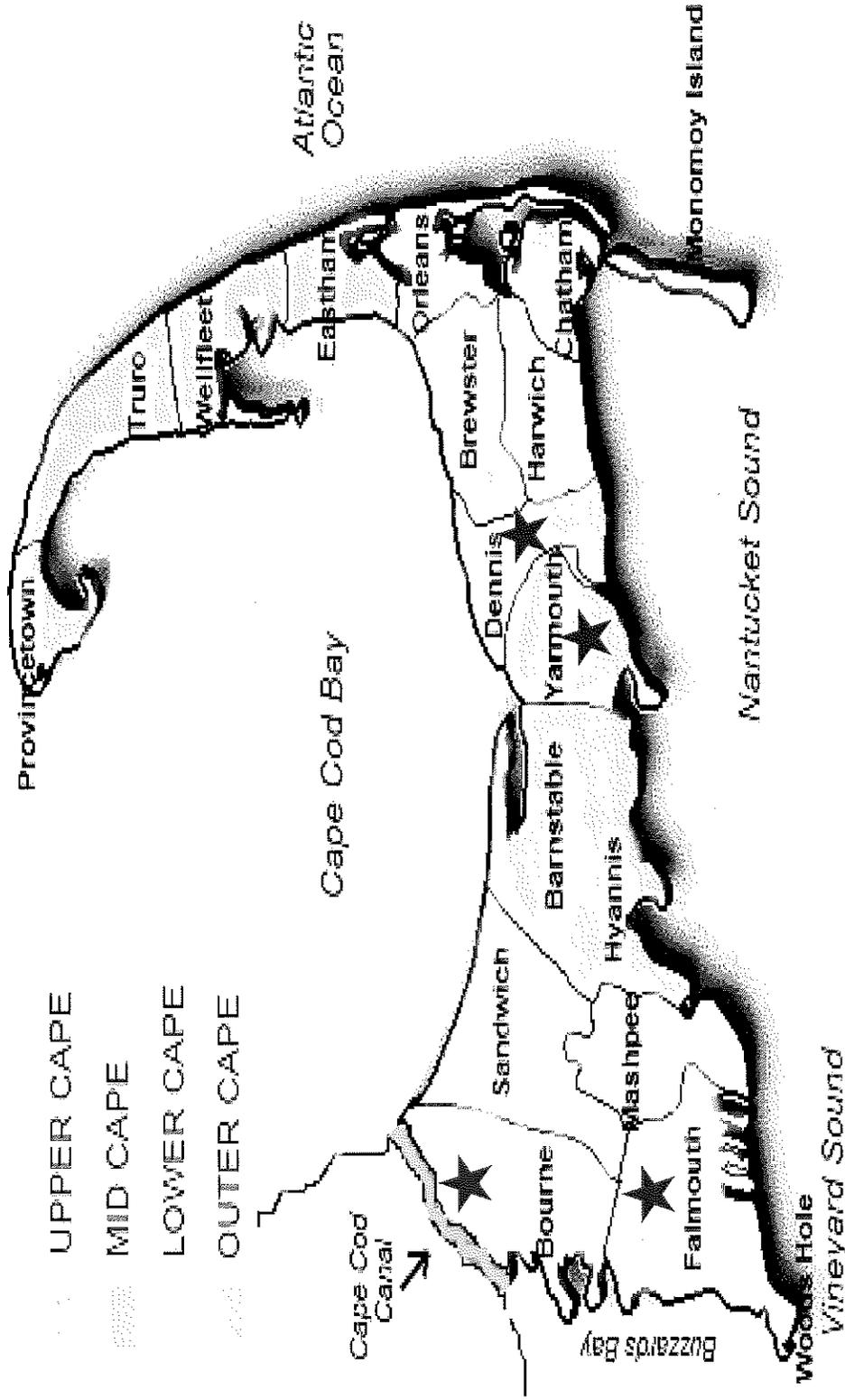
- Project Manager: Greg Carlstrom
- M&C South Director: Coleman Geary
- Yarmouth M&C Manager: Brian Sullivan
- South Master OH Trainer: Tom Kelleher
- Advisors:
  - Jeff Roy
  - Mike McGuire
  - Robert Megnia
  - Chris McDonough
- Execution: South Training Crews

# Forward Progression



- The Plan
  - Approximately 2-3, two-man training crews per work day will be provided and directed by Tom Kelleher to remove pole butts or chunk segments of the poles containing Eversource equipment.
  - Operations will begin in Falmouth, which contains the highest concentration of double poles in Cape Cod.
  
- Goals:
  - Accomplish the removal or chunk of 3- double poles per day.
  - Achieve an average of no less than 9- double poles per week.
  - Remove 2 double pole butts for every 1 new pole set.

# Initial Areas of Project Focus





# Project Progression Model

## Double Poles

By: Town  
Project Manager: Greg Carlstrom

Pole Removal % Complete	Town	Total Poles	Poles Complete	(+/-) Poles Set/mo.	Goal Met?
0%	Barnstable	7	7		
0%	Bourne	17	17		
0%	Brewster	5	5		
0%	Chatham	3	3		
0%	Dennis	44	44		
0%	Eastham	7	7		
0%	Falmouth	83	83		
0%	Harwich	24	24		
0%	Hyannis	1	1		
0%	Mashpee	6	6		
0%	Orleans	8	8		
0%	Osterville	5	5		
0%	Provincetown	4	4		
0%	Sandwich	10	10		
0%	Truro	8	8		
0%	Wellfleet	4	4		
0%	Yarmouth	20	20		



## July 2018

## Pole Removal/Chunking

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3	4	5	6 FAL	7
8	9 FAL	10	11 FAL	12	13 FAL	14
15	16 FAL	17	18 FAL	19	20 FAL	21
22	23 FAL	24	25 FAL	26	27 FAL	28
29	30 FAL	31	1	2	3	4
5	6	NOTES	Monthly Tally: Approx. 33 poles			



## August 2018

## Pole Removal/Chunking

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
29	30	31	1 FAL	2	3 FAL	4
5	6 FAL	7	8 FAL	9	10 FAL	11
12	13 FAL	14	15 FAL	16	17 FAL	18
19	20 FAL	21	22 FAL	23	24 FAL	25
26	27 FAL	28	29 FAL	30	31 FAL	1
2	3	NOTES	Monthly Talley, Approx. 42 poles.			



## September 2018

## Pole Removal/Chunking

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
26	27	28	29	30	31	1
2	3 FAL	4	5 BOU	6	7 BOU	8
9	10 BOU	11	12 BOU	13	14 BOU	15
16	17 BOU	18	19 YAR	20	21 YAR	22
23	24 YAR	25	26 YAR	27	28 YAR	29

Monthly Tally: Approx. 36 Poles

NOTES

1

30

# Suggestions/Feedback?



# FALMOUTH AFFORDABLE HOUSING FUND

Established by Ch. 29 of the Acts of 2011  
Board of Selectmen, Trustees

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59 Town Hall Square  
Falmouth, Massachusetts 02540  
(508) 495-7344

## MEMORANDUM

**TO:** Julian Suso, Town Manager  
Falmouth Board of Selectmen  
**FROM:** Carla L. Feroni, Housing Coordinator  
**DATE:** July 6, 2018

**RE:** Re-Sale of Affordable Housing Units

My office has received notification of 4 affordable housing units on the Falmouth Subsidized Housing Inventory (SHI) that are being put up for re-sale or possible foreclosure. I am working with Assistant Town Manager Peter Johnson-Staub and Associate Town Counsel Pat Harris to gather information and to identify possible options available to the Town to retain these units on the SHI. I will present to the Board recommendations for future actions to preserve the affordability of these units at the July 9, 2018, meeting.

- **2 Esker Place:** This unit was created through a Local Initiative Program (LIP AKA "Friendly 4ob"). The Town received a notice of intent to sell from the owner in 2014 and the Board of Selectmen voted not to expend funds to preserve the affordability of the unit due to its condition. Although the owner (Estate of Reverend Richard S. Crowell) could have sold the unit at a market rate in 2014, the Estate has not yet sold the unit and it remains vacant. The monitoring agent is Falmouth Housing Trust (FHT). The Falmouth Housing Authority is in discussions with the Estate to purchase the property. On July 5, 2018 the Town received a copy of a letter from the Estate's attorney to the MA Department of Housing and Community Development (DHCD) providing notice of intent to sell. To facilitate the sale, the Town needs to notify DHCD of its intent to exercise its right of first refusal (RoFR) to purchase the property or find an eligible purchaser. The Town will ultimately need to inform DHCD of its support of the sale assuming the Falmouth Housing Authority is able to come to terms with the seller. The Falmouth Housing Authority has indicated it may request funds from the Falmouth Affordable Housing Fund but no letter of intent or application has been received to date.

**Board of Selectmen Action Recommended:**

1. **Vote to exercise right of first refusal to purchase 2 Esker Place or find an eligible purchaser.**
- **110 Dillingham #105:** The Notice of Intent to Sell is dated May 20, 2018. The deadline for Town action is August 20, 2018. The monitoring agent is CHAPA. Housing Assistance Corp. (HAC) is the resale agent. The price to acquire the property is \$155,500. The Homeowners

Association Fee (HOA) fee is \$661/month which includes utilities. It may be difficult to find an income eligible buyer. If an eligible purchaser is not found and the unit is sold on the open market, the affordable deed restriction will be lost. Any gain in resale amount will come back to the Town.

**Board of Selectmen Action Recommended:**

1. Place the unit on the MLS and pay a fee to the broker of 2.5% or \$3,875 to increase chances of finding an income eligible buyer.
  2. Consider writing down the mortgage by way of second mortgage of up to \$30,000 that would come back to Town upon future resale.
- **38 Jeffrey:** The Town received through DHCD a constructive notice to sell. HAC is the resale agent. DHCD is the monitoring agent. This is an old Local Initiative Program (LIP) project. The deed does not survive foreclosure. The Town exercised its RoFR and has until 8/28/18 to find an eligible purchaser or to purchase the unit. The resale price set by the deed restriction is \$220,000. The sale price is likely too high. The Town is working with HAC to test the market for 30-45 days.

**Board of Selectmen Action Recommended:**

1. Place the unit on the MLS and pay a broker fee of \$4,410 to increase chances of finding an income eligible buyer.
  2. Consider writing down the mortgage by way of a second mortgage of up to \$30,000 that would be recaptured by the Town upon future re-sale.
- **49 Altons Lane:** The Town has received the notice of foreclosure from the lender's attorney. The Monitoring agent is HAC. Staff is working with the lenders attorney. An auction date is set for August 28, 2018. Tenants are living in the property. The deed restriction does not survive foreclosure. The home was purchased in 2005 for \$160,000. The current mortgage balance and liens are approximately \$250,000. The sales price per the deed restriction is \$221,000. There is no available appraisal yet.

**Board of Selectmen Action Recommended:**

**None at this time. Staff is communicating with the monitoring agent MassHousing and the lender to explore potential avenues to maintain the deed restriction to preserve the unit. The Town has 60 days or until August 27, 2018, to act. If the auction is held with the tenants in residence a Town purchase is not a recommended option.**

7/9/18

Bayside Beach Annual Neighborhood Cookout

Request for Off-Premise Sign

Where: Entrance to Seacoast Shores

Quantity: 1

Size: 2' x 3' (6 sq. ft.) sandwich board type sign

Dates: Sunday, July 15, 2018 through Saturday, July 21, 2018

7/9/18

Solid Waste Advisory Committee and Department of Public Works

Request for Off-Premise Signs

Purpose: to educate and promote proper recycling

Quantity: 3

Size: 36" x 24" (sandwich board style)

Note: The sign measurements are within the sign code (less than 8 sq. ft.); therefore, no need for Design Review Committee review, only Board of Selectmen approval.

Locations:

1. Falmouth Village Green
2. School Administration Building Lawn (340 Teaticket Hwy.)
3. Intersection of Davisville Road and Route 28

Dates:

Town of Falmouth Sign Permit Application (rev. 12/08)

(508) 495-7470 Fax (508) 548-4290

For office use only:

BD Permit#: \_\_\_\_\_ Fee\*: \_\_\_\_\_ HDC App. #: \_\_\_\_\_ DRC App. #: \_\_\_\_\_

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

DATE: June 8, 2018
STREET ADDRESS FOR PROPOSED SIGN(S): School Ad Bldg - Intersection; Town Green; Davisville Intersection
APPLICANT NAME: SWAC DPW (Peter McCrarty) PHONE: SWAC-274-836-8719
MAILING ADDRESS: \_\_\_\_\_ TOWN/STATE/ZIP: Falmouth
BUSINESS NAME: \_\_\_\_\_
BUSINESS OWNER: \_\_\_\_\_ ADDRESS/PHONE: \_\_\_\_\_
PROPERTY OWNER: \_\_\_\_\_ ADDRESS/PHONE: \_\_\_\_\_
CONTRACTOR / SIGN COMPANY: \_\_\_\_\_
ASSESSOR'S PARCEL ID: \_\_\_\_\_ ZONING DISTRICT: \_\_\_\_\_

IS THE PROPOSED SIGN LOCATED WITHIN A LOCAL HISTORIC DISTRICT? Y (N)

If YES, the applicant must first submit this application to the Historic District Commission (HDC) for their approval. See attached 'Town of Falmouth Sign Permit Process and Required Submittals' for a detailed description of the HDC requirements.

FREESTANDING SIGN(s) § 184-25; Projecting sign(s) § 184-35

List number and sizes of each sign that presently exist for each street frontage: \_\_\_\_\_
Area of proposed standing sign is: \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ square feet.
Do the frames, borders, etc. exceed 8 square feet in area? Y / N
The proposed standing sign will be set back from \_\_\_\_\_ street line \_\_\_\_\_ feet.

WALL SIGN(s) § 184-37; Awning(s) § 184-22

List number and sizes of each wall and roof sign that presently exist on building: \_\_\_\_\_
Size of proposed wall sign is: \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ square feet.
The lineal frontage of the wall supporting the sign is: \_\_\_\_\_ lineal feet.
The proposed sign will face \_\_\_\_\_ street/parking lot

ROOF SIGN(s) § 184-37

List number and sizes of each wall and roof sign that presently exist on building: \_\_\_\_\_
Size of proposed roof sign is: \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ square feet.
The wall that the sign will be above is: \_\_\_\_\_ lineal feet.

PROMOTIONAL/SPECIAL EVENT SIGN(s) § 184-30

Size of proposed sign is: \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ square feet.
Start date: \_\_\_\_\_; End date: \_\_\_\_\_ Total number of days that the sign will be displayed: \_\_\_\_\_

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

OFF-PREMISES SIGN(s) § 184-32; VARIANCE § 184-20

The Board of Selectmen must approve all off-premise signs.

Proposed location: \_\_\_\_\_ Size: \_\_\_\_\_ square feet.

Board of Selectmen License No.:

(Note: A copy must be attached)

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

Signature of Applicant: Linda E. Darrin Date: 6/8/2018

Historic District Commission Date or Design Review Committee Date

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

Building Commissioner/Inspector Date

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

To: Board of Selectmen

From: The Solid Waste Committee and the DPW

Re: Permit for Off-Premise Signs

Date: June 8, 2018

The Solid Waste Advisory Committee working with Peter McConarty of the Department of Public works is proposing three signs on sandwich boards (36"x24") placed strategically around town including the Falmouth Green, the School Administration Building area and the intersection of Davisville Road and Route 28. The purpose of these signs is to educate and bring attention to solid waste issues such as the need for proper recycling and litter reduction. The messages would change periodically. These signs would be one means of providing residents and visitors with information in an overdue campaign to educate our citizenry about recycling and trash.

Linda Davis, Chairman  
Solid Waste Advisory Committee

***NO NO NO***  
**PLASTIC BAGS**  
**IN THE**  
**RECYCLING BIN**

***DO NOT USE PLASTIC***  
***BAGS TO BAG***  
***RECYCLABLE***  
***MATERIALS FOR THE***  
***RECYCLING BIN***

*Sample  
Only*

for both curbside collection and  
collection of recyclables at the  
WMF on Thomas Landers Rd.

**ALL PLASTIC BAGS GO**  
**IN THE TRASH**

East Falmouth Village Association

Request for Off-Premise Signs

Purpose: East Falmouth Village Association Annual Meeting on Thursday, July 19, 2018

Quantity: 3

Locations:

1. Rt. 28 and Shorewood Dr.
2. Rt. 28 and Acapesket Rd.
3. Rt. 28 and Davisville Rd.

Size: 2 feet wide x 3 feet high (6 square feet), sandwich board signs. Sign size is within the 8 sq. ft. maximum size; therefore, no Design Review Committee recommendation is needed.

Length of time: Tuesday, July 10, 2018 through Thursday, July 19, 2018

Plus: One on premise sign at St. Anthony's Church on day of event on July 19, 2018.

**Diane Davidson**

---

**From:** Doug Brown <dougbrown@falmouthmass.us>  
**Sent:** Thursday, July 05, 2018 4:54 PM  
**To:** Diane Davidson  
**Subject:** Fwd: EFVA off premise sign

Hi Diane

Please add an off premise sign request for East Falmouth Village Association. 3 off premise at RT 28 and Shorewood Dr. RT 28 and Acapesket Rd Rt28 and Davisville Rd. One on premise sign at St Anthony's Church on day of event

Sign request July 10 - July 19.

Meeting date July 19

Thank You, Doug Brown  
Falmouth Selectman  
59 Town Hall Square  
Falmouth MA 02540  
Office & Fax 508 540 6182  
Cell 508 560 4149

Begin forwarded message:

**From:** Doug Brown <dougbrown@falmouthmass.us>  
**Date:** July 5, 2018 at 4:22:46 PM EDT  
**To:** Su Moran <smoran@falmouthmass.us>  
**Subject:** EFVA off premise sign

Hi Su

Sorry to ask this, is it too late to ask for an off premise sign request for EFVA? I forgot to ask. Meeting is July 19? Looks like no meeting next week?

Thank You, Doug Brown  
Falmouth Selectman  
59 Town Hall Square  
Falmouth MA 02540  
Office & Fax 508 540 6182  
Cell 508 560 4149

# August 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6 <i>Selectmen's Meeting</i>	7	8	9	10	11
12	13	14	15	16	17	18
19	20 <i>Selectmen's Meeting</i>	21	22	23	24	25
26	27	28	29	30	31	

# September 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 <i>Labor Day</i>	4	5	6	7	8
9	10	11 <i>Patriot Day</i>	12	13	14	15
16	17	18	19	20	21	22 <i>Autumn begins</i>
23	24	25	26	27	28	29
30						

# October 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8 <i>Columbus Day</i>	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

# November 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11 <i>Veterans Day</i>	12 <i>Veterans Day Observed</i>	13 <i>Town Meeting</i>	14	15	16	17
18	19	20	21	22 <i>Thanksgiving Day</i>	23 <i>Day after Thanksgiving</i>	24
25	26	27	28	29	30	

# December 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2 <i>Hamukkah begins at sundown</i>	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21 <i>Winter begins</i>	22
23	24	25 <i>Christmas</i>	26	27	28	29
30	31					

**TOWN OF FALMOUTH**  
**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**Open Session**  
**MONDAY, APRIL 23, 2018**  
**SELECTMEN'S MEETING ROOM**  
**TOWN HALL**

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

Also Present: Julian Suso, Town Manager; Peter Johnson Staub, Assistant Town Manager; Frank Duffy, Town Counsel.

**OPEN SESSION**

1. Call to Order by Chair Moran.
2. Pledge of Allegiance
3. Proclamation – Police Week – May 13–19, 2018  
Chair Moran read the proclamation in the packet as a motion. Second Mr. Jones. Vote: Yes-5. No-0.
4. Recognition  
Ms. English Braga observed a moment of silence in memory of Sgt. Sean Gannon, and the community touched by his work as a police officer and active community member.
5. Announcements  
Mr. Patterson recognized appointment of the Falmouth Public Schools Superintendent.

Chair Moran thanked those who contributed to spring cleanup week.

6. Public Comment  
Laura Wagner, resident of Falmouth, advocate of safety and traffic concerns on streets over the last year, attends the Traffic Advisory Committee meetings and founded the Falmouth Safe Streets Alliance. Reviewed studies addressing speeding and advocating for national and local campaigns; purpose is to look for ways to decrease fatal accidents to zero. She would like to be put on the agenda for a future meeting and provided a document.

Jim Fox announced setting up the Friends of Falmouth Station 501C3, meeting on 5/5/18 3-5 p.m., potluck requested.

Craig Martin, Precinct 9, commented about the matter approved by Town Meeting years ago. Town Meeting approved article 22, replacing Lawrence School seats. He is concerned about ramifications of this project; there is no way to replicate the existing structure. He would like this examined by the Board of Selectmen.

Mark Finneran, Precinct 6, noted what Laura and Josh said that Trotting Park Road has the same problem with speeding.

7. Affirm Appointment of Recreation Director  
Mr. Suso recommended to the Board of Selectmen to affirm appointment of Joe Olenick.

Mr. Olenick addressed the Board of Selectmen.

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

**SUMMARY OF ACTIONS**

1. Licenses
  - a. Application for Change of Manager of an All Alcoholic Innholder License – Hostmark Falmouth Management, LLC d/b/a Falmouth Holiday Inn, 291 Jones Road, Falmouth  
Falmouth Inn Manager, Michael MacDonald, reviewed his experience; he will be living in Mashpee and is the person the Board of Selectmen will go to for responsibility.

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

- b. Application for a Special All Alcoholic One-Day Liquor License – Fundraising Bowling Tournament – Trade Center Bowl, 89 Spring Bars Road – Sunday, 4/29/18

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

- c. Application for Special All Alcoholic One-Day Liquor Licenses – Falmouth Theatre Guild – Highfield Theatre, 58 Highfield Drive – May 4, 5, 6, 11, 12, 13, 18, 19 & 20, 2018

The applicant addressed the Board of Selectmen.

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

- d. Application for Special Wine & Malt One-Day Liquor License – Cinco de Mayo Woods Hole – Quicks Hole Taqueria Parking Lot, 6 Luscombe Avenue – Saturday, 5/5/18

Beth Colt described the event and serve on their property past their deck where they currently serve. Outdoor music with band from Woods Hole.

**Ms. Jones motion approval for 5/5, 5/6, or 5/12/18, whichever date the event is actually held. Second Ms. English Braga. Vote: Yes-5. No-0.**

- e. Application for Transfer of a Taxi License – Falmouth Taxi, 17 Walker St. Adam Meehan has entered into a Purchase and Sales Agreement with Mr. Moore to close on 5/2/18. Transfer of 14 licenses. The business will remain similar.

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

## 2. Administrative Orders

- a. Endorse Proposed Gun Buyback Program

Richard Duby, Falmouth Resident, this coalition was formed and membership reviewed and explained the coalition. The buyback will be June 9 am-12 pm with assistance by the FPD. They will have the guns destroyed and FPD will supervise the destruction. There will be a one day amnesty for the event without the need for a firearms license and surrendered anonymously.

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

Mr. Patterson noted a proclamation would be helpful before the buyback.

- b. Authorize/Approve Use of Old Silver Beach Resident Parking Area for Fireworks Display on Monday, April 23, 2018

Mr. Suso reported this came from the FFD after Cape Cod Chamber of Commerce was already planned and underway. It is a significant tourism related event with benefit to the Town and other communities.

Chair Moran noted the requesting party is long time well known tourism organization the Falmouth business people count on. They were not aware of the lead time necessary, but worked with the FFD and Seacrest Hotel Management.

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

## 3. Special Events

### **New - Recommended:**

- a. Cinco de Mayo Woods Hole – Quicks Hole Taqueria Parking Lot, 6 Luscombe Ave., Saturday, 5/5/18

**Ms. Jones motion approval for 5/5, 5/6, or 5/12/18, whichever date the event is actually held. Second Ms. English Braga. Vote: Yes-5. No-0.**

## PUBLIC HEARINGS

7:30 p.m.

1. Application for a New All Alcoholic Common Victualler License – Markantonis Restaurant Group, Inc. d/b/a Estia – 117 Main Street, Falmouth

Chair Moran read the hearing notice.

Bret Sanidas, Attorney representing the applicants was present along with the applicants. Mr. Sanidas described their background in businesses and community service. Menus were provided to the Board of Selectmen. Staff will be TIPS certified.

Parking issues were addressed; there are 16 spaces on site, 194 seats in the restaurant. Parking is limited on Main Street, hearing was had with Board of Appeals, and a number of emails and letters were submitted on the project. St. Barnabus had some concerns, the applicants met with St. Barnabus regarding those concerns. Landscaping on back of the parking lot is planned to minimize noise and lights from cars. The applicants are trying to lease spaces for employees at the Bank of America lot. Floor plans were included in the packet and reviewed at the hearing.

Mr. Jones commented on the parking, the area in front is limited to 30 minutes. Request to employees to park away is difficult to get them to do, trying to encourage using Lawrence School Parking Lot.

Mr. Patterson asked about blocking the walkway to cut through the bank, that cut through will no longer be available to use.

Public comments in favor:

Brenda Swain commented that Estia has been wonderful to Falmouth and Mashpee, they are community minded. She enjoys the restaurant.

Jim Kiley, President Boys and Girls Club Cape Cod, Mashpee. Applicants are great supporters and citizens.

Public comments against: none.

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

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

## BUSINESS

1. Report on Falmouth Housing Authority Programs – Bobbi Richards, Executive Director  
Ms. Richards presented an overhead presentation, reviewing the mission, history, and funding of the FHA. The FHA is entirely dependent on federal and state funding. Oversight through HUD, DHCD, and a 5 panel Board of Commissioners. The FHA owns 5 public housing buildings and 25 scattered home sites, Ms. Richards reviewed the inventory. Reviewed the state programs that support various housing. Stable housing results in successful outcomes for children and adults.

All properties have a capital plan, FHA looking to explore options with Salt Sea, the septic is in the center and they would like to connect to Town sewer and increase units at that property, including handicap accessible units by either putting modular on the property or convert end units.

Harwich Economical Council partnered with FHA years ago and we have affordable units within their existing developments. One of her goals is to purchase a unit as they are being built.

FHA would like to work with developers in the community.

Partnerships and relationships, ideas include getting on waiting list on your 62<sup>nd</sup> birthday, possibly clinics at service center and other agencies throughout Town.

2. Upper Cape Cod Regional Technical School - Robert Dutch, Michael Degan

This item was not presented.

3. Status Report on Fields, Roads and Beach Maintenance – Department of Public Works

Peter McConarty, Deputy Director DPW, Parks Superintendent Jeremiah Pearson, Highway superintendent James Grady, and Joe Olenick, Director of the Recreation Department.

Fields and beaches.

Field Use Policy reads about how to book the fields and cost, not a lot about the adverse weather playing and what it does during the growing season. He would like to work with Mr. Olenick on a more in depth policy.

Beaches: Menhant Road flooding issues, surveyed this fall, there is a 1.5 foot deep bowl, they will have to work with the Conservation Commission and they can perform maintenance on the beach parking lots so you can drive and park on them. Work will begin once approval is received from the Conservation Commission. Storm water goes from road to Dunes, they will balance the site and bring in fill. They will not be able to eliminate water completely, but it will make a difference. Timeline is looking towards mid June, hoping to get it done before Memorial Day.

Jeremiah Pearson, Parks Superintendent, addressed the Board of Selectmen. The Parks Dept maintains 36 athletic fields, reviewed the types of fields. Developed nutrition plan for all fields, concentrating on specific fields. Parks crews working on field maintenance, grooming, and marking. They have completed 2 fields that needed complete overhaul; Morse Pond and Girls JV at FHS. Irrigation systems being maintained and problems addressed. Maintenance plan for every field has begun.

Mr. Jones noted that Town Meeting may be ready to put more money into the fields in November.

The Board of Selectmen asked whether the Sandwich Road Field core sampling help for a soil profile. They will do some drainage testing and will get soil profile in the next couple weeks.

Highway Superintendent will address the beach nourishment and plans.

James Grady, Superintendent of Highways

The beach work they will address includes dune renourishment, the Conservation Commission has approved screening material to replenish the dune at Menhant, likely in the next couple weeks.

Reviewed spring paving projects, including Ter Heun, Hayway, Thomas Landers Road, White's Landing Road/Parking Lot, sidewalk improvements by hospital and working with Commission on Disabilities. Falmouth District Court ramp approach realigned, reviewed upcoming road paving projects. Spring maintenance sweeping, edgelines with main roads to prep for line painting. Working on potholes before painting. Roadside litter being addressed daily.

Spring beach maintenance was reviewed, including signage, handicap parking, and nourishment.

Paving is subbed out to Lawrence Lynch, line painting will be subcontracted, except the Town lots and buildings, for which Town equipment and resources will be used.

Bridge at Menahant will be addressed and they will work with the Conservation Commission before the season starts.

Mr. Grady will look into water drainage in the area of Thomas Landers Road, bottom of hill the water runs off into the pond.

Mr. Johnson Staub also noted a plan to do nourishment at Surf Drive.

Dan Shearer asked about Chapaquoit Road, construction there will hamper the beach there. No one is taking care of the signs, he got run off the road by a dump truck the other day. It is a one way that cannot be seen.

Peter McConarty said the plans for that road are complete, plans are ready, and they needed to have access by abutters to do the work. Looking to complete that soon, they will look at putting signage up.

Mr. Brown noted concern that person was asking to access for paddle boarding; areas have been designated for that, but the Chapaquoit Beach entrance is not usable, at bottom of stairs you are in the water. Would it be possible to put sand in that area to make a launching point. McConarty will look into that.

Ray Jack said the beaches will be ready. Menhaunt Beach West has taken a tole, there is a study underway and completed midsummer, determine improvements to mitigate and restore the process in that area.

Mr. Patterson asked about rebuilding west end of Menhaunt beach, have they collaborated with the Coastal Resiliency Committee. Ray is on focus group for development of that program, that model being developed will be a public information model to facilitate discussions regarding coastal initiatives.

The bridge project is 95% designed and permitted, not being put forward until the results of the study come back. Results by mid summer and he will report back on what that means for the bridge.

Mr. Suso is working with the DPW on downtown landscaped areas, many merchants make efforts to plant and care for areas, but there are some that need attention. DPW is assisting with putting together a program with downtown merchants to standardize the planted areas and sidewalks maintained. Mr. McConarty said there are hundreds of trees down they need to work on around Long Pond, trails are blocked. They are fitting in the Main Street cleanup and there are areas that need maintenance. There will be notice through the Chamber of Commerce.

#### 4. Discussion of Shellfish Advisory Committee Charge

Mr. Johnson-Staub noted in packets he drafted a charge, sent to Agricultural commission and Water Quality Management Committee. The basic charges are about the same, size of the committee itself is different.

Karen Schwalbe, Chair Agricultural Commission, has talked with many users of the resource, concern is with a 5 member committee and includes the extent of the resource, number of users, types of species, future interests, and no committee on the Cape has 5 members; most in 7-9 member range. They lean to the high end to include science component. As climate changes, there are more shellfish issues that need to be addressed.

Ms. Schwalbe feels it would be easy to meet the 9 member committee, they would like to have a grant holder and a scientist involved.

Ms. English Braga wants someone from the science community included to support the relationship between harvesters and those studying.

Mr. Jones thinks should be advisory as opposed to legislative.

Mr. Patterson noted this is an advisory committee, they can function without a quorum. He is in favor of having adequate representation on this committee.

Mr. Brown supports 9 members; focus on the fishery giving the input rather than a management tool.

Mr. Johnson-Staub noted flexibility in the size of the committee; suggesting they can have as many as 9 member and no less than some number. This is an advisory committee and one aspect of the charge is review of license and permits. If you have commercial fisherman and aquaculture permit holders being asked to advise to the Board of Selectmen, they would need to recues.

Disclosure was discussed by the Board of Selectmen.

The decision would be the Board of Selectmen.

Ms. English Braga suggested no less than five members, no more than 9. At least one, no more than two commercial fisherman. 1 Scientific Board member and 1 member from the Water Quality Management Committee.

Mr. Jones motion 9 member board with layout in the letter. Minimum of 5 members, guideline preferences not mandate. Second Mr. Patterson. Vote: Yes-5. No-0.

5. Application for Commercial Shellfish License – Michael C. DeMello  
Not in attendance.
6. Approve Request for Waiver of Special Event Fee – Run Jack Run Family Fun Run/Walk  
**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**
7. Application for Sign Variance – Off-Premise Promotional Signs – Falmouth VIPS Feasts of Falmouth & Beyond  
**Ms. English Braga motion approval. Second Mr. Brown. Vote: Yes-5. No-0.**
8. Approve 2018 Seasonal/Annual License Renewals

ALL ALCOHOL

Shuckers, 91A Water Street

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

AUTOMATIC AMUSEMENT DEVICES

Florence Tea Room, 196 Crystal Springs Ave.

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

BOWLING ALLEY

Ryan Family Amusement, 23 Town Hall Sq.

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

COMMON VICTUALLER

Falmouth Clam Shack, 227 Clinton Avenue

Florence Tea Room, 196 Crystal Springs Ave.

Shuckers, 91A Water Street

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

ENTERTAINMENT

Shuckers, 91A Water Street

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

SUNDAY ENTERTAINMENT

Shuckers, 91A Water Street

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

LODGING HOUSE

Elizabeth Hathon, 165 North Falmouth Hwy.

Frederick William House, 594 Palmer Ave.

Inn on the Sound, 313 Grand Avenue

Woods Hole Inn, 28 Water Street

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

SECOND HAND DEALERS

Cash Point, 348 East Falmouth Highway

Falmouth Service Center, 67 Davisville Road

Falmouth Stamp and Coin, 11 Town Hall Sq.

Fay's Gallery, 556 Main Street

Hannous Jewelers, 352 Main Street

St. Vincent de Paul Thrift Shop, 18A Davisville Rd.

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

9. Minutes of Meetings:

Public Session –

January 27, 2018

**Ms. English Braga motion approval with edits. Second Mr. Patterson. Vote: Yes-1. No-0. Abstain-1.**  
April 2, 2018

**Mr. Jones motion approval. Second Ms. English Braga. Vote: Yes-4. No-0. Abstain-1.**  
April 9, 2018

**Mr. Jones motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.** April 10, 2018, should be  
April 10, 2018

**Mr. Patterson motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.**  
April 11, 2018

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

Executive Session

April 2, 2018

Session 1

**Ms. English Braga motion approval and not release. Second Mr. Jones. Vote: Yes-4. No-0. Abstain-1.**

Session 2

**Mr. Jones motion approval and not release. Second Ms. English Braga. Vote: Yes-4. No-0. Abstain-1.**

Session 3

**Ms. English Braga motion approval and not release. Second Mr. Jones. Vote: Yes-4. No-0. Abstain-1.**

Session 4

**Mr. Brown motion approval and not release. Second Ms. English Braga. Vote: Yes-4. No-0. Abstain-1.**

10. Individual Selectmen's Reports

Mr. Brown:

Attended the Recreation Committee meeting during which the draft beach rules were reviewed. Comments were taken and discussed, they will come back on 5/16/18 with a draft. Mr. Brown emailed Chair Moran, Mr. Suso, and Mr. Johnson Staub. After the meeting Greg Contos advocated for volunteer beach monitors and asked Mr. Brown to bring this to the Board of Selectmen. Mr. Brown will bring it up at the next Beach Committee Meeting.

Attended the Water Quality Management meeting.

Mr. Patterson:

Attended workshop by the Buzzards Bay Coalition, topic was on denitrifying septic system. This offers economical way to implement denitrifying systems, innovative, and not as complicated as other systems so cost would be down. Viable replacement for those with failed leaching system; it replaces the leaching system and is layers of loam, sand sawdust, and sand. John Waterbury and the Board of Health were also present. This model is in prototyping/testing phase, there are 3 systems implemented in Falmouth at this time.

Attended the Conservation Commission hearing this past Wednesday, project proposed for Waquoit Bay they want to put shellfish in 3 levels of water column and measure how effective denitrying would work. The Conservation Commission wants better specifications.

Chair Moran:

Attended memorial ceremony for John Ross who spearheaded the effort to cleanup West Falmouth Harbor.

11. Review of Town Manager's Report

Ms. Suso welcomed Eight Cousins back into operation.

Acknowledged the Board of Selectmen had seen that application submitted to qualify for Waquoit area grant is being recommended by MA to US Treasury, work in progress.

Late today Mr. Suso notified the Board of Selectmen that the Town has achieved AAA bond rating from Standard and Poor's; ongoing goal for this town manager for multiple years. Press release and report were released.

Cost savings we might benefit from for the AAA bond rating was described.

Mr. Johnson-Staub:

Public forums have been held, the Senior Center Building Committee is working on design, seeking public input. Two public forums tomorrow at 2 pm at the Senior Center and 6 pm in the main library Hermann room.

Those seeking to apply for housing can call the Falmouth Human Services Department where there is a Housing Assistance Corporation representative available.

12. Review and/or Discuss Correspondence Received

**Ms. Jones motion to adjourn. Second Ms. English Braga. Vote: Yes-5. No-0.**

Respectfully Submitted,  
Jennifer Chaves  
Recording Secretary

**TOWN OF FALMOUTH**  
**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**Open Session**  
**MONDAY, MAY 21, 2018**  
**SELECTMEN'S MEETING ROOM**  
**TOWN HALL**

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

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

1. Chair Moran called the open session to order at 6:30 p.m. and motioned to convene the executive session under M.G.L. c. 30A, s. 21(a)(3) – Discuss mediation Best Revenge 5 LLC v. Town of Falmouth – damages caused by boat fire 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; Chair Moran, aye; Mr. Jones, aye. Absent: Ms. English Braga.

2. Pledge of Allegiance

3. Reorganization of the Board of Selectmen

**Mr. Jones nominated Ms. Moran as Chair. Second Ms. English Braga. Vote: Yes-5. No-0.**

**Mr. Patterson nominated Ms. English Braga as Vice Chair. Second Chair Moran. Vote: Yes-5. No-0.**

4. Proclamation-none.

5. Recognition

Ms. English Braga recognized life and legacy of Sia Karplus who passed away after long battle with cancer and held a moment of silence in her memory.

6. Announcements

FHS Art Students have exhibit at the gatekeeper's house and Woods Hole Public Library.

Tomorrow night VIPS recognition dinner at Coonamessett Inn.

The Day of Portugal celebration will be held on 6/9/18 at the Navigator.

Falmouth and Falmouth Academy Girls Lacrosse teams success was noted.

7. Public Comment

Kathleen Haynes, Chair Commission on Disabilities, the Commission is having a wellness fair with about 20 vendors, wheelchair obstacle course, food, and a lot of fun. 6/23/18 10am-4pm at the Gus Canty. Highlights what disabled people can do.

Peter McConarty, Deputy Director DPW, reported the Sandwich Road athletic fields going well, sod went down today. Several social media sites in Falmouth, residents are concerned about what is going on; this past weekend on one of the websites, there was a lot of discussion on Sandwich Road Fields contractor. Mr. McConarty is concerned when they put project bids out; contractors are going to see this information and may choose not to do business with the Town. In future we want to be careful with information put out there. At a future date, he would like to come back to the Board of Selectmen for full presentation of what has happened at the field.

Dan Shearer, Precinct 6, disappointed when seeing in Enterprise there is a question about the new senior center and Gus Canty. Chair Moran noted there is an agenda item due to the rule and they may accept comment under agenda.

## 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  
**Mr. Patterson motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.**
- b. Application for Special One-Day Liquor License – Barnstable County Agricultural Society – County Fair – Beer Garden – Monday, July 23 – Sunday, July 29, 2018  
**Mr. Patterson motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.**
- c. Application for Transfer of Lodging House License – Woods Hole Passage – 186 Woods Hole Road  
**Mr. Patterson motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.**

### 2. Administrative Orders

- a. Approve Land Management Plan and Conservation Restriction for Andrews Farm Property  
JS explained these have been reviewed and vetted by Town Counsel and Associate Town Counsel Pat Harris recommended favorable actions on all 3 items are recommended.

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

- 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

Matt Charette, scientist and member of the Water Quality Management Committee. Use of the land for demonstration project and committee as advisory board for the project as it proceeds.

It will be injected style.

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

- c. Approve Eversource Energy Petition to Install one 4” conduit and Two Handholes on Walden Avenue, west of Grand Avenue  
The Board of Selectmen discussed having a letter sent to invite Eversource to an upcoming meeting and list as an agenda item.

Mr. Jones motion to delay approvals until someone from Eversource comes to a meeting with the Board of Selectmen. The impact of this on residents is unknown at this time. Mr. Jones withdrew his motion.

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

- 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  
**Mr. Patterson motion approval of items d, e, and f. Second Ms. English Braga. Vote: Yes-4. No-0.**
- g. Vote to Accept Donation from the Newcomers Club of Falmouth in the amount of \$500.00 to the Falmouth Recreation Department  
**Mr. Jones motion to accept the donation. Second Ms. English Braga. Vote: Yes-5. No-0.**

- h. Designate Members of the Charter Review Committee as Special Municipal Employees for the Purposes of the Conflict of Interest Law  
**Mr. Jones motion to designate members. Second Mr. Patterson. Vote: Yes-5. No-0.**
- i. Retroactive Approval of Letter of Support for Application for State Municipal Vulnerability Preparedness (MVP) Grant Program Funding  
Mr. Brown noted this is to support the Coastal Resiliency Action Committee grant application.

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

- j. Approve Water Main Easement Lower Road, East Falmouth  
Town Counsel recommended Board of Selectmen consider favorable action on it.

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

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.

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

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

**Ms. English Braga motion approval. Second Mr. Patterson.**

**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

Notice read by Chair Moran.

Laura Moynihan representing with the applicant. Abutters notified. Looking to add about 437 square feet for sales and wine tasting, reviewed the floor plan with the Board of Selectmen.

Public in favor: none.

Public against: none.

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

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

**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

Chair Moran read the hearing notice.

Chris Coleman, attorney for applicant. Change in ownership structure, hours of operation remain the same. The current manager will remain. TIPS training every couple years. Name will change to New Peking Palace.

Public in favor: none.

Public against: none.

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

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

**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  
Chair Moran read the hearing notice.

Mark Smith, Engineer, CMG Environmental, is working on tank replacement. Reviewed their licensing for underground tank, proposing to replace with single above ground tank, described the tank, it will be in the same part of the yard. This needs state fire marshal approval for installation and it requires two local signatures. They have Conservation Commission approval. Secures to the pad, all fittings and pumps on top of the tank above the flood zone.

Protection for visibility; it is located on the edge of the parking lot and they could put a fence around it. They are having discussions with abutters regarding screening, tank currently they are mounded up, moving down towards parking lot level leaving slope and landscaping between the tank and neighbors.

Fred Sorrento, General Manager of the marina, said that a discussion has been for plantings or trees or tasteful screening fence to get this out of the view of parking lot and neighbors.

According to Mr. Smith, the tank is pretty tamper proof, he described the design.

The tank is in the AE zone.

Public comment in favor: none.

Public comment against: none.

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

**Mr. Brown motion to approve. Second Mr. Patterson. Vote: Yes-5. No-0.**

**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

Chair Moran read the hearing notice.

Bob Ament, Falmouth attorney, representing Lafrance hospitality corp. Sean Lafrance director of facilities is director of facilities. Attorney Kevin Klauer and Mark Begossian of Longfellow Design assisting in the design effort. This is the first hearing the Board of Selectmen has ever held under flow neutral bylaw. The bylaw is intended to help the town allocate capacity for sewer system and if more than minimal development on property in sewer district, they are required to seek variance from the Board of Selectmen. The Board of Selectmen need to have received a referral from Amy Lowell that there is sufficient capacity that has been received. The Board of Selectmen also needs to have a referral that if not in sewer district, than sufficient size septic could be installed on the lot. Sewer is to take care of development that would otherwise be involved. Hearing was held before the Board of Health, reviewed plans for septic system that could be installed on the site and the Board of Selectmen has referral from Health Agent; the BOH determined the capacity requested could be installed on site. Under Title V they could have 13,600 gallons per day, their request is for 11,900 gallons per day, which would be sewage flow from the 78-room motel and 100 seat restaurant. They will have less than 80 rooms, undetermined number of restaurant seats. Board of Selectmen may consider public benefits, which include that this is the first new hotel in decades. This is the right location, near inner harbor across from the recreation center, near restaurants. Tax revenue for room and real estate taxes would exceed \$200,000 yearly to the Town. The project requires approval from the Cape Cod Commission. They will come back to the Board of Selectmen asking for municipal endorsement when ready to submit to the Cape Cod Commission.

Chair Moran stated the Board of Selectmen has asked for and looking for parameters from staff in guidance and policy level of dealing with capacity.

Mr. Brown asked if there is room for Title V septic, why would sewer be the only way for project to go forward. Attorney Ament noted when in sewer district, you cannot have title V, and you have to hook up to the sewer. Attorney Ament noted state and federal law regulate these things.

Mr. Patterson is struggling with the affordable housing issue, want to develop this end of Main Street, they will create an employment need and salaries will not be adequate for employees to live in Town. The Town is thinking about sewer capacity for multi-family housing, so this is a Town investment to expand the sewer system knowing the state is holding the Town back, can only go to a certain level. Mixed use is a goal of the Planning Board. Have they considered this at all, such as on site housing for employees.

Attorney Ament noted the project is subject to the Cape Cod Commission, which will include a cash contribution towards affordable housing. This will create some permanent jobs and construction jobs, every project is not going to include the housing, particularly on the property type this hotel would go on. There is an existing bank building on the site, uses sewer flow. There was a 29 room hotel, that project was on the sewer and approved for another 29 rooms. The addition is a small percent of the available sewage flow according to memo received from Amy Lowell.

Ms. English Braga noted the flow of 11,000 gallons per day, Attorney Ament said that is peak daily flow; probably higher than the flow they will actually have. It will be substantially less depending on the time of year.

Ms. English Braga asked about Ms. Lowell's letter, the DEP is triggered when flow exceeds 80%, if the variance is allowed and flow is not at that level. Mr. Jones noted the percentages are based on other projects coming forward that are not online yet.

Attorney Ament stated there is plenty of capacity available for affordable housing projects.

Amy Lowell, Wastewater Superintendent, noted the Town's groundwater discharge permit is the limitation of the wastewater capacity, that permit says when the actual annual flow reaches 80% of the discharge allowed, then the Town must submit a plan to the state about how to handle future flows. Last year the average annual flow was 390,000 gallons per day, discharge permit sets the number we can discharge to plant. We are in a time of change, there are more connections made and Ms. Lowell is projecting flow from existing sewer service area now and little pond sewer area future use totals 515,000 gallons per day. Then add in the projects in consideration, those total about 70,000 gallons per day, that is about 580,000 per day, which is slightly more than 80% of our discharge limit daily. When you reach that number, the Town will need to plan for future capacity. License expires in 2019.

Mr. Suso noted Ms. Lowell's numbers include 3 affordable housing projects.

Mr. Patterson asked Ms. Lowell what are the options for increasing discharge? According to Ms Lowell, they have begun planning for next phases for wastewater management and include looking at discharge locations and capacity because they will not be able to expand beyond 710 gallons per day unless they find another way to get around the discharge issue. Looking at other alternatives, also possible to reduce the limitation on discharge by improving level of treatment.

Mr. Brown suggested looking into whether it is practical to have Title V septic on this site and if they can go that route. Ms. Lowell's understanding is that there is a state law; there are towns that got special legislation to get an exception to it, she is not definitive on that.

Mr. Patterson asked same question, many have a lot of discharge and have package treatment systems on site. When limited in this way and why not have the patchwork method to require on site treatment; is that possible? As Ms. Lowell understands it, this property would be required to connect to sewer system. Many systems can remove nitrogen, performance from smaller individualized systems are smaller over time.

Ms. English Braga believes key to have the job/economic development, tax benefit, but \$200,00 is relatively small. The Board of Selectmen has some things to look into including the checker board set up may be available to the Town. She is concerned they are about already at 80% with the other projects; this is more about capacity and requirements through the DEP, along with the timeline to raise the funds to do the projects.

Mr. Jones asked if there are time constraints in the bylaw?

According to Attorney Duffy in terms of time, once the application is filed, the Board of Selectmen has to make determination within a certain time. Option on whether to require a Title V, the bylaw as written

requires you to hook up if you are in sewer area and does not give the Board of Selectmen power to waive the bylaw, it has to be granted specifically. Checker boarding sewer disposal system is something that would likely require special legislation; first you need a Town Meeting vote of the proposed bylaw, then submitted by the Board of Selectmen to the legislature.

Attorney Duffy does not see problem with continuing for 2 weeks, he does not know if they will have the information needed by then.

Attorney Ament does not object to continuance, but sooner would be better. If they have to go to Town meeting it a long permitting process and projects don't survive if they go on forever. Mr. Patterson's problem with affordable housing has nothing to do with the sewer district, it also is not a criteria mentioned in the bylaw to consider whether to grant a variance. Ms. Lowell is telling the Board of Selectmen that with all the development going on, we will then be getting to the 80%, so how many more years will it be before we increase by 25% from the entire area of Town served by the district.

Mr. Jones feels they need to have procedure for flow neutral bylaw in place before making decision.

Mr. Jones noted the option of closing the hearing or leave it open and defer action for a future meeting either 6/4 or 6/18. According to Mr. Suso, there are no standards/criteria for this bylaw at this time, can come up with some, there is no guidance in bylaw for standards the Board of Selectmen sets. They have been working with staff, and will be breaking new ground moving forward.

Chair Moran would like to leave the hearing open, reviewed Town Planner Bott's input.

Mr. Brown noted as short a delay as possible is appropriate.

Mr. Patterson would like to see if applicant can come up with mixed use and consider employee housing. Mr. Jones noted this is not within the discussion of the flow neutral bylaw. According to Mr. Jones, they need to consider those who want to tie into the sewer project.

**Ms. English Braga motion to continue the hearing to 6/18/18. Second Mr. Patterson. Vote: Yes-5. No-0.**

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

1. Preliminary Discussion of Review Procedures for Waiver Requests under the Flow Neutral Bylaw  
Attorney Duffy discussed the bylaw, this is the first time the Board of Selectmen has been asked to apply this bylaw. Board of Selectmen looking for guidelines on how to grant variances under this bylaw.

Overview: In 2013 the town adopted this, it is based upon the fact there is limited treatment and discharge capacity; bylaw does not apply to New Silver Beach, but applies to the rest of the town. This bylaw comes into play on Main Street because there are certain triggers that require a variance from Board of Selectmen including non-residential development, combo of existing development and not developed. If the change of use would result in flow of more than 10% of flow from Jan 2014, then requires variance. Empty lot is allowed 110 gallons per 10,000 square feet, but if exceed you need a variance. Requires a public hearing, notice published.

According to Mr. Suso, Ms. Lowell said total flow with this project included would reach 585 gallons per day, the 80% level triggers a report be provided to the DEP indicating the town's intentions. Long before that would occur, the Town would enter into negotiations with state on a successor permit. It is articulated in Ms. Lowell's memo to the Board of Selectmen.

Mr. Patterson noted the developer will increase the employment needs of the Town, already have a housing shortage, bothers him that we are increasing demand for a public investment for affordable housing and giving away significant amount of treatment facility. The developer could put in a septic system with denitrifying or provide some affordable housing.

2. Joint Base Cape Cod (JBCC) Commander's Briefs to the Board of Selectmen  
Executive Director of Joint Base Cape Cod provided a PowerPoint presentation and is working closely with Mr. Suso.

Reviewed the land mass, provided 2013 economic impact information. Joint Oversight Group management structure reviewed, managed by group consensus.

Commander Lt. Colonel Matt Porter, Camp Edwards

Reviewed the command. The Army has a variety of units, including government agencies. Reviewed what they do, they do a lot of maneuvering. Have mission command simulation center, have threat training support a regional asset housed here. Domestic and wartime missions are carried out. Reviewed ways they maintain their training area.

Sometimes trespassers, reminded the community to come through the gates correctly.

Major construction projects reviewed.

Colonel Ginger Doonan, Air National Guard Otis

Reviewed the groups and missions. They have 1300 airman, only 450 full time employees; many converted to civilian employees and that will continue in the future.

Reviewed mobilization, cyber intelligence, partnerships with Kenya and Uruguay working on school of intelligence. Domestic operations for events, including the hurricanes this year. Assisted the rescue teams during that time, they can do that remotely. Continue 102<sup>nd</sup> intelligence wing. Privatizing sewer and water, working with the four towns so that they could possibly use that at some future time. Energy projects are ongoing. The micro grid will be in operation this summer, use renewable energy and battery if power goes down.

Nate Hipp Pave Paws site

Cape air force station

Only early alert east coast radar for US and Canada. Radar is being updated to more modern tech. 135 total personnel.

No housing on base, they rely on partners for facilities on main base.

Wind turbine project exceeding expectations.

Captain Mike Hudson Base Cape Cod

Air Station and support command.

Reviewed air station, coverage NYC to Canadian Border. 175 person command, almost all active duty. About 217 search and rescue cases last year.

In the last year they have confiscated \$230 million in cocaine seizures and have been involved in hurricane rescues; 12,000 people rescued by Coast Guard this year, along with 1500 pets. Mission Support reviewed. Maritime safety and security team moving to Cape Cod with 55 people permanently from Boston.

Mr. Brown asked about concerns regarding plumes and new monitoring going on. There is concern; firefighting foam is one major source for emerging contaminants. The Air Force Civil Engineering Center is currently still testing. Affects guard installations around the country, a lot of sources in other sites as well. The Board of Selectmen would like someone from the Base to give the Board of Selectmen some clarification on the emerging contaminants.

### 3. Discussion of Beach Regulations

Jason Chorchos Chair Beach Committee. Collaborative effort between the Beach Committee and Beach Dept. The rules and regulations do not allow you to do anything that is unlawful. Beach staff need flexibility to adapt as things change. The more complicated they are, the more difficult they are to enforce.

Chair Moran noted the Beach Committee did all the work it has done and is important. This is an overview; at next meeting the Board of Selectmen will have a hearing.

Bruce Mogardo, Acting Beach Superintendent, addressed the Board of Selectmen and described the process of developing beach regulations. The Board of Selectmen has been provided with the finished draft.

Mr. Patterson asked how to educate the tourists in what is expected. Mogardo wants to work with Beach Committee to come up with a way to educate people; possibly a computer message board or document. FCTV has done tapings with Mogardo. He has pre and post season meetings with the FPD Captains. Parking attendant sits in booth, the rules are on that and on the back of each lifeguard chair.

Mr. Jones believes that beachgoers will abide by the expectations at the beach and touch points may be when they purchase beach pass or purchase parking.

Ms. English Braga commented the differentiation between etiquette and common use of the space; if someone is doing something illegal, that is beyond the scope of the rules/regulations.

Mr. Mogardo said if playing ball, if not safe then shut it down. 40 groups asked why shutting them down, guards informed them it's not safe and all of those groups were ok with it.

Those with questions can email Chair Moran.

#### 4. Senior Center – Schematic Design Presentation and Discussion

Jim Vieira, Building Committee Chair, updated the Board of Selectmen on what they have done since May. PowerPoint presentation reviewed. Reviewed the Building Committee membership, most of whom were present. Owners Project Manager P3 Project Planning Professionals and the architect is Joel Barqmann. Public forums held April 24, 2018. Beginning construction in the fall is the goal. Tonight they will review plans they have been working on and the Board of Selectmen will support moving forward to design development phase.

Joel Barqmann addressed the Board of Selectmen and used a PowerPoint presentation, look at the Senior Center as a 50 year undertaking. The design is flexible, kept to the appropriated size requirements. Unstructured social space was incorporated where seniors can socialize. The floor plan was reviewed. It includes a café lobby, kitchen, and restroom facilities for Fuller Field, access control point. The second floor was described, includes conference room and programming rooms of various sizes along with a fitness wellness center with equipment for senior type activities. Computer technology is done with wifi and use multi use rooms for computer programs. Administrative spaces are spread out throughout the facility. The 2000 square foot basement for storage. These plans are efficient, no wasted space. Exterior there is green space, under breezeway there is an area for tables and a courtyard/garden space. Solar may be accommodated in the future and can put green space edging around the parking lot.

Dan (last name unk) working hard, meet biweekly until complete with bidding. Design development expected to be done by end of June. Then working on construction documents through the end of August. Bidding in September and early October, expect to award contract in October with construction beginning about 3 weeks after. He noted that they are trying to get the building up and when summer comes they can have access to the field next summer. Finances reviewed.

Ms. English Braga asked about the connector, how will that impact the numbers. Dan said it is not completely designed, it is included in the plan.

Mr. Brown expected revised connector option today. According to Mr. Vieira, Mr. Barqmann is still working on it, since meeting last week he has put together different ideas and the building committee has not seen it yet. They will come back to the Board of Selectmen with the option they recommend.

Dan Shearer believes the connector is extremely important, it is the only way in the future it will expand.

Mr. Jones commented the plans tonight are different than a year ago, but all in the right direction. He commended the committee in their plans.

Mr. Patterson talked with Mr. McConarty and Mr. Suso and thought why not raise the building a foot to cut down the steepness of the ramp and recreate the parking lot. If the Town needs to look at the capital budget to rework the parking lot, that could be an option.

Chair Moran noted a number of work hours and expertise has gone into this, she does not see that they would have another year to put more time/money into a grade change. The feedback has been heard and all the different views have brought a plan with a vision that will be spectacular.

Mr. Brown would like to talk about management considerations with the connector. Mr. Vieira noted the traffic between the two buildings, it's important the way the Council on Aging operates the senior center is to have everyone go in the front door; that is critical. If there is a connector, it will be for those going from Senior Center to the Gus Canty. If coming from Gus Canty, want people to use the front entrance so they can get the count and registered for programming.

Mr. Patterson commented that if they are going to permanently restrict the building because of how they operate now is short sighted. Suggested seniors use a pass. He does not want to see integrated use of the building cut off in the future.

Ms. English Braga noted many ways to have space available that is not open all the time.

Mr. Suso said the Board of Selectmen could take this under advisement until the next meeting on 6/4/18.

Mr. Vieira said that when they come back they can expand the discussion on the connector.

Ms. English Braga motion to approve going forward with exception of the connector. Second Mr. Patterson. Vote: Yes-5. No-0.

5. Discussion of Political Sign Bylaw

This was scheduled in response to public questions and contacts at the building Department with respect to signs being in places where Falmouth did not typically see signs.

Attorney Duffy has gaps in the current bylaw and fine tuning could give the Board of Selectmen some ability they do not currently have.

Attorney Duffy spoke to Mr. Suso about bringing an opportunity to revisit the sign bylaw adopted in 1999. Supreme Court case Reed v. Town of Gilbert, AZ with a complicated sign code that regulated by category. The court decided when you have a bylaw regulating by content of the sign and they found that creates a violation of the US constitution specifically freedom of speech. Recommendation is to look at the sign bylaw, see how it comports with the decision and make changes needed to make it content neutral. He suggests bylaw that is content neutral.

Ms. English Braga noted the bylaw is not that accessible regarding understanding and tradition on how things have been done; they run afoul of each other. Attorney Duffy's suggestion is to review and come up with something that is clear and delineates what they are allowed to do. Bylaw would look at location and how long they are up.

Mr. Suso confirmed they will return to the Board of Selectmen with a draft bylaw by Town Meeting. Ms. English Braga recommended outreach and get individuals willing to participate in the process. Schedule item on Board of Selectmen agenda, public comment would inform Town counsel and other departments he is working with.

Michael Palmer, Town Clerk, reached out to MA Town Clerk's Association, all towns are in the same position addressing this issue. Candidates stick to the traditional places signs are put up. Maybe get a commitment from the candidates to abide by. DJ said they could ask candidates to agree to a pledge developed by League of Women Voters. It was suggested this also include committees.

6. Approve Shellfish Advisory Committee Charge of May 3, 2018

Mr. Jones suggested the last sentence may not be something for the Shellfish Advisory Committee to include in their charge. The committee will also seek to support the mission of the Water Quality Management Committee; Mr. Brown said it is important to their mission and managed by fisheries, at some point there should be a reminder that it is important part of the Town's plan. Chair Moran notes there is a Water Quality Management Committee designee, so the committee is hearing that input and the last sentence crosses into the Board of Selectmen place where it is more of a policy issue.

Mr. Jones suggested edits include a period after estuaries and ex officio (nonvoting).

Ms. English Braga read the charge into the record.

**Mr. Jones motion charge with the edits. Second Mr. Patterson. Vote: Yes-5. No-0.**

7. Annual Reappointment of Inspector of Animals

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

8. Discussion of Response to Building Commissioner's Directive on Wind I

Mr. Suso passed out a draft letter of transmission to the Building Commissioner, received one suggestion that Mr. Suso is comfortable with if the Board of Selectmen is also comfortable, indicating disposition of W1 may include an agreement where the Town benefits from the power generated. This has not been transmitted, Mr. Suso reviewed with Attorney Duffy and is comfortable in meeting the spirit of what we need to do.

Mr. Suso read the draft letter aloud into the record.

**Mr. Patterson motion to authorize the Town Manager to transmit the letter. Second Mr. Brown. Vote: Yes-5. No-0.**

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.

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

10. Minutes of Meetings:

Public Session

April 23, 2018-none.

May 7, 2018

Mr. Patterson will send edits to the Recording Secretary. Held for future meeting.

Executive Session

April 23, 2018-none.

May 7, 2018

Session 1

**Mr. Patterson motion approval and not release. Second Mr. Jones. Vote: Yes-4. No-0. Abstain: Ms. English Braga.**

Session 2

**Mr. Patterson motion approval and not release. Second Mr. Jones. Vote: Yes-4. No-0. Abstain: Ms. English Braga.**

11. Individual Selectmen's Reports

Mr. Brown:

Attended first meeting with Senator DeMacedo and the SSA regarding freight out of New Bedford. Mr. Sayers said that although the parameters were similar to the last time, they will not arbitrarily say there will be a freight increase as they did last time. Whatever system is proposed will be voluntary and not forced. Mr. Brown will attend the Oak Bluff's Board of Selectmen meeting tomorrow.

Mr. Patterson:

Attended the Coastal Resiliency Action Committee public listening session.

Attended the Police Officer Memorial Recognition Day.

Attended the Wounded Warrior Ride.

Ms. English Braga:

Cultural council held their night to highlight the grant recipients.

Human services changed their funding formula, looking to fund larger amounts.

Chair Moran:

Attended the Cape and Islands Selectmen's meeting on Martha's Vineyard, big talk was about marijuana rules. Presentation available to all selectmen on the cape and it will be interesting to see what will be experienced.

12. Review of Town Manager's Report

Mr. Suso provided a summary of the recently discussed recreation beach collaboration. He attended Beach Committee meeting and will attend Recreation Committee meeting. Early news reports got it wrong, they did not speak with anyone in Town Manager's office. Recreation had existing compensated Assistant Director vacancy for 28 months, with support of 2 full time program director positions for 2 years has proceeded appropriately; no complaints received. The duties of the same position have been adjusted to include Beach Department administrative support. Recreation support responsibilities remain with this position. Job title will be Senior Program Director for Recreation and Assistant Beach Superintendent; assist both functions working collaboratively as it provides enhanced staff support to both. Both departments will be independent of each other. No new permanent positions are being created.

Attended Charter Review Committee initial meeting.

Attended Senior Center Building Committee meeting.

Reminded all of the Memorial Day ceremony at 10am on 5/28/18, the procession from the green begins at 9:45 am.

Attended the Coastal Resiliency Action Committee meeting and Wounded Warrior ride.

5/28/18 Town Hall and Administrative Offices will be closed.

The Board of Selectmen will be asked in June to consider setting date/time for annual Board of Selectmen retreat.

13. Review and/or Discuss Correspondence Received

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

Respectfully Submitted,

Jennifer Chaves  
Recording Secretary

## REPORT

TO: Board of Selectmen

FROM: Julian M. Suso

DATE: July 6, 2018

- For the first time in several weeks, the Board will meet at 7PM on Monday evening with NO executive session.
- As I have been taking a few vacation days over the Fourth of July Holiday period, I do not have an extensive written report to transmit to the Board in anticipation of your upcoming business meeting on Monday, July 9.
- As you know, the Town of Falmouth is providing the usual “stretched” and extraordinary level of services to the expanded summer resident population – by all accounts in excess of 100,000 visitors over the past week for whom routine services such as police, fire/rescue, public works, parks and residential trash and recyclables curbside pickup are provided. My compliments and thanks to all municipal public service and public safety personnel for once again stepping up to provide exceptional customer service.
- The Board’s next business meeting will be Monday, July 23.